

## Special Education Students in the Technical and Education Career System

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July 26, 2019 | 2019-R-0162

### Issues

Can a Technical and Education Career System (TECS) high school deny admission to a student because he or she requires special education and related services and has an individualized education program (IEP)?

Upon the student's enrollment, who pays for such services: the school district where the student resides (the "sending district") or the TECS high school?

(The Office of Legislative Research is not authorized to issue legal opinions, and the following should not be considered one.)

### Summary

State law allows a student's planning and placement team (PPT) to determine the appropriateness of his or her participation in a TECS high school. The law allows the PPT to refer the student back to his or her sending public school district if it determines that the TECS high school is not suitable. It is unclear, however, whether this referral may occur before the student is admitted to and enrolled in the school.

It is also unclear whether a student who has been denied admission to a TECS school based on special education service needs has the right to challenge the denial. State law specifically extends the right to challenge special education decisions only to an enrolled TECS student's parents or guardians, or to the student if age 18, using the due process procedures established in state and federal law.

For students enrolled in TECS high schools who receive special education and related services, the TECS school must pay the cost of these services, according to State Department of Education (SDE) [guidance](#).

## **Placement in TECS High Schools**

### ***Placement Process***

The student's IEP team (known as the PPT in Connecticut law) is responsible for making placement decisions for students who receive special education and related services ([34 C.F.R. § 300.327](#); [Conn. Agencies Regs. § 10-76d-16](#)). The PPT, with parental input, determines whether the appropriate services can be provided in the regular classroom setting with any necessary modifications and supports.

Under state law, if a PPT determines that the special education services required by the student prevent him or her from participating in the TECS school's vocational education program, then the student must be referred back to the sending district. The sending district must develop an IEP for the student, implement the program, and fund it ([CGS § 10-76q\(c\)](#)). The statute, however, is silent on whether this PPT must be convened prior to or after an offer of admission.

### ***Legal Right to Challenge Placement***

Similar to students with special education needs enrolled in neighborhood public schools, students who are enrolled in a TECS school have the right to a hearing or mediation and an appeals process when challenging special education decisions made by a PPT ([CGS § 10-76q\(b\)](#)). State law outlines these processes, which may be initiated by (1) the student's parents or guardians, if the student is a minor; (2) the student, if he or she is age 18 or older; (3) a surrogate parent appointed pursuant to state law; or (4) the Department of Children and Families commissioner, if the student is in the agency's custody ([CGS § 10-76h](#)).

However, students who have been denied admission to a TECS school would not be considered "enrolled" students, so it is unclear whether they have a legal right to challenge the denial of admission under this statute.

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