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MEMORANDUM

TO: Superintendents, Principals, Special Education Administrators, CTE Directors, CTE Special Populations Coordinators

FROM: Jay Ramsey, State Director of Career Technical Education
Cindy Moran, State Director of Special Education

SUBJECT: Special Education and Career Technical Education (CTE) – Non-Regulatory Guidance Companion

DATE: July 9, 2018

This document is a supplement to the non-regulatory guidance memo for CTE center admissions procedures, IEP teams and students eligible for special education and related services under the IDEA and accompanying “Admissions Decision Tree” that was released by the Agency of Education in September 2011. The “stages” noted in this document refer to the “stages” and process steps identified in the “Admissions Decision Tree.”

The purpose of this document is to provide additional guidance to special education teams and career technical education (CTE) center administrators as they navigate the various stages of admission to a CTE program. Please note that this companion document is not exhaustive in the information it provides, but rather is intended to provide guidance and possible entry points for conversation among the CTE center, the high school, the student, and the family for successful student outcomes.

Regional CTE centers and the programs offered therein offer student opportunities that are not typically available in Vermont’s high schools. The opportunities available in CTE centers and programs increase knowledge and provide experiences that ultimately enable every student, including students receiving special education services, to make the transition into the postsecondary world. To this end, CTE centers, LEAs, and the family, as an IEP team, must work together and communicate effectively and often. It is imperative that all IEP team members understand their roles and responsibilities in a student’s plan, as **everyone** plays a key role in the student’s success.

Pre-Application Stage

Process Steps 1 and 2: Each regional CTE center should provide information to sending high school personnel about its programs, application procedures, discipline policies, and admission criteria, as well as opportunities for middle and high school students to tour the center, including students with disabilities. This is a *critical* first step, and CTE centers may want to consider also having this information available on an easily accessible website. CTE centers should provide clear information about the programmatic and/or academic prerequisites and the technical requirements for each program, including expected program outcomes such as graduation proficiencies, work-based learning, industry recognized credentials, and dual/concurrent enrollment courses. This communication should assist the student, the

student's family, and the IEP team to understand how the program fits with the student's postsecondary goals.

Process Steps 3, 4, and 5: When a student with a disability receiving special education services expresses interest in a CTE program, the student's IEP team should meet to discuss the appropriateness of the fit. The IEP team should then discuss the regional CTE center's specific admissions criteria, academic prerequisites and technical requirements for programs, with a lens toward the supports needed for the student's success. During this initial discussion, additional questions may arise that would be best answered by a person familiar with the CTE program. However, this must be done in a way that does not bias the application process.

Possible specific strategies include but are not limited to:

- (1) Have the special populations teacher meet and discuss the rigor and requirements with special educators prior to start of school year, without discussing any individual students.
- (2) Have the special populations or program teacher call into an IEP meeting without giving the name of the student or the school and just answer questions about the program with no student identifiable information being given.
- (3) Have one of the sending school IEP team members obtain the relevant information from the CTE center and share it at the meeting.
- (4) The CTE center may provide professional learning opportunities or an open house for special educators from throughout the service region. This approach would allow the special educators to get a better sense of each CTE program.

The overall goal is an informed decision about fit and likelihood for each student's success. To make an informed decision about attendance at a CTE center the student, the parents, and the rest of the IEP team must have all the information in order to paint a clear picture of the prerequisites, admission requirements, expectations of the CTE program, and expected outcomes. Open communication from the outset assists all parties in supporting student success. If a student will be applying to a CTE, the IEP team should note that in the IEP meeting minutes and indicate that, after the student has been accepted, the team will reconvene with a CTE center representative in attendance.

Application Stage

Process Steps 6, 7, 8 and 9: Admission is not guaranteed, and CTE should not be written into a student's IEP anticipating certain acceptance into the program. CTE centers cannot ask applicants to disclose information regarding eligibility for special education under the IDEA, and admission to the center cannot be denied based on a student disclosing during the admission process that he or she is eligible for special education under IDEA. CTE centers can, however, ask of any student (including a student with disabilities) if he/she can perform essential functions required for participation in the program such as a certain level of math or reading ability. Therefore, early communication on the specific admissions criteria, academic prerequisites and technical requirements for programs is key, so that by the time a student decides to apply, the student, his or her parents, and the IEP team are clear on the admission process and program requirements to give the student the best chance of being accepted into the program and being successful thereafter.

Acceptance Stage

Process Step 10: Once a student with disabilities has been accepted into a CTE program, it is time to specifically determine what special education and related services should be written into the IEP to be implemented in the CTE center and program to support the student in his/her work.

Process Steps 11, 12, 13, and 14: The local education agency (LEA) (i.e., school district or supervisory union) in which the student resides is responsible for ensuring implementation and maintenance of the student's IEP in accordance with IDEA and state laws and rules. VSBE Rule 2387.2 requires representatives from the CTE center and program be invited to and attend the student's IEP team meetings as long as the student is enrolled at the CTE center.

By law, one of the student's CTE program instructors must attend and having the CTE center's special education coordinator attend is highly encouraged. At the meeting, the IEP team should discuss any amendments to the student's IEP to reflect enrollment in the CTE center and program, including the CTE representative(s) who will be teaching and working with the student at the center and in the program. It is imperative that all team members – student, parents, the LEA, and the CTE- understand and can ensure implementation of the supports, including, if applicable, the student's behavior plan, specified in the student's IEP. Pursuant to Rule 2363.9 and Rule 2387.2, the CTE center's special education coordinator and/or the special populations teacher should receive a copy of the student's complete IEP and make it accessible to the student's teachers and related service providers, to ensure the student's IEP is fully implemented in the CTE program. This should occur prior to the student's first day of attendance at the CTE.

The first IEP meeting after enrollment in the CTE center and subsequent meetings throughout the student's tenure in the CTE program are critical opportunities for the team – student, parents, the LEA, and the CTE - to meet and discuss the success of implementation of the student's IEP at the CTE center, the student's progress in the program, to problem solve if anything is impeding the student's success, and any next steps that may be needed. It is essential that clear and consistent communication happen regularly among team members to solidify the foundation of a constructive and supportive partnership.

Attendance Stage

Learning: Pursuant to law, IEP meetings must be held at least annually and are required when the student is struggling to make progress and/or new needs have arisen for a student. An IEP meeting can and should be called at any time by the CTE representatives **when needed or necessary to support the student.**

As an important aside, if a CTE instructor believes that a student attending the CTE center and program may have a disability but has not yet been identified as a student with a disability, the CTE instructor and or the CTE special education coordinator should make the referral for initial evaluation to the student's high school. An adult student, over 18, can also self-refer for an

evaluation, if he/she believes that he/she may have a disability and, as a result of that disability, needs special education and related services.

Behavior: For all students with behavior issues, the focus should be on prevention of challenging behaviors, utilizing positive behavior interventions and supports (PBIS) to address and prevent future occurrences of behavior challenges. Even with the best preventative system in place, behavior problems may occur, and CTE centers and programs may use customary disciplinary techniques for all students, including those with disabilities. This may include in-school suspension, detention, time-out, or the restriction of privileges so long as these forms of discipline are also used with students without disabilities and do not violate the provisions of a student's IEP, student's behavior plan, or the student's right to a free appropriate public education (FAPE). The special education administrator at the student's sending high school should be informed of any behavior issues and particularly of any instances of the student being removed from the classroom.

Most legal questions arise when suspension or expulsion of a student with a disability is proposed, as there are special provisions of the law that apply to students with disabilities requiring different treatment when such removals are considered. If a student's IEP, including a behavior plan, has not been fully implemented, suspension or expulsion of a student with a disability may not be allowed. If suspension or expulsion from a CTE center or program is being considered for a student with a disability, the CTE instructor and or the CTE special education coordinator should contact the student's IEP team lead and the sending high school to consider the legal requirements that accompany removing a student for disciplinary reasons.