



Denial of Admission to a Career and Technical Education Program: Appeal Process under Section 1809(a) of the Public School Code

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 section 1809 of the Public School Code of 1949, 24 P.S. § 18-1809 (relating to attendance in other districts and other states; pupils from other states).

Section 1809 of the Public School Code

Under section 1809(a) of the Public School Code, any resident of a school district that does not maintain an approved vocational industrial, vocational agricultural, vocational homemaking, or vocational distributive occupational education day, part-time, or evening class, school or department, offering the type of training that he desires, may make application to the board of school directors of any other school district for admission to such school or department maintained by that board. See 24 P.S. § 18-1809(a).

If a school board refuses the application for admission of a non-resident for admission to a vocational education school or department, the applicant may apply to the State Board for Vocational Education for admission to that school or department. The State Board may approve or disapprove the application. *Id.*

In making its decision, the State Board must take into consideration the opportunities for free vocational training in the community in which the applicant resides; the financial status of the community; the age, preparation, aptitude and previous record of the applicant; and all other relevant circumstances. The decision of the State Board is final. *Id.*

Procedure

(a) *Appeal.* A person wishing to appeal to the State Board for Vocational Education the decision of a board of school directors to deny an application for admission to a career and technical education program pursuant to section 1809(a) of the Public School Code 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 board of school directors that the applicant is appealing; (ii) the reasons for the appeal; and (iii) the relief desired. The appeal shall include a copy of the written decision of the board of school directors 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 school district under paragraph (b) (relating to response).

(3) The appeal must be filed within thirty (30) days of the date that the board of school directors mails or delivers 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 of school directors 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 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 board 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 under section 1809(a) of the Public School Code.

(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 board of directors of the entity that denied admission.

(4) The hearing officer's recommended decision will, at a minimum, take into consideration the factors specified by section 1809(a) of the Public School Code, *i.e.*, the opportunities for free vocational training in the community in which the applicant resides; the financial status of the community; the age, preparation, aptitude and previous record of the applicant; and all other relevant circumstances.

(5) 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.

(6) As provided by section 1809(a) of the Public School Code, the decision of the State Board for Vocational Education is final.

DATE ADOPTED: March 18, 2010