

**CHAPTER 43**

**VOCATIONAL AND TECHNICAL EDUCATION PROGRAMS AND STANDARDS**

**Authority**

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

**Source and Effective Date**

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

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

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

**Chapter Historical Note**

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

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

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

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**SUBCHAPTER 1. DEFINITIONS**

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

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

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

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

Corrected title, formerly Commission on Employment and Training.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Private industry council” means the council established under the Job Training Partnership Act (P.L. 97-300) to provide policy guidance for, and exercise oversight with respect to, all employment and training programs within its labor market area in partnership with units of local govern-

ment. The private industry council includes representatives of private sector businesses, educational agencies, organized labor, rehabilitation agencies, community-based organizations, economic development agencies and the public employment service.

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

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

Recodified from N.J.A.C. 6:43-5.1; terms changed: "student" to "pupil" and "local education agency" to "district board of education".

## SUBCHAPTER 7. JOB PLACEMENT STANDARDS

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

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

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

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

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

Corrected title formerly New Jersey Commission on Employment and Training.

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

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

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

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

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

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

(c) Vocational pupils not considered placements include:

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

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

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

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

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

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

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

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

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

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

## SUBCHAPTER 8. VOCATIONAL EDUCATION PROGRAM AND COURSE APPROVAL

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

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

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

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

- i. The New Jersey Occupational Information Coordinating Committee;

- ii. The New Jersey Department of Commerce and Economic Development;

- iii. The New Jersey Department of Labor;

- iv. The New Jersey Department of Higher Education;

- v. County vocational schools;

- vi. Comprehensive high schools;

- vii. The Governor's Office of Management and Planning;

- viii. The State Employment and Training Commission; and

- ix. The New Jersey Department of Corrections.

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

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

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

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

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

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

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

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

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

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

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