**VOCATIONAL TECHNICAL EDUCATION REGULATIONS: ADMISSION OF STUDENTS– 603 CMR 4.03(6)(a)**\*

**Presented to the Board of Elementary and Secondary Education for initial review and vote to solicit public comment: 4/20/2021**

**Period of public comment: through 5/28/2021**

**Final action by the Board of Elementary and Secondary Education anticipated: 6/22/2021**

**603 CMR 4.03(6) Admission of Students**

(a) Vocational technical schools and vocational programs at comprehensive high schools shall develop and implement an admission policy that is consistent with federal and state law and any relevant guidelines issued by the Department or the U.S. Department of Education. Vocational schools and programs shall condition admission on a student having been promoted to the grade that they have been admitted to enter. Vocational schools and programs whose admission policies include selective criteria may apply the criteria only when there are more applicants than available seats. Such criteria may not consider a student’s record of excused absences from school, or minor behavior or disciplinary infractions. For purposes of 603 CMR 4.03(6)(a), a “minor behavior or disciplinary infraction” means any student conduct other than conduct for which suspension or expulsion was imposed pursuant to M.G.L. c.71 §37H or §37H1/2, or for which suspension or expulsion for more than 10 days was imposed pursuant to M.G.L. c.71 §37H3/4. Resident students who meet the minimum requirements for admission shall be admitted prior to acceptance of any non-resident students seeking the same program.

Beginning with the 2021-22 school year, each school and program shall submit its admissions policy to the Department by October 1, and shall annually publish it in its Program of Studies, post a copy on the school website, and provide a copy to each student applicant and their parent/guardian. Vocational schools and programs shall ensure that all admissions materials are in both English and the primary language of the home, if such primary language is other than English.

Each policy shall include the following:

1. The process for application and admission to the school, as well as admission to particular programs within the school, including any criteria, lotteries, or other processes to be used in selecting students;

2. A plan that includes deliberate, specific strategies to promote equal educational opportunities and attract, enroll, and retain a student population that, when compared to students in similar grades in sending districts, has a comparable academic and demographic profile;

3. A description of the exploratory program, if such program is required by 603 CMR 4.03(4)(e); and

4. A process for prospective students and parents/guardians to appeal to the superintendent or their designee the decision to deny the prospective student admission to the school or program. The superintendent or their designee shall maintain documentation as to the specific admission requirements that were used to deny admission, and shall provide such documentation to the Department or to the prospective student's parent/guardian upon request.

Vocational schools and programs that use selective criteria shall not use criteria that have the effect of disproportionately excluding persons of a particular race, color, national origin, sex, gender identity, sexual orientation, religion, or disability unless they demonstrate that (1) such criteria have been validated as essential to participation in vocational programs; and (2) alternative equally valid criteria that do not have such a disproportionate adverse effect are unavailable. Selective criteria shall be approved annually by the school’s board of trustees or school committee. The superintendent of the vocational school or program shall submit an annual attestation to the Department that the admissions policy of the school or program complies with federal and state law and any relevant guidelines issued by the Department or the U.S. Department of Education.

Vocational technical schools and programs shall maintain a record of all students who apply for admission, enroll in the school, or are placed on a waitlist, and their score on admission criteria, if used, to facilitate an analysis and evaluation of the admissions system and its compliance with 603 CMR 4.03(6). The school or program shall provide such information to the Department upon request.

The Department will take actions it deems necessary to address cases where the admissions policies and practices of vocational technical schools and programs do not comply with applicable state and federal laws and regulations, and order compliance actions, including revisions to, or replacement of, existing admission policies. Such intervention may include a requirement that such vocational technical schools and programs institute an admissions lottery.

Sending districts shall offer vocational schools and programs opportunities to provide middle school students with information about vocational programs and careers on-site at their middle schools, as well as through mail and email. Sending districts may not count middle school student tours of vocational schools or programs during the school day as unexcused absences if the vocational school or program confirms the student’s participation, and may not unreasonably withhold student access to tours of vocational schools and programs during the school day.

Note: The current regulation on admission of students, 603 CMR 4.03(6), is available [here](https://www.doe.mass.edu/lawsregs/603cmr4.html?section=03).