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MEMORANDUM

TO: Special Education Administrators, Career and Technical Education (CTE) Center Directors, Special Educators and CTE Special Needs Coordinators

FROM: Karin Edwards, Co-Director Special Education, John Fischer, Secondary and Adult Division Director

SUBJECT: Non-Regulatory guidance for CTE center admissions procedures, IEP teams and students eligible for special education and related services under the IDEA

DATE: September 2011

The purpose of this memo is to clarify the role of Individualized Education Program (IEP) teams for students who are eligible for special education and related services (“special education”) under the Individuals with Disabilities Education Act (IDEA). This memo does not, nor is it intended to, address legal requirements for public access and accommodation for individuals with disabilities (which may include students who are eligible for special education under IDEA), as may be applicable to CTE centers under federal and state laws, such as Section 504 of the Rehabilitation Act and the Americans with Disabilities Act.¹

What follows is a set of guidelines that the department recommends high schools and CTE centers follow, to promote successful participation in technical education, for students eligible for special education under the IDEA. A flowchart is attached that summarizes the content of this memo.

Vermont State Board of Education (VSBE) Rule 2387.2

VSBE Rule 2387.2 states that enrollment in career and technical education shall be considered for a student who is eligible for special education and related services under the IDEA when that student’s IEP Team determines that this would benefit the student. The rule also states that if such a student participates in career and technical education, the student’s IEP team shall include representatives from the CTE center that the student attends. This is to ensure that the student’s IEP incorporates the student’s participation in career and technical education, and accurately reflects the special education and related services that the student will receive with regard to the CTE center classes and program(s) in which the student is enrolled.

Providing CTE Information to Students

Each CTE center should provide information about its programs, application procedures and opportunities to tour the center and its programs (including accommodations for disabilities) to all high schools and students in their region, incorporating admissions criteria, and any programmatic or academic prerequisites and technical requirements in all admissions materials. This is a critical piece of information

for IEP teams to have so that they can determine whether CTE is the right educational setting for the student and it assists the CTE center to make sure that its prerequisites and requirements are applied equally to all students, regardless of disability. By the same token, school districts must provide opportunities and support for high school students to learn about and participate in regional CTE programs.

CTE Programs and IEP Teams

When a student who is eligible for special education under the IDEA expresses interest in a CTE program, or when a student's IEP team determines career and technical education may be appropriate for the student, the student's IEP team should meet to discuss this. The team should review the regional CTE center's specific admissions criteria, academic prerequisites and technical requirements for programs, and discuss how to implement special education and related services if the student were admitted to a CTE program. If the IEP team wants more information on a CTE center or a particular program (e.g., details on academic prerequisites and technical requirements, what a typical day in the program looks like, competency lists, occupational licensing/certification requirements), they may invite a representative (with consent from the 18+ student or parent) from the CTE center who is knowledgeable about the center and specific programs to the IEP meeting where the team is discussing whether or not CTE is an appropriate match for the student. Specific, identifiable information about the student should not be disclosed to the CTE center representative.

Possible alternatives for the CTE center to provide information widely are:

- Conduct an informational night for students and parents. This informational event would inform students and parents what the academic pre-requisites and technical requirements are for various CTE programs
- Conduct outreach presentation to all 11th and 12th grade students at the sending schools to provide information to all students
- Conduct an open house for interested students and families, and selected sending school staff at the center that is geared toward educating them about the center, its programs, and admission requirements

Based on available information, including the information provided by the CTE center, the IEP team will make an affirmative recommendation when it feels that the student would benefit from career and technical education. If the team (including the student) does not feel that the student would benefit from career and technical education, the LEA should offer other educational opportunities for the student (not a CTE program).

CTE Center (Program) Admissions Procedures

CTE centers should not ask applicants to disclose information regarding eligibility for special education under the IDEA; however, an applicant may be asked whether he or she has the ability to perform certain functions required for participation.¹¹ If a student applicant discloses in the application process that he or she is eligible for special education under IDEA, the CTE center shall not deny that student enrollment if the

student otherwise meets the CTE center and program prerequisites and technical requirements.

CTE Center (Program) Acceptance and Enrollment

When a CTE center accepts a student who is eligible for special education, a meeting of the student's IEP team should be called to determine what, if any, special education and related services the student will need to be successful in the CTE center and program, and update the student's IEP goals and services accordingly. As per VSBE Rule 2387.2, representatives from the CTE center and program should be invited to the student's IEP team meetings, as long as the student is enrolled at the CTE center. These representatives may include the CTE center's special needs coordinator and an instructor from the program that the student will attend/attends.

The local educational agency (LEA) (i.e., school district or supervisory union) in which the student resides is responsible implementing and maintaining the student's IEP in accordance with the IDEA and its implementing federal and state laws, regulations and rules. Amendments to the student's IEP to reflect changes to the student's enrollment at the CTE center and program, such as the student's schedule and the site where the student is being educated (spending a half- day or whole-day at the CTE center versus the high school), should be discussed and determined by the IEP team, and implemented by the LEA.

The LEA may negotiate with the CTE center in providing special education services using the bill back process outlined in VSBE Rule 2390 part 3. It is important to remember that in order for the cost to be reimbursable to the LEA the service must be administered by a properly credentialed, licensed special educator (see VSBE rule 2366.2.1 on allowable expenditures).

A note on Change of Placement - When a student who is on an IEP is accepted and enrolled into a CTE center, it is only a "change of placement" under the IDEA if there is "substantial and material alteration" to the services being offered in the IEP. For example if the only specialized instruction that student has in his/her IEP is speech/language services and these will not change when the student attends the CTE center then it is not a change of placement.

Keys to Success

CTE centers and programs offer students opportunities that are not typically available in Vermont's high schools. For students who are eligible for special education, these opportunities increase knowledge and provide experiences that ultimately better enable them to make the transition into the postsecondary world. To this end, it is important that CTE centers, LEAs and IEP teams work together and communicate effectively, and that all staff involved clearly understand their roles and responsibilities – everyone plays a part in ensuring successful student outcomes.

Applicable Rules and Regulations

VSBE: 2366.2 Allowable Special Education Expenditures
2371 Entitlement to Technical Education
2387.2 Student Services
2390 Part 3 Establishing Costs for Technical Education

16 V.S.A § 1541 (c)(5) Responsibility of Local Boards which manage centers
16 V.S.A § 1541 (a)

ⁱ IDEA (20 U.S.C. 1400, as implemented by 34 C.F.R. Part 300); Section 504 of the Rehabilitation Act (29 U.S.C. 794); the Americans with Disabilities Act (42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611)

ⁱⁱ This is not addressed in IDEA but relates back to the other federal laws referenced above.