

COMMUNITY WORK TRANSITION PROGRAM

Policies & Procedures Manual

A COLLABORATIVE PROGRAM BETWEEN:

LOCAL SCHOOL DISTRICTS
KENTUCKY OFFICE OF VOCATIONAL REHABILITATION
HUMAN DEVELOPMENT INSTITUTE-UNIVERSITY OF KENTUCKY
KENTUCKY DEPARTMENT OF EDUCATION

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Introduction

Since 1984 the Community Work Transition Program (CWTP), a fee-for-service program, has provided individualized vocational services to students with significant disabilities statewide. The goal of the program is for students to gain the skills needed to achieve competitive integrated employment before graduation or high school exit.

According to the [National Technical Assistance Center on Transition](#) (NTACT), one of the predictors associated with improved post-school outcomes in employment, education, and independent living is paid work experience while in high school. The CWTP includes paid work experience and additional predictors of post-school outcomes, e.g., community experiences, career awareness, self-advocacy, and interagency collaboration to prepare students with disabilities to be career ready and competitively employed in an integrated setting before exiting high school.

CWTP Partners and Program Funding

The CWTP is a cooperative effort between participating local school districts, the Kentucky Department of Education (KDE), the Office of Vocational Rehabilitation (OVR), and the Human Development Institute (HDI) at the University of Kentucky.

OVR and KDE jointly fund the program. Funds provided by OVR pay local school districts for actual program services authorized by a vocational rehabilitation (VR) counselor and provided to students by a CWTP Employment Specialist. OVR pays for two thirds of the technical assistance provided through HDI as well. The KDE provides funds for HDI CWTP personnel, all training opportunities and one third of the technical assistance provided through HDI.

Legislation

The CWTP links to three legislative acts. The CWTP objectives fall in line with the Every Student Succeeds Act of 2015 (ESSA) in which all students will be held to challenging academic content standards that will prepare them to graduate from high school college and/or career

ready. The program also links to the Individuals with Disabilities Education Act (IDEA) that has a primary purpose to ensure all children with disabilities have available a free and appropriate public education designed to meet their unique needs and prepare them for further education, employment and independent living. The IDEA requires postsecondary transition planning during the Individual Education Program (IEP) development process. This includes addressing transition needs related to the student's planned course of study and transition services to assist the student in reaching postsecondary goals and prepare for life after high school. The CWTP also addresses the Workforce Innovation and Opportunity Act (WIOA) requirements of providing Pre-Employment Transition Services and Transition Services to students, promoting successful movement into competitive integrated employment prior to exiting high school. WIOA intends to increase employment opportunities, especially for individuals who face barriers to competitive integrated employment, and invests in the critical connection between education and career preparation. The IDEA and WIOA regulations for both school districts and OVR programs define transition services similarly.

CWTP Program Overview

The CWTP provides Pre-employment Transition Services (Pre-ETS) and individualized Transition Services for students with the significant disabilities. A student with a significant disability is age 14 to 21 and presumed to be receiving Social Security benefits, based on a disability. If a student does not meet the Social Security presumption, they must require multiple vocational rehabilitation services. The VR Counselor determines if a student meets the criteria for having significant disability.

The CWTP designed both types of services to help the students gain skills and obtain resources to achieve competitive integrated employment prior to exiting high school. A CWTP Employment Specialist hired by the school district provides the services.

While participating in CWTP Pre-ETS, students may receive job exploration counseling, work based learning experiences, post-secondary counseling, workplace readiness training, and self-advocacy instruction. Services may be provided in a group of no more than four or

individualized and for multiple years. Students may participate in more than one service at a time.

The CWTP Transition Services are available to students who need supports to attain and maintain employment prior to high school exit. The student must meet the eligibility requirements for vocational rehabilitation (VR) services. Students are determined to be eligible for VR services based on the same criteria as all other consumers of the OVR and within the Order of Selection policy. The individual CWTP Transition Services begin in the junior year or year prior to high school exit. The goal is implementing a plan leading to successful exit from high school in competitive integrated employment.

The CWTP service descriptions (Pre-ETS and Transition) are included in-depth in subsequent sections of this document.

Program Application Process

School districts interested in participating in the CWTP must annually submit an application for approval to OVR. The application process is completed in the following order:

1. District completes and submits the *Office of Vocational Rehabilitation - Community Work Transition Program School Participation Application*.
2. OVR approves the application or requests revisions.
3. OVR sends the Director of Special Education (DoSE) a *Memorandum of Understanding* (MOU) setting forth the roles and responsibilities of the LEA and OVR, including directions for becoming a vendor for invoicing purposes.
4. District completes MOU, with superintendent signature, and returns to OVR.
5. OVR returns a copy of the MOU with OVR signature to the district.

The VR Counselor cannot authorize any services until the MOU is completed and received by the OVR central office. The negotiated MOU is one requirement that must be completed before the provision of billable services. A *Sample School Participation Application* is located in [Appendix A](#) of this manual. The *CWTP Billing Requirements Checklist* is located in [Appendix I](#).

CWTP Primary Contact

Each school district assigns a certified staff person as the CWTP Primary Contact. Certified staff who may serve as the CWTP Primary Contact include but are not limited to the Director of Special Education, a transition coordinator, or a teacher. The CWTP Employment Specialist cannot serve as the CWTP Primary Contact.

The CWTP Primary Contact directly assists the CWTP Employment Specialist and OVR staff with implementation of the CWTP. Duties include the:

- facilitation of the [CWTP referral process between the district and OVR](#);
- provision of information for the [application for VR services](#) (CWTP Transition Services) to the OVR Counselor; and
- review and submission of required CWTP forms related to service provision and billing to OVR.

The CWTP Primary Contact must attend [mandatory CWTP Training](#). This is one requirement that must be completed before the provision of billable services. OVR will not accept billing for CWTP services provided from personnel not trained by HDI CWTP personnel. The *CWTP Billing Requirements Checklist* is located in [Appendix I](#) of this manual.

CWTP Employment Specialist

Each school district employs a CWTP Employment Specialist to work with students and consult with the parent or legal guardian, teachers, VR Counselors, adult service providers and other interested parties.

Job functions include:

- implementation of the CWTP in coordination with the CWTP Primary Contact, HDI CWTP personnel, and the Office of Vocational Rehabilitation;
- networking with employers to coordinate work based learning and training sites used for the CWTP in the community;
- supervision of students at community sites used for CWTP;

- facilitation of the [CWTP referral process between the district and OVR](#);
- provision of information for the [application for VR services](#) (CWTP Transition Services) to the OVR Counselor; and
- participation as a strong and cooperative team member in managing the program.
- For Pre-ETS the CWTP Employment Specialist:
 - introduces students to various jobs and industry sectors through job exploration counseling,
 - provides work based learning experiences,
 - offers post-secondary counseling,
 - implements workplace readiness training for social and independent living skills, and
 - provides self-advocacy instruction.
- For CWTP Transition Services, the CWTP Employment Specialist:
 - provides comprehensive vocational assessments,
 - plans for and implements job development and job coaching,
 - assists in securing competitive integrated employment (job placement) for the students in the community or surrounding communities prior to exiting high school, and
 - provides employment follow-up services.

CWTP Employment Specialist Work Hours

CWTP Employment Specialists may work regular school hours; however, CWTP activities often occur after school, in the evening, on weekends. A CWTP Employment Specialist can provide services through June but employment follow-up services may occur through July or mid-August, dependent upon when a student graduated or exited high school with employment. It is imperative that students receive the needed level of support while still enrolled in school or during employment follow-up services, necessitating that the CWTP employment specialist has the ability to work flexible hours and extended contractual days, as needed.

A *Sample Job Description* that includes specific job duties and responsibilities is located in [Appendix B](#) of this manual. *Possible Interview Questions for CWTP Employment Specialist* is located in the [Appendix C](#).

CWTP Employment Specialist Support

The CWTP Employment Specialist position requires the following support:

1. Pay equitable with scope of the job.
2. Computer access to monitor student activities on the job, write reports, complete billing statements, research, and send/receive emails.
3. Work space to meet privately with students and to discuss confidential information (e.g., goals, work activity plans, hygiene).
4. Work supplies (e.g., folders, pens, notepaper, calendar, copy paper).
5. Access to student records and Infinite Campus.
6. Access and opportunities to attend additional training, beyond the CWTP training, or to information about topics that would assist in the role with the program. This may include but is not limited to professional development and information about working with students with disabilities, businesses, parents, and other agencies and topics related to helping students obtain competitive integrated employment prior to graduation.
7. Support from school administrators and personnel to provide vocationally relevant activities and services in the community to students eligible for the program.

Transportation

Per the MOU between OVR and the school district, it is the school's responsibility to ensure students have available transportation to participate in the activities of the CWTP. Local officials in the district determine the transportation mode(s) provided for CWTP students.

A CWTP Employment Specialist, during transport to provide CWTP Pre-ETS activities, cannot supervise more than four students at a time, if billing OVR. During transport for CWTP Transition Services activities, the CWTP Employment Specialist is supervising an individual

student. If the district is transporting additional non-CWTP students, billing begins upon reaching the activity destination.

Liability

Two liability issues could occur when students are working and receiving training in the community. The first is the possibility of the student getting hurt and the second is property or personal damage.

The employer's workers' compensation covers a student who is an employee of a business. (The school district workers' compensation policy covers the CWTP employment specialist.) If a student is at a CWTP activity or work-based learning site and not being paid, it is essential that they have some form of health/accident insurance. This may be private family insurance, a medical card (Medicaid or Medicare), or school insurance. It is important to ensure a student has health/accident coverage in case of injury while participating in the CWTP.

If a student or the CWTP Employment Specialist is involved in some form of property damage or personal injury to someone else while in the community, the school district's general liability policy should cover this situation. It is important to check at the school district to determine policy coverage for these liability issues.

General Timelines for CWTP Referral and OVR Application

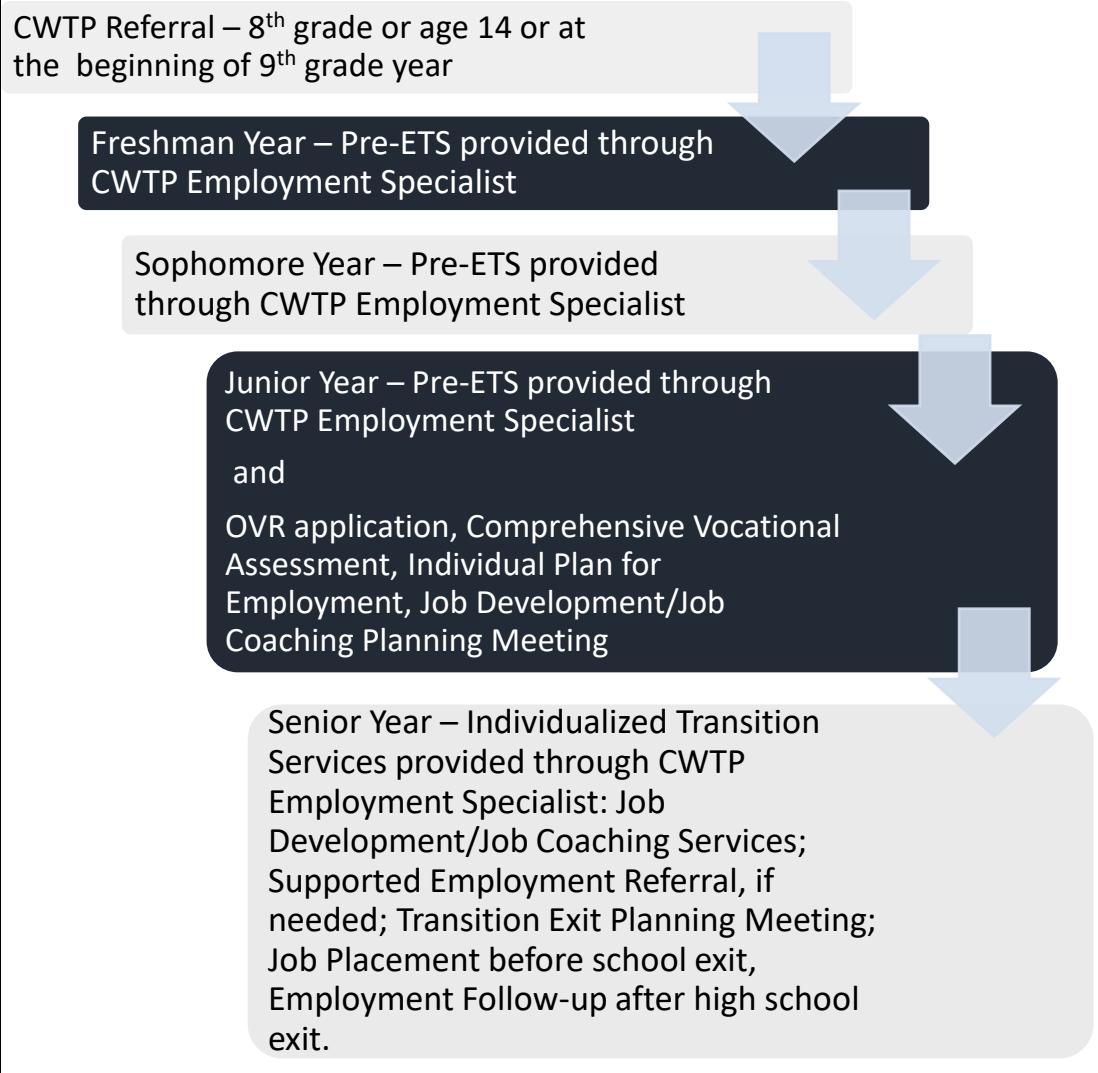
Preferably, referrals to the CWTP are submitted to OVR in the 8th grade or age 14, or at the beginning of grade 9. For individualized CWTP Transition Services, the recommended time to begin the application to OVR is at the beginning of the student's junior year. This allows the VR Counselor to determine eligibility, authorize a Comprehensive Vocational Assessment, provide vocational planning and move a student into Individual Plan for Employment (IPE) status mid-junior year.

Within the recommended timeline above, the CWTP Employment Specialist will conduct the Comprehensive Vocational Assessment after OVR eligibility determination, typically in the fall.

The Job Development/Job Coaching Planning Meeting occurs in the last quarter of the junior year. With adherence to the general timeline, Job Development/Job Coaching can start at the beginning of the senior year. The Transition Exit Planning Meeting occurs in the last quarter of the senior year, with Job Placement prior to school exit.

Note: For students in grade 14 or completing high school in more than four years the process to apply for OVR services is the same except it starts at the beginning of the year prior to school exit so Job Development/Job Coaching can commence at the beginning of the last year of high school.

Graph A: General Timelines for CWTP Services



Graph B: Application for OVR Services – Junior Year or Year Prior to High School Exit

Pre-ETS Services Continue through CWTP Employment Specialist

Application/ Eligibility

- CWTP Employment Specialist or Primary Contact facilitate application process for OVR services (CWTP Transition Services) at beginning of junior year or year before high school exit. Sends a list of juniors, students in year prior to school exit, and needed documentation to VR counselor.
- VR Counselor gathers any additional documentation needed for eligibility.
- VR counselor conducts Intake meeting with student and parent or guardian, explaining policies & procedures and obtaining application signature verifying willingness to participate.
- VR counselor determines student eligibility, based on OVR eligibility criteria.
- Once eligible, VR Counselor sends Authorization for CVA to CWTP Employment Specialist.

CVA/IPE

- CWTP Employment Specialist completes the CVA and submits to VR counselor, typically fall of junior year or year before high school exit.
- OVR counselor receives (45 days) and reviews CVA & approves.
- OVR Counselor schedules IPE meeting.
- OVR counselor conducts vocational planning.
- OVR counselor, with student, selects IPE vocational goal.
- OVR counselor determines all individualized services needed.
- IPE Implemented mid- junior year or year before high school exit.

JD/JC Planning Meeting

- Employment Specialist schedules Job Development/Job Coaching Planning Meeting in the last quarter of the junior year or year before high school exit.
- Attendees develop a plan to achieve desired competitive integrated employment before high school exit.
- Attendees discuss specific Job Development activities based on the student's vocational goal in the IPE, that will start at beginning of senior year or last year of high school.
- Attendees discuss Supported Employment, if included on IPE.

Graph C: Senior Year or Year of High School Exit

Job Development

Beginning of year when student is actively seeking a job

- CWTP Employment Specialist provides Job Development activities
- Individualized activities to help student search for and apply for employment
- Based on Vocational goal on IPE or IPE goal amendment
- Activities include but not limited to resume development, interview prep and networking with employers

Job Coaching

Once the student gains employment

- CWTP Employment Specialist provides Job Coaching Activities
- Job task analysis
- Instruction/observation during job performance
- Determination of accommodation(s)
- Determination and facilitation of natural supports and other supports needed.

Transition Exit Planning Meeting

Last quarter of senior year or last year of high school

- CWTP Employment Specialist schedules meeting
- Attendees discuss employment, supports in place, next steps after high school, and Supported Employment transition and process, if needed.
- Job Coaching continues

Job Placement

Attained prior to graduation or exit from high school

- Student employed in competitive integrated environment at least one day before exit
- Employment is in the vocational goal on IPE
- Natural supports are in place
- Student is in good standing with employer and satisfied with job
- Job Placement Report due day after graduation or high school exit

Graph D: After Graduation or High School Exit

Employment Follow-up Services

Begin after graduation or exit from high school

- CWTP Employment Specialist provides 60 calendar days of follow-up services to ensure student maintains employment
- Day 1 begins the first day after high school exit.
- Services are based on individual need
- May be face-to-face, onsite or via telephone with student and employer

Considerations for Student Participation in CWTP

Factors to consider prior to determining the need for referral to the CWTP Services:

- The CWTP services are for students with significant disabilities. See the definition of significant disability within the [CWTP Program Overview section on page 2](#) or in the [Glossary](#).
- Students must require services from a CWTP Employment Specialist in order to obtain and Maintain employment.
- The student and parent or legal guardian have expressed a desire for the student to get a job in the community, and be in the program.
- There is time in the student's schedule to allow for community activities.
- Prior to implementing CWTP Transition Services students must be determined eligible for VR services and have an open case with OVR.

If a student does not meet the definition of significant disability and the other considerations listed above, explore other OVR contract providers for Pre-ETS. The providers are described in [Appendix D](#) of this manual.

CWTP Referral Process

Anyone can contact the CWTP Employment Specialist or Primary Contact to refer a student as a potential candidate needing CWTP services. For CWTP participation consideration students must have a significant disability and enrolled in a member district secondary school, alternative high school, behavioral unit, or homebound services. A copy of the *Community Work Transition Program Referral Form* is included in [Appendix E](#) of this manual.

CWTP Employment Specialist or Primary Contact Role

The CWTP Employment Specialist or CWTP Primary Contact facilitates CWTP referral submissions to OVR. The sole or shared responsibility for the process is a district decision. Either submits the signed *Community Work Transition Program Referral Form* and supporting documentation to the VR Counselor. OVR requires one type of the supporting documentation

that may be a copy of the student's *Individualized Education Program* (IEP), *504 Plan*, medical documentation, a summary of a school records review, a statement from school staff, case notes documenting counselor observation(s), or a letter verifying the student receives Social Security benefits, based on a disability.

Admission and Release Committee Role in CWTP Referral Process

It is the responsibility of each student's Admissions and Release Committee (ARC) to conduct individual student transition planning under IDEA. Beginning when the student is in 8th grade or has reached the age of 14 (whichever comes first), the IEP Transition Needs area focuses on the needs related to the student's planned course of study. By age 16, the focus is also on transition services to assist the student in reaching postsecondary goals and prepare for life after high school.

During IDEA transition planning, the ARC may determine that CWTP services are potentially appropriate for a student. If so, the ARC ensures the student and their parent or guardian understand the CWTP focus begins with Pre-ETS, e.g., exploration of work and experiences in the community, then progresses to Transition Services to assist the student in achieving competitive integrated employment prior to high school exit. The ARC provides the parent a *Community Work Transition Program Referral Form* for signature and secures parent or guardian signed release of information to OVR. The ARC chair or special education teacher from the committee notifies the CWTP Employment Specialist or CWTP Primary Contact that the student is a potential candidate for the CWTP and provides the signed release of information and referral form.

504 Team Role in the CWTP Referral Process

A 504 team may determine that CWTP services are potentially appropriate for a student. If so, the 504 team ensures the student and their parent or guardian understand the CWTP focus begins with Pre-ETS, e.g., exploration of work and experiences in the community, then progresses to Transition Services to assist the student in achieving competitive integrated employment prior to high school exit. The 504 team provides the parent a *Community Work Transition Program*

Referral Form for signature and secures a parent or guardian signed release of information to OVR. The 504 coordinator, principal, or other school representative team member notifies the CWTP Employment Specialist or CWTP Primary Contact that the student is a candidate for the CWTP and provides the signed release of information and referral form.

Determination of Potential Need for CWTP from Other School Sources

Other school personnel, students, and parents or guardians may determine that CWTP services are potentially appropriate. The CWTP Employment Specialist or CWTP Primary Contact ensures the student and their parent or guardian understand the CWTP focus begins with Pre-ETS, e.g., exploration of work and experiences in the community, then progresses to Transition Services to assist the student in achieving competitive integrated employment prior to high school exit. The CWTP Employment Specialist or Primary Contact provides the parent a *Community Work Transition Program Referral Form* for signature, and secures the parent or guardian signed release of information to OVR.

Non-School Referral to OVR

Anyone, including students (age 14 and up) and parents or guardians can contact OVR to make a referral for a student with a significant disability as potentially needing CWTP services. After determination of eligibility, the VR Counselor notifies the CWTP Employment Specialist or Primary Contact that the student is eligible for CWTP through a non-school referral.

Pre-ETS Authorization

Upon approval for participation, based on the completed *Community Work Transition Program Referral Form* and supporting documentation, the VR Counselor issues an authorization to the CWTP Employment Specialist, allowing the provision of the specific Pre-ETS service(s) for the student. VR authorization for services is one requirement that must be fulfilled before the provision of billable services. The *CWTP Billing Requirements Checklist* is located in [Appendix I](#) of this manual. The authorization document lists the student name, name of the district as the vendor or service provider, and the specific service(s) the CWTP Employment Specialist can provide for the student. The VR Counselor authorizes services quarterly and follows the service

provisions stated on the OVR *Service Fee Memorandum* (SFM). The SFM provides the allowable services and fee amounts OVR pays as directed by the MOU.

CWTP Transition Services: Application to OVR

Students may participate in CWTP Transition Services if their post-secondary goal is to go directly into the labor market and individualized assistance is required in obtaining a job prior to exiting high school. The application process to OVR starts at the beginning of the junior year or year prior to high school exit.

OVR Eligibility Determination Process

The CWTP Employment Specialist or CWTP Primary Contact provides the information needed for the OVR application process to the VR Counselor. The sole or shared responsibility for the process is a district level decision.

The CWTP Employment Specialist or CWTP Primary Contact provides a list of juniors and students in the year prior to high school exit with all psychological and medical information, as well as a copy of each student's IEP, to the VR Counselor. If the school records do not provide enough information for the VR Counselor to make an eligibility determination, the counselor may order and purchase additional tests.

The VR Counselor schedules an initial intake interview with the student and parent or guardian, if under 18 years of age, soon after receipt of records from the school. The VR Counselor explains OVR eligibility policies and procedures and asks the student or parent or guardian to sign an application for VR services stating their willingness to participate. The VR Counselor inputs the student information into the OVR database and determines if the student is eligible for vocational rehabilitation services and if CWTP Transition Services are the most appropriate. The VR Counselor makes the decision within 60 days of completing the intake interview.

The VR Counselor determines eligibility based on the documented student need for VR services and the functional limitations of the disability. The counselor must document the specific

functional limitations that support the need for VR services and particularly the CWTP. The VR Counselor bases eligibility on the same criteria as for all other consumers of OVR and must adhere to the Order of Selection policy of the agency.

Non-School Application to OVR

Anyone, including students (age 14 and up) and parents or guardians can apply for OVR services at any time. The VR Counselor notifies the CWTP Employment Specialist or CWTP Primary Contact that the student is in the OVR eligibility process for CWTP through a non-school application and requests the needed information and documentation.

CWTP Transition Services Authorization

Once the student is determined eligible for the CWTP Transition Services, the VR Counselor issues an authorization to the school district, approving the school to provide specific services to the student. VR authorization for services is one requirement that must be fulfilled before the provision of billable services. The *CWTP Billing Requirements Checklist* is located in [Appendix I](#) of this manual. The authorization document lists the student name, name of the district as the vendor or service provider, and the specific service(s) permissible for the district to provide for the student. The VR Counselor authorizes services quarterly, in sequential order as needed.

OVR Order of Selection

A student determined eligible for VR services but also deemed to be out of the Order of Selection is placed on an OVR wait list. The student may continue with CWTP Pre-Employment Transition Services if the services started prior to completing the eligibility process for VR services.

CWTP Service Discontinuation

If during the development of the IPE the student expresses a post-secondary education goal as opposed to seeking employment upon high school exit, participation in the program should cease

and alternate plans developed for the transition needs of the student. The VR Counselor has the final decision on any disputes on whether or not a student continues in CWTP or what services are appropriate.

Collaboration: CWTP Employment Specialist and Teachers

CWTP Employment Specialists and teachers may and should collaborate about students participating in the CWTP. Collaboration topics may include but are not limited to the student's multi-year course of study, scheduling CWTP services; IEP content including postsecondary goal, transition needs, transition services needed, and supplementary aids and services; task analysis of behaviors or skills; employability or CTE pathway standards addressed in the classroom; and content of the Individual Learning Plan. Employment Specialists can support and supplement instruction initially presented by a teacher related to employment, employability or related standards. The classroom teacher cannot utilize the CWTP Employment Specialist as a classroom assistant.

Provision of CWTP Pre-Employment Transition Services

Pre-ETS services are available to students who are eligible or potentially eligible for OVR services. The CWTP Employment Specialist may provide the services in a group or individually. Students, age 14-21, may participate in these services while in secondary school, for multiple years and in more than one service at a time. The focus is on exposure to careers, the labor market in the local community, and experiences through activities related to work skills.

CWTP Pre-ETS services include:

1. Job Exploration Counseling includes conducting interest inventories, exploring career pathways, exploring in-demand occupations, and practicing informational interview skills.
2. Work Based Learning Experiences include job shadowing, touring companies, job training, internships, apprenticeships, short-term employment, and on the job training-learning about jobs.

3. Post-Secondary Counseling includes providing information or advising on course offerings, career options, types of trainings available, disability support services, academic curricula, application and admission processes, and completing the Free Application for Federal Student Aid (FAFSA) form.
4. Workplace Readiness Training in the areas of social skills and independent living skills necessary to prepare for eventual employment includes soft skills training, communication and interpersonal skills, financial literacy, job seeking skills, and understanding employer expectations.
5. Self-Advocacy Instruction includes discovering rights and responsibilities, learning how to request accommodations/services/supports, and how to communicate needs.

CWTP Pre-Employment Transition Services Student Progress Evaluation

OVR is mandated to measure knowledge gain for students receiving Pre-ETS and to submit the data to the Rehabilitation Services Administration (RSA). For that reason, OVR requires the CWTP Employment Specialist to complete a *CWTP Pre-Employment Transition Services Student Progress Evaluation* for every student. This is required each year the student receives Pre-ETS. The evaluation includes a Pre and Post-Test component. The Employment Specialist completes the evaluation with each student through an interview format. Administration of the Pre and Post-tests is not a billable service.

The submission of the Pre-test to OVR is one requirement that must be completed before the provision of billable services. The *CWTP Billing Requirements Checklist* is located in [Appendix I](#) of this manual. The Pre-Test component of the evaluation is the first activity conducted with every CWTP Pre-ETS student. The intent of the Pre-test is to seek student current knowledge, prior to the provision of services. Upon completion of the Pre-test evaluations, the CWTP Employment Specialist sends the electronic copies to the VR Counselor.

The Post-test component of the evaluation is due to OVR at the end of the school year. The Post-test evaluation measures knowledge gain from the beginning of the year before receiving Pre-ETS (pre-test) with the end of the school year after receiving services (post-test). Upon

completion of the Post-test evaluations, the CWTP Employment Specialist sends the electronic copies to the VR Counselor.

Billable Pre-ETS Services

The VR Counselor authorizes services quarterly, up to four quarters per year, and for up to 20 hours per service each quarter. If 20 hours do not occur during the quarter, the amount will be prorated at \$35 per hour.

The CWTP Primary Contact must submit Pre-ETS monthly reports to OVR on or before the 5th of the month following provided services. Billing statements must be submitted to OVR on or before the 5th of the month following the quarter. Districts should receive reimbursement from the OVR central office within 30 days of submitting billing statements and documentation. **If unsure whether an activity is billable, contact either the VR Counselor or the VR program administrator of the CWTP.**

Billable CWTP Pre-Employment Transition Services include:

- **Job Exploration Counseling (JEC)**

CWTP Employment Specialists provide and document student activities such as completing interest inventories, exploring career pathways, exploring local labor markets, and practicing informational interview skills. Activities may be in groups of no more than four or individualized, in the community or within the school. JEC is a process of discovering basic information about the student employment interests and information gathered will assist in preparing for work based learning experiences.

Expected practice is 20 hours total per quarter, prorated at \$35 per hour.

- *Rate: Up to \$700.00 per quarter, upon receipt of monthly report and supporting documentation (supporting documentation is any product created such as a copy of an interest inventory).*

- **Work Based Learning Experiences (WBLE)**

CWTP Employment Specialists provide student activities such as job shadowing, touring employment sites, job training, internships (paid or unpaid), apprenticeships,

short term, short term employment, on the job training-learning about a specific job. WBLE are in an integrated setting in the community and should be based on the student's interests and preferences. Activities may be in groups of no more than four or individualized. Expected practice is 20 hours total per quarter, prorated at \$35 per hour.

- *Rate: Up to \$700.00 per quarter, upon receipt of monthly report and supporting documentation*

- **Post-Secondary Counseling**

CWTP Employment Specialists provide student activities such as giving information or advising on college course offerings, career options, types of trainings available, disability support services, academic curricula, application and admission processes, and completing the FAFSA. Activities may be in groups of no more than four or individualized, in the community or within the schools. Expected practice is 20 hours total per quarter, prorated at \$35 per hour.

- *Rate: Up to 700.00 per quarter, upon receipt of monthly report and supporting documentation*

- **Workplace Readiness Training**

CWTP Employment Specialists provide student activities for the development of social skills and independent living skills, such as soft skills training, communication and interpersonal skills, financial literacy, job seeking skills, interview skills, and understanding employer expectations. Activities may be in groups of no more than four or individualized, in the community or within the schools. Expected practice is 20 hours total per quarter, prorated at \$35 per hour.

- *Rate: Up to \$700.00 per quarter, upon receipt of monthly report and supporting documentation*

- **Self-Advocacy Instruction**

CWTP Employment Specialists provide student activities about disability awareness; personal rights and responsibilities; how to request accommodations, services or supports; and how to communicate needs. Activities may be in groups of no more than four or individualized, in the community or within the schools. Expected practice is 20 hours total per quarter, prorated at \$35 per hour.

- *Rate: Up to \$700.00 per quarter, upon receipt of monthly report and supporting documentation*

Pre-ETS Electronic Forms

CWTP Employment Specialists and CWTP Primary Contact must use the following program approved CWTP forms.

1. ***CWTP Pre-ETS Monthly Report*** - Designed to document relevant information about the activities conducted. Information includes time and date, Pre-ETS service provided, location, amount of time, and a summary of each activity. In Pre-ETS there is no expectation for documenting progress, assessing skills, or mandating skills improvement to proceed. Information of this type is not allowable in the monthly reports. The focus is on exposure to careers, the labor market in the local community, and experiences through activities related to work skills.
2. ***CWTP Pre-ETS Billing Statement*** - Designed to allow the school to billing statement OVR for services provided.

CWTP Pre-ETS Forms Review and Submission Process

The CWTP Employment Specialist completes and signs each Pre-ETS monthly report and billing statement (quarterly), using an electronic signature required by the form. The CWTP Primary Contact reviews each report and billing statement and signs each using an electronic signature. Signatures indicate the information is accurate and verifies the completion of the CWTP service(s) outlined within the documents. The CWTP Primary Contact saves a renamed file in PDF format and submits electronically to OVR.

Provision of CWTP Transition Services

The CWTP Employment Specialist provides CWTP Transition Services individually to students with a significant disability who are eligible for VR services. The focus of CWTP Transition Services is on developing and implementing a plan that includes strategies and evidence-based practices with the greatest potential to support successful high school exit in competitive

integrated employment. The services target the student's strengths, preferences, interests, competencies and needs; the vocational goal on the IPE; and take into consideration the jobs available in the local labor market.

During CWTP Transition Services provision, the CWTP Employment Specialist uses a person-centered job selection approach. With this approach, the CWTP Employment Specialist spends time directly with the student to discover their work skills while also assisting with disability related work needs, such as providing job coaching and rehabilitation technology, in order to be successful in the work environment.

Services are in settings in the community, integrated with persons without disabilities. This provides the student opportunities to connect what they learn with real-life situations, learn relevant skills through hands-on experiences in the natural settings with natural supports, encourages student engagement, and supports the generalization of skills learned.

CWTP Transition Services include the following:

1. Comprehensive Vocational Assessment (CVA):

After determining the student is eligible for general VR services and needs CWTP Transition Services, the VR Counselor sends an authorization for the CVA. The CWTP Employment Specialist conducts a CVA to determine a student's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests as they relate to employment in order to establish an appropriate vocational goal. The VR Counselor will use this assessment to determine the student vocational goal when developing or amending the *Individualized Plan for Employment* (IPE). The CWTP Employment Specialist uses the CVA to determine activities needed for Job Development/Job Coaching.

2. Job Development/Job Coaching Planning Meeting:

In the last quarter of the junior year, or year prior to high school exit, the VR Counselor sends an authorization for a Job Development/Job Coaching Planning Meeting. During

this meeting, the VR Counselor, the student, parent or guardian, CWTP Employment Specialist, and others (optional) plan unique, vocationally relevant activities for the senior year or year of high school exit. The meeting participants discuss the student's initial expressed interests and the CVA to determine job development and job coaching activities that pertain to the IPE vocational goal; individualized supports needed; and the potential need for a referral for Supported Employment, if included in the IPE. When Supported Employment is needed the VR Counselor refers the student in the third quarter of the senior year or year of exit.

The job development and job coaching activities determined during the meeting provide the CWTP Employment Specialist guidance and clarification for the weekly individualized activities for the upcoming year and the VR Counselor expectation for how the CWTP Employment Specialist will assist the student in obtaining competitive integrated employment.

3. Job Development/Job Coaching:

At the beginning of the senior year, or year of high school exit, the CWTP Employment Specialist provides weekly-individualized hands on Job Development for the expressed purpose of the student attaining employment prior to exiting high school. The specific job must be of interest to the student, within the specific IPE vocational goal, and in a competitive integrated work environment.

Job Development activities occur when the student is actively seeking a job. The activities include but are not limited to resume development, job search for openings within the student vocational goal, networking and contacting employers, submitting job applications, follow-up with employers on current applications and interview preparation for a specific job.

Job coaching activities occur upon the student gaining employment. Job coaching activities include but are not limited to job task analysis, instruction and observation

during job performance, determination of needed accommodation(s), and determination and facilitation of natural supports and other supports needed.

4. Transition Exit Planning Meeting:

This meeting takes place within the final quarter of the senior year or year of high school exit. During the meeting, the VR Counselor, student, parent or guardian (optional), CWTP Employment Specialist, Supported Employment provider if student was referred, and others (optional) discuss strategies and expectations for the remainder of the CWTP, defining the steps the CWTP Employment Specialist should take to ensure the student's transition to competitive integrated employment. Consideration should be given to including other adult service agency providers that address the future unique needs for the individual, i.e., independent living or benefits planning. The meeting participants discuss the student employment, current vocational goal, supports in place, follow-up action plan, and Supported Employment and provider, if determined a need on the IPE.

The VR Counselor ensures the student has a specific vocational goal that matches their employment. This meeting is an opportune time to amend the IPE with a new vocational goal and any other service(s) the student may need to transition from the CWTP and continue on track of their successful employment outcome. If it is likely the student will not be employed before exiting high school, this meeting should address the next steps for how the VR Counselor will assist with moving the student forward towards obtaining their vocational goal post high school.

5. Job Placement:

For a student to achieve Job Placement status the following conditions are required:

- The student employment is in a competitive integrated environment at least one day before exit or graduation from high school;
- the position meets the specific vocational goal agreed upon in the IPE or latest amendment;
- natural supports are in place allowing the CWTP Employment Specialist to phase out of the job site, and

- the position is stable with the student in good standing with the employer and the position satisfies the student.

Should the student not attain employment that meets the guidelines above prior to exiting high school the LEA is no **longer eligible for the Job Placement payment**. The VR Counselor will assure an adult agency provider may continue services post high school.

6. Employment Follow-up:

Employment Follow-up services begin the day after high school exit, are based on individual student needs, and include troubleshooting issues that may arise in the first 60 calendar days of stable employment. The CWTP Employment Specialist provides follow-up activities to ensure the student maintains employment and may include visits to place of employment or phone calls or conversations with the student. Information gathered includes the student's current employment (hours, shift, and environment), job tasks, issues and concerns, job stability (management has no issues that would put the employment at risk), status of natural supports, and job satisfaction.

Since the requirements for payment are 60 calendar days of successful employment after CWTP Job Development/Job Coaching services are completed, this goal is not accomplished until after the student exits the school district and into the next fiscal year. The VR Counselor will authorize Employment Follow-up before June 15 of the exit year, authorizing services for July 1 through August of the next fiscal year. Payment transmits when the 60 days of stable employment, documentation and billing are completed.

Should the student not attain employment that meets the guidelines above prior to exiting high school the LEA is no **longer eligible for the Employment Follow-up payment**. The VR Counselor will assure an adult agency provider continues services post high school.

Billable CWTP Transition Services

The OVR Counselor authorizes CWTP Transition Services quarterly, in sequential order, as needed, and up to four quarters per year. Districts should receive reimbursement from the OVR central office within 30 days of documentation and billing statement submission. When unsure whether a service is billable, contact the VR Counselor or the VR program administrator of the CWTP.

Billable CWTP Transition Services include:

- **Comprehensive Vocational Assessment**

A comprehensive summary of vocationally relevant information obtained. **Conducted during the student's junior year or year prior to high school exit. The CVA and billing statement must be submitted upon completion, within the quarter authorized.**

Rate: \$900.00, one time billable service per student

- **Job Development/Job Coaching Planning Meeting**

A one-time billable meeting per student to discuss post-secondary employment plans and design the final year activities. Minimum attendance at this meeting includes the student, VR Counselor, and CWTP employment specialist. **Conducted during the student's junior year or year prior to high school exit. Report and billing statement must be submitted upon completion, within the quarter authorized.**

Rate: \$200.00, one time billable service per student

- **Job Development/Job Coaching**

Individualized, weekly job development and job coaching provided by the CWTP Employment Specialist in order for the student to attain employment prior to high school exit. The specific job must be of interest to the student, in a competitive integrated work environment, and reflect the IPE vocational goal. Expected practice is 20 hours total per quarter, prorated at \$35 per hour. **The services start at the beginning of the student's senior year or final year of services. Must be completed within the quarter authorized. Monthly reports submitted on or before the 5th of the month following. Billed on or before the 5th of the month following the quarter.**

Rate: Up to \$700.00 per quarter, upon receipt of monthly report and supporting documentation

- **CWTP Transition Exit Planning Meeting**

A one-time billable meeting to review data such as contact information and the IPE goal, and to ensure initiation of referrals or contacts with adult service providers.

Minimum attendance at this meeting includes the student, VR Counselor, and CWTP employment specialist. **Conducted during the last quarter of student's senior year or year of high school exit. Report and billing statement must be submitted upon completion, within the quarter authorized.**

Rate: \$200.00, one time billable service per student

- **Job Placement Report**

A one-time billable report that documents the attainment of paid competitive integrated employment in the vocational goal, as described on the IPE, prior to high school exit. Job placement is documented through monthly job development/job coaching reports (see above) as well as the submission of the *Job Placement Report*. At this point monthly Job Coaching/Job Development services cease and further progress notes cannot be submitted. **Completed the day after student high school graduation or exit. Report and billing statement must be submitted upon completion, within the quarter authorized.**

Rate: \$800.00, one time billable service per student

- **Employment Follow-up Report**

A one-time billable report that documents provision of 60 calendar days of follow-up activities to ensure the student maintains the stable employment and is satisfied with the position **The VR Counselor authorizes the follow-up services prior to June 15 of the exiting year. However the authorization is for July 1 through August 31 of the next fiscal year. Repot and billing statement must be submitted as soon as the 60 days of follow-up services are completed.**

Rate: \$200.00, one time billable service per student

CWTP Transition Services Electronic Forms

CWTP Employment Specialists and CWTP Primary Contact must use the following program approved CWTP forms.

1. ***Comprehensive Vocational Assessment Report*** - Designed to capture student's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests as they relate to post school activities and employment in order to establish an appropriate vocational goal and future training needs. The report includes information to describe the nature of ideal work tasks, co-workers, and work setting, as well as student preferences, and contributions.
2. ***Job Development/Job Coaching Planning Meeting Report*** - Designed to capture an overview of relevant information from the meeting such as persons in attendance, student identification, vocational goal on IPE, explanation of student plan for the year, and career clusters of interests.
3. ***Monthly Job Development/Job Coaching Report*** - Designed to summarize the month's individualized activities as well as additional vocationally relevant information such as progress made, strengths and areas of growth noted, and next steps in securing competitive integrated employment within the IPE goal prior to high school.
4. ***Employment Transition Exit Planning Meeting Report*** - Designed to capture an overview of relevant information from the meeting, such as persons in attendance, employment goals discussed, IPE goal, number of hours expected to work per week, services discussed relevant to the IPE goal, necessary service providers, and needed follow-up steps.
5. ***Job Placement Report*** - Designed to document and communicate relevant information regarding the student's employment outcome such as the name of the employer, job classification/title, job duties, date hired, wages and hours per week, health insurance, and student progress. Also includes documentation that the student is satisfied with the position, natural supports are in place, and the student is in good standing with their employer.
6. ***Employment Follow-Up Report*** - Designed to document and communicate relevant information regarding the student's employment outcome such as the name of the

- employer, job classification/title, job duties, date hired, wages and hours per week, health insurance, and student progress. Also includes documentation of student satisfaction with the position, natural supports in place, and status with the employer.
7. ***CWTP Transition Services Billing Statement*** - Designed to allow the school to invoice OVR for services provided and document progress of student program.

CWTP Transition Forms Review and Submission Process

The CWTP Employment Specialist completes and signs each Transition Services form (CVA, meeting reports, Job Development/Job Coaching monthly reports, etc.) and billing statement, using an electronic signature required by the form. The CWTP Primary Contact reviews each form and billing statement and signs each using an electronic signature. Signatures indicate the information is accurate and verifies the completion of the CWTP service(s) outlined within the documents. The CWTP Primary Contact saves a renamed file in PDF format and submits electronically to OVR.

Weekly Scheduling

Scheduling students represents an important and sometimes challenging aspect of the CWTP. Initially a CWTP Employment Specialist must consider the number of students authorized for CWTP Pre-ETS services and the number of students authorized for CWTP Transition Services. Scheduling for Pre-ETS services is varied and sporadic in nature. Scheduling for CWTP Transition Services, during the student's senior year or year of school exit, is consistent and weekly. The CWTP Employment Specialist must then coordinate the schedules of participating students within the confines of a school week and related course requirements, as well as the schedules of employers.

Student Planning and Schedules

There are two primary stages for scheduling CWTP services and activities. First, students' course enrollment and schedules must be constructed to allow the right level of intensity and a suitable amount of time to access the CWTP. Therefore, the CWTP Employment Specialist

should collaborate annually with the guidance counselor during individual student course scheduling.

At the beginning of the school year and throughout as needed, the CWTP Employment Specialist should also collaborate with the student's teacher of record to review each student's current schedule and determine available blocks of time for providing CWTP services. Students should not be pulled from core content classes. This includes students working toward the Alternative High School diploma. Consider electives or a time at the beginning or end of the day.

CWTP Employment Specialist Schedule

All CWTP employment specialists MUST have an updated weekly schedule in their school office. The schedule must include the name of the student(s), date, time, and location of the CWTP activities. For example:

| | Monday Aug 19 | Tuesday Aug 20 | Wednesday Aug 21 | Thursday Aug 22 | Friday Aug 23 |
|-----------------------------------|--|------------------------------------|---|--------------------------------------|-------------------------------------|
| 1 st 8:05 9:00 | Emily - Growing Together | | Emily - Growing Together | Shawnta - Sports Unlimited | Jeremy, Mya, Tyson, & Jodi - WRT |
| 2 nd 9:15 10:15 | Gabrielle - Jillie Farms | Miyoko - Second Hand Rose | John, Levi, Dionna & Trina - JEC | Gabrielle - Jillie Farms | Miyoko -Second Hand Rose |
| 3 rd 10:30 11:30 | Dakoda - Max's Auto Service | Dakoda - Max's Auto Service | Steven - Pawns Gardens | | Steven - Pawns Gardens |
| 4 th 12:00 1:00 | | | Freddie - McSee Law Offices | | Freddie - McSee Law Offices |
| 5 th 1:05 2:05 | Katie - Uncle Bob's Famous Restaurant | TaRon, John, Mark - WBLE | Katie - Uncle Bob's Famous Restaurant | Diego, Stacy, Zane & Enzo - PS | |
| 6 th 2:05 3:00 | | Bobby, Sara, Kim, Angie - SA | | | Enzo, John, WBLE Tour |

US Department of Labor Guidelines

Students *may be paid* during any stage of the CWTP. Students *must be paid* when an employment relationship is established, unless their work complies with all United States Department of Labor (DOL) guidelines that legally provide for unpaid work experiences. If students are paid, employers must comply with all aspects of the Fair Labor Standards Act, including minimum wage.

Beyond issues of legality, pay for work performed has the following advantages:

- Pay honors typical business practices (pay for work performed).
- Pay is a primary motivator for students. (Natural motivators should always be used before artificial ones are considered).
- Pay heightens employer expectations (“You get what you pay for.”).
- Pay lessens liability concerns (automatic student coverage by the employer’s workers’ compensation and general liability).
- Pay is respectful of student contribution.

There may be occasions when students work are in community businesses without pay. This is allowable if there is NO employment relationship for purposes of the Fair Labor Standards Act. If students are not paid while performing tasks at a local business, the school district and employer must comply with guidelines established by the DOL and the United States Department of Education Office of Special Education and Rehabilitative Services. This policy was developed to ensure that students are afforded the full protection of the Fair Labor Standards Act when receiving community based vocational services. The DOL *Dear Colleague Letter* outlining the policy is located in [Appendix F](#) of this manual.

Informed Agreement for Non-Paid Work

If conditions are such that a student may legally work in a business without being paid, the student and parent or guardian must be fully informed and voluntarily agree to participate in non-paid work. For each job site at which a student is not paid, the CWTP Employment Specialist

completes a *Non-paid Work Explanation/Evaluation and Training Agreement*. This ensures all parties are knowledgeable of the DOL guidelines and agree to follow them. Note: Completing the form” in itself does not render the arrangement either proper or legal. A *Sample Non-paid Work Explanation/Evaluation and Training Agreement* is included in [Appendix G](#) of this manual.

Non-Paid Work Criteria

When ALL of the following criteria are met, the US Department of Labor will NOT assert an employment relationship for purposes of the Fair Labor Standards Act.

- Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of their disability, will need intensive on-going support to perform in a work setting.
- Participation will be for vocational exploration, assessment, or training in a community-based placement work site under the general supervision of public school personnel.
- Community-based placements will be clearly defined components of individual education programs developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the student's *Individualized Education Program (IEP)*.
- Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and the parent or guardian of each student must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that participation in such a component does not entitle the student participant to wages.
- **The activities of the students at the community-based placement site do not result in an immediate advantage to the business. The Department of Labor will look at several factors.**

- 1) There has been no displacement of employees, vacant positions have not been filled, employees have not been relieved of assigned duties, and the students are not performing services that, although not ordinarily performed by employees clearly are of benefit to the business.
 - 2) The students are under continued and direct supervision by either a representative of the school or by employees of the business.
 - 3) Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.
 - 4) The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.
 - 5) While the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:

| | | |
|--------------------------|------------------------|-------------------------------|
| <input type="checkbox"/> | Vocational exploration | 5 hours per job experienced |
| <input type="checkbox"/> | Vocational assessment | 90 hours per job experienced |
| <input type="checkbox"/> | Vocational training | 120 hours per job experienced |
- Students are not entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at that particular community-based placement unless in a clearly distinguishable occupation.

It is important to understand that an employment relationship will exist unless all of the criteria described in this policy guidance are met. Should an employment relationship be determined to exist, participating businesses can be held responsible for full compliance with Fair Labor Standards Act, including the child labor provisions.

Businesses and school systems may at any time consider participants to be employees and may structure the program so that the participants are compensated in accordance with the requirements of the Fair Labor Standards Act. Whenever an employment relationship is established, the business may make use of the special minimum wage provisions provided

pursuant to section 14(c) of the Act. A *DOL Checklist Regarding Non-Paid Work Exploration/Training, and Training*.is included in [Appendix H](#) of this manual.

OVR Case Closure

CWTP cases are subject to the same criteria for closure as all other cases served by OVR. A VR Counselor cannot consider a student case for successful closure until the student has met their vocational objectives as outlined in the *Individualized Plan for Employment* (IPE) and worked for a minimum of 90 days beyond the date they exited high school. These criteria help to ensure that the student is able to work independently of the school setting and structure and has made an adequate adjustment to the employment setting.

Training and Technical Assistance

Mandatory CWTP Training

Each year HDI CWTP personnel provide mandatory training for new and returning school personnel and VR staff. Statewide trainings are designed to increase the competencies of participating school and vocational rehabilitation personnel. Training content, requirements, and locations vary from year to year depending on program needs. Mandatory training is one requirement that must be completed before the provision of billable services. The *CWTP Billing Requirements Checklist* is located in [Appendix I](#) of this manual.

Supplemental Training

HDI CWTP personnel can develop supplemental CWTP trainings around specific school district needs related to the program.

The district provides the CWTP Employment Specialist access and opportunities to additional professional development, training and information. The topics may be related but are not limited to working with students with disabilities, businesses, parents, and other agencies or on

topics related to helping students obtain competitive integrated employment prior to graduation.

Technical Assistance

HDI CWTP personnel provide technical assistance to new and experienced personnel regarding components of the program, instruction, coworker supports, job accommodations, documentation, and any other issues related to the CWTP.

CWTP Program Expectations

Community Work Transition Programs must meet the federal expectations of WIOA and the state OVR implementation plan in providing Pre-employment Transition Services activities for potentially eligible and eligible students, as well as providing Transition Services activities for eligible students. Additionally, the staff performing any component of CWTP must adhere to the MOU as signed by the superintendent of the school district and the executive director of OVR for that contract year. For CWTP Transition Services, it is the expectation of this program that students maintain stable and satisfactory competitive integrated employment in the chosen vocational goal (as documented on the *Individual Plan for Employment*) for 60 calendar days after exiting school.

End of Year Data

HDI CWTP personnel distribute surveys to gather end of year data by May 1. The CWTP Employment Specialist must submit the annual data to HDI CWTP personnel on or before June 30. Failure to report data will delay the initiation of services going forward.

CWTP Program and Compliance Review

Annually HDI CWTP personnel conduct program and compliance review activities for 10% of the participating school districts. HDI CWTP personnel will actively partner with programs during the process. Schools will make staff and records available so HDI CWTP personnel can determine the level of adherence to program guidelines outlined in this policies and procedures

manual, expectations of the OVR contract, and content from the required CWTP training. Individual programs are required to correct all non-compliance items within the timetable included the district *Findings of Facts and Conclusions Report*.

Upon failure to correct any non-compliance item(s), the individual program will develop and implement a *Support Plan* prior to continued participation in the CWTP. *Support Plans* are designed to assist individual programs by targeting areas of continued concern, methods for improvement, and determining timetables to address the concerns. HDI CWTP personnel will actively partner with programs required to develop and implement a *Support Plan*.

Individual programs under a *Support Plan* who fail to demonstrate improvement within the timetables identified in the plan will be required to meet with OVR in order to discuss program participation in the CWTP. Continued lack of improvement may be cause for suspension of the program.

Social Security Administration (SSA) Information

Concern about losing Social Security benefits based on a disability, whether real or only perceived, frequently presents employment barriers for students. Therefore, those involved in helping students plan for work need to provide clear information about the impact of wages on benefits.

It's important to know the differences between Social Security Insurance (SSI) and Social Security Disability Insurance (SSDI). Most students receiving Social Security benefits receive SSI, rather than SSDI. However, prior to talking with students and their families about work incentives, it is critical to determine whether they are receiving SSI, SSDI, or both since benefits are impacted by employment in very different ways.

Consult the following resources to assist with concerns about the impact of wages on Social Security benefits.

The Red Book - A Guide to Work Incentives

The guide serves as a general reference source about the employment-related provisions of Social Security Disability Insurance and the Supplemental Security Income Programs for educators, advocates, rehabilitation professionals, and counselors who serve people with disabilities.

Goodwill Industries of Kentucky Work Incentives Planning and Assistance (WIPA)

The Work Incentives Planning and Assistance (WIPA) program provides individualized benefits counseling support to people who receive Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI).

The counseling support is provided by Community Work Incentives Coordinators (CWIC) who received approved training from the Social Security Administration and a certification through [Virginia Commonwealth University](#). WIPA participants are paired with a CWIC who will help them understand how work will affect their income and healthcare benefits. The CWIC will also teach participants how to use work incentives to return to work to increase their financial self-sufficiency.

Services provided include:

- Individualized short- and long-term benefits planning and management services so beneficiaries know what they need to report to the Social Security Administration when they work, including how to report wage and other information to the Social Security Administration, and how to access and use the Social Security Administration and other federal, state, and local work incentives programs.
- Referral to employment support services and trouble-shooting benefits issues related to working and the return-to-work process.
- Presentations to beneficiaries, their supports, and providers about the Supplemental Security Income and Social Security Disability Insurance programs and work incentives.
- Outreach to beneficiaries and their supports about WIPA services and how to access.

CONTACT INFORMATION

Goodwill's toll-free WIPA line: 866-336-3316

Ticket to Work helpline: 866-968-7842

TTY (hearing impaired): 866-833-2967

Email: workincentives@goodwillky.org

Kentucky counties served:

Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carter, Clark, Clay, Elliott, Estill, Fayette, Fleming, Floyd, Garrard, Grant, Greenup, Harlan, Harrison, Jackson, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Mason, Martin, McCreary, Menifee, Montgomery, Morgan, Nicholas, Owsley, Pendleton, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Scott, Whitley, Wolfe.

Center for Accessible Living

501 South 2nd Street Suite s00,

1051 N. 16th Street, Suite C

Louisville, KY 40202

Murray, KY 42071

502-589-6620 / 844-689-8497

270-753-7676 / 888-261-6194

Video Phone: 502-413-2689

TDD: 270-767-0549

Website: <http://www.calky.org/services/working-while-on-benefits/>

Kentucky counties served:

Allen, Adair, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Jessamine, Larue, Livingston, Logan, Lyon, Marion, Marshall, McCracken, McLean, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, Webster, and Woodford.

Kentucky Disability Benefits 101

The website provides tools and information on health coverage, benefits and employment. The site also provides tools to plan and learn how work and benefits go together.

“The Truth about SSI (Supplemental Security Income) and Working”

A video that provides all the basics that youth with disabilities and their parents need to know about applying for Supplemental Security Income when they turn 18 years old. The video also covers how youth with disabilities can work and keep their benefits.

KentuckyWorks

KentuckyWorks is a collaborative effort to support youth and young adults with functional mental disabilities (FMD), multiple disabilities (MD), and autism, in obtaining competitive integrated employment. The website provides Kentucky and national employment resources.

SSA Contact Information

Social Security National Toll Free Number is 1-800-772-1213. This is an automated telephone service to get recorded information and conduct some business 24 hours a day. A Social Security representative is available between 8 a.m. and 7 p.m. Monday through Friday. For deaf or hard of hearing, call the toll-free TTY number, 1-800-325-0778, between 8 a.m. and 7 p.m. Monday through Friday. Find the phone number for a local office by using the [Field Office Locator](#).

Supported Employment Services

The intent of the CWTP is for the student to be employed, with any necessary supports in place, before high school exit. Some students may also require long-term support services through a Supported Employment provider after high school exit. It is the VR Counselor’s responsibility to assess and determine if Supported Employment services are required. If needed, the VR

Counselor includes Supported Employment services and specific provider on the IPE for the student.

Job Development/Job Coaching Planning Meeting

The VR Counselor is responsible for leading a discussion about Supported Employment during the Job Development/Job Coaching Planning Meeting, when Supported Employment is included on the IPE for a student. The meeting occurs in the last quarter of the CWTP student's junior year or year before high school exit. This discussion prepares the student in understanding the services and the timeline for transition from the CWTP Employment Specialist to the Supported Employment provider.

OVR Referral to Supported Employment Provider

When Supported Employment is included on the IPE, the VR Counselor refers the student to the provider named on the IPE in the third quarter of the senior year or year of exit.

Shortly after the referral to Supported Employment, the VR Counselor can schedule a consultation meeting with the CWTP Employment Specialist, the Supported Employment provider, and the student. The Supported Employment provider may act as a consultant to the CWTP Employment Specialist while the student is still in school. The student continues participation in CWTP until high school exit. The CWTP Employment Specialist continues as the provider responsible for the student achieving a Job Placement and for the provision of Employment Follow-up Services, if the student attains employment before high school exit.

Transition Exit Planning Meeting

The CWTP Employment Specialist should invite the Supported Employment provider to the Transition Exit Planning Meeting, held in the last quarter of the student's senior year or year of high school exit, to discuss student progress and next steps after the student exits high school.

The CWTP Employment Specialist continues to be the provider responsible for the student achieving a Job Placement and for the provision of Employment Follow-up services, if the student attains employment prior to high school exit.

Transition from CWTP to Supported Employment

If a student is employed upon high school exit the transition to the Supported Employment provider for long-term supports will occur on day 61, after the CWTP obligation for the 60 calendar day employment follow-up services end. If the student is not employed upon high school exit, the transfer to the Supported Employment provider occurs on the first day after high school exit.

Contact Information for Supported Employment Questions:

Kentucky Office of Vocational Rehabilitation

229 West Main Street, Suite 302

Frankfort, Kentucky 40601

Phone: 502-564-4440

Website: [Community Rehabilitation Services & Supported Employment](#)

Glossary

Admissions and release committee or "ARC" means a group of individuals described in 707 KAR 1:320, Section 3, that is responsible for developing, reviewing, or revising an individual education program (IEP) for a child with a disability.

Competitive Integrated Employment means in general, for individuals with disabilities, work performed by an individual on a part-time or full-time basis, including self-employment within an integrated setting within the community. The individual must be compensated at minimum wage or higher, using the higher of the Federal, State, or local rate, and at a rate comparable to the wage paid to non-disabled workers performing the same tasks, including receiving the same benefits and opportunities for advancement

Employed means an employed individual is currently working as a paid employee or who works in his or her own business or profession or on his or her own farm, or works 15 hours or more per week as an unpaid worker in a farm or enterprise operated by a member of the family, or is one who is not working, but has a job or business from which he or she was temporarily absent because of illness, bad weather, vacation, labor-management dispute, or personal reasons, whether or not paid by the employer for time-off, and whether or not seeking another job.

Fair Labor Standards Act (FLSA) is a U.S. law that is intended to protect workers against certain unfair pay practices or work regulations.

Individuals with Disabilities Education Improvement Act (20 U.S.C. Section 1400 through 1450, as amended) or **IDEA** means the federal law that requires the provision of special education and related services to eligible students with disabilities.

Individualized Education Program or **IEP** is a written program for a student with a disability who is eligible to receive special education and related services under the IDEA. The IEP describes the student's strengths and needs, and articulates measurable annual goals, specially designed instruction, related services, and supplementary aids and services required to address the educational needs of the student. The IEP is developed, reviewed and revised in accordance with 707 KAR 1:320.

Individualized Plan for Employment or **IPE** has the meaning set forth in SAR 582-070-0043, as amended Note: need actual definition here.

"Natural supports" are methods of inclusion and assistance that exist in any given workplace, and that an employee with a disability can tap into. These supports help the person to perform her role, and also to feel socially included—which is crucial for high performance and job retention. Natural supports can involve people, procedures, customs, tools, and benefits that are typically available in the workplace, along with individualized supports seen as normative within the setting.

On-the-Job Training is based on the principle of learning by doing. Workers learn the job while performing it within the actual work environment. This type of training is beneficial for both the worker and the employer. (OVR P&P manual)

Potentially Eligible are all students with disabilities, including those who have not applied or been determined eligible for Vocational Rehabilitation services. (OVR P&P Manual)

Rehabilitation Services Administration (RSA) provides leadership and resources to assist state and other agencies in providing vocational rehabilitation and other services to individuals with disabilities to maximize their employment, independence, and integration into the community and the competitive labor market. RSA is a component of the [Office of Special Education and Rehabilitative Services \(OSERS\)](#) within the [U.S. Department of Education](#).

Student with a significant disability is age 14 to 21 and presumed to be receiving Social Security benefits, based on a disability. If a student does not meet the Social Security presumption, they must require multiple vocational rehabilitation services. The VR Counselor determines if a student meets the criteria for having significant disability.

Supported Employment Services means ongoing support services, including customized employment, needed to support and maintain an individual with a most significant disability in supported employment. Provided singly or in combination the services are organized and made available to assist an eligible individual to achieve competitive integrated employment. Services are based on a determination of the needs of an eligible individual, as specified in an individualized plan for employment; and are provided by the designated State unit for a period of not more than 24 months, extended, if necessary, in order to achieve the employment outcome identified in the individualized plan for employment.

Temporary employment means receiving payment but not employed. At the employment site to obtain work experience.

OVR Transition Services means a coordinated set of activities, for a student, designed within an outcome-oriented process to promote movement from school to post school activities, including postsecondary education, vocational training, competitive integrated employment (including supported employment,) continuing and adult education, adult services, independent living or community participation.

Activities must be individualized, taking into account a student's preferences and interests, and must include instruction, community experiences, development of employment, other post school adult living objectives, and, if appropriate, acquisition of daily living skills and functional evaluation.

Transition services must facilitate the achievement of the employment outcome identified on the student's Individualized Plan for Employment

IDEA Transition Services are a coordinated set of activities for a student designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the student with a disability to facilitate the student's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. Services are based on the individual child's needs, taking into account the child's strengths, preferences, and interests; and includes instruction; related services; community experiences; the development of employment and other post-school adult living objectives; and if appropriate, acquisition of daily living skills and provision of a functional vocational evaluation.

Workforce Innovation and Opportunity Act or WIOA supersedes the Workforce Investment Act of 1998 and amends the Adult Education and Family Literacy Act, the Wagner-Peyser Act, and the Rehabilitation Act of 1973. WIOA is designed to strengthen and improve the nation's public workforce development system by helping Americans with barriers to employment, including individuals with disabilities, achieve high quality careers and helping employers hire and retain skilled workers.

504 Team is responsible for a plan developed under Section 504 of the Rehabilitation Act of 1973 to ensure that a child who has a disability identified under the law and is attending an elementary or secondary educational institution receives accommodations that will ensure their academic success and access to the learning environment at the same level as their non-disabled peers.

Appendices

Appendix A: School Participation Application Sample

Office of Vocational Rehabilitation- Community Work Transition Program
School Participation Application
Valid from 7/1/2020 - 6/30/2021

School District Name: _____ **Date:** _____

School District Address: _____
of High Schools Participating in CWTP: _____

Please check one: New District: _____ Returning: _____
If returning, please submit OVR Vendor number: _____

Name of Individual Completing this Form: _____
Email Address: _____ **Phone Number:** _____
Position: _____

Director of Special Education: _____
Email Address: _____ **Phone Number:** _____

District Finance Officer: _____
Email Address: _____ **Phone Number:** _____

Superintendent: _____
Email Address: _____ **Phone Number:** _____

Student Participant Information: Students identified as eligible or potentially eligible for Vocational Rehabilitation services may participate in the Community Work Transition Program. Potentially eligible students may participate in five identified pre-employment transition services (Pre-ETS) without going through the entire process of becoming a VR consumer. Students referred and determined eligible for VR services may participate in both CWTP Pre-ETS activities and Employment Transition Services, depending on the individual needs of the student. See the [CWTP Policies and Procedures Manual](#) for more information about the identification and referral processes.

Please list the number of NEW students you estimate serving: _____

Please list the number of RETURNING students you estimate serving: _____

Please list the number of students participating anticipated to exit school at the conclusion of the school year. _____

Participating High Schools, CWTP Primary Contact Person, and Principal: Complete the following information for each high school implementing CWTP in the district.

Note: The CWTP Primary Contact named below must be a certified staff member, including but not limited positions such as the Director of Special Education, a transition coordinator, or a teacher. Duties include facilitation of the participation (Pre-ETS) and referral (Employment Transition Services) processes between the district and OVR and review and submission of required forms related to service provision and billing. The Primary CWTP Contact must attend mandatory CWTP Training. The Employment Specialist cannot serve as the Primary CWTP Contact.

High School: _____

Primary CWTP Contact Name: _____

Email Address: _____

Principal Name: _____

Email Address: _____

High School: _____

Primary CWTP Contact Name: _____

Email Address: _____

Principal Name: _____

Email Address: _____

High School: _____

Primary CWTP Contact Name: _____

Email Address: _____

Principal Name: _____

Email Address: _____

Employment Specialists: List the name, email address, phone, and assigned high school for each Employment Specialists in your district.

Note: Employment Specialists are required to register and attend mandatory CWTP training programs and meetings as defined in the CWTP Memorandum of Understanding for services between OVR and LEAs. Failure to attend required training programs and meetings will result in a delay of program implementation until missed events are rescheduled and attended.

Employment Specialist: _____

High School Assigned to: _____

E-mail Address: _____

Phone: _____

Employment Specialist: _____

High School Assigned to: _____

E-mail Address: _____

Phone: _____

Employment Specialist: _____
High School Assigned to: _____
E-mail Address: _____
Phone: _____

Please return the CWTP APPLICATION by June 1, 2020, to:
Trina Hewlett, thewlet@uky.edu, # 849-292-2677
HDI/UK, Coldstream Research Campus, 1525 Bull Lea Rd., Lexington, KY
40511

Appendix B: Sample CWTP Employment Specialist Job Description

The CWTP Employment Specialist is an employee of the Name of District and works under the direct supervision of Name of Supervisor, Supervisor Title or Position. Candidates should be self-motivated, flexible and resourceful people, and possess high expectations for the inclusion of students with disabilities within the community workforce. The job also requires strong verbal and written communication skills, computer skills and experience with software programs, experience working with individuals with disabilities, knowledge of the business community, and the ability to adapt to various work environments. Experiences and knowledge in the areas of high school special education, working with businesses, and training individuals with disabilities are preferred.

JOB FUNCTIONS:

Implements the CWTP in coordination with the CWTP Primary Contact, UK Human Development Institute and the Office of Vocational Rehabilitation; coordinates and supervises community sites used for the CWTP by the district high school; and serves as a strong and cooperative team member in managing the program. For CWTP Pre-Employment Transition Services introduces students to various jobs and industry sectors, provides work based learning experiences, offers post-secondary counseling, implements workplace readiness training for social and independent living skills, and provides self-advocacy instruction. For CWTP Transition Services completes comprehensive vocational assessment, provides job development/job coaching, assists in securing competitive integrated employment (job placement) prior to high school exit, and provides employment follow-up services with job attainment.

JOB DUTIES AND RESPONSIBILITIES:

1. Attends all required meetings and trainings.
2. Understands that the goal of the program is for students to gain the skills needed for employment in an integrated setting with competitive pay before graduation.
3. Works with students with significant disabilities as defined by the CWTP program and OVR.

4. Works collaboratively with the CWTP Primary Contact, HDI, OVR and KDE to implement the program with fidelity, in accordance with CWTP policies and procedures.
5. Facilitates the CWTP referral process between the district and OVR.
6. Provides information for the application for VR services to the VR Counselor.
7. Works with students, parent or legal guardian, classroom teachers, businesses, and others to identify potential career interests, preferences and various individualized job possibilities available in the community.
8. Exhibits a working knowledge of and experience with technical and computer applications including word processing, spreadsheets, data processing, desktop publishing and electronic mail.
9. Prepares site related documents including site file folders, site file updates, and insurance information.
10. Conducts Comprehensive Vocational Assessments to identify student competencies, interests, relevant vocations (including kinds of work previously unconsidered) and learning about the impact of students' disabilities and related support needs in the community.
11. Completes the written Comprehensive Vocational Assessment, and assists with development of students' Individualized Plan for Employment (IPE) through OVR.
12. Assists Admission and Release Committees (ARCs) with understanding student referrals to the CWTP.
13. Assists ARCS with the development of students' Individual Education Program (IEP).
14. Collaborates with classroom teachers of students participating in the CWTP about scheduling services, IEP content, task analysis of behavior or skills, standards addressed in the classroom, content of Individual Learning Plan, etc.
15. Works with employers and students to develop personalized jobs.
16. Provides consultations for business personnel related to specific instruction and support needs of individual students, promoting instruction by those who typically provide training, and supplementing employer training as needed.
17. Provides follow-up services to promote job stability and advancements and continuing success of students.
18. Maintains necessary records for the local school system and the Office of Vocational Rehabilitation. Keeps current and complete information regarding each student participating in the CWTP.
19. Maintains records in accordance with the district policy for record retention.
20. Submits all meeting reports, monthly reports and billing statements to the Primary CWTP Contact for timely reimbursements.
21. Completes year-end program data report and submits to HDI.
22. Coordinates or provides transportation according to district policies and procedures.
23. Uses public relations principles and a broad base of educational expertise to maintain a positive, effective, and efficient district-wide CWTP image with the community, the school board, the high school, and district administration.
24. Markets the CWTP to the community, parents and students, schools, and professional organizations. Responds to community and school personnel inquiries about CWTP goals and functions.

Appendix C: Possible Interview Questions for CWTP Employment Specialists

These sample questions are in no particular sequence, and some may be applicable while others are not. Questions correlate either to desired job related qualities (personal connections, flexibility, organizational skills, high expectations, imagination, etc.) or attitudes about people with disabilities. The list is not an all-inclusive. There may be many other desired questions, some district specific.

- Did you attend school with students who had disabilities? If so, then what did you notice about their education? What kinds of contact did you have with students with disabilities, or what did you see the students doing? Based on your observations, what do you think was good, and what could have been better? Or if you did not go to school with students with disabilities, then why do you think this was so?
- This job promotes work experiences and jobs for students with disabilities. Why do you think work would be important for someone who has a disability? What about work for students who (due to their disabilities) don't talk, or walk, or use their arms? Or what about students who have severe cognitive impairments or unusual behaviors — is work important for these students too?
- What kinds of jobs do you think students with disabilities could do?
- Have you had any experiences with vocational programs for students with disabilities?
- What are some ways you are connected within the community (organizations, church, committees, boards, etc.)?
- What experience do you have with professional writing (e.g., keeping documentation, writing business letters, writing report)?
- What experience do you have with using technology (e.g., computers, software programs for word processing and spreadsheets, internet use, scanning documents)?
- Can you think of any job experiences you've had that would be helpful in preparing you to do this job?
- How flexible is your time (e.g., working weekends, after school hours, evenings, summer)?
- Why do you think you would be good at this kind of work?
- What aspect of this job do you think would be most difficult?
- What questions do you have about the job?

Appendix D: Additional Pre-ETS Providers

Other Providers of Pre-Employment Transition Services

Regional Education Cooperatives provide Pre-ETs trainings and student workshops. Consult with the district's regional education cooperative's transition or low incidence consultant to find out what Pre-ETS services the regional cooperative is offering to transition-age students within the region. For example, the regional cooperative transition consultant may provide an in-school workshop on self-advocacy skills to a large selection of students. Note: students in the CWTP may also participate in the trainings and student workshops.

Community Rehabilitation Programs (CRPs). KY OVR works directly with a network of community rehabilitation programs to provide services to eligible individuals. A number of CRPs are offering Pre-ETS services to eligible transition-age students without charge. For instance, in some areas, the CRPs have partnered with the LEAs and arranged to provide in-school or after-school pre-ETS targeted weekly workshops or skills trainings, and in some areas, summer projects are developed. To find out about opportunities for students to receive Pre-ETS services through a CRP in your area, please contact the OVR transition counselor that has been assigned to your secondary school or the local OVR office in your area.

Jobs for Kentucky's Graduates (JAG KY) is a national program that is expanding within KY. The program provides a competency-based curriculum for in-school youth who have significant barriers to success that include disability, academic, physical, psychological, work related, and/or environmental barriers. The competency-based modules provide up to 880 hours of content consisting of activities, project-based learning, competency-based tests and work-based learning. The competency areas include career development, job attainment, job survival, basic skills, leadership and self-development, personal skill, life survival skills workplace and economic empowerment, which are consistent with the five Pre-ETS services as outlined in WIOA. For schools participating in JAG, there will be a "Specialist" or "Career Coach" from JAG KY assigned to the school

Kentucky Community & Technical College System (KCTSC) offers Pre-ETS instruction to students in public or private schools, home schooled students, postsecondary institutions, adult education programs, alternate school settings, such as Juvenile Services, and other underserved populations. Certified special or general education teachers with related experience provide these services at the 16 community colleges throughout Kentucky.

Appendix E: CWTP Referral Form

Community Work Transition Program Referral Form

To: OVR Counselor: _____

From/Email: _____

I understand that by completing and signing this document my student's school will provide the Office of Vocational Rehabilitation (OVR) a copy of this form, along with the support documentation. I understand that my student will begin participating in Pre-Employment Transition Services (Pre-ETS) through the Community Work Transition Program (CWTP): which is the first component of the program. When my student begins their Junior year, the school will initiate the application process with OVR, if there wasn't a need to before. Once determined eligible by the OVR Counselor, my student will begin the second component of the CWTP, receiving individualized Transition Services. These services will assist my student in determining and obtaining suitable and appropriate competitive integrated employment prior to exiting high school. (Parent/legal guardian must also sign if student is under 18 years old or older with court appointed legal guardianship).

Student Full Name:

First Name: _____ Middle: _____ Last: _____

School ID# _____ Date of Birth: _____ SSN (optional): _____

Address: _____

City: _____ State: KY Zip Code: _____ Phone: _____

Sex: Female Male

Ethnicity: Hispanic Latino Neither

Race: White Black or African American Native Hawaiian or Other Pacific
 Asian American Indian or Alaskan Native

Current High School: _____

Current Grade: _____ Expected Date to Exit School: _____

Student Signature: _____ Date: _____

Parent/Guardian Signature: _____ Date: _____

Choose One: Providing a copy of IEP, 504 plan, or disability documents

Must Attach: copy of IEP, or 504 plan, or documentation of disability

Appendix F: US Department of Labor Dear Colleague Letter

UNITED STATES DEPARTMENT OF EDUCATION OFFICE OF SPECIAL EDUCATION AND REHABILITATION SERVICES

Dear Colleague:

The Departments of Education and Labor have collaborated to promote opportunities for educational placements in the community for students with disabilities while assuring that applicable labor standards protections are strictly observed.

Pursuant to the Individuals with Disabilities Education Act (IDEA), individualized education programs are developed to provide students with disabilities an opportunity to learn about work in realistic settings and thereby help such students in the transition from school to life in the community. Since the affirmation of students' rights to an appropriate free public education in 1975, many students with disabilities have benefited from participation in vocational education programs in their public schools. Students with more severe disabilities, however, have experienced fewer benefits from participation in such programs. Alternative, community based, and individualized education and training programs have emerged to meet their needs.

Our Departments share an interest in promoting educational experiences that can enhance success in school-to-work transition and the prospects that these students become effective, productive workforce participants and contributors to their community. At the same time, these students must be afforded the full protection of the nation's labor laws and not be subject to potential abuse as they start this transition through community-based educational experiences.

Existing Department of Labor guidelines, which define "employees" for purposes of applying the requirements of the Fair Labor Standards Act (FLSA), do not specifically address community-based education programs for students with disabilities. To assist program administrators in developing programs or making placements that do not create questions about the establishment of an employment relationship between the students and participating businesses in the community, the Employment Standards Administration (Department of Labor),

and the Offices of Vocational and Adult Education, and Special Education and Rehabilitative Services (Department of Education) have developed the following guidance.

STATEMENT OF PRINCIPLE

The US Departments of Labor and Education are committed to the continued development and implementation of individual education programs, in accordance with the Individuals with Disabilities Education Act (IDEA), that will facilitate the transition of students with disabilities from school to employment within their communities. This transition must take place under conditions that will not jeopardize the protections awarded by the Fair Labor Standards Act to program participants, employees, employers, or programs providing rehabilitation services to individuals with disabilities.

DEPARTMENT OF LABOR GUIDELINES

Where ALL of the following criteria are met, the US. Department of Labor will NOT assert an employment relationship for purposes of the Fair Labor Standards Act.

- Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of their disability, will need intensive on-going support to perform in a work setting.
- Participation will be for vocational exploration, assessment, or training in a community-based placement work site under the general supervision of public school personnel.
- Community-based placements will be clearly defined components of individual education programs developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the student's Individualized Education Program (IEP).

- Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and the parent or guardian of each student must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that participation in such a component does not entitle the student participant to wages.
- The activities of the students at the community-based placement site do not result in an immediate advantage to the business. The Department of Labor will look at several factors.
 - 1) There has been no displacement of employees, vacant positions have not been filled, employees have not been relieved of assigned duties, and the students are not performing services that, although not ordinarily performed by employees clearly are of benefit to the business.
 - 2) The students are under continued and direct supervision by either representative of the school or by employees of the business.
 - 3) Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.
 - 4) The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.
 - 5) While the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:

| | |
|---|-------------------------------|
| <input type="checkbox"/> Vocational exploration | 5 hours per job experienced |
| <input type="checkbox"/> Vocational assessment | 90 hours per job experienced |
| <input type="checkbox"/> Vocational training | 120 hours per job experienced |

- Students are not entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at that particular community-based placement unless in a clearly distinguishable occupation.

It is important to understand that an employment relationship will exist unless all of the criteria described in this policy guidance are met. Should an employment relationship be determined to exist, participating businesses can be held responsible for full compliance with FLSA, including the child labor provisions.

Businesses and school systems may at any time consider participants to be employees and may structure the program so that the participants are compensated in accordance with the requirements of the Fair Labor Standards Act. Whenever an employment relationship is established, the business may make use of the special minimum wage provisions provided pursuant to section 14(c) of the Act.

We hope that this guidance will help you achieve success in the development of individualized education programs.

Robert R. Davila
Assistant Secretary
Office of Special Education & Rehabilitative Services
Administration
U.S. Department of Education

Cari M. Dominguez
Assistant Secretary
Employment Standards
U.S. Department of Labor

Betsy Brand
Assistant Secretary
Office of Vocational and Adult Education
U.S. Department of Education

Appendix G: Sample Student Non-Paid Work Exploration/Evaluation and Training Agreement

Name of School _____ Date _____

Student Name _____ Teacher _____

Exploration/evaluation/Training Site _____

Site Address _____

Site Phone Number _____

- 1) The purpose of the Community Work Transition Program is to provide students with exploration/evaluation and training opportunities to acquire job skills in real job environments.
- 2) The students will be supervised by school employee or by employees of the participating business.
- 3) The activities of the student at the community-based placement site do not result in an immediate advantage to the business. There has been no displacement of employees, vacant positions have not been filled, and employees have not been relieved of assigned duties.
- 4) The student will not be financially compensated for work training, unless otherwise specified and agreed upon by the employer.
- 5) Liability and insurance for the student and school employees during training is the responsibility of the school district, not the employer.

6) The employer will provide the necessary materials to complete the job requirements.

School employees might adapt materials or develop new materials to facilitate a student's involvement. The employer must approve adaptations to employers' materials.

The following have agreed to the conditions stated in this contract, as well as agreeing to comply with all aspects of the Fair Labor Standards Act. (Refer to DOL guidelines or DOL checklist.)

| | | | |
|----------------------|------|---------------------------|------|
| Employer | Date | Parent | Date |
| Student | Date | Teacher/Coordinator. Date | |
| School Administrator | Date | | |

Appendix H: DOL Non-Paid Work Checklist

DOL Checklist Regarding Non-Paid Work Exploration, Exploration/Evaluation, and Training

Where ALL of the following criteria are met, the US. Department of Labor will NOT assert an employment relationship for purposes of the Fair Labor Standards Act.

- Participants will be youth with physical and/or mental disabilities for whom competitive employment at or above the minimum wage level is not immediately obtainable and who, because of their disability, will need intensive on-going support to perform in a work setting.
- Participation will be for vocational exploration, assessment, or training in a community-based placement work site under the general supervision of public school personnel.
- Community-based placements will be clearly defined components of individual education programs developed and designed for the benefit of each student. The statement of needed transition services established for the exploration, assessment, training, or cooperative vocational education components will be included in the student's Individualized Education Program (IEP).
- Information contained in a student's IEP will not have to be made available; however, documentation as to the student's enrollment in the community-based placement program will be made available to the Departments of Labor and Education. The student and the parent or guardian of each student must be fully informed of the IEP and the community-based placement component and have indicated voluntary participation with the understanding that participation in such a component does not entitle the student participant to wages.

The activities of the students at the community-based placement site do not result in an immediate advantage to the business. The Department of Labor will look at several factors.

- There has been no displacement of employees, vacant positions have not been filled, employees have not been relieved of assigned duties, and the students are not performing services that, although not ordinarily performed by employees clearly are of benefit to the business.
- The students are under continued and direct supervision by either a representative of the school or by employees of the business.
- Such placements are made according to the requirements of the student's IEP and not to meet the labor needs of the business.
- The periods of time spent by the students at any one site or in any clearly distinguishable job classification are specifically limited by the IEP.
- While the existence of an employment relationship will not be determined exclusively on the basis of the number of hours, as a general rule, each component will not exceed the following limitation during any one school year:
 - Vocational exploration 5 hours per job experienced
 - Vocational assessment 90 hours per job experienced
 - Vocational training 120 hours per job experienced
- Students are not entitled to employment at the business at the conclusion of their IEP. However, once a student has become an employee, the student cannot be considered a trainee at that particular community-based placement unless in a clearly distinguishable occupation.

It is important to understand that an employment relationship will exist unless all of the criteria described in this policy guidance are met. Should an employment relationship be determined to exist, participating businesses can be held responsible for full compliance with FLSA, including the child labor provisions.

Businesses and school systems may at any time consider participants to be employees and may structure the program so that the participants are compensated in accordance with the requirements of the Fair Labor Standards Act. Whenever an employment relationship is established, the business may make use of the special minimum wage provisions provided pursuant to section 14(c) of the Act.

Appendix I: CWTP Billing Requirements Checklist

CWTP Billing Requirements Checklist

The following must be completed before CWTP services are allowable and billable.

- Negotiated *Memorandum of Understanding* between OVR and school district.
- Submission of signed *CWTP Virtual Guidelines for 2020* to HDI personnel, if virtual service delivery is planned.
- Completion Required CWTP training provided by HDI CWTP personnel.
 - CWTP Employment Specialist
 - CWTP Primary Contact
- Submission of the *Community Work Transition Program Pre-Employment Transition Services Student Progress Evaluation* Pre-Test component for all Pre-ETS students to OVR.
- Receipt of OVR authorization for Pre-ETS Services for individual students
- Receipt of OVR authorization for Transition Services for individual students

Community Work Transition Program Information

Main Office Address

Human Development Institute - University of Kentucky
1525 Bull Lea Road, Suite #160
Lexington, KY 40511

Website

www.hdi.uky.edu/CWTP

CWTP Contacts

Trina Hewlett, CWTP Director
859-218-5965
thewlet@uky.edu

Stacy Henderson, CWTP Associate Director
270-999-2877
stacy.henderson@uky.edu

Sandy Conder, VR Program Administrator
Office of Vocational Rehabilitation
502-564-4440
sandy.conder@ky.gov

Patricia Wilkerson, CWTP Training Support
270-635-1828
patricia.wilkerson@uky.edu

Jill Griffiths, CWTP Training Specialist
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jill.griffiths@uky.edu

Allison Johnson, Exceptional Children Consultant
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(502) 564-4970
Allison.johnson@education.ky.gov