

Mike DeWine, Governor
Dr. Christopher Woolard, Interim Superintendent of Public Instruction

OEC-CTE MEMO #2023-1

To: Administrative Personnel at all Educational Agencies
From: Jo Hannah Ward, Director, Office for Exceptional Children and Leah Amstutz,
Director, Office of Career-Technical Education
Date: July 2023
Subject: **Serving Students with Disabilities in Career-Technical Education**

This memo serves as a reminder of key rules and regulations related to special education and related services for students with disabilities who participate in career- technical education.

This memo is addressed to all educational agencies¹ including Joint Vocational School Districts (JVSDs) and associate school districts serving as the District of Residence (DOR), Traditional School Districts, Community Schools, Educational Service Centers and County Boards of Developmental Disabilities. Please note that educational agency will be used to encompass these entities throughout this memo.

The following topics are discussed in a question/answer format:

- Fair and equitable access to career–technical education
- Collaborative responsibility for the provision of a free and appropriate public education (FAPE)
- Responsibilities of agencies that receive state and federal funds for special education and related services
- The provision of special education and related services per the Individualized Education Program (IEP) in the least restrictive environment (LRE)

Q. *Must students with disabilities have equitable access to career-technical education?*

A. Yes. Each city, local and exempted village school district shall, by one of the following means, provide to students enrolled in grades seven through twelve career-technical education adequate to prepare a student enrolled therein for an occupation, unless specifying intent not to provide career-technical education for students enrolled in grades seven and eight for a particular school year. This career-technical education can be provided by: (1) Establishing and maintaining a career-technical education program that meets standards adopted by the state board of education; (2) Being a member of a joint vocational school district that meets standards adopted by the state board; (3) Contracting for career-technical education with a joint vocational school district or another school district that meets the standards adopted by the state board. [\[ORC 3313.90 \(A\) and \(B\)\]](#)

¹ Educational agencies will be defined in 3301-51-01 (B)(18) beginning July 1, 2023.

Technical and academic course offerings in state-approved career-technical education programs and pathways shall meet all state and federal requirements with regard to access, non-discrimination and meeting of performance expectations for special populations [\[defined in 20 U.S.C. 2302 \(48\)\]](#), including preparation for careers in industry sectors requiring technical expertise. [\[OAC 3301-61-03 \(D\)\(8\)\]](#)

Q. Who is responsible for ensuring that all students with disabilities participating in career-technical education have available to them a Free and Appropriate Public Education (FAPE)?

A. The child's school district of residence is responsible, in all instances, for ensuring that the requirements for making FAPE available are met for every eligible child in its jurisdiction, regardless of where services are provided unless otherwise stated by law. [\[ORC 3323.02\]](#) and [\[OAC 3301-51-01\(A\)\(2\)\(a\)\]](#). However, it is imperative for all educational agencies to work collaboratively to provide federal and state-required special education and related services for children with disabilities participating in career-technical education.

Q. What are the requirements for an educational agency that receives state-weighted special education funds and/or is an eligible recipient of federal Perkins funds?

A. Any educational agency that receives state or federal funds for special education and related services shall provide special education and related services in accordance with all applicable provisions of the Individuals with Disabilities Education Act (IDEA) and related federal regulations, Chapter 3323 of the Revised Code, Chapter 3301-51 of the Administrative Code, and related state policies, procedures and guidelines issued by the superintendent of public instruction. [\[OAC 3301-51-01\(A\)\(4\)\]](#)

Eligible recipients of federal Perkins funds must develop and implement evaluations of career and technical education programs, including an assessment of how the needs of special populations are being met [\[20 U.S.C 2355\(b\)\(6\)\]](#) and provide activities to prepare special populations, for high skill, high wage, or high demand occupations that will lead to self-sufficiency. [\[20 U.S.C. 2354\(b\)\(5\)\(a\)\]](#)

Q. What if it is too costly for a joint vocational school district to provide special education and related services even with the state and federal funds?

A. If funding is a concern, state law describes certain circumstances in which a joint vocational school district may bill back to the district of residence for excess costs for special education service delivery. [\[ORC 3317.16\(B\)\(1\)\]](#) Instructions on this process can be found at the [Catastrophic Cost Reimbursement](#) webpage.

Q. Will the career-technical education program or pathway be eliminated if there are too few students passing the technical skill assessment?

A. Technical skill attainment is a performance measure on the [Ohio Career-Technical Education Quality Program Review](#). The intent of the Quality Program Review is to maximize the use of resources improving the quality of career-technical education pathways. Pathways that assess below the performance threshold for the technical skill attainment measure are asked to complete a self-

review and submit an action plan for improvement. These activities are completed with support from the Office of Career-Technical Education, with the goal of bringing the pathway into compliance. Student demonstration of progress will also be taken into consideration during the review process. Career-technical education personnel are encouraged to consult with special education and related service personnel, families, the district of residence (if applicable), State Support Teams, etc. to determine strategies to improve technical skill attainment and competency demonstration.

Q. Where and how should a student with a disability receive special education and related services, especially if attending a joint vocational school district?

A. The regular classroom environment with services and supports must remain the IEP team's first consideration for all children with disabilities. A continuum of alternative placements must be available to meet the need of children with disabilities for special education and related services within the least restrictive environment. [\[OAC 3301-51-09\(B\)\(1\) and \(2\)\]](#)

Questions or comments? We are here to help you!

Our collaborative team from the Office for Exceptional Children, Office of Career-Technical Education, and the State Support Teams is committed to finding the most effective and efficient ways to support your work. Please contact us at Exceptionalchildren@education.ohio.gov or cteohio@education.ohio.gov.

To locate a State Support Team Career-Technical Planning District Consultant in your region, click [here](#).

Thank you for your dedication and commitment to serving Ohio's students with disabilities!