

**QUESTIONS AND ANSWERS (Volume 6)
REGARDING SPECIAL EDUCATION STUDENTS ENROLLED IN
CAREER AND TECHNOLOGY CENTERS
AS RELATED TO CHAPTERS 14 AND 339**

September 30, 2009

1. Must the resident district invite the CTC (career and technology center) representative to the individualized education program (IEP) team meeting?

Yes. According to 22 PA Code 339.21(5) and (6), "... With regard to the placement of students with IEPs or service agreements in vocational programming, faculty from the vocational programs in which students are recommended for placement will participate as members of the IEP or service agreement teams ... IEP and service agreement meetings, when scheduled by a school district must give timely notice to the vocational and technical representative assigned and shall be attended by the vocational and technical representative ..."

2. Can the resident district and parent agree to excuse the CTC representative from the IEP team meeting or conduct an IEP team meeting without inviting the CTC representative?

No. 22 PA Code 339.21(5) and (6) require resident districts to invite the CTC representative to the IEP team meeting. According to 34 CFR 300.321(a)(2) through (5), the district staff at the IEP team meeting must include not less than one of the child's regular education teacher, not less than one special education teacher of the child, a representative of the public agency, and an individual who can interpret the instructional implication of evaluation results. Although the parent and district can agree in writing to excuse those staff members specified in (a)(2) through (5), the CTC representative is not one of those individuals. Since there is no excusal provision in 22 PA Code 339.21, the parent and resident district cannot agree to excuse the CTC representative. The CTC representative is invited by the district., and (34 CFR 300.321(c)) permits the district or parents to invite individuals who have expertise or knowledge. The determination of expertise or knowledge is determined by the inviting party.

3. If the CTC representative is invited but does not attend, can the resident district continue with the IEP team meeting?

Yes, as long as the resident district provided "... timely notice ..." to the CTC representative.

4. Can the CTC representative override the decisions of the IEP team?

No. There is no provision in either 22 PA Code Chapters 14 and 339 or 34 CFR Part 300 that gives the CTC representative the authority to override the decisions of the IEP team. The IEP team determines the programs and services based on the needs of the child. The IEP team should reach a consensus about programs and services. The IEP team, under the direction of the representative of the public agency and with input from all team members

including the CTC representative, develops the program and determines where the program is to be provided and placement.

5. What is the role of the CTC representative at the IEP team meeting?

The CTC representative is a member of the IEP team which means the CTC representative can provide input and contribute to the discussion; however, the CTC representative does not make the final decision regarding programs and services to be provided to the child.

6. Can the CTC contract with another agency or intermediate unit, to serve in the role of the CTC representative as per 22 PA Code 339.21(6)?

Yes, but the CTC representative must be knowledgeable about the CTC, its programs and services and how adaptations, modifications and accommodations can be made with regard to the placement of students with IEPs or service agreements in the CTC.

7. What happens if the CTC will not/cannot provide those services specified in the IEP? What is the resident district's responsibility? What is the CTC's responsibility?

Since the resident district, through the IEP team, placed the student in the CTC, the resident district is responsible to ensure that IEP programs and services are provided. If the CTC cannot provide IEP programs and services, CTC staff should contact the resident district. CTC staff cannot unilaterally determine that IEP programs and services are unreasonable and not provide them. The two entities must cooperate to ensure that the IEP is implemented. CTCs may not discriminate against students with disabilities.

8. For program placement at the CTC, who determines if the child is able to benefit from the program?

The IEP team develops the program and then determines where the program is to be provided (placement). This decision is made by the IEP team and not individuals at the CTC. According to 22 PA Code 339.21 "... For a student with a disability, success shall be predicted by the student's IEP team on the basis of the student's ability to benefit from the program..." The CTC representative should express an opinion on this question but the CTC cannot have policies/procedures that are contrary to the IEP team making the ultimate determination of "... ability to benefit... ". CTC instructional and administrative staff cannot override the decisions of the IEP team.

9. Is the CTC considered an outside agency requiring parental consent for the CTC representative to attend the IEP team meeting?

No. The district does not have to obtain parental consent in order to invite the CTC representative to the IEP team meeting. The provisions of 34 CFR 300.321(b)(3) do not apply.