

CHAPTER 19

VOCATIONAL-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 through 4-27, 18A:4-32, 18A:4-34, 18A:6-9, 18A:7A-1 et seq., 18A:33-1 et seq., 18A:40-12.1 and 12.2, 18A:54-1 et seq., 18A:59-5; 34:15C-3; 29 C.F.R. Subpart C of Part 570; 20 U.S.C. §§ 2301 et seq., P.L. 105-220.

Source and Effective Date

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).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 19, Vocational-Technical Education Programs and Standards, expires on May 19, 2007. See: 38 N.J.R. 3205(a).

Chapter Historical Note

Chapter 19, Vocational-Technical Education Programs and Standards, was originally codified in Title 6 as Chapter 43, Vocational and Technical Education Programs and Standards, Chapter 51, Administration and Organization of Vocational and Technical Education, and Chapter 53, Vocational Education Safety and Health Standards. Chapter 19, Vocational-Technical Education Programs and Standards, was adopted as 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). See, also, Chapter Historical Notes at N.J.A.C. 6:43, 6:51, and 6:53.

As part of R.2001 d.473, Subchapter 1, General Provisions, was recodified from N.J.A.C. 6:43-1; N.J.A.C. 6A:19-1.1 and 1.2 were recodified from N.J.A.C. 6:43-1.1 and 1.2; N.J.A.C. 6A:19-1.3 was recodified from N.J.A.C. 6:53-1.2; Subchapter 2, Authority for Administration and Organization of Vocational-Technical Education, was recodified from N.J.A.C. 6:51-1; N.J.A.C. 6A:19-2.1 and 2.2 were recodified from N.J.A.C. 6:51-1.1 and 1.2; N.J.A.C. 6A:19-2.3 through 2.6 were recodified from N.J.A.C. 6:51-1.5 through 1.8; N.J.A.C. 6A:19-3.1 was recodified from N.J.A.C. 6:43-3.11; N.J.A.C. 6A:19-3.4 was recodified from N.J.A.C. 6:51-1.4; Subchapter 4, Cooperative Administrative Arrangements, was recodified from N.J.A.C. 6:51-2; N.J.A.C. 6A:19-4.1 was recodified from N.J.A.C. 6:43-10.7; N.J.A.C. 6A:19-4.2 was recodified from N.J.A.C. 6:51-2.1; N.J.A.C. 6A:19-4.3 was recodified from N.J.A.C. 6:43-4.2; N.J.A.C. 6A:19-4.4 was recodified from N.J.A.C. 6:43-4.1, 6:43-10.1 through 10.6; N.J.A.C. 6A:19-4.5 was recodified from N.J.A.C. 6:43-6.1; Subchapter 5, Vocational-Technical Education Programs, was recodified from N.J.A.C. 6:43-2; N.J.A.C. 6A:19-5.1 and 5.2 were recodified from N.J.A.C. 6:43-2.1 and 2.2; Subchapter 6, Vocational-Technical Instruction, was recodified from N.J.A.C. 6:43-3; N.J.A.C. 6A:19-6.1 and 6.2 were recodified from N.J.A.C. 6:43-3.1 and 3.2; N.J.A.C. 6A:19-6.3 was recodified from N.J.A.C. 6:43-3.4; N.J.A.C. 6A:19-6.5 was recodified from N.J.A.C. 6:43-3.5; N.J.A.C. 6A:19-6.6 was recodified from N.J.A.C. 6:43-3.7, 3.8 and 3.9; N.J.A.C. 6A:19-6.7 was recodified from N.J.A.C. 6:43-5.1; N.J.A.C. 6A:19-6.8 and 6.9 were recodified from N.J.A.C. 6:43-3.12 and 3.13; N.J.A.C. 6A:19-6.10 was recodified from N.J.A.C. 6:43-3.17; N.J.A.C. 6A:19-6.11 was recodified from N.J.A.C. 6:43-3.19; N.J.A.C. 6A:19-6.12 was recodified from N.J.A.C. 6:43-7.1 through 7.3; Subchapter 7, Local Applications for Funds, was recodified from N.J.A.C. 6:51-3; N.J.A.C. 6A:19-7.1 and 7.2 were recodified from N.J.A.C. 6:51-3.1 and 3.2; Subchapter 8, Vocational-Technical Education Program and Course Approval, was recodified from N.J.A.C. 6:43-8; Subchapter 9, Apprentice Training, was recodified from N.J.A.C. 6:43-9; N.J.A.C. 6A:19-9.1 and 9.2 were recodified from N.J.A.C. 6:43-9.1 and 9.2; Subchapter 10, Safety and Health Standards, was recodified from N.J.A.C. 6:53-2; N.J.A.C. 6A:19-10.1 through 10.3

were recodified from N.J.A.C. 6:53-2.1 through 2.3; N.J.A.C. 6A:19-10.4 was recodified from N.J.A.C. 6:53-3.1 through 3.3; N.J.A.C. 6A:19-10.5 and 10.6 were recodified from N.J.A.C. 6:53-4.1 and 4.2; N.J.A.C. 6A:19-10.7 through 10.9 were recodified from N.J.A.C. 6:53-5.1 through 5.3. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

6A:19-1.1 Purpose and scope

(a) The rules in this chapter delineate the State system of vocational-technical education whose purpose is to develop the academic, vocational and technical skills of secondary and postsecondary school students who elect to enroll in vocational-technical education programs by preparing them for:

1. Career preparation and gainful employment;
2. Lifelong learning and training supplemental to daily employment; and
3. Productive citizenship.

(b) 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-technical education, county vocational schools, the workforce development system, child labor laws and the State Employment and Training Commission.

(c) This chapter specifies standards and procedures regarding vocational-technical education, specifically in the areas of:

1. Instruction;
2. Contracting between district boards of education and other providers of vocational-technical education programs;

3. Programs and services for students with disabilities and for students whose achievement in vocational-technical education programs is limited because of temporary academic or economic factors;

4. Accountability;

5. Planning;

6. Program course approval; and

7. Safety and health standards to govern the use of tools, machines, equipment, protective devices and hazardous substances in vocational-technical education programs and courses, pursuant to N.J.S.A. 18A:1-1, 18A:4-15, 18A:33-1 et seq., 18A:40-12.1, 18A:40-12.2 and 18A:54-1 et seq.

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.

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:19-1.2 Definitions

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 student” means a student who, because of economic or academic reasons, requires temporary special services and assistance in order to succeed in vocational-technical education programs. Such students may include:

1. Students who are members of economically limited families;
2. Students who are migrant workers or from migrant families;
3. Students who have limited English proficiency;
4. Students who are dropouts from, or who are identified as potential dropouts from, secondary schools; and
5. Students from Abbott school districts who require special services and assistance in order to succeed in vocational-technical education programs.

“Act” means the Carl D. Perkins Vocational and Technical Education Act of 1998, 20 U.S.C. §§ 2301 et seq.

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

“Apprentice” means an employee, 16 years or older, who meets the qualifications established by the apprentice sponsor and who is employed under a written training agreement which provides that related training and on-the-job experience received be in accordance with approved standards of apprenticeship as established by the U.S. Department of Labor and the Equal Employment Opportunity in Apprenticeship and Training Act (29 CFR §§ 29.29 and 29.30) and in conformance with the Core Curriculum Content Standards, N.J.A.C. 6A:8-2.

“Apprentice coordinator” means the representative of the sponsoring employer who coordinates the apprentice training program for the sponsor.

“Apprentice sponsor” means an employer who is party to a written training agreement with an apprentice that includes the components of the training in accordance with approved standards of apprenticeship as established by the U.S. Department of Labor and the Equal Employment Opportunity in Apprenticeship and Training Act (29 CFR §§ 29.29 and 29.30) and in conformance with the Core Curriculum Content Standards, N.J.A.C. 6A:8-2.

“Apprentice training” means an employer-sponsored training program in which apprentices learn a skilled trade or technical occupation that is clearly identified and commonly recognized throughout an industry, and that is customarily learned in a practical way through a structured, systematic program of on-the-job supervised training. Apprentice training involves manual, mechanical or technical skills and knowledge that require a minimum of 2,000 hours of on-the-job work experience, with the precise number of hours depending on the complexity of the occupation, and requires related theoretical instruction to supplement the on-the-job training. Apprentice training programs are registered with the Department and the U.S. Department of Labor, Bureau of Apprenticeship and Training, in compliance with 29 CFR §§ 29.29 and 29.30.

“Apprenticeship agreement joint approval” means a written training agreement between an apprentice and an apprentice sponsor in accordance with approved standards of apprenticeship, as established by the U.S. Department of Labor and the Equal Employment Opportunity in Apprenticeship and Training Act (29 CFR §§ 29.29 and 29.30) and in conformance with the Core Curriculum Content Standards, N.J.A.C. 6A:8-2. This agreement includes the components of the training and is signed by the apprentice, apprentice sponsor, apprentice coordinator, the Commissioner and the Federal Bureau of Apprenticeship and Training representative.

“Career academy” means a secondary school model, centered on a career theme, which integrates academic education and approved vocational-technical education programs in a personalized learning environment, either with a core team of teachers in a school-within-a-school format or in a stand-alone format.

“Career cluster” means one of the vocational-technical education program areas recognized by the U.S. Department of Education and by the New Jersey Department of Education.

“Career guidance and academic counseling” means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future, including guidance and counseling about career options, financial aid and postsecondary education options.

“Career orientation education” means programs which assist students to clarify career goals, explore career possibilities, develop employability skills and make the transition between school and work.

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

“Cooperative education” is a component of a vocational-technical education program by which individuals receive work-based instruction through written cooperative arrangements between a district and employers. This instruction may include required academic courses and related vocational and technical education instruction, by alternation of study in school with paid employment in an occupational field. Such alternation shall be planned and supervised by the district and employer so that each contributes to the education and employability of the individual.

“County vocational-technical school district” means a school district established by a county board of chosen freeholders, pursuant to N.J.S.A. 18A:54-2 and 18A:54-12, for the purpose of providing efficient occupational, technical, and academic education opportunities to secondary and postsecondary students throughout the county.

“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.

“Displaced homemaker” means an individual who:

1. Has worked primarily without remuneration to care for a home and family, and for that reason has diminished marketable skills; and
2. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment; and
 - i. Is a parent whose youngest dependent child will become ineligible to receive assistance under part A of Title IV of the Social Security Act (42 U.S.C. §§ 601 et seq.) not later than two years after the date on which the parent applies for assistance under this title; or
 - ii. Has been dependent on the income of another family member but is no longer supported by that income.

"Hazard analysis" means a method of reviewing vocational program equipment, materials, procedures and processes in order to identify potential causes of injury or illness.

"Hazardous substance" means any substance or substance contained in a mixture included on the workplace hazardous substance list developed by the Department of Health and Senior Services, pursuant to N.J.S.A. 34:5A-5, introduced by an employer to be used, studied, produced or otherwise handled at a facility.

"Individual with limited English proficiency" means a secondary school student, an adult, or an out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language, and:

1. Whose native language is a language other than English; or
2. Who lives in a family or community environment in which a language other than English is the dominant language.

"Local school district" means a school district, other than a county vocational school, comprised of one or more municipalities and governed either by a board of education that includes elected or appointed representatives of those municipalities or by State-appointed agents for those municipalities.

"Magnet school" means a school designed to attract students from throughout a district by offering a specialized curriculum or educational format.

"NFPA" means the National Fire Protection Association.

"Nontraditional training and employment" means occupations or fields of work, including careers in computer science, technology, or other emerging high skill occupations, for which, nationally, individuals from one gender comprise less than 25 percent of the individuals employed in each such occupation or field of work.

"Occupational competencies" means the essential elements of vocational programs, the knowledge and skills that students must master for employment in the fields of their choice.

"Point of operation" means the area on a machine where work is actually performed upon the material being processed.

"Postsecondary educational institution" means an institution legally authorized to provide postsecondary education within the State, including county colleges, county vocational schools, private vocational-technical schools, and religious or charitable schools offering occupational training programs.

"Private vocational-technical school" means a school charging tuition or fees, excepting institutions under the jurisdiction of or subject to inspection by a State board of control of institutions and agencies, such as the New Jersey Board of Nursing or the State Board of Professional Planners, which operates a program of vocational-technical education or which gives preemployment or supplementary training, or both, in the fields of industry, technology, business, agriculture, music or art, or in any combination thereof, and which is established and operating in the State of New Jersey, in accordance with N.J.S.A. 18A:69-1 et seq. and N.J.A.C. 6A:18.

"Program improvement plan" means a written document covering a two-year period describing how the district board of education will mobilize resources and act to overcome program deficiencies which have resulted in below minimum performance levels.

"Related training" means one or more courses in a school in which the apprentice or cooperative vocational-technical education student acquires concepts, competencies, understanding and attitudes appropriate to training station assignments, occupational program areas and career objectives.

"Special populations" means:

1. Individuals with disabilities;
2. Individuals from economically disadvantaged families;
3. Foster children;
4. Individuals preparing for nontraditional training and employment;
5. Single parents, including single pregnant women;
6. Displaced homemakers;
7. Individuals with limited English proficiency;
8. Students who are migrant workers or from migrant families; and
9. Individuals with other barriers to educational achievement.

"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’s Plan for Vocational and Technical Education: FY 2000–2004, or subsequent versions, as authorized by the State Board. This document is available for review from the Department of Education, Division of Academic and Career Standards, Office of School to Career and College Initiatives, 100 Riverview Plaza, PO Box 500, Trenton, NJ 08625–0500.

“Structured learning experience” (SLE) means experiential, supervised educational activities designed to provide students with exposure to the requirements and responsibilities of specific job titles or job groups, and to assist them in gaining employment skills and making career and educational decisions. A structured learning experience may be either paid or unpaid, depending on the type of activities in which the student is involved. All structured learning experiences must adhere to applicable State and Federal child labor laws and other rules of the State Departments of Education and Labor. Structured learning experiences may include, but are not limited to:

1. Cooperative education;
2. Apprenticeships;
3. Internships;
4. School-based experiences;
5. Volunteer activities;
6. Community service;
7. Job shadowing;
8. Vocational student organizations; and
9. Work Experience Career Exploration Program (WECEP).

“Student with a disability” means a student who is eligible for special education and related services as set forth in N.J.A.C. 6A:14.

“Technical education” means a program of instruction that provides students with the skills and knowledge needed for employment 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.

“Tech prep program” means a program of study that:

1. Combines at least two years of secondary education and two years of postsecondary education in a non-duplicative sequential course of study;
2. Strengthens the applied academic component of vocational-technical education through the integration of academic and technical instruction;
3. Provides technical preparation in areas such as, but not limited to, engineering; technology; applied science; a mechanical, industrial, or practical art or trade; agriculture; a health occupation; business, or applied economics;
4. Builds student competence in mathematics, science, and communication in a coherent sequence of courses; and
5. Leads to an associate degree or a certificate in a specific career field, and to high skill, high wage employment or further education.

“Temporary period of unemployment” means a continuous period of time not to exceed 20 school days, during which a student enrolled in a cooperative education program lacks an employer-sponsor.

“Universal precautions” means routine procedures for sanitation and hygiene when handling body fluids including the use of barrier precautions to prevent direct skin contact with blood or any body fluid containing blood.

“Vocational completer” means a student who has attained the vocational and technical skills within a State-approved occupational program that provides the individual with academic knowledge and technical proficiencies necessary to prepare the individual for employment or further education.

“Vocational concentrator” means a student enrolled in a sequence of vocational-technical education courses leading to certification of competencies for occupational placement.

“Vocational student organizations” means those organizations for students enrolled in vocational-technical 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-technical education at the local level.

“Vocational-technical education” means an organized educational program that offers a sequence of courses that provides individuals with the academic and technical knowledge and skills the individuals need to prepare for further education and for careers in current or emerging employment sectors. It includes competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills of individuals. Its main purposes are to:

1. Provide individuals with the skills they need to attain economic freedom; and
2. Enhance the productivity of national, State, and local economies.

“Vocational-technical education program” means a sequence of academic and vocational courses designed to provide students with the industry-based skills and knowledge needed to gain employment in a particular occupation or career area or to pursue further education at the post-secondary level.

“Work Experience Career Exploration Program (WEC-EP)” means a school to career or college transition program designed for at-risk students who have experienced substantial difficulties with a standard classroom environment and schedule. Pursuant to the requirements of 29 CFR Part 570, the program allows for the employment of minors between the ages of 14 and 16 in a school supervised, school administered work experience program for up to 23 hours per week, when school is in session, and for no more than three hours in any one day. Indicators of program success include number of participants, academic improvement, improvement in attendance and retention in school beyond the age of 16.

“Workforce Investment Board” means local partnerships and public sector participants that provide coordinated planning, guidance and oversight for all workforce readiness programs in their designated area.

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).

Amended by R.1999 d.51, effective February 16, 1999.
See: 30 N.J.R. 3623(a), 31 N.J.R. 537(a).

Deleted “Private industry council”; and added “Workforce Investment Board”.

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:19-1.3 Adoption by reference

(a) The standards contained in N.J.A.C. 12:100, Safety and Health Standards for Public Employees, are adopted as safety and health standards for vocational education programs and courses.

(b) The standards are available for review at the Department of Education, 100 River View Executive Plaza, PO Box 500, Trenton, New Jersey 08625-0500 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, PO Box 049, Trenton, New Jersey 08625-0049.

New Rule, R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Old section 2 definitions recodified to section 3.

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

CN number corrected at (b).

Amended by R.1998 d.499, effective October 5, 1998.

See: 30 N.J.R. 2331(a), 30 N.J.R. 3643(a).

In (b), changed addresses.

Case Notes

Board of education was vicariously liable to teacher for compensatory damages under Conscientious Employee Protection Act. *Abbamont v. Piscataway Tp. Bd. of Educ.*, 138 N.J. 405, 650 A.2d 958 (1994).

Alleged shop ventilation inadequacies were violation of court mandated public policy concerning public health, safety and welfare, and supported claim under Conscientious Employee Protection Act. *Abbamont v. Piscataway Tp. Bd. of Educ.*, 269 N.J.Super. 11, 634 A.2d 538 (A.D.1993), certification granted 136 N.J. 28, 641 A.2d 1039, affirmed 138 N.J. 405, 650 A.2d 958.

SUBCHAPTER 2. AUTHORITY FOR ADMINISTRATION AND ORGANIZATION OF VOCATIONAL-TECHNICAL EDUCATION

6A:19-2.1 State Board for Vocational-Technical Education

(a) The New Jersey State Board of Education shall serve as the legally constituted State Board of Vocational-Technical Education as provided in N.J.S.A. 18A:59-5.

(b) The State Board of Education shall be the sole agency responsible for the administration of the State Plan for Vocational-Technical Education in New Jersey and shall possess all necessary power to cooperate with the United States Department of Education in the administration of the State Plan. The State Board shall be empowered to supervise the administration of the State Plan for Vocational-Technical Education by district boards of education.

(c) Pursuant to (a) above and to N.J.S.A. 18A:54-41, the New Jersey Council of County Vocational Schools is authorized to make recommendations to the Department and to the State Board of Education concerning the offering and operation of vocational-technical education in the State as well as matters relating to the county vocational schools.

Amended by R.1991 d.406, effective August 5, 1991.

See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).

Corrected agency titles.

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).

In (a), inserted “shall” preceding “serve as”, and “-Technical” following “Vocational”; rewrote (b); added (c).

6A:19-2.2 State Director of Vocational-Technical Education

(a) The State Director of Vocational-Technical Education in New Jersey or his or her duly designated representative shall be the Director responsible for vocational-technical education. The Director, through the Assistant Commissioner of Education responsible for vocational-technical education, shall be directly responsible to the Commissioner for all vocational-technical education activities under the State Board. Specific responsibilities of the State Director of Vocational-Technical Education shall include:

1. Providing administrative and professional leadership for vocational-technical education;
2. Directing and coordinating the work of the vocational-technical education staff;
3. Maintaining an appropriate system of statistical and financial records and reports; and
4. Performing such other duties as may be necessary for the maintenance, expansion, improvement, modernization and development of quality vocational-technical education programs in accordance with the State Plan and State Board policies.

Amended by R.1991 d.406, effective August 5, 1991.
See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).

Corrected terms in (b).

Amended by R.1998 d.38, effective January 5, 1998.
See: 29 N.J.R. 4221(b), 30 N.J.R. 67(b).

Amended references to Assistant Commissioner.

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).

Deleted (a); recodified existing (b) as (a) with changes.

6A:19-2.3 Administrative, instructional and educational services personnel

Administrative, instructional and educational services personnel in secondary vocational-technical education and institutions of higher education shall meet certification requirements as set forth in N.J.A.C. 6:11, Professional Licensure and Standards. County vocational schools may employ individuals who do not possess education licenses to provide postsecondary vocational-technical courses. Such individuals shall possess in the subject area a minimum of four years industry experience and industry-endorsed or education credentials, as applicable, necessary to meet the instructional objectives of the course.

Amended by R.1991 d.406, effective August 5, 1991.

See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).

Recodified from 1.6; reference to N.J.A.C. 6:11 added; original 1.5, Administration in district area vocational technical schools was repealed by this rulemaking.

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:19-2.4 Evaluation personnel

Vocational-technical education program evaluation shall be conducted by district administrators, supervisors, teachers or other designated personnel in accordance with the State performance accountability system and performance indicators established by section 113 of the Carl D. Perkins Vocational and Applied Technology Education Act of 1998 (20 U.S.C. §§ 2301 et seq.) as also set forth in the State Plan. District personnel shall provide required data, pursuant to the "Consolidated Annual Performance, Accountability, and Financial Status Report for the State Basic Grant and Tech Prep Grant Programs under the Carl D. Perkins Vocational and Technical Education Act of 1998" (OMB #1830-0503; expires January 31, 2002), incorporated herein by reference, as amended and supplemented, to the State

Director of Vocational-Technical Education necessary for the evaluation of vocational-technical education programs. The OMB document #1830-0503 is available from the USDOE, Office of Vocational and Adult Education, 400 Maryland Ave., SW MES Room 4317, Washington, DC 20202.

Amended by R.1991 d.406, effective August 5, 1991.

See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).

Recodified from 1.8; term "district" replaces "local".

Amended by R.1998 d.38, effective January 5, 1998.

See: 29 N.J.R. 4221(b), 30 N.J.R. 67(b).

Deleted (a)3.

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:19-2.5 Review and modification of personnel qualification standards

(a) The State Board shall be the legal authority responsible for establishing, reviewing and modifying certification requirements for administrative, instructional and educational services personnel employed in public schools in the State as set forth in N.J.A.C. 6:11, Professional Licensure and Standards.

(b) The State Director of Vocational-Technical Education through the Assistant Commissioner responsible for vocational-technical education shall periodically review the qualification standards of personnel engaged in vocational-technical education and submit to the State Board any recommendations for modifications or revisions of those standards which are not adequately meeting the instructional needs of vocational-technical education programs in the State or which are inconsistent with the administration of vocational-technical education.

Amended by R.1991 d.406, effective August 5, 1991.

See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).

Original 1.7 was entitled "Ancillary service personnel" and was repealed by this rulemaking; recodified from 1.10 and added reference to N.J.A.C. 6:11.

Amended by R.1998 d.38, effective January 5, 1998.

See: 29 N.J.R. 4221(b), 30 N.J.R. 67(b).

Added reference to State Director 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).

Designated section into paragraphs (a) and (b); in (a), substituted "Professional Licensure and Standards" for "Teacher Preparation and Certification" following N.J.A.C. 6:11; in (b), inserted "-technical" following "vocational" throughout and deleted "as mandated under P.L. 101-392" at end of final paragraph.

6A:19-2.6 Program evaluation

(a) Districts offering vocational-technical education programs shall conduct an annual evaluation of such programs. The evaluation shall consist of the following:

1. An analysis of the achievement of academic competencies of program concentrators and completers;
2. An analysis of the achievement of technical competencies of program concentrators;

3. An analysis of program completion;
4. An analysis of gender equity and student participation in programs leading to non-traditional training and employment; and
5. An analysis of the placement status of program completers.

(b) The analysis shall be accompanied by a plan to improve each of the elements if they fall below the specified program performance indicators. The remediation plan shall be submitted to the Department, in a form specified by the Commissioner, with the district's end of year report.

Amended by R.1991 d.406, effective August 5, 1991.
See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).

Recodified from 1.11 and terms corrected; added (a)5. regarding evaluations.

Amended by R.1998 d.38, effective January 5, 1998.
See: 29 N.J.R. 4221(b), 30 N.J.R. 67(b).

Deleted references 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 (a); added (b).

SUBCHAPTER 3. ACCESS AND DELIVERY SYSTEM FOR VOCATIONAL-TECHNICAL INSTRUCTION

6A:19-3.1 Access to vocational-technical instruction offered

(a) All students shall be guaranteed the right to apply to and, if accepted, to attend a county vocational school. The sending district shall be responsible for the tuition and transportation costs for students admitted to a county vocational school.

(b) Students shall be permitted to enroll in programs of vocational instruction offered by local district boards of education other than their resident district so long as the resident local district board of education agrees to pay the tuition and transportation costs and does not offer an identical type of program, which is approved and meets or exceeds current program performance standards, with the same Classification of Instructional Programs (CIP) code, and as long as space is available for additional enrollees in the programs offered by the receiving district board of education.

(c) Students 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.

(d) The county vocational schools and their designated representatives shall have reasonable opportunity, during school hours, to present information about the county vocational schools' programs to students in local district schools in grades six through 12. No school district may deny a county vocational school reasonable opportunity to make such presentations, or otherwise inhibit student access to such information.

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.
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:19-3.2 Coordinated delivery system

(a) Vocational-technical education programs shall be delivered through a coordinated system that includes State, regional, county, and local programs. Such programs may be delivered in specialized formats such as magnet schools, career academies, charter schools or through broader program offerings as part of comprehensive secondary curriculum.

(b) The approval for offering vocational-technical educational programs shall be based on demonstrated economic development and workforce development needs. All programs shall, before operations commence, obtain approval pursuant to N.J.A.C. 6A:8-2.2(b)5.

New Rule, 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).

6A:19-3.3 Unique geographical circumstances

State and regional programs shall be based on unique circumstances that are governed by matters of geography, program efficiencies, or the presence of specialized facilities that are integral to the offering of the program.

New Rule, 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).

6A:19-3.4 Responsibility for county vocational-technical school districts

(a) The county vocational school's chief school administrator shall have complete responsibility, subject to the rules of the State Board of Education and the Commissioner, for a county vocational-technical school district in those areas in which the county board of vocational-technical education has direct responsibilities.

(b) The county vocational school's chief school administrator shall be directly responsible to a county board for vocational-technical education.

(c) The county system shall include those secondary and postsecondary programs of vocational-technical education identified by the county board as needed, as well as programs pursuant to N.J.A.C. 6A:8-2.2, Authority for the State Plan for Vocational Education.

Amended by R.1991 d.406, effective August 5, 1991.

See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).
 Responsibility for administration established for county vocational school chief administrator.
 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:19-3.5 Local programs

Local secondary vocational-technical education programs may be established by district boards of education and approved by the Commissioner pursuant to N.J.A.C. 6A:8-2.2(b)5, as either part of a separate vocational-technical high school or as part of the comprehensive high school curriculum.

New Rule, 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).

6A:19-3.6 Pilot, demonstration or experimental vocational-technical program approval

(a) The Commissioner may conditionally approve a new vocational-technical education pilot, demonstration or experimental vocational-technical education program that is developed to respond to an unanticipated, documented, and crucial emerging need.

(b) The business, institution, agency or other entity conditionally approved to offer the new vocational-technical educational program shall make application for and receive approval of the program pursuant to N.J.A.C. 6A:8-2.2(b)5 within one year after the date of the conditional approval by the Commissioner.

(c) A district board of education intending to offer an approved vocational-technical program in a career academy format should normally ensure that:

1. There is an integration of academic and technical subject matter;
2. The class schedule limits attendance in the classes to students of the academy;
3. Each student is assigned a mentor from the business community during the 11th and 12th grades;
4. Every student is provided a structured learning experience not later than the summer following the 11th grade; and
5. The academy has a business advisory committee that is representative of the career field.

New Rule, 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).

SUBCHAPTER 4. COOPERATIVE ADMINISTRATIVE ARRANGEMENTS

6A:19-4.1 Monitoring requirements

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

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).

6A:19-4.2 Interagency agreements

The State Board of Education may enter into cooperative relationships and agreements with other agencies of State government in New Jersey and in other states, and with employers or other entities for the implementation of vocational-technical education programs.

Amended by R.1991 d.406, effective August 5, 1991.
 See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).
 Recodified from 2.3 and reference added to State and federal government agencies; original 2.1 repealed.
 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).
 Inserted “, and with employers or other entities” following “states” and inserted “-technical” following “implementation of vocational”.

6A:19-4.3 Tuition contracts for vocational-technical schools

(a) Vocational school districts receiving students 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:54-23.4.

(b) The method of determining tuition rates shall be that specified in N.J.A.C. 6A:23-3, Tuition 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).
 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).
 In (a), substituted “Vocational” for “To facilitate timely tuition payments, vocational” and “students” for “pupils” and amended N.J.S.A. reference; in (b), amended N.J.A.C. reference.

6A:19-4.4 Vocational-technical instruction under contract

(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-technical 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-technical instruction; and
3. The instruction to be provided under contract will be conducted as a part of an approved vocational-technical education program of the State and will constitute a reasonable and prudent use of available funds.

(b) Contracts with private vocational-technical 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-technical school is currently approved by the Department of Education to enroll students in the subject to be taught, by contacting the Office of School-to-Career and College Initiatives.

(d) 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.

(e) Appended to each contract shall be a copy of the proposed curriculum, applicable student schedules, rules of the private vocational-technical school concerning participating students, 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 district board of education, statement of qualifications of teaching personnel and any other appendices deemed appropriate by the contracting parties, county superintendent of schools or the Commissioner.

(f) Students 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.

(g) Course credit shall be assigned in keeping with the provisions of N.J.A.C. 6A:8-5.1(a)1i or ii, except that no course at a private vocational-technical school shall receive more than 10 credits.

(h) When the county vocational-technical school is unable to provide vocational-technical education program services sufficient to meet established needs, a local district board of education may, provided the provisions of N.J.A.C. 6A:8-5.1 are met, enter into contracts with private vocational-technical schools for the provision of vocational-technical education under the following conditions:

1. Such courses cannot be provided by the county or regional vocational-technical schools or other school districts; and

2. A private vocational-technical 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. The course shall meet the requirements of the Public School Education Act of 1975 (N.J.S.A. 18A:7A-1 et seq.).

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

(j) A license or certificate of approval must have been held by the private vocational-technical 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.

(k) Additional facilities acquired by a private vocational-technical 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 limitation 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.

(l) A private vocational-technical 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.

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

(n) Student 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.

(o) Final payment to a private vocational-technical school may be withheld until course completion results, on an individual basis, are received by the contracting 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. 6:43-3.1; new (c) added.
Amended by R.1999 d.51, effective February 16, 1999.
See: 30 N.J.R. 3623(a), 31 N.J.R. 537(a).

In (c), substituted a reference to the Office of School-to-Career and College Initiatives for a reference to the Division of Vocational Education.

Amended by R.2000 d.358, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

Updated N.J.A.C. reference.

Amended by R.2000 d.528, effective September 5, 2000.

See: 32 N.J.R. 1712(a), 32 N.J.R. 3332(b).

In (a) introductory paragraph, updated N.J.A.C. reference.

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.

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:19-4.5 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 students enrolled in private nonprofit schools in the geographic area served by the program or project, vocational-technical education services which will meet the vocational-technical education needs of such students.

(b) The vocational-technical education needs of students enrolled in private nonprofit schools located within the geographic areas served by the program or project, the number of such students who will participate in the program or project, and the types of vocational-technical education services which will be provided for them shall be determined, after consultation with persons knowledgeable of the needs of those students, on a basis comparable to that used in providing such vocational-technical education services to students enrolled in public schools and as specified in the State Plan as adopted by the State Board of Education.

(c) Public school personnel may be made available on other than public school premises and to the extent necessary to provide vocational-technical education services required by the students 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-technical education services to students 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-technical 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 in 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 students enrolled in private schools.

(d) Any program or project conducted on public premises and involving joint participation by students enrolled in private nonprofit schools and students 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". 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).

Substituted "students" for "pupils" and inserted "-technical" following "vocational" throughout; in (b), deleted final sentence; in (d), substituted "conducted" for "to be carried out".

SUBCHAPTER 5. VOCATIONAL-TECHNICAL EDUCATION PROGRAMS

6A:19-5.1 Vocational-technical education framework

(a) Any vocational-technical education program shall be conducted within the framework of the State's Plan for Vocational and Technical Education approved by the State Board of Education and accepted by the United States Department of Education.

(b) State and Federal funds for activities in any program of vocational-technical education included in N.J.S.A. 18A:54-1 et seq. 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. The program is not on the list of occupational education programs approved by the Department;
3. There is exploitation of students participating in cooperative vocational-technical education programs, or students in cooperative vocational-technical education programs are illegally employed or employed under conditions which do not safeguard the students;
4. Teachers are not properly licensed for the subject they are teaching;
5. The program is not operated in conformity with the current State Plan for Vocational-Technical Education which has been adopted by the State Board of Education; and
6. The district has failed to comply with reporting or data submission 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. 6:43-1.1; 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).

In (a), deleted "of less than college grade" following "program"; inserted "-technical" following "vocational" and substituted "students" for "pupils" throughout; deleted (b); rewrote former (c) and renumbered paragraph as (b).

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.

6A:19-5.2 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 board of education shall be accounted for and credited to the vocational account of that district.

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

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

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

(e) It shall be the duty of every district board of education maintaining courses in any program of vocational-technical 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. 6A:19-10.

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

(g) A district board of education shall not establish or conduct any courses or programs included in the State Plan for Vocational and Technical Education unless such courses or programs conform to the requirements included in the current approved State Plan.

(h) In any school district in which there is a plan of cooperation whereby the students 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 students from illegal employment and exploitation. Students participating in paid, school-sponsored structured learning experiences 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 operating shared-time and full-time vocational-technical education classes shall maintain an approved medical inspection service for applicants for admission to such schools and classes.

(j) The medical inspector shall report immediately to the principal of any school in the district regarding any student whose physical condition may impair the student's safety or health while enrolled in vocational-technical education, or which may prevent the student from obtaining regular employment.

(k) All full-time students 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 subsection clarifies the status of practical nurse students 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.

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.

SUBCHAPTER 6. VOCATIONAL-TECHNICAL INSTRUCTION

6A:19-6.1 Arrangements for instruction

(a) Vocational instruction shall be provided under public supervision and control meeting the criteria below, under contract with the State Board of Education or a district board of education or under contract with private vocational-technical schools, pursuant to N.J.A.C. 6A:19-4.4.

(b) A school under "public supervision and control" means a school that is organized and operated under the direction of the State Board of Education, a district board of education, or an institution of higher education responsible for expenditure of public education funds for vocational-technical education in the State, and has been placed in the full charge of the State Board of Education, a district board of education, or an institution of higher education responsible for vocational-technical education. Full charge includes:

1. Employing and supervising teachers;
2. Determining whether students qualify for admission to classes; and
3. Determining content and organization of courses and curricula.

(c) Vocational-technical instruction shall be designed to prepare individuals for life skills and paid employment as skilled workers or technicians or paraprofessionals in recognized occupations and in new or emerging occupations; to prepare individuals for enrollment in advanced or highly skilled vocational-technical education programs; and to assist individuals in making informed and meaningful occupational choices; or to 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.
 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:19-6.2 Vocational-technical education for life skills and paid employment

(a) Vocational-technical education for paid employment or life skills includes:

1. Instruction related to paid employment in the career or careers for which the students are being trained;
2. Classroom related academic and technical instruction, field, shop, laboratory instruction, structured learning experience, apprenticeship or other occupational experiences;
3. Instruction provided for employment or instruction designed to upgrade or update workers in occupational skills and knowledge in order to enhance stability or upward mobility in employment;
4. Remedial or other instruction designed to correct educational deficiencies or accommodate disabilities which prevent secondary school students from benefiting from instruction designed to teach technical competencies in occupations; and
5. Instruction in life-skills that will help students achieve personal and professional goals and help them engage effectively as productive citizens in their communities.

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.
 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:19-6.3 Career orientation, family and consumer sciences, and technology education programs

Career orientation, family and consumer sciences, and technology education shall include instruction designed to familiarize individuals with the broad range of occupations for which basic technical or other skills are required and the requisites for careers in such occupations, including employability skills. They shall also include instruction on the evolution, utilization, and significance of technology, and its impact on industry.

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.
 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).
 Inserted ", family and consumer science, and" following "Career Orientation", substituted "basic technical or other" for "special", and added final sentence, beginning "They shall also include".

6A:19-6.4 Structured learning experiences

(a) Pursuant to N.J.A.C. 6A:8-3.2, Career awareness and exploration, interested students may voluntarily select structured learning experiences (SLE) to complement their classroom instruction. All SLE shall adhere to applicable State and Federal child labor laws and other regulations of the Federal and State Departments of Education and Labor.

1. The SLE may be either paid or unpaid, depending on the type of activities in which the student is involved.
2. The SLE may or may not be sponsored by a school district.
3. Structured learning experiences may include, but are not limited to:
 - i. Apprenticeships;
 - ii. Community service;
 - iii. Cooperative education service learning;
 - iv. Internships;
 - v. Job shadowing;
 - vi. School-based experiences;
 - vii. Vocational student organization activities;
 - viii. Volunteer activities; and
 - ix. Work Experience Career Exploration Program (WECEP).

(b) The responsibility of the district board of education is dependent upon the type of SLE in which the student is participating.

1. If a local education agency (LEA) sponsors or provides arrangements for a student's SLE, the LEA shall provide the appropriate student supervision through LEA employees and/or contracted services. The LEA may also be responsible for providing other services as required by rule or statute.

2. If the LEA does not sponsor the SLE, the employer is responsible for supervision of the student on the training site, pursuant to applicable fair labor practices and child labor laws. The LEA may elect to provide that supervision.

(c) For student health and safety, structured learning experience activities are divided into two categories: hazardous and non-hazardous.

1. Some training sites may potentially expose the student to conditions considered hazardous by the Federal or State Departments of Education. Only students who are enrolled in a cooperative education course of study, conducted by an appropriately licensed person, may be placed in a training site considered hazardous. It is the responsibility of the district board of education to adhere to the Fair Labor Standards Act and all child labor laws when placing students on a training site considered hazardous.

2. Students placed in training sites deemed non-hazardous shall be supervised by the appropriately licensed teacher or other designated LEA employee holding the appropriate license.

(d) If the SLE is sponsored by the LEA, it is the LEA's responsibility to maintain the student's records reflecting the SLE.

New Rule, 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).

6A:19-6.5 Cooperative vocational-technical education programs

(a) Cooperative vocational-technical education experiences may be offered in program areas represented by the 16 career clusters recognized by the U.S. Department of Education, which, as of December 17, 2001, are as follows:

1. Agriculture and Natural Resources;
2. Construction;
3. Manufacturing;
4. Logistics, Transportation, and Distribution Services;
5. Information Technology Services;
6. Wholesale/Retail Sales and Services;
7. Financial Services;
8. Hospitality and Tourism;
9. Business and Administrative Services;
10. Health Services;
11. Human Services;
12. Arts and Communications Services;
13. Legal and Protective Services;
14. Scientific Research and Technical Services;
15. Education and Training Services; and

16. Public Administration/Government Services.

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.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:19-6.6 Program and training site standards and procedures for cooperative vocational-technical education

(a) Teachers shall be appropriately licensed for the career cluster in which student placements are made.

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

(c) The State Board of Education shall not make provision for reimbursement to employers or to students for additional costs incurred for the operation of, or participation in, cooperative vocational education programs.

(d) In accordance with the regular district admission process, the prospective cooperative vocational-technical education student shall apply to and be interviewed by the cooperative vocational-technical education teacher to develop the cooperative education agreement.

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

(f) Each cooperative education experience 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 student;
2. Assures that the student may not displace a full-time worker;
3. Provides the student 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.
 - i. The student 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;
 - ii. 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 education agreement.

(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 participate in IEP team decisions.

(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 instructional 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.

Amended by R.2006 d.315, effective September 5, 2006.

See: 38 N.J.R. 2253(a), 38 N.J.R. 3530(b).

In (a), substituted "participate in IEP team decisions" for "be included in the IEP team".

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.

(f) VSO programs and events shall reflect current industry-based standards and competencies for the career clusters they serve.

(g) The VSO shall offer professional development activities to local advisors to strengthen instructional programs.

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.

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 (a) and (c); in (d), substituted "VSO" for "vocational student organization"; added (f) and (g).

6A:19-6.11 Statewide data bank

(a) The Department of Education shall establish a comprehensive Statewide data bank to collect information on students (including general education and special education disaggregated) from district boards of education and other providers of vocational-technical education, employers, graduates and other State agencies. The districts and other providers shall report information on:

1. Enrollments;
2. Program completions;
3. Job placements;
4. Employer satisfaction with job performance of vocational-technical school program completers;
5. Salaries;
6. Promotions;
7. Continuing education;
8. Entry into military service;
9. Employer and business or industry training needs; and
10. Such other data as necessary to strengthen vocational-technical 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).

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

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

In (a), substituted a reference to the Department of Education for a reference to the Division of Vocational Education in the introductory paragraph.

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).

In (a), rewrote the introductory paragraph, inserted "-technical" following "vocational" throughout, added new 7 and 8 and recodified former 7 and 8 as 9 and 10.

6A:19-6.12 Employment placement standards

(a) The Commissioner shall establish annual minimum employment placement standards for district boards of edu-

cation whose students are enrolled in vocational-technical education programs.

(b) The Commissioner shall notify district boards of education of annual minimum employment placement standards.

(c) Districts shall be responsible for meeting minimum job placement standards for vocational-technical students.

(d) Vocational-technical students in the following categories will be considered employment placements:

1. Vocational-technical students who have been placed full-time in the occupation or related field in which they were trained;

2. Vocational-technical students who have passed occupational competency tests for entry level employment skills and have entered the military service;

3. Vocational-technical students entering full-time postsecondary education in the program area or related field in which they were trained;

4. Special needs students who have met alternative assessments for occupational competencies or individualized education program (IEP) assessments established by the district board of education;

5. Vocational-technical students 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 postsecondary 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-technical students 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.

(e) Vocational-technical students not considered placements include:

1. Vocational-technical students who are unemployed;

2. Vocational-technical students who work fewer than 20 hours per week; and

3. Vocational-technical students who are employed in an occupation or field not related to their training.

(f) All other students shall not be included in calculations for job placements.

(g) District boards of education shall report employment placement rates of vocational-technical education students to the Department of Education on forms provided by the Department.

(h) If the district reports placement rates below the established employment 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 or his or her designate 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.

6. 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, economic trends and fluctuations transportation difficulties, existing and unanticipated local or regional occupational supply and demand.

(i) If the district fails to implement the program improvement plan or fails to overcome program deficiencies for meeting minimum employment placement standards within two years of approval of the plan by the Commissioner, the county superintendent, in consultation with the Director, Office of School-to-Career and College Initiatives may recommend that the Commissioner issue an order requiring the district to show cause as to why the program should not be discontinued.

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

SUBCHAPTER 7. LOCAL APPLICATIONS FOR FUNDS

6A:19-7.1 Application procedures

(a) District boards of education and other eligible agencies or institutions conducting vocational-technical education programs desiring to participate in grant programs shall make application for funds, pursuant to P.L. 105-332, to the New Jersey State Department of Education on forms provided by the Department.

(b) The State Board, in concordance with P.L. 105-332, will include in the State Plan for Vocational Education authorization for the Commissioner to withhold from district boards of education State and Federal funds for activities in any component programs included in N.J.S.A. 18A:54-1 et seq. when the following conditions exist:

1. The program is unapproved;
2. The activities are being implemented in a manner inconsistent with the State Plan for Vocational Education;
3. Students participating in external paid or unpaid structured learning experiences are exploited, illegally employed, or employed under conditions which do not provide for their health and safety; or
4. Teachers are not appropriately certified according to N.J.A.C. 6A:9-13.

(c) The State Board of Education assures that any district board of education and other eligible institution or agency conducting vocational-technical education programs dissatisfied with final action on any applications for funds shall be given reasonable notice and may appeal the decision as set forth in N.J.A.C. 6A:3, Controversies and Disputes.

Amended by R.1991 d.406, effective August 5, 1991.
See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).
Editorial and terminology 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.
Amended by R.2005 d.213, effective July 5, 2005.
See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).
Rewrote the section.

6A:19-7.2 Opportunity for hearings on local applications

The State Board of Education assures that reasonable notice and opportunity for hearings on local applications shall be given to any district board of education or other eligible agency or institution conducting vocational-technical education programs, pursuant to N.J.A.C. 6A:8-2.2(b)4.

Amended by R.1991 d.406, effective August 5, 1991.
See: 23 N.J.R. 1250(a), 23 N.J.R. 2333(a).
Reference to Appeals process at N.J.A.C. 6:2 added.
Amended by R.1998 d.38, effective January 5, 1998.
See: 29 N.J.R. 4221(b), 30 N.J.R. 67(b).
Added references to State Director 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.

SUBCHAPTER 8. VOCATIONAL-TECHNICAL EDUCATION PROGRAM AND COURSE APPROVAL

6A:19-8.1 Program approval process

(a) The State Board will adopt a State Plan for Vocational Education pursuant to P.L. 105-332.

(b) The State Board will include in the State Plan for Vocational Education, in concordance with P.L. 105-332, authorization for the Commissioner to establish a program-approval system for aligning vocational-technical education programs with N.J.A.C. 6A:8-2, The Core Curriculum Content Standards, and the educational delivery systems from grade nine through grade 12 at the local, county, regional, and State levels. Program approval is required for vocational-technical education programs offered by school districts with approved vocational schools, comprehensive high schools, county vocational schools, and other agencies offering secondary or non-collegiate postsecondary programs. The program-approval system shall include the following:

1. District boards of education shall identify the need for vocational-technical education programs of instruction through identification of the latest labor-market demand data, the results of employer surveys, and the use of an advisory committee to plan for and operate the program;

2. District boards of education seeking to establish any new vocational-technical education programs shall request recommendations from the appropriate Workforce Investment Board (WIB) to minimize duplication of programs and to foster a unified delivery system;

3. District boards of education, upon verification of the local need to offer a vocational-technical education program and recommendation of the WIB, shall submit a completed Vocational-Technical Education Program Approval Request to the Department of Education. The Program Approval Request will include the following: program title; occupational objective of the program; documentation of the need for the program; program advisory committee; admission requirements; program structure; instructional staff plans; enrollment projections; curriculum outline; participation in vocational student organizations; facilities and equipment required; program costs; career guidance and counseling provisions; linkage programs involved; participation of special populations; evaluation; and impact on institutional capacity;

4. The Commissioner shall approve or disapprove the district board of education's request to offer a vocational-technical education program. Approval or disapproval will be based on the completeness of the application and the

inclusion of data which support the establishment of the program;

5. The Commissioner, in approving programs with a regional or State designation, shall establish the criteria for admitting students from outside the school district and/or county. The admission requirements will include at least minimum academic and occupational competencies, based on the Core Curriculum Content Standards and an industry-verified competency list; and

6. District boards of education dissatisfied with the decision on the request for a vocational-technical education program approval may appeal the decision as set forth in N.J.A.C. 6A:3, Controversies and Disputes.

(c) The standards are available for review at the Department of Education, 100 Riverview Plaza, PO Box 500, Trenton, NJ 08625-0500.

(d) Program approval applications from prospective charter schools shall be reviewed prior to the granting of the charter. Conditional approval may be granted, with a final approval determined during the first year of the school's operation.

New Rule, 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).

Amended by R.2005 d.213, effective July 5, 2005 .

See: 37 N.J.R. 833(a), 37 N.J.R. 2487(a).

Rewrote the section.

SUBCHAPTER 9. APPRENTICE TRAINING

6A:19-9.1 Apprentice program responsibilities and duties

(a) The Department is the State apprenticeship agency and is responsible for apprenticeship registration and 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 the Labor Standards for the Registration of Apprenticeship Programs, 29 CFR §§ 29.29 and 29.30, and be in conformance with the Core Curriculum Content Standards, N.J.A.C. 6A:8-2.

(b) The State Director of Vocational-Technical Education shall coordinate activities on apprenticeship with the United States Department of Labor, Bureau of Apprenticeship and Training (BAT), to include training and instruction that must comply with Federal standards of apprenticeship as published in Labor Standards for the Registration of Apprenticeship Programs, 29 CFR §§ 29.29 and 29.30. The State apprenticeship system shall include, but not be limited to:

1. Approving new and ongoing registered apprenticeship programs and related training;
2. Approving individual apprenticeship agreements including criteria for related training, and advanced standing for school-to-work apprenticeship linkage programs;
3. Monitoring and investigating compliance issues;
4. Compiling and maintaining records and agreements;
5. Issuing certificates to sponsors of registered apprenticeship programs by business, industry or labor unions;
6. Issuing certificates for completion of a Registered Apprenticeship Program;
7. Providing technical assistance to business and industry in the development of new registered apprenticeship programs; and
8. Working with Federal, State, and other entities on issues related to apprenticeship.

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:19-9.2 Approval of related training and instruction

(a) Upon receipt of the Apprenticeship Agreement/Joint Approval form from the State director of the Federal Bureau of Apprenticeship and Training, the State Director of Vocational Education, as the approval agent, shall evaluate the related training and instruction component of the apprenticeship.

(b) 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.

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).

Designated paragraphs as (a) and (b); in (a), inserted "State director of the" preceding "Federal" and substituted "State Director of Vocational Education, as the approval agent" for "Department".

SUBCHAPTER 10. SAFETY AND HEALTH STANDARDS

6A:19-10.1 Applicability and implementation of safety and health standards

(a) All tools, machines, equipment, personal protective devices and hazardous substances used in vocational-technical education programs shall meet the safety and health standards contained in this subchapter.

(b) Tools, machines, equipment, personal protective devices and hazardous substances not in compliance with these standards shall be removed from service.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes. Deleted old (c).

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

References to "hazardous substances" added throughout text.

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).

In (a), inserted "-technical" following "vocational", and "subchapter" for "chapter".

6A:19-10.2 Safety and health program

(a) All district boards of education and other institutions and agencies operating vocational-technical education programs or courses shall organize, adopt and implement a vocational-technical education safety and health program. A copy of the program, indicating the district board of education's, the agency's or institution's adoption and approval, shall be retained on file by the agency or institution and made available, upon request, to the Department of Education.

(b) Each district board of education and other institution or agency operating vocational-technical education programs or courses shall designate a person or persons, other than the chief executive or chief administrative officer, who shall implement the approved safety and health program.

(c) The safety and health program shall contain, as a minimum, the following:

1. Objectives of the safety and health program;
2. A safety and health hazard analysis for each vocational course and/or program in operation;
3. A statement of the general policies for the safe and healthy operation of all vocational courses;
4. Specific statements of practices and precautions required for safe and healthy operation within each separate course;
5. A plan and procedures for periodic inspections and maintenance of facilities, tools, machines, equipment, personal protective devices, hazardous substances, and for the elimination of potential or identified hazards;

6. Emergency procedures to be followed in the event of an accident involving a student, teacher or any other individual;

7. Methods to be used for each vocational course to provide safety and health education to students including methods for incorporating the results of the hazard analysis;

8. Procedures and methods to be used to document and assess students' knowledge of practices and procedures;

9. A system, which may include disciplinary action, to ensure that students comply with safe and healthy practices; and

10. Procedures to ensure that all new vocational-technical education staff and students receive appropriate initial safety and health program training prior to working or participating in any vocational course or program.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes.

Amended by R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Changed the filing of the vocational education program from the Assistant Commissioner of Education and the State Director of Vocational Education to the local education agency and the Department of Education.

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Established new requirements that the district board or institution or agency shall designate a person other than chief executive or administrator to implement programs, and new elements at (c)2, 9 and 10.

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).

In (a) and (b), deleted N.J.A.C. references; in (c)6 through 10, substituted references to "students" for references to "pupils"; substituted "vocational-technical" for "vocational" throughout.

6A:19-10.3 Reporting requirements

(a) Accidents involving vocational-technical education students, staff or others shall be reported to the Commissioner of Education on the accident reporting form supplied by the Department of Education within five working days of the occurrence.

(b) A reportable accident is any accident which requires treatment by a licensed medical doctor that occurs in a vocational-technical education program, either on the school premises or at an approved off-premises training site including cooperative work training site and travel to and from that off-premises training site.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical and grammatical changes. Deleted old (b).

Amended by R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Deleted "Assistant" from "Commissioner of Education"; "State Director of Vocational Education and Career Preparation" and substituted "Department of Education".

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Clarified a reportable accident is one which requires treatment by a licensed, medical doctor and that it could include one occurring while traveling to or from an off premises training site.

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).

In (a), substituted "students" for "pupils"; substituted "vocational-technical" for "vocational" throughout.

6A:19-10.4 Securing machines and equipment

(a) Each machine shall be so constructed, installed and maintained as to be free from excessive vibration.

(b) Arbors and mandrels shall be so constructed, installed and maintained as to have firm and secure bearing and be free from play.

(c) Machines and equipment requiring the presence of an operator shall not be left unattended while in operation or still in motion.

(d) An electrical power control shall be provided on each machine to make it possible for the operator to cut off the power without leaving the operating position.

(e) On all nonportable motorized equipment and machinery, a magnetic-type switch shall be provided to prevent machines from automatically restarting upon restoration of power after an electrical failure or electric cutoff.

(f) Power controls and operating controls shall be located within easy reach of the operator while the operator is at the regular work location, thereby making it unnecessary to reach over the point of operation to make adjustments.

(g) Each machine operated by electrical power shall be provided with positive means for rendering it inoperative while repairs or tool changes are being made.

(h) Push-type emergency cutout switches shall be provided at appropriate locations within shops to de-energize the electrical supply to nonportable machinery in accordance with N.J.A.C. 6:22-5.4(f)1.

(i) Power tools and machines in shops which generate dust shall be provided with dust collecting equipment in accordance with N.J.A.C. 6:22-5.4(b)5.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Amended by R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

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:19-10.5 Storage of flammable and combustible materials

(a) Flammable and combustible liquids in storage shall be kept in the original closed container supplied by the manufacturer or in approved safety cans.

(b) Flammable or combustible liquids not in storage and ready for use shall be transferred from the original closed container to approved safety cans. This does not apply to finishing or other materials designed to be used from the original closed container, provided the container is resealed immediately after use.

(c) Approved oily waste cans shall be provided for the disposal of materials that have come into contact with flammable or combustible liquids or other materials that can support spontaneous combustion.

(d) Flammable or combustible liquids shall be stored in accordance with the requirements as specified in NFPA 30-1900, "Flammable and Combustible Liquids Code" which with subsequent amendments and supplements is incorporated herein by reference.

1. This document is available for review at the Department of Education, Division of Academic and Career Standards, Office of School-to-Career and College Initiatives, 100 River View Executive Plaza, PO Box 500, Trenton, New Jersey 08625-0500 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, PO Box 049, Trenton, New Jersey 08625-0049.

2. This document may be purchased from the National Fire Protection Association, 1 Batterymarch Park, PO Box 9101, Quincy, Massachusetts 02269-9101.

Amended by R.1982 d.368, effective October 18, 1982.
See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Added "NFPA . . . through 1.-2." to (d).

Amended by R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Change of address where document is available for review.

Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Specified 1990 edition of NFPA Code in (d).

Amended by R.1998 d.499, effective October 5, 1998.
See: 30 N.J.R. 2331(a), 30 N.J.R. 3643(a).

In (d), substituted "incorporated herein by reference" for "hereby adopted as a rule" at the end of the introductory paragraph, and changed addresses in 1.

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).

In (d), substituted "NFPA" for "NEPA".

6A:19-10.6 Use and disposal of hazardous substances

(a) Hazardous substances shall be stored, handled and used in accordance with N.J.A.C. 8:59, the Worker and Community Right to Know Act rules, promulgated pursuant to the authority of the Worker and Community Right to Know Act, P.L. 1983, c.315 and N.J.S.A. 34:5A-1 et seq.

1. These rules are available for review at the Department of Education, Division of Academic and Career Standards, Office of School-to-Career and College Initiatives, 100 River View Executive Plaza, PO Box 500, Trenton, New Jersey 08625-0500 or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, PO Box 049, Trenton, New Jersey 08625-0049.

2. The rules may be requested from the State of New Jersey, Department of Health and Senior Services, John Fitch Plaza, PO Box 360, Trenton, New Jersey 08625-0360.

(b) Hazardous waste shall be disposed of in accordance with N.J.A.C. 7:26-1 and 7:26-7 through 12, the Hazardous Waste Regulations, promulgated pursuant to the authority of the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq.

1. These rules are available for review at the Department of Education, Division of Academic and Career Standards, Office of School-to-Career and College Initiatives, 100 River View Executive Plaza, PO Box 500, Trenton, New Jersey 08625-0500, or at the Office of Administrative Law, Quakerbridge Plaza, Bldg. 9, PO Box 049, Trenton, New Jersey 08625-0049.

2. The rules may be requested from the State of New Jersey Department of Environmental Protection, PO Box 028, Trenton, New Jersey 08625-0028.

Amended by R.1987 d.313, effective August 3, 1987.
See: 19 N.J.R. 485(b), 19 N.J.R. 1432(a).

Old text repealed and new text substituted.

Amended by R.1992 d.204, effective May 4, 1992.
See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

New (b) added regarding disposal.

Amended by R.1998 d.499, effective October 5, 1998.
See: 30 N.J.R. 2331(a), 30 N.J.R. 3643(a).

Changed addresses throughout.

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).

In paragraph (a), inserted "rules" preceding ", promulgated".

6A:19-10.7 Foundry operations

(a) Individuals engaged in the melting of metal to be cast or the pouring of molten metals shall be protected by the wearing of the following:

1. Melter's goggles with shade No. 3 lenses;
2. Full face shield;
3. Fire resistant or fireproof duckbib-type apron that extends below the top of leggings or equivalent;
4. Fire resistant or fireproof duckspring-type leggings;
5. Molder's sleeves;
6. Heat resistant, fireproof gloves; and
7. Closed leather footwear with metatarsal guards, or equivalent.

(b) Crucible shanks used for pouring molten metal from the crucible shall be equipped with a safety lock designed to prevent the crucible from dropping or slipping out of the shank while the molten metal is being poured or transported.

Amended by R.1982 d.368, effective October 18, 1982.

See: 14 N.J.R. 619(a), 14 N.J.R. 1154(b).

Technical changes.

Amended by R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

Replaced "inhibited asbestos" with "fire resistant" in (a)3 and 4; added "heat resistant, fireproof" at 6 and required metatarsal guards at (a)7.

6A:19-10.8 Protection of personnel

Individuals using hand and power tools who are exposed to hazards of falling, flying, abrasive and splashing materials or harmful dusts, fumes, mists, vapors or gases shall be provided with the particular personal protective equipment necessary to protect them from potential hazards.

New Rule R.1987 d.313, effective August 3, 1987.

See: 19 N.J.R. 485(b), 19 N.J.R. 1432(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).

Deleted the N.J.A.C. reference.

6A:19-10.9 Handling of blood and body fluids

All individuals handling blood and body fluids in vocational-technical education programs shall implement universal precautions in accordance with N.J.A.C. 6A:16-2.3(e).

New Rule: R.1992 d.204, effective May 4, 1992.

See: 24 N.J.R. 516(a), 24 N.J.R. 1793(b).

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).

Amended the N.J.A.C. reference.