

# Vocational Adjustment Class

## Frequently Asked Questions

**1) What is the Vocational Adjustment Class (VAC)?**

As defined in the [Student Attendance Accounting Handbook](#) (SAAH) Section 4.6.9, VAC is an instructional arrangement/setting.

**2) What is the appropriate instructional code to be used for the Vocational Adjustment Class?**

The code 08 should be used to designate the Vocational Adjustment Class instructional arrangement/setting.

**3) Who should be coded as 08?**

According to the SAAH Section 4.6.9 (Code 08), “this instructional arrangement/setting code is used for a student who is provided special education and related services and is placed on a job with regularly scheduled direct involvement by special education personnel through the implementation of the student’s IEP.” The student may participate in the VAC instructional arrangement/setting through **paid** full-time or part-time employment as appropriate to meet the student’s need.

**4) Will the student who participates in community-based instruction or work-based learning at unpaid training sites be coded 08?**

No. The student must be working and being paid for full or part-time employment to be coded 08.

**5) Is VAC recorded on the Academic Achievement Record (AAR)?**

No. VAC is an instructional arrangement/setting, not a course, and therefore is not recorded on the AAR. The AAR will reflect the name of the locally developed course being taken while the student is in the VAC setting.

*Note:*

As stated in the 2009-2010 Minimum Standards for the Academic Achievement Record 1.7 (d) Course Numbers and Titles, when an ARD committee determines that a state-approved course is not appropriate for a student and substitutes a locally-developed course in which *only students receiving special education services may participate*, the course may count for credit toward completion of requirements for the MHSP. Locally-developed courses *in which only students receiving special education services may participate* that serve as appropriate alternatives to required state-approved courses are entered in the appropriate Course Category field rather than as local credit. The course number must begin with the number 9 (9XXXXXXX) as specified in the PEIMS Code Table C022. The Special Explanation Code “L” should **not** be used when entering these locally-developed courses on the AAR.

**6) May students who are coded 08 have other courses besides vocational courses?**

Yes. Schedules for students who are coded as 08 must reflect all of the actual courses (e.g. academic(s), elective(s), and locally developed course(s) for work based learning) in which a student is enrolled. Students are designated the 08 instructional arrangement because of their paid work status only.

**7) Can a student be placed in VAC without first considering other occupational preparation programs?**

No. The Admission, Review, and Dismissal (ARD) committee must always review the school district's career and technical classes/program for an appropriate match to the student's individual transition plan before selecting the instructional arrangement/setting code for the student.

**8) Can the courses the student is enrolled in while participating in a work-based program be substituted for a physical education class?**

On May 21, 2010, the State Board of Education adopted an amendment to the graduation requirements to allow students to substitute certain two- to three-credit work-based training courses taken prior to the start of the 2011-12 school year for the P.E. graduation requirement. (This adjustment to the graduation requirement will be for juniors and seniors during the 2010-2011 school year only.)

**TAC §74.62(b)(7)(B). High School Graduation Requirements (excerpt).**

(B) The school district board of trustees may allow a student to substitute certain physical activities for the required credits in physical education, including the Foundations of Personal Fitness. The substitutions must be based on the physical activity involved in drill team, marching band, and cheerleading during the fall semester; Junior Reserve Officer Training Corps (JROTC); athletics; Dance I-IV; two- or three-credit career and technology work-based training courses, and off-campus physical education. <http://ritter.tea.state.tx.us/rules/tac/chapter074/ch074f.html>

**9) Can a student be employed by the Local Education Agency?**

Employment of students with disabilities by the Local Education Agency (LEA) [34 CFR §300.107 (b)] is allowable with Individuals with Disabilities Education (IDEA) - Part B funds only if the employment is related to or in addition to the student's course of study as part of the student's transition plan. The general non-supplant requirement for IDEA funds in 34 CFR §300.202(a)(3) states that funds provided to LEAs under Part B of the IDEA must be used to supplement State, local, and other Federal funds and not to supplant those funds. If an LEA chooses to use IDEA-B funds to employ students with disabilities for instructional purposes, it must comply with the non-supplant requirement.

If the LEA benefits from the services provided by the students with disabilities, IDEA-B funds cannot be used. Instead, the LEA must use the same fund source used to employ non-disabled students.

For more information, please see pages 55-56 of the eGrants Funding Program Guidelines:

[http://maverick.tea.state.tx.us:8080/Guidelines/Special%20Ed/SPEDAA10/SPEDAA10P1100\\_G.pdf](http://maverick.tea.state.tx.us:8080/Guidelines/Special%20Ed/SPEDAA10/SPEDAA10P1100_G.pdf)

**10) Does the 08 coding change if a student loses employment?**

Yes. If a student loses employment, then the instructional arrangement/setting code 08 (VAC) will change.

**For the time the student is employed**, the instructional arrangement/setting code for the student should be 08 and V2 (see Section 5 Career and Technical Education). As soon as the student loses the job, the student's instructional arrangement/setting code should be changed to reflect the appropriate code for the interim placement determined by the ARD committee, but the career and technical code will remain V2 if the student remains enrolled in two vocational classes. Note that CTED classes are career and technical education classes and not special education classes.

**11) When a student loses a job, can the student stay at home during the time period the student would have normally been at work?**

No. According to Section 4.14.5 Code 08 Vocational Adjustment Class (VAC) Examples (SAAH), a student may not stay at home during the time in which the student was previously on the job. A student who loses a job must be provided with a full instructional day during the time he or she is without a job.

**12) What issues have to be considered when ARD committees are deciding whether or not to place an undocumented student in VAC?**

When determining whether to place a student in VAC, schools must comply with the requirements set forth in Plyler v. Doe, a 1982 United States Supreme Court case. In Plyler, the Supreme Court ruled that public schools are prohibited from denying immigrant students access to a public education, even if those students do not have legal documentation. Schools and personnel are prohibited from adopting policies or taking actions that would deny students access to education based on their immigration status. Likewise, school officials cannot require children - or their parents - to prove they are in the United States legally by asking for any documentation, including green cards, proof of citizenship, or immigration documentation, nor can they make inquiries which may expose their legal status.

To comply with Plyler, ARD committees must:

- act to preserve the right of access to education;
- guard the confidentiality of immigration status under the Family Education and Privacy Act (FERPA);
- assign a school-generated I.D. number; and
- allow participation in special programs including special education.

Schools must avoid:

- asking about immigration status or for documentation;
- treating students differently to determine residency or based on undocumented status;
- asking questions that might expose the status of parents or students;
- refusing participation in programs based on status; and
- contacting ICE (immigration enforcement) about an undocumented student or allowing ICE access to school without a warrant or subpoena.

Federal law places different obligations on employers. The Immigration and Nationality Act (INA) makes it unlawful for an employer to hire an employee who is not a legal resident of the United States. When a student is referred to an employer, it is the employer's duty to comply with federal law and verify the student's employment status. If a student is undocumented, then they will not be eligible for hire by the employer.

The ARD committee may place undocumented students in voluntary positions or in work programs that do not provide monetary compensation. In these situations, 08 would not be the proper code and VAC would not be the proper placement.