



# Denial of Admission to a Career and Technical Education Program: Appeal Process under 22 Pa. Code § 339.21(4)

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The State Board for Vocational Education (State Board) adopts this policy for the purpose of establishing procedures for the consideration and decision of appeals taken to the State Board under 22 Pa. Code § 339.21(4) (relating to admissions).

## **Title 22 Pa. Code § 339.21**

Under section 339.21(4) of the regulatory standards of the Department of Education relating to vocational education, a person that has been denied admission to a vocational education program by an AVTS/CTC board or joint operating committee may appeal to the State Board for admission to such program maintained by the AVTS/CTC board or joint operating committee. See 22 Pa. Code § 339.21(4).

## **Procedure**

(a) *Appeal.* A person wishing to appeal to the State Board the decision of an AVTS/CTC board or joint operating committee pursuant to 22 Pa. Code § 339.21(4) shall proceed as follows:

(1) The appeal must be filed and directed to the State Board for Vocational Education at the following address:

333 Market Street, First Floor  
Harrisburg, PA 17126-0333

(2) The appeal must describe (i) the written decision of the AVTS/CTC board or joint operating committee; (ii) the reasons for the appeal; and (iii) the relief desired. The appeal shall include a copy of the written decision of the AVTS/CTC board or joint operating committee and copies of all written material that the applicant has cited in his appeal, except that the applicant is

not required to supply copies of material that he anticipates will be part of the record to be certified by the entity under paragraph (b) (relating to response).

(3) The appeal must be filed within thirty (30) days of the date that the AVTS/CTC board or joint operating committee mailed or delivered to the applicant its written denial of admission to the career and technical education program. However, the appeal period shall not begin unless and until the board or committee provides written notice of the right to appeal to the State Board and a summary of the procedures prescribed by this policy.

(4) A copy of the appeal must be served by mail upon the secretary of the AVTS/CTC board or joint operating committee of the entity whose decision denying admission is being appealed.

(b) *Response.* The entity denying admission has fourteen (14) days from the mailing or delivery of the appeal to file an answer with the State Board and to certify to the State Board the record of the proceedings of the entity relating to its decision denying admission.

(c) *State Board proceedings.*

(1) Upon receipt of an appeal, the answer and the certified record of proceedings before the AVTS/CTC board or joint operating committee that made the decision on appeal, the chair of the State Board will designate a member of the State Board or another person to serve as presiding officer to establish a record and to make a recommendation for decision to the State Board.

(2) Acting in accordance with the General Rules of Administrative Practice and Procedure (1 Pa. Code Part II), the presiding officer will conduct such proceedings as he shall deem necessary and proper to enable the State Board to make a decision.

(3) Upon the conclusion of all necessary proceedings, the hearing officer shall file with the State Board the certified record, a proposed decision and a recommended order either affirming or reversing the action of the AVTS/CTC board or joint operating committee of the entity that denied admission.

(4) Following such proceedings as it might deem appropriate, the State Board will take final action to approve or disapprove the recommendation of its hearing officer and provide copies of its written decision to the parties.

DATE ADOPTED: March 18, 2010