

## **1380.00 Work Study Programs with Employers in the Community Policy**

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### **Introduction**

The Office of Adult Career and Continuing Education Services-Vocational Rehabilitation (ACCES-VR) provides work study programs with both employers in the community and at rehabilitation facilities. This policy defines parameters for work study programs with employers in the community, including both government agencies and private business. Parameters for programs provided at rehabilitation facilities are described in the policy Work Study at Rehabilitation Facilities.

### **Philosophy**

To be successful, work study programs, whether at employers in the community or at rehabilitation facilities:

1. must combine in-school educational programming with exposure to a work environment so that the student will acquire the vocational education, work habits and skills needed to make the transition from school to work,
2. must be the product of genuine cooperation between ACCES-VR and the local school district as evidenced by joint ACCES-VR/school district development of work study plans, sharing of costs and sharing of monitoring responsibilities,
3. should not substitute ACCES-VR programming and funding for school district or BOCES pre-vocational or vocational programming and funding, especially for young adults over age 18.

Not all work study placements with employers in the community may result in competitive employment. However, work study programs with employers in the community should be made with the strong expectation that the student will succeed in a competitive job.

Likewise, not all students will remain in the specific skill area they were placed in at the beginning of the work study program. However, work study should be whenever possible the culmination of an in-school process of developing work skills and attitudes and selecting preferred occupations, not the beginning of such a process.

## **Policy**

### **Disability Groups and Age**

Work study programs with employers in the community are available to students from all disability groups. Students must be within two years of expected exit from school.

### **Joint Planning**

### **School District Responsibilities**

The 1975 Education for All Handicapped Children Act (P.L. 94-142) requires school districts to provide all handicapped children with a free appropriate public education which emphasizes special education and related services designed to meet their unique needs.

Federal Regulations and Part 200 of Education Commissioner's Regulations require a local school district Committee on the Handicapped (renamed Committee on Special Education by Chapter 273 of the laws of 1986) to determine whether a child has a handicapping condition. To make this determination, Part 200.4(b) of Commissioner's Regulations requires the Committee to insure that the child is assessed in all areas related to the suspected disability, including, where appropriate, vocational skills. The program that is ultimately developed for the child is detailed in an Individualized Education Program (IEP).

Furthermore, Part 401.101 of the Federal Regulations implementing the Carl D. Perkins Vocational Education Act requires local school districts receiving funds under the Act to provide information to handicapped and disadvantaged students and their parents concerning the opportunities available in vocational education and the requirements for eligibility for enrollment in vocational education programs. This information must be provided at least one year before the students enter the grade level in which vocational education programs are first generally available in the State, but in no case later than the beginning of the ninth grade. Handicapped students who are enrolled in vocational education programs must also receive:

1. an assessment of their interests, abilities and special needs related to their vocational education program,
2. special services, including adaptation of curriculum, instruction, equipment and facilities,
3. guidance, counseling and career development activities, and,
4. counseling services designed to facilitate the transition from school to post-school employment and career opportunities.

School districts thus are responsible for providing appropriate vocational education programs that can include work study and special services, such as transportation to and from programs, to students with handicapping conditions.

Even those disabled students whose disability does not constitute an educational handicap have the option of participating in work study, which can be described in a written training agreement. These agreements are described in the 1982 Cooperative Occupational Education Handbook published by the Office of Occupational and Continuing Education. The Handbook notes on page 47 that the training agreement "...is a written statement of the training commitment which is expected of each of the parties involved -- the employer, the school, the student, and the parents. Although it is not treated as a legal contract, it is a businesslike way of coming to an understanding on the responsibilities of the concerned individuals. The training agreement should be signed by each of the parties mentioned and a copy should be given to each of them when the student is placed on the job."

### **ACCES-VR Responsibilities 1380.00**

The ACCES-VR counselor is responsible for assuring that work study program descriptions are developed together with the student, employer, educational team, which may include the Committee on the Handicapped (Committee on Special Education), guidance counselors, occupational educators or other school personnel, and whenever possible, the student's family. The work study description should directly reference the student's IEP and should include at a minimum:

1. the job title of the position the student is to be trained for,
2. the specific skills to be taught at the job site,
3. a description of the link with the student's classroom training and school-based related services,
4. a listing of the tools and equipment the student will need and learn to use, and
5. the length of time required for the student to achieve job competence (See Length of Training).

Where possible, the counselor should insure that there is joint development of the IEP and the Individualized Written Rehabilitation Program (IWRP) as emphasized by the Rehabilitation Act of 1973, as amended.

The counselor is also responsible to insure that an appropriate employer is selected who is willing to assume the responsibilities to the work study student outlined in the

Section on Employer Responsibilities. Finally, the counselor is responsible for monitoring the progress of the student's work study program, although this responsibility can be shared with local school district staff.

## **Funding of Work Study Programs**

As noted above, the 1975 Education for All Handicapped Children Act, the 1984 Carl D. Perkins Vocational Education Act, Federal Regulations implementing these laws and Education Commissioner's Part 100 and Part 200 Regulations require early planning for the vocational needs of students with disabilities and provision of appropriate services, including vocational education, throughout a student's school career.

Consequently, school districts are responsible for providing appropriate vocational education programs that can include work study and for special services, such as transportation to and from programs, to students with handicapping conditions.

ACCES-VR may share the cost of work study programs when:

1. the work study is part of a program which is a genuine combination of classroom education and work skill development at a job site, not an attempt to remove special education students from the classroom, and
2. the school district is cooperating with ACCES-VR, as evidenced by inclusion of counselor recommendations in IEP's, systematic referral of students to ACCES-VR counselors, shared work study monitoring responsibilities, or similar actions.

Thus, for example, a local school district might provide a work study student with in-school morning vocational education classes, speech therapy two or three times a week and afternoon transportation to and from a work site. ACCES-VR could fund the training fees that the employer pays the student (See Section on Training Fees).

Also, ACCES-VR may share the cost of after school, weekend or holiday work if this schedule is necessary because of the disabling condition of the student, or because the particular work experience can only be provided during these hours. Work study programs should not be used simply as a means of supporting part-time employment for handicapped students.

## **Monitoring Work Study Programs**

If school district staff are frequently visiting work study sites to monitor student activity, including receipt of agreed-upon wages by the student, and this information is being shared with the ACCES-VR counselor orally or in writing, then the ACCES-VR counselor need only visit the work site once during a semester.

Counselors should not agree to ACCES-VR sponsorship of work study programs if school district staff will not be actively involved in monitoring work study programs.

The counselor should instruct the employer, student and/or appropriate educational representative to immediately notify her/him of any problem at the work site.

## **Employers**

### **Responsibilities**

Employers who are to be reimbursed with ACCES-VR funds must meet the following criteria:

1. the employer must be willing and able to train the student in the specific skills needed for the job and to provide adequate supervision during the training.
2. there is a strong probability that the employer will hire those students who have proven to be job-ready at the end of their work study program, or there are reasonable expectations in most cases that placement can be made with another employer in the same or related field. Funding for limited additional services after completion of a work study program can be provided in certain circumstances (See Section on Length of Training).
3. the employer will place the student on the payroll and cover Worker's Compensation. Social Security and Unemployment Insurance should be covered as determined by Department of labor standards.
4. the employer will accept ACCES-VR's method of paying training fees, including use of any comparable benefit to reduce ACCES-VR costs.
5. the employer will assure that all Federal and State standards for wage hours and safety are met.
6. the employer will afford work study employees all benefits and company policies applicable to other employees in similar job status, and
7. the employer will supply written progress reports which accurately assess the student's potential for employment at the end of the training period according to a schedule agreed-upon by the employer, ACCES-VR counselor and school district personnel. Reports should, however, be prepared at least bimonthly, and a copy sent to the counselor.

A letter from the employer confirming these commitments should be obtained and placed in the student's file. District Offices may develop a form letter which employers can sign. If there is a union at the work site that participates in the development of training programs, the union should be involved in discussions with the employer about work study programs.

### **Comparable Benefits**

Comparable benefits should be used whenever they are both an available and appropriate means of providing any part of a work study program with an employer in the community. Comparable benefits within a school work study program may be school funds to pay student training fees, purchase necessary tools and equipment, or pay other similar costs.

Documentation required by the policy on Comparable Benefits must be completed.

### **Length of Training**

A work study program with an employer in the community may not exceed 1,040 hours in total, and the work component may not exceed 20 hours per work. Since this standard allows work study programs to occur during more than one academic year, records must be kept to insure that the 1,040 hour standard is not exceeded. The 20 hour work maximum should be written into the IEP or written training agreement.

Work study programs with employers in the community may extend beyond the normal school day because of the unique need of the students with disabilities involved.

Students can be shifted from a work study program with an employer in the community to a work study program at a rehabilitation facility, if the counselor and senior counselor decide that this is best for the student. If a student is shifted from one type of work study program to another, the 1,040 total hour standard and the 20 hour per week work maximum cannot be exceeded.

Sometimes the counselor, senior counselor and District Office Manager may conclude that additional training is required after the completion of 1,040 hours of work study training. In this case, up to 13 weeks of OJT training or one 65 unit block of WAT or PAT may be provided.

If a student is unable to complete 1,040 hours of work study, then the counselor, senior counselor or District Office Manager may allow additional OJT, or PAT/WAT, up to the approved maximums for these services, depending on the needs of the individual student.

### **Training Fees**

Typically, ACCES-VR pays the training fees that employers provide to work study students at the work site as part of its share of the cost of a work study program (Refer back to the Section on Funding of Work Study Programs).

Training fees paid to employers must not exceed the gross wages paid to the work study student. Student wages must be at the prevailing wage level unless the student is in a position which, pursuant to Department of Labor regulations, may be paid at less than minimum wage.

ACCES-VR will pay 100% of the training fees to the employer during the first quarter (13 weeks) of the 1,040 hour work study training period. ACCES-VR will pay 50% of training fees during the remainder of the allowable work study training period.

If a comparable benefit constitutes partial payment of training fees, the benefit will be used to offset ACCES-VR costs.

## **Special Considerations**

### **Involvement of ACCES-VR Employees**

1. Immediate Relatives - Work study programs shall not be authorized with an employer who is the spouse, parent, stepparent, foster parent, offspring, grandparent, in-law or sibling of the student.
2. ACCES-VR Staff - Work study programs shall not be authorized with an employer who is a ACCES-VR staff member or relative, as defined above.

### **Tools and Equipment**

While work study training fees are not subject to economic need, all associated services must comply with ACCES-VR economic need regulations. The employer and school district should be encouraged to provide tools and equipment for training. If ACCES-VR provides tools and equipment prior to the beginning of work study training, economic need must be applied, disregarding the anticipated income from the student's work study wages. Purchases must be made according to current ACCES-VR bidding procedures.

Only tools and equipment required during training or for entry into employment can be provided to students as a rehabilitation service. These tools and equipment are those customarily required for a worker to perform efficiently on the job and normally provided by the workers themselves, in the same or similar trade or profession.