

Questions and Answers (Q&A) Related to Students with Disabilities in Career-Technical Education Programs

In the summer of 2007, practitioners from around Ohio developed 28 questions in six key areas related to special needs students in Career-Technical Education programs. The questions and responses from the Ohio Department of Education are below.

Additional questions and comments may be submitted to:

- Dee Sturgill in the Office of Career-Technical and Adult Education at dee.sturgill@ode.state.oh.us or (614) 466-1881; or
- John Magee in the Office for Exceptional Children at john.magee@ode.state.oh.us or (614) 728-1115.

Programmatic

1.1 Can a school district decide to provide a Career-Technical Education (CTE) program specifically for special needs students/Students with Disabilities (SWD)? *Yes, as long as Least Restrictive Environment (LRE) is maintained in accordance with the student's Individualized Education Program (IEP), and the program designed to meet the needs of students with disabilities (SWD) is not the only option open to these students. LRE, access to the general curriculum, and a continuum of alternative placements must be considered when addressing students' needs. In addition, there should not be a pattern of "guiding" SWD into any one program, and there must be an opportunity for interaction with peers in general education programs.*

1.2 If a school promotes a CTE program to all students, yet continues to have only SWD enroll, is the program legal? *Yes.*

1.3 Are these specially-designed programs approvable for CTE weighted funding? *Yes, as long as the program meets CTE standards, including an appropriately licensed teacher and correct Education Management Information System (EMIS) data submission. New programs are required to submit a CTE-26 form; the application for a CTE-26 is accessible at www.ode.state.oh.us with keyword search: CTE Forms.*

1.3.1 Would the program receive special education weighted funds?
*The CTE provider would receive the **state** special education weighted funds allocated for each enrolled SWD in addition to the CTE weighted funds generated by those students. The **federal** special education Part B funds flow to the district of residence. Funds for additional expenses related to serving SWD would have to be requested back through the district(s) of residence as "excess costs" if warranted.*

1.4 Are there licensure issues to consider (if CTE teachers have no special needs license)? *The specific teacher of the CTE program need not be licensed as an intervention specialist, but there must be support for the students and teachers from a licensed special educator in order to implement the student's IEP. Teacher licensure*

requirements for specific programs are established by CTE. For additional certification/licensure information, go to www.ode.state.oh.us and keyword search: Certification and Licensure Dictionary.

1.5 If two Culinary Arts programs are offered in one building, can one be 100 percent special needs and the other be different? *Yes, as long as **all** students have access to **both versions** of the same program so that some SWD could be enrolled in the general career-technical education program and some non-identified students could be enrolled in the special needs, career-technical program. LRE and equal access to the general curriculum for SWD are two requirements to consider. The issue is that the program with all SWD enrolled cannot be the **only** option for SWD. SWD must have access to the same programs as non-disabled students and a continuum of alternative placements must be available to SWD in accordance with state and federal law.*

IEP/Services

2.1 At what enrollment would a CTE program-licensed (not special needs) teacher need an aide to ensure effective instruction? Is an aide ever required based on class size? *In relation to individual students, the Individual Education Program (IEP) Team determines if a full- or part-time aide for a student is required. The CTE provider (career center, compact partner, etc.) and home school district (district of residence) would make that decision based upon safety, liability, educational effectiveness and student needs. The total impact of the enrolled SWD on the program operation as it affects success for all students also should be considered. Enrollment numbers alone are not a factor used to determine the need for an aide. However, districts should consider compliance issues regarding the number of SWD in certain categories served by a **single intervention specialist** (special education teacher) - see the special education operating standards, Ohio Administrative Code 3301-51-09(G)(3) and (4). In some instances, a full-time paraprofessional must be employed in a special class for children with specific disability categories [see Ohio Administrative Code 3301-51-09(G) (3)] who are served by a single intervention specialist. There is no requirement for a paraprofessional to be employed in a general education classroom if children with these specific disabilities are being served in that classroom unless the child's IEP requires the services of an aide.*

2.2 . If an aide is not provided, is the program allowable? *Aligned with the answer in 2.1, if an individual student's IEP calls for an aide, the aide must be provided. If not provided, the IEP team must reconvene to determine if the placement without an aide is appropriate under the circumstances. If the team agrees that the aide is required, then the CTE provider and home school district must work together to provide the service, in accordance with state and federal law. If not provided, the program would be considered out of compliance. If it is an issue of a classroom aide who serves all students that is not provided when the teacher or parent(s) have indicated a need for this service, then the decision to supply and pay for the service should, again, be made in collaboration with all the districts involved. Ultimately it is the responsibility of the student's home school district to make sure placement and services identified are in compliance with the IEP and LRE. In terms of safety and liability issues related to specific CTE programs, the*

CTE school authorities would be responsible, in collaboration with the home districts, for assuring that educational conditions are reasonably appropriate for the students with disabilities who are enrolled.

2.3 Are there additional services that the school needs to provide? *The home school district is required to insure that an IEP is developed and implemented for each child with a disability, including the services, modifications, accommodations, and assistive technologies that are stipulated in that IEP. Additional services that a student may need in the CTE setting would have to be determined by the IEP Team and expressed in the IEP. There also may be local regulations and insurance issues that apply to the specific conditions of learning and the physical facilities of the educational setting under the Individuals with Disabilities Education Act (IDEA), the Americans with Disabilities Act (ADA), Occupational Health and Safety Administration (OHSA), and other laws that apply to the CTE facilities and operations.*

2.4 Are there funds available for those services? *Yes (See 1.3.1, above).*

Outcomes

3.1 What outcomes are expected of CTE special needs programs [or in any CTE program that includes SWD]? *The expected outcomes are those stipulated in the adopted content standards of each specific program. Teachers are expected to adapt or modify the outcomes as necessary to meet the progress goals for specific students as defined in the IEPs of the SWD in the particular program. This may include all modifications or accommodations from the IEPs, e.g., extended time, reduced assignments, modified grading, or even modified performance goals for a specific program. These decisions would be made by the IEP team, which should include the career-technical education teacher (of the specific CTE program). The CTE secondary performance measures that are required and could be affected include high school graduation academic achievement (OGT), post program placement, Ohio Career Technical Competency Assessment (OCTCA) results (if applicable), high school diploma attainment, and participation in and completion of non-traditional programs. (For more information, refer to www.ode.state.oh.us and keyword search: secondary workforce development performance measures.)*

3.2 Are there outcomes other than CTE? *It would be all relevant, program specific CTE outcomes, except as modified in 3.1, above, plus any relevant goals that may be included in student IEPs, e.g., behavioral, transition, or functional goals. The transition requirements of IDEA should also be considered.*

3.3 If a student is unable to complete even 10 percent of the career field technical content standards (CFTCS) for a CTE program due to special needs issues, is the program fundable? *The program is “fundable” if it meets the needs, as stated in the IEPs of the affected students, and, in the judgment of the CTE school and home school, it addresses a general need for this specific job-related training for SWD and meets required program outcomes. The program should also assist in meeting the transitional needs of students.*

3.4 If a student with disabilities is placed in a CTE program, when and how is their progress reviewed? *Progress would be reviewed as often as considered appropriate to the program, but it also must meet the specific IEP descriptions of **how** progress toward annual goals is measured and **when** periodic reports on progress will be provided (to the parents). IEPs must be developed by IEP Teams and reviewed at least annually.*

3.5 Under what circumstances can a SWD be removed from the program? For example, what happens if a student is placed in a CTE program but unable after two months to demonstrate satisfactory completion of (x) percent of the CFTCS? *When a student's ability to meet stated IEP goals becomes an issue – after appropriate interventions and documentation – the IEP team should be reconvened to consider whether the current goals are appropriate, and, if possible, adjust the goals and services to support the student's needs. Subsequently, the IEP team may also consider whether the current placement is appropriate for the student, in light of available data. Any change in placement would be made based on failure to progress in the program as determined by IEP goals that are related to the outcomes of the specific program, and not keyed to a requirement to meet "x" number of content standards (CFTCS). There is NO specific percentage that would determine whether it is appropriate to change a student's placement. This may also preclude the student from receiving a certification or other indication of "full" completion of all course requirements; however, the program should, in some way, provide for a positive outcome other than certification.*

3.6 If a CTE teacher attends IEP meetings, presents the career field technical content standards, and has the committee decide on required competencies, is that appropriate? *Yes, that is appropriate. It is an IEP team decision and should include that teacher's input into the team decision-making process to best meet the needs and abilities of the student.*

3.6.1 Is the expectation that the teacher would individualize to each student? *Yes, to the extent appropriate, just as in the general education setting at the home school. In addition, all IEP requirements must be communicated directly to all the teachers involved; and they must be provided the support necessary to implement the IEP for each student enrolled. When a CTE provider accepts a student with an IEP, the provider also agrees to share the responsibility to implement all provisions of that IEP.*

3.6.2 Are the review of content standards and related individualization sufficient for all programs? *Taking into consideration any special safety, liability, or other requirements that could affect placement and participation in a specific program (travel, supervision, required reading levels, physical constraints, etc.), that is sufficient. The IEP team makes this decision.*

3.7 Is it ever appropriate to refuse a SWD based upon **possible** danger to him/herself or others? *No, the IEP team, with input from appropriate sources (teachers, administrators, counselors, parents, student, etc.) makes the placement (LRE) determination based on all the issues involved. This placement can be reviewed at any time, and must be based upon*

clear supporting evidence. That is, the possibility of harm cannot be the sole factor used to determine LRE. However, if the present levels of performance for a SWD show a clear history of violence toward him/herself or others, then appropriate placement in that context should be determined by the IEP team.

Transition Services

4.1 What is the responsibility of the CTE provider and home school regarding transition plans? *The home district, in coordination with the CTE provider, is responsible for devising, implementing, and supporting the transition components contained in each IEP. Transition planning should begin when the student is age 14, or even earlier if determined necessary by the IEP Team. The transition component should be reviewed at least annually as part of the overall IEP annual review.*

4.2 If a student is in an automotive services career-technical special needs program and is unsuccessful in employment, will the statute of limitations look back at the CTE school or the home district for liability? *Districts are not held accountable for post-school outcomes as long as they have implemented all requirements of the IEP and documented that implementation. If districts fail to fulfill specific IEP requirements, they could be held accountable in subsequent complaints brought by the students or parents.*

4.3 What role does a CTE school play in establishing the transition component of the IEP? *See Number 4.1 above. There should be a CTE representative on the IEP team who is knowledgeable about programs and services available to students when the team develops or revises the transition component for entrance into a career-technical program. That representative's input will be valuable in selecting the right programs and course of study for SWD. In addition, appropriate, measurable postsecondary transition goals and options would be considered and developed by the same team, with other agencies involved as necessary.*

4.4 Who holds responsibility for following up to make certain the transition plan is appropriate? *All individuals and entities involved with the student's progress under the IEP are responsible, as appropriate, for implementing the transition components of the IEP. The home district is responsible for implementing the IEP, and the CTE provider would be responsible for any elements of the IEP attributed to them, which could include transition components of the plan.*

Admission Requirements

5.1 Can programs restrict enrollment of a student based on admission requirements? *There are several issues related to this question. First, are the admission requirements justifiable and appropriate in terms of the program offering and curriculum? Second, does the program require essential skills that cannot be modified, adapted, or accommodated to the needs, preferences, and interests of the disabled student based upon the IEP process? Third, would there be specific conditions or requirements that, in the judgment of the IEP team, would prevent successful participation in the program related*

*to IEP goals? Finally, would exclusion of a SWD based upon admission requirements create an **inappropriate** impact on students with disabilities in general? There must be specific conditions that could not be modified or adapted to meet the needs of the particular student. An example would be a student who is color blind and has applied to a program where participants must distinguish between different colored electrical wires in the work environment (this could be an essential skill for this training). Parents can always appeal, or bring a complaint, if there is reason to believe the denial of admission was based solely on the student's disability and had no relation to the course requirements or conditions of learning. Again, the IEP team is responsible for making this determination.*

5.2 Can an Early Childhood Education program with a preschool "laboratory" restrict admission of ED (Emotionally Disturbed) students or children with a behavior disorder? *Not necessarily just because they have an "ED" or behavior identification (see 5.1, above). Again, the IEP team should be involved in the behavior review and decision-making process.*

5.3 Who determines CTE admission requirements? *The school or district responsible for developing and deploying the specific program determines the admission requirements. Keep in mind that these requirements could be "modified" to permit SWD participation in programs that would otherwise be unavailable to them. The IEP team should consider all available data in light of the IEP goals and the needs, preferences, abilities, and interests of the particular student.*

5.4 Can a program designed to serve SWD exclusively (e.g., food service training) be considered "not for non-disabled students"? *Access must be open to all students, regardless of status. A program may be "designed to serve SWD," but non-disabled students must also be granted access if appropriate.*

5.5 What legal vulnerability do districts have when setting admission standards? *Given that parents, and SWD of majority age, have the right to file complaints or take legal action at any time, the question becomes: How do districts **limit** legal vulnerability in setting course requirements and standards when SWD are included?*

Several considerations are involved, including but not limited to:

- *Federal and state special education laws and regulations;*
- *The Americans With Disabilities Act;*
- *Occupational Health and Safety Administration regulations;*
- *Equal Access requirements of federal Carl D. Perkins IV legislation (CTE); and*
- *Other state and federal laws that may apply.*

Essentially, teachers and other officials must take into account the common standards and competencies needed to meet the work and training requirements of a specific career-technical program. They must then balance these against the legal imperative to offer appropriate accommodations and modifications to students with disabilities in the Least Restrictive Environment, while maintaining safety, liability, and other standards specific to each separate program. If a district or school can show, through

documentation, that all reasonable and responsible action was taken to permit access for all students while maintaining safety and accountability standards, then legal vulnerability should be minimized.

Job Training

6.1 When should students have “job training” coaches, rather than be in a regular CTE program? *That would be a decision made jointly by the IEP team (including the parent and student), the CTE provider, and the CTE Job Training coordinator – or other special education certified teacher associated with the CTE program who is also part of the team. For example, do the student’s needs, preferences, abilities, and interests require a “specially designed” job training experience that could not be provided in a regular CTE program? This placement could change as requirements of the IEP, or needs of the student, change; and decisions should be made based upon a careful review of the most current Evaluation Team Report (ETR) and any additional information provided by the parent, student, or other appropriate parties.*

6.2. Are job training coaches universally available to students with IEPs? *No, the need for a job training coach is an IEP team determination and should be made in light of LRE requirements. For instance, can a student learn, progress, and be successful in a job-related program without the support of a coach? Or, does this particular student need the special services of a job training coach or other support person?*