

# **Bridging the Special Education – Career and Technical Education Divide:**

## **Planning for Success of Special Education Students**

Office of Career and Technical Education

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# **Bridging the Special Education – Career and Technical Education Divide: Planning for Success of Special Education Students**

## **Abstract**

*The purpose of this white paper is to help secondary school administrators, teachers, and parents coordinate the programmatic requirements of Career and Technical Education (CTE) with those that govern the rights of students in Special Education programs and those with a 504 plan. This paper discusses the relevant laws governing both areas and potential for conflict, explores the positive impact that proper placement in a CTE program may have on a student with a disability, and proposes a solution that best supports the success of a student with a disability in secondary and postsecondary CTE programs. This success requires the collaboration of CTE and Special Education personnel, the understanding of the student's disability and abilities, and the appropriate recommendation for proper placement in a CTE program.*

## **I. Introduction**

Career and technical education programs and special education services for students with a disability are both designed to help students succeed in their secondary educational career as well as in their postsecondary endeavors. Each area is regulated by federal legislation, establishing outcomes for student performance and student inclusion in all school programs. While both educational areas seek to promote the same end, it is a challenge to coordinate the requirements of the separate governing legislation and for the two areas to collaborate when a special education student is recommended for placement in a CTE program.

A successful outcome for special education students is not as common as one may think, in light of the assistance available. Students with disabilities are reported to drop out at a rate three times that of their non-disabled peers.<sup>1</sup> Further, young people with disabilities continue to experience lower academic achievement and employment rates as well as higher levels of dependence, social isolation, and economic instability.<sup>2</sup> Increasing the possibility of success for students with disabilities must be a top priority for not only CTE and special education personnel, but for all secondary school administrators and educators.

Fortunately, studies have shown that students with disabilities who participate in a Career and Technical Education (CTE) program may greatly increase their chances for postsecondary success in both academia and employment.<sup>3</sup> However, conflict between special education laws and those governing CTE often present challenges that may limit a student's opportunity to achieve such self-fulfillment. Challenges face instructors in both areas. Special education personnel must ensure that students have access to general education curriculum, including CTE programs. CTE instructors must deliver programs that meet challenging industry and licensure standards and that are accessible to students with a disability consistent with the specific needs of the student as specified in the student's Individualized Education Program (IEP)<sup>4</sup>.

Even with the positive effect CTE programs can have on students with a disability, disconnect still exists between the two educational fields. General education teachers, including CTE instructors, often are not taught effective ways to assist students with disabilities and may not be fully aware of a student's needs and how best to accommodate those needs.<sup>5</sup> Conversely, special education teachers often may not understand the context and requirements of the CTE program for which a student is recommended, leading to an unrealistic expectation of the possibility for success within the field.<sup>6</sup> To increase student success and decrease the drop-out rate among students with disabilities, these two educational fields must form a connection; a working relationship. This relationship must strive to help the student and their parent or guardian, special education personnel, and CTE instructors to more fully understand student strengths and challenges. Through the continued collaboration and understanding between CTE staff, special education personnel, and the student's entire support group, the student is more likely to be recommended for appropriate placement in a CTE program. This, coupled with continuous support, will greatly increase the student's successful secondary and postsecondary achievement.

## **II. The Law**

Legislation prohibiting discrimination on the basis of disability, race, color, national origin, sex, and age is codified in a number of federal and state laws. The Individuals with Disabilities Education Act Amendments of 2004 (IDEA) requires that “all children with disabilities have available to them a free appropriate public education” and that “the rights of children with disabilities and parents of such children are protected.”<sup>7</sup>

Inclusion of students with a disability into general education academic and technical programs is not only a commendable instructional goal for educators but is legally required. In addition to the IDEA and Section 504, the Americans with Disabilities Act (ADA) mandates that “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.”<sup>8</sup>

The Carl D. Perkins Career and Technical Education Improvement Act of 2006, which governs federal funding for CTE programs, also contains a requirement that students of special populations, which includes students with a disability, will be provided equal access to CTE programs.<sup>9</sup> Students must not be discriminated against on the basis of their status as members of a special population, and CTE programs are to be designed to enable students to meet the “core indicators of performance” in order to prepare them for further learning and employment in high wage, high skill, high demand occupations.<sup>10</sup> These core indicators of performance are benchmarks that CTE programs must achieve in order to be eligible to receive federal funding. At the secondary level, these indicators include: student achievement of challenging academic standards in core subjects such as math, English Language Arts, and science, as well as career and technical skills aligned with industry standards; student achievement of a diploma, student graduation and placement in postsecondary education, employment, or military service; and student participation and completion in CTE programs.<sup>11</sup>

The Michigan Department of Education monitors these performance indicators, aggregates the data from all CTE programs, and then submits periodic reports to the United States Department of Education. If the state does not meet the requirements, federal funding for CTE programs may be at risk. Therefore, it is very important that students are placed in CTE programs consistent with student goals and interests where the student has a reasonable prospect for success, core performance indicators can be achieved, and CTE programs can continue to educate all qualified students.

## **III. The Conflict**

While the ADA, IDEA, and Section 504 of the Rehabilitation Act of 1973 guarantee equal opportunity for students with disabilities to enroll in CTE programs, CTE programs must maintain a certain level of performance to accomplish their goal of preparing students for above-entry-level employment in high wage, high skill, high demand occupations. Conflict arises when students are placed in a CTE program and cannot master the necessary requirements to complete a program-required course. In these situations, the student’s admittance to the program seemingly satisfies anti-discrimination law, but the student’s inability to successfully complete the necessary coursework and/or master industry skills undermines the purpose of the CTE program and Perkins core performance indicators.

A result of this conflict, and inadequate collaboration between special education personnel and CTE instructors, is that students with disabilities are placed into CTE programs in which they are unable to excel in or complete. When students are placed into programs that are not aligned with their abilities and lack the necessary support services, the student may do poorly or even fail the program coursework. Failure in school, according to parents of students with a disability, is one of the primary reasons these students drop out,<sup>12</sup> perhaps contributing to the increased drop out gap between students with a disability and their non-disabled peers. Research shows that when students with disabilities are placed in a CTE program consistent with their skills, they excel and achieve greater levels of postsecondary success in academics and employment.<sup>13</sup> Therefore, it is vital to the success of students that adequate consideration and due diligence be afforded to the recommendation for CTE placement during the student’s IEP development and that proper support services are established and available for the student recommended for a CTE program.

## **IV. The Solution: Relationships, Understanding, and Placement**

### **A. The Relationship**

The text of the ADA explicitly says that a “qualified student”<sup>14</sup> may not be denied access to a program based on a disability. If a student, with or without a disability, is not eligible for a CTE program, then denying admission is not discriminatory. Determining the match of qualifications and a student’s abilities with a CTE program must first begin with specific non-discriminatory entrance criteria, followed closely by a relationship between special education personnel and CTE personnel, as well as the student’s mentors and supporters during the IEP development. Often, CTE instructors are not included or present at the IEP team meetings.<sup>15</sup> prohibiting the instructor from sharing vital information that could assist the team in determining the student’s prospect for success in the appropriateness of a particular placement. There are still other instances where the CTE instructor is not made aware of a student’s IEP<sup>16</sup> because of a lack of communication between the special education and CTE departments when a student is enrolled in a CTE program. Instructors cannot accommodate a student if they do not know of the student’s specific needs.

As a result, students with disabilities are recommended for placement into CTE programs inappropriate for the student. Special education personnel and CTE instructors have different areas of expertise and must collaborate to develop an appropriate IEP and CTE placement for student(s). A realistic and successful IEP can be developed when the student’s instructors from all educational areas in which the student seeks to enroll discuss and agree on the appropriateness of a program and can provide the support services necessary to make it an appropriate placement. This allows instructors to discuss possible outcomes, positive and negative, and to recommend a program that is appropriate and realistic for the student’s abilities, skills, and interests. IEP planning prior to the start of a CTE program also allows students to receive the appropriate accommodations to begin the program at the same time and on the same level as their classmates.

### **B. The Understanding**

A study done on the quality of educational experiences of students with a disability in Wisconsin’s Youth Apprenticeship (YA) Program, a two-year work-based program, indicated that three out of four students were unable to adequately describe their disability.<sup>17</sup> These students were unable to describe their abilities and relate this to the YA instructor.<sup>18</sup> Students’ understanding of their disabilities and abilities is critical to secondary and postsecondary success because it enables the student to better advocate for proper accommodations in a variety of settings.

During the development of the student’s IEP, the student along with their parent or legal guardian, needs to understand why certain CTE programs may be a better choice than others based on the student’s abilities. The student needs to understand and be able to realistically complete the CTE program included in the IEP, since the purpose of the IEP is to help the student succeed. Research shows that a student with strong self-determination skills is better able to transition from secondary to postsecondary programs and is also able to better advocate for proper accommodations in courses and job environments.<sup>19</sup> These types of self-determining skills come from the students’ understanding of their disabilities and abilities, which requires those present at the IEP planning to reinforce and support the student’s individual skill set.

An understanding of this skill set also needs to transition between the student’s parent or legal guardian, the special education staff, and CTE instructor. Studies have found that CTE teachers often lack an understanding of the disabilities that affect students and how to effectively differentiate instruction for students enrolled in their program.<sup>20</sup> Research has also shown that special education personnel need to better understand the economic profile and labor demands of a region, CTE program expectations and requirements, and the aptitudes of the disabled student seeking placement in a CTE program in order to develop a realistic IEP.<sup>21</sup> The individuals who develop a student’s IEP, including the CTE program of study, must strive for a program this is realistic. A quality IEP is attainable through the team’s understanding of the student’s abilities and disabilities, the region’s labor need, the CTE program, and industry-wide standards that must be attained to gain employment in the field.

### C. The Placement

Once the relationship between special education personnel and CTE personnel is formed and they, as well as the student and parent or legal guardian, understand the student's capabilities, the student can be recommended for an appropriate CTE program. Thoughtfully determining an appropriate recommendation for a CTE program is, perhaps, the most important issue, as failure to place a student appropriately can lead to negative consequences such as low grades and failure, which can add to the student's frustration and temptation to drop out.

When recommending a CTE program of study for students with a disability, the difference between a "modification" and an "accommodation" must be clear to those making the placement recommendation. Accommodating a student with disabilities to meet CTE program guidelines is appropriate, while modifying program standards is not. All students in CTE programs must meet the program standards that the industry has established and that are required for all state approved CTE programs. If an IEP requires specific accommodations so that a student with disabilities is able to meet those standards, then that is appropriate.<sup>22</sup> However, if the program is "watered down" for *any* student, or the instruction content is not meeting the standards that the industry has set forth, then that is not appropriate.<sup>23</sup>

Accommodations include support strategies such as reading a test to the student, extending the time to take an exam, increasing the font size used in text books, and extra tutoring. These types of accommodations, which must be spelled out in the IEP, are acceptable and do not change the CTE curriculum. Modifications to delivery, such as the use of assistive technology, which must be in the IEP, are acceptable. Modifications to a program that involve changing the curriculum in some way, such as requiring the student to only complete half of the assignments or allowing the student to take part in only certain portions of the course, is not appropriate. Adjustments to standards and expectations within a program of study are not appropriate. CTE programs, with their goal of preparing students for employment in high wage, high skill, high demand occupations, act as a whole and need to be implemented as such for all students.

An example of case law regarding the lowering of standards can be found in the United States Supreme Court in *Southeastern Community College v. Davis*, 442 U.S. 397, which held that Section 504 did not require an institution to "lower or effect substantial modifications of standards to accommodate a handicapped person"<sup>24</sup> because "legitimate physical qualifications may be essential to participation in particular programs."<sup>25</sup> In *Southeastern*, a student with a severe hearing disability was denied admittance to the college's nursing program. The student brought suit against the college, alleging a violation of Section 504 of the Rehabilitation Act of 1973.<sup>26</sup> The lower courts held for *Southeastern*, but the appellate court reversed, holding that the college must reconsider the student's application without regard to her disability, and that Section 504 required "affirmative conduct" by *Southeastern* to modify its program, regardless of expense.<sup>27</sup> However, the United States Supreme Court ultimately reversed the appellate court's decision, reasoning that the student could not "serve the nursing profession in all customary ways" and could not participate unless the requirements were substantially lowered.<sup>28</sup> The ability to understand speech was an indispensable criterion for many of the duties a nurse performs and to require this was a legitimate physical qualification for the program and not in violation of Section 504.<sup>29</sup>

Qualifications or prerequisites to CTE programs may make placement of a student with a disability inappropriate, as was demonstrated in *Southeastern*. Career and Technical Education programs are allowed to impose technical standards, nonacademic skills essential to participation in the program, if it is proven that those standards are absolutely necessary to the safe and successful operation of the program.<sup>30</sup> If a requirement of a specific CTE program is to have a driver's license, this would seemingly screen out those students who are visually impaired.<sup>31</sup> This, however, is not a form of discrimination because having a driver's license is essential to participation in, and safe implementation of, the program. Such prerequisites and qualifications must be based on actual requirements and risks prevalent in the program and not generalizations.<sup>32</sup>

Thus, when developing a student's IEP, it must be understood that the student will be required to achieve the industry-wide program standards with needed accommodations. Students' interest in a particular field is not enough to place them in the program. A student with a disability, like all other students enrolled in the program,

must be held to the same standard of achievement in order to fulfill the legislative intent of CTE programs: to prepare the student for above-entry-level employment in high wage, high skill, high demand occupations.

To ensure the best possible outcome for the student, CTE and special education personnel need to continue a working relationship beyond the IEP process through ongoing communications and regular meeting times. A collaborative effort opens possibilities for the student, a goal of every educator, and also enables a student's IEP to be continuously evaluated and updated as the student's needs change. IDEA mandates that a student's IEP be updated annually, but does not prohibit earlier evaluation.<sup>33</sup> If a student's IEP does not specify a needed accommodation, the CTE teacher needs to contact the special education department for support and advice on how to best support the student.<sup>34</sup> As the student progresses in a program, the relationship between CTE and Special Education needs to continue to progress as well, supporting the student's success during the present and into the future.

## **V. Conclusion**

CTE programs are proven to have a positive effect on many students with disabilities.<sup>35</sup> Such programs increase the likelihood that a student will succeed in postsecondary education and employment. Nevertheless, it is critically important to remember that Career and Technical Education is not appropriate for all students with a disability; rather, "[i]t is one approach in secondary programming that can make a real difference for students with disabilities."<sup>36</sup> However, the decision to recommend placement of a student in a CTE program must be taken seriously.

CTE programs should be a possibility for students with disabilities and addressed as such during the IEP planning process. The IEP team meeting needs to include all those who support the student, including the special education and CTE representatives, as well as the student's parent or guardian, so that the student's entire support group can collaborate and carefully recommend the most appropriate Career and Technical Education program. This relationship is vital to the student's success and can provide the student and parent or guardian with an understanding of the student and, more importantly, student abilities and reasons why particular CTE programs are most realistic for the student. This relationship must continue throughout the student's enrollment and into the completion stages of the CTE program.

Relationships and understanding are a logical beginning to appropriate placement of a student with a disability. If a student is placed appropriately and has proper support services, CTE programs may have the effect of giving the student a possibility for success in the postsecondary educational and employment arena. However, should a student be placed inappropriately in a program with no realistic opportunity to meet the industry standards or to succeed, the consequences may be severe. No educator wants to see a student suffer the consequences of poor planning, planning that can easily be effective through relationships, understanding, collaboration and appropriate placement. No educator wants to see a student drop out. All students have a right to succeed and deserve every opportunity to do so, but it begins with the educators and their commitment to student success.

- <sup>1</sup> Harvey, Michael W, *Vocational-Technical Education: a Logical Approach to Dropout Prevention for Secondary Special Education*, 45.3 PREVENTING SCHOOL FAILURE, 108 (Spring 2001), available at <http://www.mel.org/SPT--BrowseResources.php?ParentId=176> (follow “Educators Reference Complete” database; then basic search “logical prevention for dropout prevention”).
- <sup>2</sup> Scholl, Ph. D., Linda and Marianne Mooney, Ph. D. *Youth with Disabilities in Work-based Learning Programs: Factors that Influence Success*. 26.1 J. FOR VOCATIONAL SPECIAL NEEDS EDUC. 4, 5 (Fall 2003).
- <sup>3</sup> Harvey, Michael W., Samuel E. Cotton & Kourtland R. Koch, *Indiana Secondary CTE Instructors’ Perceptions of Program Expectations, Modifications, Accommodations, and Postsecondary Outcomes for Students with Disabilities*, 29.2 J. FOR VOCATIONAL SPECIAL NEEDS EDUC. 16, 16 (Winter 2007).
- <sup>4</sup> *Id.*
- <sup>5</sup> *Id.* at 17.
- <sup>6</sup> Harvey, *supra* note 1.
- <sup>7</sup> Individuals with Disabilities Education Act Amendments of 2004.
- <sup>8</sup> The American with Disabilities Act, 28 CFR 35.130(a) (1991).
- <sup>9</sup> Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2301 et. seq. (1998), amended by Pub. L. No. 109-217, § 122(c)(1)(H) (2006).
- <sup>10</sup> Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2301 et. seq. (1998), amended by Pub. L. No. 109-217 (2006).
- <sup>11</sup> Carl D. Perkins Career and Technical Education Improvement Act of 2006, 20 U.S.C. § 2301 et. seq. (1998), amended by Pub. L. No. 109-217, § 113(b)(2)(A) (2006).
- <sup>12</sup> Harvey, *supra* note 1.
- <sup>13</sup> *Id.*
- <sup>14</sup> The American with Disabilities Act, 28 CFR 35.130(a) (1991).
- <sup>15</sup> Evanciew, Cheryl E.P, *Preparing Technology Education Teachers to Work with Special Needs Students; Technology Education Programs Typically Rely on Active, Hands-on Learning in Order to Provide Students “Real-World” Experiences*, 62.7 THE TECHNOLOGY TEACHER 7(3), (April 2003), available at <http://www.mel.org/SPT--BrowseResources.php?ParentId=176> (follow “Educators Reference Complete” database; then basic search “technology teachers to work with”).
- <sup>16</sup> *Id.*
- <sup>17</sup> Scholl, *supra* note 2 at 10.
- <sup>18</sup> *Id.*
- <sup>19</sup> *Id.* at 11.
- <sup>20</sup> Harvey, *supra* note 3 at 17.
- <sup>21</sup> Harvey, *supra* note 1.
- <sup>22</sup> Evanciew, *supra* note 15. “*There is a difference between an accommodation and a modification . . . You have to accommodate a student for a curriculum. If you modify that curriculum to bring it down to a level, then that is not appropriate. They have to meet the standards that industry has set forward. And if we accommodate them to do that, then it’s appropriate. If we have to modify that curriculum such that it’s watered down or not meeting what the industry standards say that it is, that’s not appropriate.*”
- <sup>23</sup> *Id.*
- <sup>24</sup> *Community College v. Davis*, 442 U.S. 397, 413 (1979).
- <sup>25</sup> *Id.* at 407.
- <sup>26</sup> *Id.* at 397.
- <sup>27</sup> *Id.* at 404.
- <sup>28</sup> *Id.* at 413.
- <sup>29</sup> *Id.* at 407.
- <sup>30</sup> Nondiscrimination on the Basis of Disability in State and Local Government Services; Final Rule, 56 Fed. Reg. 144, 35, 694, 35, 705 (July 26, 1991) (to be codified at Pub. L. No. 101-336) [hereinafter *Nondiscrimination*]
- <sup>31</sup> *Nondiscrimination*, 56 Fed. Reg. 144, 35, 705.
- <sup>32</sup> *Nondiscrimination*, 56 Fed. Reg. 144, 35, 705.
- <sup>33</sup> Fuertes, Monica, *An IDEA in Progress*, 74 TECHNIQUES. 4, 32-3 (April 1999).
- <sup>34</sup> *Id.*
- <sup>35</sup> Scholl, *supra* note 2 at 5.
- <sup>36</sup> Harvey, *supra* note 1.