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Bureau of Special Education FY'14 Memo #32

(FY'13 Memo #4A is no longer effective)

Date: May 16, 2014

To: Superintendents,  
Special Education Directors  
Career and Technical Education Directors

From: Office of the Commissioner of Education  
Office of the Deputy Commissioner of Education  
Division of Educational Improvement ~ Special Education  
Bureau of Career Development

RE: Enrolling students with Disabilities in a Career and Technical Education Center (CTE)

The memo is intended to provide guidance to school districts and CTE Centers when enrolling students with disabilities, either through Individualized Education Programs (IEPs) and 504 plans, in CTE programs. The memo is also intended to provide guidance regarding the obligation to provide all students, including special populations, with access to CTE programs while developing challenging academic and technical standards to prepare students for high skill, high wage, or high demand occupations in current or emerging professions.

Each CTE program shall offer a sequence of courses that provide technical skill proficiency, an industry-recognized credential, a certificate, or an associate degree and include competency-based applied learning. Students with disabilities must be afforded equal access to the full range of CTE Programs available to individuals without disabilities. School districts and CTE Centers are prohibited from discriminating against applicants for, and current students of, CTE Programs based on their status as persons with disabilities.

According, CTE courses and/or programs may include accommodations and/or modifications for students with disabilities so long as the modifications and/or accommodations are: (a) included in the student's IEP or 504 Plan; and (b) are necessary in order for the student to achieve his/her annual goals and participate in the program. Such modifications may involve modifying the curriculum and/or the anticipated outcomes or competencies, with the understanding that these modifications may impact the student's ability to fulfill the requirements for certification or credentialing in the program's field.

Further, students with disabilities whose IEP teams or 504 plans have determined that the student, even with accommodations and/or modifications, is unable to meet licensure or certification requirements may participate in CTE programs to develop technical skill proficiency in their chosen fields.

To provide access to a student with a disability, the modifications and/or accommodations must be documented, along with the potential impact such modifications/accommodations may have on the student's ability to achieve the anticipated outcomes for students enrolled in that particular CTE program or course.

Once the CTE program is determined for the student with a disability, the IEP team should:

- Write a statement of measureable annual goals, including academic and functional goals designed to meet the child's needs that are based on the student's disability to enable the student to be involved in and make progress in the general curriculum.
- Set forth objectives breaking down the annual goal into smaller pieces. The objectives are critical to the strategic planning process used to develop and implement the IEP for each child with a disability. They are the intermediate steps that will enable parents, students, and educators to monitor progress during the year.
- Address the accommodations, modifications or support services that the student with a disability may need to enable the student to access the CTE program.

Please note it is the responsibility of the student's school district of attendance to provide the CTE teacher with a copy of the student's IEP prior to the student starting in the CTE program. Ideally, CTE should be included as part of the IEP team prior to the application if a student is considering CTE or if CTE has been written into an IEP as a possibility.

A student's IEP may also include transition services. Transition services are developed based on: the student's preferences, needs, interests and strengths; what the student's plans are after graduation; and what the career goals are of the student. In addition the IEP team must consider the strengths of the child; concerns of parents for enhancing the education of their child; the results of any recent evaluations; and the academic, developmental, and functional needs of the student.

Further, students must also be provided with transition services that meet the requirements of 34 CFR 300.320. Enrollment in a CTE program may be considered as part of a student's transition services. However, when including the CTE program as part of the transition services the student must meet the CTE program requirements including prerequisites, availability, and enrollment capacity in the program.

When considering whether the CTE program is appropriate for the student's transition services, certain considerations should be given. First, the IEP team should discuss whether the student will be able to meet the CTE program's competencies or outcomes with or without accommodations, support services and/or modifications. If the student is unlikely to achieve the CTE program's competencies or outcomes—even with accommodations, support services and/or modifications—then the IEP team should discuss whether the CTE program with modifications/accommodations would meet the student's transition goals; the IEP team will then determine whether it is appropriate to include the student in the CTE program with modified competencies and outcomes that focus on or emphasize a part of the curriculum.

CTE programs may include prerequisite courses, other than a remedial course, so long as such prerequisites have a related and necessary relationship to the program outcomes for which they are required. After all considerations are deliberated on whether CTE program enrollment is appropriate for the student it may become necessary to waive a prerequisite for a student with a disability when: (1) the student could not complete the prerequisite because of his/her disabling condition; and/or (2) the student's anticipated outcome(s), based on the transition plan in the student's IEP or 504 plan, have been modified so that the prerequisite no longer has a related and necessary relationship for that individual student.

Lastly, please note that In addition to the regular two year CTE programs, exploratory classes or introductory classes may be offered by CTE centers. Since these classes are exploratory in nature, a CTE program's core competencies may not need to be met in the coursework. Exploratory classes are generally one semester long and must have an approved curriculum since students will be able to earn elective credits for these classes. Exploratory or introductory classes are offered only at the discretion of the CTE Director and the district administration. They are not required as part of federal Perkins funding and Perkins funding may not be used for the delivery of these classes.

Note: Vocational Rehabilitation may be an additional resource for transitional services to assist with individual transition plans for student with disabilities. For additional information, please contact Lisa Hatz, 603-271-7080 / [Lisa.Hatz@doe.nh.gov](mailto:Lisa.Hatz@doe.nh.gov).

For further information on this technical assistance, please contact:

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