# CTE AND SPECIAL EDUCATION FAQ

During the development of the Recruiting Special Populations into CTE Toolkit these questions came up frequently from school district representatives.

## 1. How should industry standards in CTE pathways/classes impact the placement of students with disabilities into CTE pathways?

Placement into CTE pathways should be guided by the student's Individualized Education Program (IEP), not industry standards. Students should not be disqualified from participating because they do not meet industry standards.

### Key Guidance

IEP Team Decision-Making:

- Placement decisions are based on a student's IEP, not industry standards. *See* K.A.R. 91-40-21(e)(2); 34 C.F.R. 300.116(b)(2).
- The IEP team determines whether a student should be expected to meet industry standards or whether achievement should be measured based on individualized goals and competencies outlined in the IEP.
- This decision is based on a student's present levels of academic achievement and functional performance, and their transition goals.

CTE Representative Involvement:

- A CTE representative should be part of the IEP team. *See* K.S.A. 72-3404(u)(2).
- The CTE representative should provide a list of course competencies and activities for the team to review and consider when developing the student's IEP.

### In Practice

- Students should not be excluded from CTE pathways simply because they may not meet all industry standards or earn credentials.
- Modifications and accommodations should be considered to allow meaningful participation.
- The focus should be on skills and experiences that support the student's transition goals, even if they differ from the full scope of industry expectations.

## 2. If a student receives significant modifications to the course content and won't cover concepts required to earn an industry-recognized credential or pass a comprehensive test, can the student take the course and other courses aligned with it?

Yes. A student who receives significant modifications to the course content and will not cover concepts required to earn an industry-recognized credential or pass a comprehensive test can still take that course and other courses aligned with it.

### Key Guidance

IEP Team Decision-Making:

- Placement decisions are based on a student's IEP, not industry standards. *See* K.A.R. 91-40-21(e)(2); 34 C.F.R. 300.116(b)(2).
- The IEP team should consider all available CTE courses, regardless of whether the student is pursuing or able to earn an endorsement or certification.

Focus on Transition Goals:

- A student's transition services and post-secondary goals, as outlined in the IEP, should guide course selection.

### In Practice

- Students should not be excluded from CTE courses due to modified content or credential limitations.
- The goal is to provide meaningful participation and skill-building experiences that support the student's future plans—even if they differ from traditional industry expectations.

## 3. What should we do if the student cannot pass the required safety test to gain access to the CTE course? Can a student with a disability be denied access to a class because they may be unable to pass a safety test?

No. Students with disabilities cannot be denied access to a CTE course solely based on their performance on a safety test.

## Key Guidance

IEP Team Responsibility:

- The IEP team must review a student's present levels of academic achievement and functional performance.
- Placement decisions are based on a student's IEP, not the inability to pass a safety test. *See* K.A.R. 91-40-21(e)(2); 34 C.F.R. 300.116(b)(2).
- The team determines placement and identifies necessary accommodations, supports, and services to help the student work toward completion of IEP goals.

CTE Representative Involvement:

- A CTE representative should be part of the IEP team to help identify course-specific risks and safety strategies. *See* K.S.A. 72-3404(u)(2).

## In Practice

- Safety training and tests are informational tools, not gatekeeping mechanisms.
- If a student cannot pass a safety test, the IEP must:
    - Identify accommodations or modifications to support safe participation.
    - Consider alternative methods for demonstrating safety awareness.
    - Ensure the student can participate meaningfully and safely in the course.

# 4. Does a CTE teacher face increased risk of liability if a student with a disability is injured in the CTE classroom? What if a student with a disability injures another student?

CTE teachers have legal responsibilities, but increased liability risk depends on whether they appropriately implement the student's IEP, including any behavior intervention plans and safety accommodations.

## Key Points from the Kansas Special Education Process Handbook

Legal Duty to Implement IEP:

- CTE teachers are legally required to know and implement the student's IEP, including accommodations, supports, services, and behavior intervention plans.
- Failure to implement the IEP could expose the teacher and district to liability.

Safety Considerations:

- Students cannot be denied access to CTE courses solely because they cannot pass a safety test.
- The IEP team must determine appropriate accommodation and support to ensure safety.
- A CTE representative should be part of the IEP team to help identify course-specific risks and mitigation strategies.

Behavioral Concerns:

- If a student with an emotional disability presents behavioral risks, the IEP team must address these through a Behavior Intervention Plan (BIP).
- Teachers must follow the BIP to reduce risk and ensure a safe learning environment.

Liability Risk:

- Liability typically arises when there is negligence, such as:
    - Not following the IEP or BIP.
    - Failing to provide required accommodations.
    - Ignoring known safety risks.
- If the teacher follows all required procedures and implements the IEP with fidelity, liability risk is significantly reduced.

## 5. Can a student who is identified under the IDEA, has met graduation requirements but is not given a diploma, and is held over for transition services have college costs covered? (Students coded as 22 on the DGSR) What costs should be covered for these students?

Yes, but with important limitations and conditions. Students coded as 22 on the Dropout Graduation Summary Report (DGSR) are those who meet "the district graduation requirements for a regular diploma but are remaining in school to receive transitional services deemed necessary by the IEP team." *See* Kansas Dropout Graduation Summary Report EXIT Code Cheat Sheet (2021). These students are still considered enrolled and eligible for transition services under IDEA until they receive a diploma or reach age 21.

## What costs can be covered for these students?

IDEA and Special Education Funding (State & Federal) cover transition services. Transition services may include instruction, related services, community experiences, employment preparation, post-secondary education exploration, and functional vocational evaluation. 34 C.F.R. 300.43(a). Transition services must be documented in the IEP, necessary to meet post-secondary goals, and provided by or coordinated through the school district.

However, direct payment of college tuition is not typically covered under the IDEA or Kansas special education funding.

# 6. What costs can be covered with Perkins funding?

All costs must be directly tied to approved CTE programs and aligned with the Perkins Local Application and Comprehensive Local Needs Assessment (CLNA).

## Instructional & Program Support

- Curriculum development and improvement – curriculum must utilize evidence-based instructional practices
- Textbooks for new CTE programs or significant updates.
- Program-specific materials and supplies.
- Instructional materials (non-consumable)
- Equipment purchases (CTE-specific, pre-approved)
- Advisory Council costs (e.g. travel, per diem) Handbook states: Advisory Council members may be reimbursed for mileage and per diem for attending conferences and/or judging CTSO competitions.

### Student Support

- Career guidance and counseling
- Student transportation (group travel for CTE-related activities) Transportation for special populations is allowable if transportation is identified as a barrier to student participation/success in the CTE Pathway. If this transportation also provides transportation for students who are NOT in a special population, 50% of the students involved in the transportation must be identified as part of the Special Population AND transportation must be identified as the barrier being addressed. See Perkins V. Grant Handbook p. 15. Note: Transportation Funding to transport students to and from competitive events is considered direct assistance to students and is not allowable. Handbook page 18.
- Support for students in special populations (as defined by Perkins V) NOTE: Minimum of 5% of Perkins award must be spent on special populations.

## Professional Development

- In-state and out-of-state PD (registration, travel, lodging, per diem)
- Substitute teacher pay for CTE staff attending PD
- Teacher in-service training (academic and CTE integration)
- Consultant fees for program improvement

## CTSO (Career & Technical Student Organizations)

- Advisor stipends and travel
- Materials for competitive events
- Group transportation to CTSO events: see Transportation.

## Unallowable Perkins V Expenditures

- General college tuition or remedial college courses
- Consumable items (e.g., disposable workbooks, kits)
- Marketing or promotional materials not tied directly to CTE
- Food and beverages
- Individual memberships or subscriptions
- Construction or remodeling of facilities
- Standard operating software (non-CTE specific)

# 7. Can special education teachers be used as primary teachers in CTE classes? Can we establish CTE classes for students with disabilities?

The Kansas State Department of Education (KSDE) recommends caution when considering these practices. There are LRE requirements to consider, licensure issues to consider, and funding issues that make this practice complex. If a school district does provide this option as part of their continuum of services, it should carefully consider all the issues related to this practice. It is possible for a special education teacher to teach a CTE course if the teacher acquires/has acquired a CTE Specialized Certificate. There are two requirements: verification of occupational competency and a request from the district that authorizes the said teacher to teach identified courses. See CTE Specialized Certificate Requirements. If a special education teacher teaches a CTE course, funding for the position will become proportionate to the amount of time the teacher is a special education teacher and a

CTE course teacher. In short, the special education teacher's position will no longer be funded solely using IDEA funds. For LRE data refer to your special education administrator and look here to review your districts performance related to Indicator 5 in the SPP: IDEA State Performance Plan Public Report.

Co-teaching is a better option. Co-teaching is an evidence-based form of instruction where a special education teacher and a regular education teacher collaborate to provide both nondisabled and disabled children instruction at the same time. Co-teaching can effectively accommodate students whose IEPs call for an inclusive setting while enabling a district to increase its continuum of special education services by adding a special education service delivery option in the general education setting. Districts may consider using federal IDEA or Title I, Part A funds to support co-teaching.

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