



DRS Transition: School-To-Work Frequently Asked Questions

- 1. What does the question on the DRS application mean when it says, “Transition Program Participant?” Does it mean they are participating in SWS? Does it mean they are on an IEP?**

None of the above. For data reporting purposes, the question is specifically asking if the applicant is a transition client at the time of application. Are they still in high school when their case is open?

- 2. Does a student on an IEP automatically qualify for DRS services or do we presume them eligible?**

No, a student on an IEP does not automatically qualify for DRS services; however, the documented disability meets one tier of our eligibility requirements. They still have to meet the other two tiers. We never presume a transition student eligible unless receiving SSA benefits, like we would adults. Additionally, students do not have to be on an IEP to apply for services—they can be on a Section 504 accommodations plan or have other documented disabilities and not be on an IEP or 504 Plan.

- 3. At what age do we take applications on kids in high school?**

Best practice is to take the application around the age of 15 ½ so that we can complete the eligibility/plan process before they turn 16. We cannot pay for services until they are 16 years of age. AWARE will not let you enter anyone under the age of 15. We can, however, do some group job readiness/job club activities with students prior to turning 16 and also prior to a case being opened (under WIOA). We can do this with groups at the schools or in the community in collaboration with teachers.

- 4. How long can students on IEPs stay in high school? At what age must they stop attending high school? Are there any circumstances in which they could attend longer?**

According to federal law, students on IEPs can attend school through their 21st birthday (i.e., until turning 22). The IEP team must decide well in advance if services will cease on the day of turning 22 or the end of a semester or end of that last school year. This is not a mandatory thing that everyone HAS to stay till 22—it is up to each IEP team to make this decision based on the needs of the student.

In Oklahoma, there are two reasons why a student on an IEP might attend school beyond his or her 22nd birthday: 1) they were in school and on an IEP and drafted before they could finish; or 2) they have a chronic health condition that has prevented them from earning credits at the same rate as their nondisabled peers. We will probably never experience #1,

but I can see many situations where we might experience #2 (e.g., those students undergoing chemo treatments and either being educated in the hospital or home).

There are situations where a student is not ready to graduate, but they are in their senior year and their peers are graduating. A school may allow a student to go through the motions of the graduation ceremony, senior pictures, etc., and not officially graduate them on their transcripts. Those students can continue to attend the public school until they do officially graduate. This does not happen that often, but it is allowable because nothing official is happening.

5. Can students on IEPs reenroll in school after they graduate or age out?

No, once a student receives a high school diploma or ages out (i.e., reaches 22 and leaves high school), they may NOT go back to any public school for any type of service—transition or other. Below is an excerpt straight from Oklahoma School Law.

ARTICLE V: SCHOOL DISTRICTS AND BOARDS OF EDUCATION

Section 93. Students of Legal Age - Completion of Twelfth Grade.

A. Any person who is of legal age and a resident of Oklahoma, over the age of twenty-one (21) and under the age of twenty-six (26), and who has not completed the twelfth grade in school shall be given the same educational privileges and opportunities provided by law for children over the age of five (5) and under the age of twenty-one (21), upon submitting to the board of education of the school district in which said person resides evidence satisfactory to that board showing that during the time before he was twenty-one (21) years of age he was unable to attend school for a definite period or periods of time because of physical disability, or service in the United States Armed Forces or auxiliary organizations, by reason whereof it was impossible for him to complete the twelfth grade before reaching the age of twenty-one (21). Provided, further, said pupil shall be counted in the average daily attendance of the district where he attends school during the period of time provided for in this article for the purpose of calculating State Aid for the district.

Attendance of person before he is 26 years old can be counted in daily attendance only for same number of school days he missed school because of physical disability or military service. *AG Op. August 3, 1962*

6. Can students continue working during the summer if the July contract is not in place yet? Can we reimburse the schools for the time students worked before the contract was in place even if it is only just a few days or a week?

No, students may NOT work if a contract is not in place. Our contracts run on the July 1-June 30 cycle. That means that students can work during the school year and through all of June. No one can work after June 30 if the next contract is not in place.

The contracts process works like this: 1) Counselors are emailed the contracts they need for their schools; 2) counselors disseminate to their schools; 3) schools sign the contracts and

mail them back; 4) state office processes them, creates the PO, puts them in Compass and AWARE, and emails the lead counselor their work plan and final contract; 5) state office also sends a final original back to the school; and 6) when all of that has happened, that is when you know kids can work. The best way to verify is to go into AWARE. If it lets you authorize, you know that the contract has been completely processed.

We cannot accept a stamped signature, a photocopy, or a faxed contract. All documents need to be originals with original signatures.

All of the instructions for how the contract works are in the contract. Schools may threaten to cancel contracts if we won't pay for time worked when a contract wasn't in place, but they are breaking laws and causing us to do the same by backdating, etc.

7. How many hours can a student work during school? How about in the summer? Can it vary each day? When does summer actually begin? How much do we reimburse?

Students can work up to 10 hours per week during the school year and 20 hours per week in the summer. The number of hours each day can vary. Students may begin working the 20 hours per week the day after school ends. As of their first day back to school, they may only work 10 hours per week.

We only reimburse at the current minimum wage. We also will reimburse one time in the life of a case for fingerprinting/background checks to be completed on students only 18 and older.

When you are doing your authorizations, please only authorize an amount close to what you know they will work so that we aren't holding DRS funds that may not be used. Likewise, be sure to cancel any authorizations that will not be used.

8. If I have a client who has participated in SWS and is about to graduate in May, can they continue to do work study after they graduate?

No, once a student graduates with a diploma or ages out and leaves high school, they are no longer a student at that school, the school is no longer liable for them, and they may NOT participate in the SWS program.

9. Once a student graduates high school but is going to attend the Tech Center for an extra semester or year, can they still participate in SWS if the Tech Center has a contract with us for SWS?

No, once a student graduates, they may not participate in SWS. The contract is intended for high school students. They may, however, do a modified OJT or traditional OJT if appropriate.

10. What are the rules about taxes for students doing SWS during the school year? What about summer?

During the school year, as long as the student is attending school and employed by the school, they are exempt from FICA and FUTA; however, state and federal taxes are always taken out.

If they continue to work for the school in the summer and they are NOT enrolled in school at that time, they are no longer exempt from FICA and FUTA. That is why some schools will not continue to employ them in the summer.

These exemptions do NOT apply if they are working in the community and paid by the employer. It only applies to those paid through the school.

Our contracts say nothing about reimbursing for additional expenses (i.e., FICA, FUTA in the summer). This is supposed to be a partnership, and luckily, through our funding, we are able to reimburse the schools for wages paid. Most districts view that small “burden” as their contribution toward providing transition services to their students with disabilities, which they are required by law to provide.

11. Can SWS students file for unemployment against their school districts?

If the schools implement the contracts as written, the students should/would not have grounds to legally file for unemployment. The only situations where this might occur would be 1) if the students work in the summer while they are NOT enrolled in school (that is when they are not eligible for the FUTA exemption), or 2) the school mistakenly deducts that portion from their checks during the school year.

12. Do the charter schools in Oklahoma City Public Schools utilize the contract that OKCPS has or do they get their own?

Charter Schools in OKC are completely separate from the OKCPS for the purposes of SWS program. Each charter school must have its own SWS with DRS. The charter schools are supposed to implement the contract the same way the other schools do—hiring them as their own staff, paying them (for SWS or WSL), maintaining liability, sending us monthly time sheets/progress reports, etc. They are supposed to fill out job applications with the district. Counselors send the authorizations to them just like you do for your other schools.

13. Does SWS affect students who receive SSI or SSDI?

There is a Student Earned Income Exclusion (SEIE) through SSA that allows students receiving SSI or SSDI to work, earn money, and not have it counted against their SSA benefits. More information is found on Compass/Consumer Divisions/Secondary Transition. Talk with a Benefits Planner for more information.

14. Does SWS affect benefits a family might be receiving from DHS?

For students whose family receives benefits through DHS (e.g., Sooner Care), the income students earn through SWS does count against them, and in some cases, if they work more than a certain number of hours per week, their medical benefits may end. According to

DHS, there is nothing in disability-related medical policy that allows that income to be exempt.