VOCATIONAL REHABILITATION SERVICES MANUAL

Effective Date	12/05/2025

INTRODUCTION

Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR) has developed the Vocational Rehabilitation Services Manual (VRSM) to meet the requirements established by the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), the Code of Federal Regulations (CFR) Title 34, Part 361 and 363, and Texas Administrative Code (TWC Rule) Title 40, Part 20, Chapters 850, 856, and 858. Employees of TWC-VR are required to understand and follow the policies and procedures included in the VRSM when providing services to individuals with disabilities while exercising professional judgment and sensitivity in administering the VR program.

The VRSM 1) helps to ensure VR customers receive quality services to assist them in achieving successful competitive integrated employment (CIE) outcomes as a result of their participation in VR services; 2) helps to ensure taxpayer funds are spent wisely and each purchase paid for with public funds represents full value to the taxpayer; and 3) provides published policies and procedures for maintaining compliance with Federal and State laws, statutes, and rules or regulations.

This introduction includes a comprehensive TOC for Parts A, B, C, D, and E of the VRSM.

Additional information, including examples, tools, and practical application guides that support existing policies and procedures are intended to provide decision-making support to TWC-VR staff and are not publicly available. Copies of materials may be made available upon an open records request.

All services and supports provided by TWC-VR are for the sole purpose of assisting Texans with disabilities in achieving a CIE outcome.

Questions related to the policies and procedures in the VRSM can be emailed to the Policy Team at vrsm.support@twc.texas.gov.

Part A

Part A serves as an overview of the Vocational Rehabilitation Services program, administered by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR), including the Legal Authority and purpose of the program; populations served; customer rights; citizenship and authorized identification; voter registration; appeals and due process; protection, use, and release of personal information; access and accommodations; ethical conduct; incident reporting; subrogation; services to business; and performance accountability.

Part B

Part B serves as the requirements related to the vocational rehabilitation (VR) process, beginning with a general overview and ending with case closure. The VR process is not always linear, and various steps in the VR process may need to be revisited when circumstances change for the customer. For example, once an Individualized Plan for Employment (IPE) is completed and services have been initiated, a change in the customer's circumstances might require additional assessments, an updated employment goal, an interruption of services, or a change to the services originally included in the IPE, which would require an IPE amendment.

This section addresses the specific roles and responsibilities of the VR team, which is made up of a group of individuals who share responsibility for informing, educating, advocating, facilitating, and encouraging the customer as the customer makes informed decisions to reach their employment goal.

Additionally, Part B includes competitive integrated employment, informed choice, initial contacts and applications, eligibility determination, Order of Selection, Trial Work Experience, comprehensive assessment, IPE development, Computerized Criminal History search, and case closure.

Part C

Part C serves as the requirements related to the provision of vocational rehabilitation (VR) services, including career, training, and other support services. The VRSM includes services that are provided directly by TWC-VR staff (i.e., in-house services), purchased services, and services provided and/or arranged through a comparable service or benefit.

Additionally, Part C outlines an overview of policy and procedures that apply to all services, detailed descriptions of when customers must participate in the cost of their VR services, as well as when the requirement to seek comparable services and benefits applies.

Part D

Part D serves as the requirements related to Budgeting and Purchasing, which describes the requirements and TWC-VR staff responsibilities for customer service budget allocation, distribution, and monitoring. Part D also includes the requirements for purchasing goods and services, statewide operating procedures, vendors/contractors, and supports the highest compliance with Federal and State law.

It should be noted that the list of regulations cited in the authority sections of Part D are representative, not a comprehensive list.

Part E

Part E serves as the requirements for business procedures related to case record management. Part E includes information related to case record management, including credential attainment and measurable skill gains,

case documentation, opening, phase adjusting, and transferring case records as well as RSA-911 reporting and data validation.

Part E also houses four appendices, which contain a comprehensive list of approvals and consultations, a list of VR acronyms, a glossary of terms and definitions, and a list of case note requirements.

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PART A, CHAPTER 1: VOCATIONAL REHABILITATION INTRODUCTION

OVERVIEW

Part A serves as an overview of the Vocational Rehabilitation Services program, administered by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR), including the Legal Authority and purpose of the program; populations served; customer rights; citizenship and authorized identification; voter registration; appeals and due process; protection, use, and release of personal information; access and accommodations; ethical conduct; incident reporting; subrogation; services to business; and performance accountability.

Questions related to Part A policies and procedures can be emailed to the Policy Planning and Statewide Initiatives Team (PPSI) at vrsm.support@twc.texas.gov.

Date	Type	Change Description
07/01/2025	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 2: LEGAL AUTHORITY AND PURPOSE

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 2	The Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), 34 CFR §361, §363, TWC Rule §850, §856, and §858.	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to all statutes, regulations, and subregulatory guidance issued to carry out the requirements of the State Vocational Rehabilitation Services Program and the State Supported Employment Services Program.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

The purpose of the Vocational Rehabilitation (VR) Program, Title I of the Rehabilitation Act of 1973, as amended by Title IV of WIOA:

1. To provide a comprehensive, coordinated, effective, efficient, and accountable VR program, which is:
    - An integral part of a State-wide workforce development system; and
    - Designed to assess, plan, develop, and provide VR services for individuals with disabilities, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice so that they may prepare for and engage in competitive integrated employment and achieve economic self-sufficiency.

B. Competitive Integrated Employment (CIE)

CIE is work that:

1. Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that:
    - Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
    - Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
    - In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
    - Is eligible for the level of benefits provided to other employees; and
2. Is at a location:
    - Typically found in the community; and
    - Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate, to the work performed, other persons (e.g., customers and vendors) who are not individuals with disabilities (excluding supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
3. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

TWC-VR supports a variety of CIE types, including Self-Employment, Randolph-Sheppard Business Enterprises of Texas Program (BET), and Supported Employment in CIE.

C. Exceptions to Policy

When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Requesting Exceptions to Policies in This Manual

1. Refer to the respective chapters of the VRSM.
2. When there is a clearly demonstrated vocational need that cannot be approved at the local TWC-VR office, the VR Counselor discusses the circumstances with the VR Supervisor, VR Manager, and/or a Regional or State Office Program Specialist. Together, they determine whether there is justification for requesting an exception to published policies and procedures.
3. If the need is determined appropriate, the VR Counselor sends a request for an exception to policies and procedures through their chain of management to the Deputy Division Director for Field Services Delivery for consideration.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 3: WHO WE SERVE

PART A, CHAPTER 3.1: BASIC RIGHTS AND NON-DISCRIMINATION

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 3.1	34 CFR §361.42(c), and TWC Rule §842 Subchapter A	All TWC-VR staff	02/10/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure TWC-VR applicants, eligible individuals, and customers are afforded their basic rights, including the right to non-discriminatory services.

DEFINITIONS

Nondiscrimination: Ensures that no one is denied their rights because of factors such as race, religion, sex, sexuality, etc.

POLICY

A. General Overview

TWC-VR customers are afforded certain basic rights, which include the right to:

- Have informed choice throughout the VR process;
- Be informed in writing of their rights using appropriate modes of communication;
- Receive services that are nondiscriminatory;
- Have their personal information contained in TWC-VR records protected; and
- Appeal decisions regarding their planned services or their eligibility for such services.

B. Prohibited Factors

TWC-VR does not exclude, deny benefits to, limit participation of, or otherwise discriminate against any individual who is otherwise eligible for TWC-VR services based on the following:

- Residency: It is not required that a customer reside in Texas to be considered eligible for TWC-VR services; they must simply be present in Texas in order to participate in assessments and services to be eligible for TWC-VR services.
- Race
- Color
- Sex
- National origin
- Age
- Disability
- Religion
- Sexual orientation
- Source of referral to TWC-VR
- Expected employment outcome, services needed, anticipated cost of services, income level (including families), employment status (including history), and educational status or credentials.

PROCEDURES

A. "Can We Talk?" Brochure

Customer rights applicable to each TWC-VR program are summarized in the "Can We Talk?" brochure. A copy of the brochure must be provided to potentially eligible students with disabilities, applicants, eligible individuals, and customers, at a minimum:

- At application (or when the Request to Receive Pre-Employment Transition Services [VR1820] is completed for potentially eligible students with disabilities);
- At the time of initial Individualized Plan for Employment (IPE) or IPE amendment;
- When services are being denied, reduced, suspended, or terminated; and
- Upon customer request.

A case note recording the date and method the brochure was given to the customer must be documented for each occurrence.

B. Civil Rights Complaints

All discrimination complaints received by TWC-VR, either directly from a customer or through an external compliance agency, must be forwarded immediately to the TWC Equal Opportunity (EO) Officer at

eo.complaint@twc.texas.gov (Attn: EO Compliance Dept., Fraud Deterrence and Compliance Monitoring Division) by the TWC-VR staff member receiving the complaint. Customers can also be referred immediately to the EO hotline at (512) 463-2400.

Detailed information about policies, services, and procedures may be found at TWC Equal Opportunity is the Law.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Removed references to gender, gender identity, gender expression, changed “gender” to “sex”, and removed Procedures B. Names and Pronouns per Governor’s directive.

PART A, CHAPTER 3.2: CITIZENSHIP AND AUTHORIZED IDENTIFICATION

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 3.2	N/A	All TWC-VR staff	02/10/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to accessing required identification documents, including authorization to work in the United States, necessary to participate in TWC-VR services.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules. This includes the option to refuse providing identification or authorization to work in the U.S. while understanding the potential implications of doing so.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

POLICY

A. General Overview

Employment hinges on the crucial steps of identification and authorization for employment. Individuals must provide appropriate documentation to verify their identity and legal right to work in the United States (U.S.). This process ensures compliance with employment regulations and safeguards against unauthorized employment. Employers typically require proof of identity and work authorization before hiring individuals, thereby upholding legal and regulatory standards while promoting a safe and lawful work environment.

B. Customer Identification and Authorization for Employment

At the time the individual is applying for TWC-VR services, a TWC-VR staff member asks them to provide original unexpired documents that prove their identity and show that the customer can work legally in the U.S.

Customers may provide identification and employment authorization documents in-person, by mail, or by using videoconference, fax, encrypted email, or other acceptable secure electronic means. This required documentation must be received by TWC-VR prior to eligibility.

C. Prohibited Factors

It is not required that a customer reside in Texas for any duration to be considered for determining eligibility for TWC-VR services; they must only be present in Texas in order to participate in the assessment process and TWC-VR services.

PROCEDURES

A. Customer Identification and Authorization For Employment

If an individual says that they are legally authorized to work in the U.S., but they do not have the required unexpired documentation when completing the application for TWC-VR services, TWC-VR staff:

- Allow the individual to complete an application for TWC-VR services;
- Explain that the individual must provide documents verifying identification and authorization for employment before TWC-VR can determine eligibility for VR services; and
- Refer the customer to the Department of Homeland Security (DHS) or other local organizations that can assist the individual in obtaining the required documentation.

B. SSI/SSDI Recipients

If the customer has been determined eligible for SSI/SSDI benefits due to their disability, they must provide proof of identity and current, unexpired authorization for employment documents prior to determination of eligibility for TWC-VR services. Once all required documentation is received, the customer may be presumed eligible for VR services.

C. Maintaining Authorization for Employment Documents

Customers are responsible for providing and maintaining current employment authorization documents throughout the life of their TWC-VR case. The VR Counselor must remind the customer of this requirement prior to their expiration and document this as a VR counseling and guidance case note.

D. Acceptable Documents

DHS maintains lists of documents a customer can use to verify their identity and/or employment authorization. The DHS Form I-9 Acceptable Documents webpage provides examples of the various documents:

- List A – Documents that Establish Both Identity and Employment Authorization: Customers presenting an acceptable List A document should not be asked to present any other document.
- List B – Documents that Establish Identity: The documents on List B establish only identity. Customers who present a List B document must also present a document from List C. List B includes acceptable documents for individuals under the age of 18.
- List C – Documents that Establish Employment Authorization: The documents on List C establish only employment authorization. Customers who present a List C document must also present a document from List B.

E. TWC-VR Consultation Required

If a customer presents documents not listed on DHS Form I-9 Acceptable Documents to prove their identity and/or employment authorization, email the customer's name and case ID, as well as copies of the documents presented to the Policy Planning and Statewide Initiatives Team (PPSI) at vrsm.support@twc.texas.gov.

If the PPSi Team is not able to determine the validity of the documents, they will contact TWC Office of General Counsel (OGC) for review and consultation. This must be completed before the customer can be determined eligible for TWC-VR services.

F. Purchasing Identification

After the customer provides an acceptable List C document to confirm employment authorization and otherwise meets the eligibility requirements of TWC-VR, the VR Counselor may authorize the purchase of a State-issued driver's license or ID card for the customer, if needed to help make an eligibility determination or for the customer to participate in TWC-VR services.

For information on renewing and/or obtaining a Texas driver's license or ID card from the Texas Department of Public Safety (DPS), see the Driver License and IDs section of the DPS website.

G. Expired Employment Authorization Documents

Expired employment authorization documents do not satisfy the requirements for TWC-VR services. Unexpired employment authorization documents must be maintained throughout the life of the case.

If employment authorization documents are not expired, but will expire prior to completion of IPE services, TWC-VR staff:

- Explain to the customer that unexpired documents are required by an employer; and
- Monitor status of documents to ensure that the documents do not expire.

If the customer's employment authorization documents expire while the customer is participating in TWC-VR services, the customer is no longer eligible for TWC-VR services and the case must be closed, unless the case is in employment status.

For customers who have completed all TWC-VR services and are in employment status, pending case closure, the case should remain open until it is able to be closed successfully; no additional service authorizations should be issued. However, if additional services are needed while in employment status, the employment authorization documents must be updated in RHW prior to the purchase.

In the event that DPS or Federal offices are closed or operating at a reduced capacity due to a public health or other safety concern, TWC-VR staff should refer to the TWC-VR State Office guidance, DPS website, and DHS Form I-9 Acceptable Documents for information on accepting expired identification and work authorization documents.

H. Expired Identity Documents

Expired identity verification documents, such as a driver’s license or identification card issued by Federal, State or local government agencies or entities, do not satisfy the requirements for employment authorization documents.

After eligibility for TWC-VR services has been determined, if the customer is a U.S. citizen or is authorized to work in the U.S. and the customer’s identity verification documents expire, these documents do not

need to be updated to continue participation in TWC-VR services. However, if the customer's case is closed for any reason, the customer will be required to provide unexpired identify verification documents to reapply for TWC-VR services. The customer should be advised that employers require unexpired documents and should be encouraged to update these documents in a timely manner. This communication is documented as a VR counseling and guidance case note.

I. Data Corrections

If a customer's identity or employment authorization documents have expired or the information was entered incorrectly in RHW, a VR Supervisor or VR Manager can update the record in RHW through the data correction request process.

The RHW Data Correction Request (VR5158) is used to request and document all RHW data corrections. A copy of this form is filed in the customer's paper case file.

J. Copies of Documents

A copy of the customer's documents is filed in the paper or virtual case file.

If the customer is reluctant to allow the documents to be copied, or if a copier is not immediately available, enter the following information in a case note for each document:

- Document title;
- Issuing authority;
- Document number; and
- Expiration date (if any).

If the applicant is unable or unwilling to provide identity and employment authorization documents before their eligibility determination is due, the case should be closed. The customer may reapply when they have the required documentation.

K. Mismatched Identification Documentation

Some individuals may have mismatched identification documentation. They may have documentation with a previous name and current documentation with corrected name. This situation is common. Such discrepancies must not prevent an individual from getting a job, participating in a program, or receiving TWC-VR services.

L. Dual VR Agency Coordination

If a customer presents an unexpired identification or authorization for employment document with an out-of-state address, TWC-VR staff should ask the customer if they are receiving VR services from another

state. If the answer is yes, TWC-VR staff must coordinate with the out-of-state VR agency to ensure that services are not duplicated.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Removed reference to gender per Governor's directive

PART A, CHAPTER 3.3: SPECIFIC POPULATIONS

PART A, CHAPTER 3.3.a: SPECIFIC POPULATIONS – OVERVIEW

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 3.3.a	N/A	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to TWC-VR's handling of specific populations, including applicable resources, disability needs, and TWC-VR services.

DEFINITIONS

Blindness: Visual acuity with best correction of 20/200 or less in the better eye, a visual field of 20 degrees or less, or a combination of both.

Low Vision: Visual acuity with best correction of 20/70 or less in the better eye, a visual field of 30 degrees or less in the better eye, or a combination of both.

Neurodevelopmental Disorders: Term that encompasses autism, attention deficit/hyperactivity disorder, intellectual disabilities, or specific learning disabilities.

Significant Visual Impairment: A disease or condition of the eye that does not meet the definitions of blind or low vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Veteran: An individual who served in the active military, naval, or air service and was discharged or released under conditions other than dishonorable. This includes a member of the National Guard or reserve components who is activated for Federal military service and serves the full period of activation.

Visual Impairment: Global term that encompasses blindness, low vision, and significant visual impairment.

POLICY

A. General Overview

In addition to providing services to eligible individuals with disabilities, TWC-VR provides services and support to individuals with specific disabilities who will benefit from working with VR Counselors and TWC-VR staff with specialized knowledge, skills, and abilities. TWC-VR staff specialization improves successful competitive integrated employment outcomes for these customers.

Specific populations include, but are not limited to, the following:

- Individuals who are blind or significantly visually impaired;
- Individuals with neurodevelopmental disorders, including:
    - Autism;
    - Attention deficit /hyperactivity disorders;
    - Intellectual and developmental disabilities; and
- Specific learning disabilities;
- Individuals with mental health disorders;
- Individuals from minority backgrounds;
- Veterans with disabilities;
- Social Security recipients and beneficiaries; and
- Subminimum wage recipients.

While specialized caseloads are not available in every TWC-VR office, specialized supports are available statewide. The information in this policy provides a brief overview of the following specific customer populations.

- Individuals with Disabilities Who Are Minorities: TWC-VR engages in numerous programs and activities designed to inform and make available TWC-VR and supported employment services to minorities and those who have the most significant disabilities.

- Blind and Visually Impaired: Individuals who are eligible for TWC-VR services and are blind or have a visual impairment as their primary disability are seen by a VR Counselor who specializes in working with individuals with blindness and visual impairments.
- Neurodevelopmental Disorders: A neurodevelopmental disorder is defined as autism, attention deficit/hyperactivity disorder, intellectual disabilities, or specific learning disabilities. TWC-VR services provided specifically for these types of disabilities include, but are not limited to, the following:
    - Employment Specialists with the Autism Endorsement;
    - Autism Spectrum Disorder Support; and
    - Environmental Work Assessment.
- Veterans: Regardless of their eligibility for services from the U.S. Department of Veterans Affairs (VA), veteran customers with disabilities may benefit from TWC-VR services.
- Social Security Recipients and Beneficiaries: A customer receiving SSI or SSDI or another Title II disability benefit due to their own disability must be given unique considerations during the VR process, including presumptive eligibility for TWC-VR services.
- Ticket to Work Program: Ticket to Work Program (TTW) is a voluntary program administered by the Social Security Administration (SSA) for customers aged 18 to 65 who receive SSA disability benefits.
- Subminimum Wage Recipients: Section 511 of the Rehabilitation Act, as added by the amendments to the WIOA, requires employers that hold special wage certificates under Section 14(c) of the Fair Labor Standards Act (FLSA) to comply with certain requirements. WIOA mandates that these requirements be satisfied before the employers can hire youth with disabilities at subminimum wages or continue to employ individuals with disabilities of any age at subminimum wage. Individuals with disabilities, regardless of age, must receive Career Counseling and Information and Referral (CCI&R) services designed to promote opportunities for competitive integrated employment in order to be employed at subminimum wage (wages less than the Federal minimum wage).
- Students and Youth with Disabilities: Under WIOA, TWC-VR is tasked with enhancing TWC-VR services to youth with disabilities, including Pre-Employment Transition Services (Pre-ETS) for students with disabilities transitioning from high school to postsecondary education or employment. TWC-VR also provides supported employment (SE) services to youth and individuals with significant disabilities needing ongoing support in maintaining employment.

Through a Memorandum of Agreement (MOA) with the Texas Education Agency (TEA), data sharing enables better assessment of the number of potentially eligible students that could receive Pre-ETS. TWC-VR actively engages in outreach to inform education agencies, community partners, families, youths, and students about TWC-VR transition services and Pre-ETS availability statewide and collaboration opportunities with schools under the Individuals with Disabilities Education Act (IDEA).

TWC-VR policies and procedures are applied uniformly to all customers, regardless of classification of "specialized population."

PROCEDURES

There are no procedures for this policy.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 3.3.b.: SUBMINIMUM WAGE – SECTION 511

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 3.3.b	34 CFR Part 397	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the laws and regulatory requirements established under Section 511 of the Rehabilitation Act, as amended, to limit the ability for individuals with disabilities to be paid subminimum wages when employed.

DEFINITIONS

Career Counseling and Information and Referral (CCI&R): A discrete set of activities, different from counseling and guidance, that are mandated by WIOA that must be completed by TWC-VR staff for all individuals earning subminimum wage (SMW) in Texas, regardless of their state of residence or severity of disability.

14(c) Certificate Holder: Any employer that receives a certificate from the Department of Labor (DOL) Employment Standards Administration's Wage and Hour Division to pay workers with disabilities SMW.

Piece Rate: A type of subminimum wage.

Point of Contact: TWC-VR staff assigned to provide CCI&R services to individuals who are working for SMW for a 14(c) certificate holder.

Subminimum Wage (SMW): Less than the minimum wage established by the Fair Labor Standards Act (FLSA) or, where applicable, less than the prevailing wage required by a McNamara-O'Hara Service Contract Act wage determination. SMW must be a commensurate wage, based on the productivity of the worker with a disability (no matter how limited), in proportion to the productivity of experienced workers who do not have disabilities that impact their productivity when performing essentially the same work in the same vicinity.

POLICY

A. General Overview

Section 511 of the Rehabilitation Act, as amended by WIOA, requires that employers holding special wage certificates under Section 14(c) of the FLSA comply with certain requirements before hiring individuals at SMW, or continuing to pay SMW to individuals they currently employ. Regardless of age, individuals with disabilities referred to TWC-VR who are, or are expected to be, employed at SMW must receive CCI&R services designed to promote opportunities for competitive integrated employment (CIE).

PROCEDURES

A. Individuals Earning Subminimum Wage

There are three groups of individuals who earn subminimum wage who require CCI&R services. The specific requirements apply to each of the following groups:

1. Group One: All individuals earning SMW or piece rate hired by a 14(c) certificate holder before July 22, 2016, regardless of age, must have received, no later than July 22, 2017, and annually thereafter, CCI&R services, which include information on and referral to other employment assistance available in the individual's community.
2. Group Two: Any individual older than 24 who is hired by a 14(c) after July 22, 2016, and who earns SMW or piece rate must receive CCI&R services once within the first six months of employment, once within the second six months of employment, and annually thereafter if they continue to earn SMW.
3. Group Three: Group Three is made up of two subgroups: individuals not older than 24 and individuals not older than 21.

The following requirements apply to all individuals in Group Three who want to work at SMW or piece rate, and these individuals cannot earn SMW or piece rate until all requirements are satisfied:

- All individuals in Group Three must apply for TWC-VR services.
- If the individual or legal guardian states that there is no interest in CIE or TWC-VR services after application is completed, TWC-VR staff must do the following:
    - Close the case in ReHabWorks (RHW);
    - Use RHW to auto-generate a letter to the individual saying the case was closed due to no interest in services;
    - Provide the first session of CCI&R;
    - Open a new case and complete the initial contact and 14(c) page in RHW, leaving the case open without assignment;

- Provide the individual with the closure letter, the completed Career Counseling and Information and Referral - Subminimum Wage (VR5113), and the completed Section 511 Cover Sheet for Group Three (VR5118).

If the individual is under 21 years of age, in addition to the above, TWC-VR must do the following:

- Contact the high school the individual attends or attended and request written proof of transition services; or
- If no transition services were provided, issue written proof of TWC-VR pre-employment transition services (Pre-ETS); or
- If neither transition services through school or Pre-ETS through TWC-VR were provided, mark the applicable box on VR5118, and provide the individual with the closure letter, completed VR5113 and VR5118, and proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14(c) certificate holder. Per WIOA, the only individual authorized to receive completed Section 511 documents is this individual.

- If a Group Three individual is interested in CIE but the VR Counselor is uncertain whether the individual will be able to benefit from TWC-VR services, in terms of an employment outcome, because of the severity of that individual's disability or if the individual is ineligible for TWC-VR services, TWC-VR staff must proceed with the process for making a determination of eligibility or providing TWE.

If the individual is found ineligible for TWC-VR services, after completing TWE, TWC-VR staff must do the following:

- Close the case in RHW;
- Use RHW to auto-generate a letter to the individual saying the case was closed as ineligible due to severity of disability;
- Provide the first session of CCI&R;
- Open a new case and complete the initial contact and 14(c) page, leaving the case open without assignment;
- Provide the individual with the closure letter, completed VR5113, and completed VR5118.

If the individual is under 21 years of age, TWC-VR staff must do the following:

- Close the case in RHW;
- Use RHW to auto-generate a letter to the individual saying the case was closed as ineligible due to severity of disability;
- Provide the first session of CCI&R;

- Open a new case and complete the initial contact and 14(c) page, leaving the case open without assignment;
- Contact the high school the individual attends or attended and request written proof of transition services; or
- If no transition services were provided, issue written proof of TWC-VR Pre-ETS; or
- If neither transition services through school or Pre-ETS through TWC-VR were provided, mark the applicable box on the VR5118; and
- Provide the individual with the closure letter, completed VR5113 and VR5118, and proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14(c) certificate holder. Per WIOA, the only individual authorized to receive completed Section 511 documents is this individual.

- If a Group Three individual is interested in CIE and is eligible for services, TWC-VR staff must do the following:
    - Follow all regular procedures for development of the IPE and provision of active services;
    - If, at any time during the VR process, the individual decides they are no longer interested in CIE, close the case and follow the procedures for Group Two;
    - The only variation from a regular TWC-VR case for Group Three is that to close a case unsuccessfully, individuals in Group Three must have been working toward the IPE employment outcome for a reasonable period (up to 24 months), with appropriate supports, without success.

Group Three individuals who obtain CIE may still want to earn SMW in addition to competitive employment. For these individuals, TWC-VR staff must do the following:

- Close the case in RHW;
- Generate closure letter;
- Provide the first session of career counseling;
- Open a new case and complete the initial contact and 14(c) page, leaving the case open without assignment;
- Provide the individual with the closure letter, the completed VR5113 and VR5118.

If the individual is under 21 years of age, TWC-VR staff must do the following:

- Close the case in RHW;
- Generate closure letter;
- Provide the first session of career counseling;
- Open a new case and complete the initial contact and 14(c) page, leaving the case open without assignment;

- Contact the high school the individual attends or attended and request written proof of transition services; or
- If no transition services were provided, issue written proof of TWC-VR Pre-ETS; or
- If neither transition services through school or Pre-ETS through TWC-VR were provided, mark the applicable box on the VR5118, and provide the individual with the closure letter, completed VR5113 and VR5118, and the proof of transition services or Pre-ETS, if applicable.

This individual can now be paid SMW. The individual must provide all required documents to the 14(c) certificate holder. Per WIOA, the only individual authorized to receive the completed Section 511 documents is this individual.

- If a Group Three individual obtains CIE and does not wish to earn SMW in addition to competitive employment, TWC-VR staff follow normal procedures for case closure. No Section 511 activities (e.g., CCI&R services) are required.

4. During the time that a Group Three individual has an open case with TWC-VR, the individual cannot earn SMW.

B. Process for Complying with Section 511

The point of contact (POC) must do the following:

1. Schedule a premeeting at the 14(c) site with the SMW employer and review the process, TWC-VR responsibilities, CCI&R services, and guardian packets;
2. When scheduling the premeeting with the 14(c) certificate holder, record the answers to the following questions:
    - How many individuals earn SMW or piece rate?
    - How many have legal guardians? If the 14(c) is unsure, explain that the 14(c) will need to find this out and provide the number to the POC in advance of the premeeting.
    - How many individuals of any age were hired before July 22, 2016?
    - How many individuals not older than 24 were hired after July 22, 2016? Advise the 14(c) certificate holder that this group must be immediately referred to TWC-VR services.
3. To prepare for a premeeting, TWC-VR staff must determine the approximate number of individuals earning SMW at the facility and do the following:
    - Send the appropriate number of Authorization for Release of Confidential Customer Records and Information (VR1517-2) (i.e., the approximate number of individuals earning SMW at the facility);
    - Send the appropriate number of Permission to Collect Information (VR5060);
    - Send the appropriate number of Career Counseling Datasheets (VR5112) to be completed by the 14(c) certificate holder before the premeeting for each individual earning SMW;
    - Print the appropriate number of complete guardian packets to take to the premeeting for the 14(c) certificate holder;

- Print the appropriate number of complete CCI&R services packets to take to the premeeting for the individuals who are their own guardians;
- Print one CCI&R services packet and one guardian packet for the 14(c) certificate holder to review at the premeeting.

4. During the premeeting, TWC-VR staff must do the following:
    - Review the three groups with the 14(c) certificate holder, including the timelines for completion of TWC-VR activities, and review when individuals not older than 24 can start or continue to earn SMW;
    - Review the CCI&R services process and each document with the 14(c) certificate holder, emphasizing what happens if an individual or guardian signs Refusal to Participate in TWC-VR WIOA Section 511 Required Activities (VR5110);
    - Collect completed VR5112 for each individual earning SMW;
    - Provide the 14(c) certificate holder with the appropriate number of the following documents:
        - ☐ One copy (per individual) of the Career Counseling and Information and Referral - Subminimum Wage (VR5113) (formal documentation of CCI&R services, and documentation regarding whether the individual wants to work in the community);
        - ☐ CCI&R services workbook;
        - ☐ VR5110;
        - ☐ Guardian cover letter;
        - ☐ Thank you card;
        - ☐ VR5112 that the 14(c) certificate holder should have completed before the premeeting, or, if not, have copies available; and
        - ☐ Resource for Guardians document for individuals to give to their guardians.

For additional guidance on documents to be sent to all parties involved, see the WIOA Section 511 Chart, Who Receives Documents and When.

TWC-VR staff must do the following:

- Provide the 14(c) certificate holder with enough CCI&R packets for all individuals who have guardians;
- Request that the 14(c) certificate holder send any documents requiring the guardian's signature to the guardian before the CCI&R services;
- Inform the 14(c) certificate holder that it is their responsibility to get guardian signatures and that TWC-VR cannot provide CCI&R services to individuals with guardians without signed documents;
- Request that the 14(c) certificate holder invite guardians to the meeting;
- Inform 14(c) staff members that they must have ample personnel to assist TWC-VR staff;
- Schedule CCI&R services.

5. For CCI&R Services, the POC must do the following:

- Start with VR5113 and follow the general instructions. The CCI&R services workbook is used in conjunction with VR5113.
- Ensure that all forms are completed.
- Request that the 14(c) certificate holder make a copy of all forms.
- Provide one copy to each individual.
- If an individual refuses to sign any form, including page seven of the workbook, then note the refusal on the form and sign the form.
    - Provide individuals with the thank-you card;
    - If an individual is interested in applying for TWC-VR services, TWC-VR staff must do the following:
        - Identify the assigned VR Counselor in the unit where the individual will be served by contacting the VR supervisor or the VR manager;
        - Explain to the assigned VR Counselor that if the individual is not older than 24, the VR Counselor must take an application regardless of the severity of the disability, and determine eligibility for TWC-VR services, including purchasing a Career Planning Assessment and scheduling TWE, if necessary;
        - If the individual's ability to complete multiple TWEs is in question, contact Section 511 Program Specialists for instructions.
- Enter initial contact in RHW;
- Assign it to the appropriate caseload;
- Provide the assigned VR Counselor a copy of the CCI&R services workbook;
- Scan and email the following forms to vr.WIOASection511@twc.texas.gov:
    - VR5113;
    - VR5118 (if applicable);
    - VR1517-2; and
    - VR5060.

6. The Section 511 Program Specialist will hold all copies of completed CCI&R documents. The VR Counselor may destroy the hard copies of these forms after the scanned forms have been sent to State office.

C. Refusal to Participate

If a participant or guardian refuses participation, TWC-VR staff must provide documentation to the individual within 10 calendar days of the refusal to participate. TWC-VR staff must use VR5110.

Refusal to participate means the individual cannot accept SMW. The individual can attend the workshop or go to the facility, but they cannot earn less than minimum wage.

D. Additional Guidance Requests for Information about WIOA

If an individual or guardian wants clarification or more information about Section 511 requirements, they can contact DOL's Wage and Hour Division.

If a 14(c) certificate holder wants more information on WIOA or needs clarification of responsibilities under the Act, the 14(c) can contact DOL's Wage and Hour Division Regional Office in Dallas:

Southwest Regional Office

525 S. Griffin Street, Suite 800

Dallas, Texas 75202

Phone: (972) 850-2550

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 3.3.c: SOCIAL SECURITY RECIPIENTS

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 3.3.c	34 CFR §361.45(c)(3), §361.42(a)(3), and §361.42(a)(4)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the special conditions applicable to Social Security recipients and beneficiaries when applying for and receiving TWC-VR services.

DEFINITIONS

Benefits Planning Query (BPQY): A report generated by the Social Security Administration (SSA) that provides detailed information about a customer's Social Security disability benefit.

Presumptive Eligibility: Presumption of eligibility for TWC-VR services predicated on an individual receiving Supplemental Security Income (SSI) or a Title II benefit based on disability.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Subject-Matter Utilization Resource Facilitator (SMURF): A TWC-VR staff member trained in the basics of SSI and Title II benefits based on disability.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Title II: Disability benefits under Title II -- 1) Social Security Disability Insurance (SSDI), 2) Childhood Disability Benefits aka Disabled Adult Child (CDB/DAC), and 3) Disabled Widow/Widower Benefits (DWB).

Work Incentive Liaison (WIL): An SSA employee within a local SSA office who specializes in issuing BPQYs and approving requested work incentives other than Plan to Achieve Self-Support (PASS).

POLICY

A. General Overview

A customer receiving SSI or a Title II disability benefit (e.g., SSDI) due to their own disability, must be given unique considerations during the VR process, including presumptive eligibility for TWC-VR services. Evidence of these benefits is required.

Presumption of eligibility does not create an entitlement to any TWC-VR service.

PROCEDURES

A. Verification of Social Security Benefits

When a customer asserts eligibility for SSI, or a Title II benefit based on disability (e.g., SSDI), but cannot provide evidence (e.g., award letter), verification from Social Security must be obtained.

- Customers: To verify eligibility for SSI, or a Title II benefit based on disability, customers may do one of the following:
    - Go to the Social Security Administration (SSA) website. The customer can create an account and print out a benefits verification letter. The customer will get immediate verification of benefits using this method.
    - Go in person to their local SSA field office and request a completed Benefits Planning Query (BPQY) (SSA-2459). There is no charge for the BPQY. The customer will get the BPQY immediately using this method.

If the customer is not provided with their BPQY, is asked to pay for the BPQY, or SSA staff gives any reason why the BPQY cannot be provided, the TWC-VR staff member emails SSAVR at ssavr@twc.texas.gov and request assistance. The TWC-VR staff member should include the following:

- Customer's name;
- Case ID and SSN;
- Date the customer requested their BPQY;
- Which SSA office they visited; and
- General recap of what they were told by the SSA staff.

  - Call their local SSA field office or the SSA national number at 1 (800) 772-1213 and request a completed SSA-2459. Receipt of the BPQY using this method can take up to 30 days.
  - If the customer does not receive their BPQY within 30 days, the TWC-VR staff member should email SSAVR at ssavr@twc.texas.gov and request assistance. The TWC-VR staff member includes the date the customer called SSA and whether they called their local SSA office or the SSA national line.
- TWC-VR Staff: To verify eligibility for SSI, or a Title II benefit based on disability, TWC-VR staff must do the following:
  - The TWC-VR staff member obtains the customer's BPQY from SSA. The staff member faxes/e-faxes the prefilled Consent for Release of Information (SSA-3288) to the SSA WIL in the customer's local SSA office without changing the language on the SSA-3288.
    - The TWC-VR staff member enters the customer's information and the TWC-VR staff member's contact information, including fax and phone number. The customer's complete address and phone number is entered at the bottom of the form.
    - The customer signs and dates the SSA-3288. This must be a handwritten signature as no electronic signatures are accepted by SSA. The customer must sign the form unless they are a minor under age 18 or have a Legal Guardian recognized by SSA. Parents of customers over age 18 and Representative Payees cannot sign for a customer.
    - The TWC-VR staff member finds the WIL associated with customer's local SSA office by using the SSA field office locator as well as the name and fax number for the WIL in that office using the Texas Statewide WIL list. Include a cover letter to the WIL.

SSA has 30 days to return the BPQY after receipt of the fax/e-fax.

If the TWC-VR staff member has not received the BPQY within 30 days after requesting, they can email SSAVR at ssavr@twc.texas.gov and request assistance, including the date the SSA-3288 was faxed, the local SSA office, and the name of the WIL to whom it was sent.

The TWC-staff member emails SSAVR at ssavr@twc.texas.gov for verification, including the customer's name, case ID, and SSN in the email request.

B. Releasing and Obtaining Records

With appropriate consent forms, TWC-VR and the SSA or Disability Determination Services (DDS) may exchange records about specific customers for eligibility purposes.

- Releasing Records to DDS: DDS may request records for TWC-VR customers as part of the disability determination process. The customer's records can be released to DDS only after TWC-VR receives the following:
    - A signed Authorization to Disclose Information to SSA (SSA-827); or
    - Another valid release.
- Obtaining Records from SSA/DDS: TWC-VR staff can obtain records from the SSA office or from DDS when necessary, only after completing the following:
    - For non-medical records from the customer's local Social Security office, TWC-VR staff complete the SSA-3288.
    - For medical records from SSA DDS, TWC-VR staff complete DDS Request for Records (VR3310), and, for questions, review the SSA's description of records available to request.

SSA does not charge TWC-VR for the release of these records.

C. Trial Work Experience (TWE)

If the VR Counselor determines the applicant, who is presumptively eligible due to the receipt of SSA benefits, due to their own disability, may not benefit from TWC-VR services in terms of an employment outcome due to the severity of their disability, TWEs must be provided. A Trial Work Plan (TWP) is completed as soon as possible once benefits are verified.

D. Benefits and Work Incentives Counseling Services

TWC-VR provides this specialized service to customers receiving SSI or a Title II benefit based on disability from SSA. The goal of this service is to empower customers to pursue self-sufficiency through greater financial independence while navigating the complex Social Security disability benefit system. This involves working with the customer to develop a comprehensive analysis on how earned income will affect Federal and State benefits, including, but not limited to, the following:

- Social Security cash benefits based on disability;
- Healthcare benefits, including Medicare and/or Medicaid;
- Public housing assistance;
- Food Stamps;
- Home and community-based service waivers and/or other Long-Term Supports and Services; and
- Veteran's benefits.

By engaging in Benefits and Work Incentives Counseling Services, customers can make informed decisions about returning to work and set realistic earnings goals (e.g., increasing earnings).

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 3.3.d: TICKET TO WORK PROGRAM

Date	Type	Change Description
02/10/2025	New	VRSM Policy and Procedure Rewrite

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the Ticket to Work (TTW) Program under the Social Security Act, primarily with how it interacts with TWC-VR.

DEFINITIONS

Cognosante: The Ticket Program Manager (TPM) that carries out the daily administration of the Social Security Administration (SSA) TTW Program; responsible for marketing the Ticket Program, administering payments to service providers, and monitoring and ensuring that all Ticket Program participants adhere to the rules of the law and the Ticket to Work legislation.

Diary Date: Date set by SSA for a medical review evaluating a recipient's disability or blindness status.

Employment Networks (EN): Public or private groups that contract with Social Security to provide free job support services to people who receive Title II and/or Supplemental Security Income (SSI) benefits aged 18 to 65 who are interested in working towards the goal of replacing their benefits with income from a job. ENs may offer career planning help, job leads and job placement, ongoing employment support, and benefits counseling.

Individual Work Plan (IWP): A written and signed agreement between the beneficiary and the EN. The IWP describes the beneficiary's specific employment goal(s) and the TWC-VR services and other employment-related supports and services that the EN will provide to help the beneficiary enter, maintain, advance to, and sustain self-supporting employment.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules. This includes the decision regarding to whom their Ticket is assigned.

Medical Continuing Disability Reviews (MCDR): A periodic review ("diary date") by SSA that determines if the customer continues to have a disabling condition under SSA rules. SSA disability benefits will stop if SSA determines the customer is no longer disabled or blind.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Substantial Gainful Activity (SGA): A benchmark number SSA uses to describe a level of work activity and earnings.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Timely Progress: Regular timely progress reviews conducted by SSA to determine Ticketholders' progress towards specific work goals.

Title II: Disability benefits under Title II include 1) Social Security Disability Insurance (SSDI), 2) Childhood Disability Benefits aka Disabled Adult Child (CDB/DAC), and 3) Disabled Widow/Widower Benefits (DWB).

POLICY

A. General Overview

TTW is a free and voluntary program developed and administered by SSA for beneficiaries aged 18 up to age 65 receiving SSI or a Title II benefit (e.g., SSDI) due to their disability. It offers customers a choice of receiving employment services through TWC-VR or a private EN.

B. The Ticket to Work Program

Assignment may protect them from SSA MCDRs;

- Is not assignable to an EN while their TWC-VR case is open;

- Can be assigned to an EN within 90 days of TWC-VR case closure for long-term support services, job retention services, or other types of support services that help the customer maintain long-term employment; and
- May be assigned to an EN within 90 days of TWC-VR case closure to ensure that the customer has continued protection from SSA MCDRs.

TWC-VR is eligible for cost reimbursement from SSA if the Ticket is assigned to TWC-VR and the customer has earned SGA for nine consecutive months out of 12.

PROCEDURES

A. Ticket Status at Application

It is important to check a customer's Ticket status at application. The TWC-VR staff must use the following process to check customer Ticket status:

1. At the time of the customer's application, determine whether the customer has assigned their Ticket to an EN by asking the following questions:
    - Have you talked with an EN about your TTW?
    - If you have, do you know if you assigned your Ticket to that EN?
2. If the customer says that they are not sure if they have a Ticket or if it is assigned, contact the State Office Program Specialist for Ticket to Work for verification.
3. If the customer has assigned their Ticket to an EN and is determined eligible for TWC-VR services, the TWC-VR staff member requests that the customer submit the Ticket Un-assignment form to the TTW Program Manager to request that the Ticket be unassigned.
4. If a customer chooses not to unassign the Ticket from an EN, the TWC-VR staff member:
    - Requests a copy of the IWP entered by the customer and the EN;
    - Considers any services listed on the IWP as comparable benefits; and
    - Advises the customer that TWC-VR will not provide any of the services listed on the IWP if the Ticket is still assigned to the other EN.
5. The State Office Program Specialist for TTW identifies customers with Tickets assigned to an EN and attempts to have Ticket unassigned. In some cases, the State Office Program Specialist for TTW will need assistance from the assigned VR Counselor. In these cases, the State Office Program Specialist for TTW will contact the assigned VR Counselors and request they notify the customer that their Ticket is assigned and ask the customer to complete and submit the Ticket Un-assignment form.

B. When Ticket is Assigned to TWC-VR

When the customer signs the IPE, the VRC informs the customer that the Social Security Administration will assign their Ticket to TWC-VR. If the customer chooses to not have their Ticket assigned to TWC-VR, the VRC notifies the State Office Program Specialist for TTW.

If the customer chooses to have their Ticket assigned to TWC-VR, the VRC informs the customer that they will receive a letter from SSA via US Postal Service. The letter will confirm that the customer's Ticket has been assigned to TWC-VR.

After the Ticket is assigned to TWC-VR, the customer will receive a letter by U.S. Postal Service from SSA that their Ticket has been assigned.

C. Ticket Status at Closure

It is important to notify customers who have a Ticket and are earning above current SGA that they can reassign their Ticket to an EN following TWC-VR case closure if they need additional supports.

D. Social Security Medical Continuing Disability Review

Once the IPE is signed, and the Ticket is "In-Use" with TWC-VR, SSA may suspend a MCDR until TWC-VR case closure.

In order for the MCDR to be suspended:

- The customer must have a signed IPE;
- The customer must be making "timely progress" as defined by SSA; and
- The customer must contact their local SSA office upon receiving notification of an upcoming MCDR. An MCDR cannot be suspended once a medical review has been initiated.

The customer needs to notify the local Social Security Office that they are participating in TWC-VR services.

Social Security will send SSA-4290 to the assigned VR Counselor, who must complete Section B.

E. SSA Section 301

Section 301 may allow SSA disability cash benefits and healthcare (Medicaid and/or Medicare) to continue until TWC-VR case closure after MCDR is conducted and an unfavorable decision has been issued.

Section 301 payments are not guaranteed; the customer must have an IPE and be making timely progress towards an employment goal that will significantly reduce or eliminate the need for SSA cash benefits.

The customer must contact their local SSA and request Section 301. SSA will send SSA-4290 to the assigned VR Counselor, who must complete Section B.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures; however, consultations with the State Office Program Specialist for TTW are always available.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Clarified information regarding a customer's Ticket to Work being assigned to TWC-VR.

PART A, CHAPTER 3.3.e: VETERANS

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 3.3.e	N/A	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to special requirements regarding the provision of TWC-VR services when working with veterans with disabilities.

DEFINITIONS

Certificate of Release or Discharge from Active Duty (DD 214): U.S. Department of Defense certificate, issued upon a military service member's retirement, separation, or discharge from active duty.

Service-Connected Disability: Disability incurred or aggravated in the line of duty in active military, naval, or air service.

Service-Disabled Veteran: Veteran with a disability that is service-connected.

U.S. Department of Veterans Affairs (VA): Provides health care services to eligible military veterans at medical centers and outpatient clinics; offers several non-health care benefits including disability compensation, vocational rehabilitation, education assistance, home loans, and life insurance.

Veteran: An individual who served in the active military, naval, or air service and was discharged or released under conditions other than dishonorable. This includes a member of the National Guard or reserve components who is activated for Federal military service and serves the full period of activation.

Vocational Rehabilitation and Employment (VR&E): Program administered by the VA that provides services to eligible service members and veterans with service-connected disabilities to help them prepare for, secure, and maintain employment or achieve independence in daily living.

POLICY

A. General Overview

Regardless of their eligibility for services from the U.S. Department of Veterans Affairs (VA), veteran customers with disabilities may benefit from TWC-VR services. The type of discharge from military, naval, or air service does not affect eligibility for TWC-VR services. Providing services to veterans with disabilities is a priority for TWC-VR, and more veterans can benefit if they are aware of the services and how to access them.

If a veteran receives services from the VA's VR&E, the VR Counselor refers to the memorandum of agreement (MOA) between TWC-VR and the VA. The MOA provides guidance about referral and service delivery processes between TWC-VR and the VA.

The basic period of eligibility in which VR&E benefits may be used is 12 years from the later of:

- Veteran's date of separation from active military service; or
- Date the VA first notified a veteran that they have a compensable service-connected disability.

For questions about the MOA or assistance in developing a relationship with the VA, contact the TWC-VR State Office Program Specialist for Veterans and Behavioral Health.

B. Services and Benefits for Veterans

The VA has a range of benefits available to veterans of the military, naval, and air services, and to certain members of their families. Among the benefits available to service-disabled veterans and their families are several types of financial assistance, including monthly cash payments, health care, housing benefits, and educational benefits.

In addition, additional resources for veterans are as follows:

- Centers for Independent Living;
- Community Services for the Blind;
- TWC's Texas Veterans Leadership Program;
- Texas Veterans Commission; and
- The Hazelwood Act.

PROCEDURES

A. Unique Needs of Veterans

Veterans have unique VR needs. Disabilities incurred or aggravated in the line of duty in active military, naval, or air service can hinder readjustment to civilian life. As the veteran population grows, the number of veterans who are blind, visually impaired, or hard of hearing is expected to increase.

Benefits through the VA are not universally available to veterans with disabilities due to geographic barriers or extensive waiting lists. Additionally, veterans with a non-service connected disability might not be eligible for the VA's VR&E services.

It is the applicant's choice to disclose their veteran status. It is recommended that TWC-VR staff members, when interviewing applicants, ask whether the applicant has ever served in the active military, naval, or air service and whether they were discharged or released under conditions other than dishonorable.

Depending on the length of program needed, veterans may be provided up to 48 months of full-time services or the part-time equivalent. Rehabilitation plans that provide services to improve independence in daily living only are limited to 30 months. These limitations may be extended in certain circumstances.

B. American GI Forum Item and the DD214 Procedures

Generally referred to as a "DD 214," this certificate is a U.S. Department of Defense document, issued upon a military service member's retirement, separation, or discharge from active duty. A veteran may get a replacement DD Form 214 through:

- The Texas Veterans Commission at (512) 463-5538;
- Their online account with the VA; or
- The National Archives, National Personnel Records Center, by submitting a Standard Form 180, Request Pertaining to Military Records, by fax or mail to:
    - Fax number: (314) 801-9195
    - Mailing address:

National Personnel Records Center Military Personnel Records

1 Archives Drive

St. Louis, Missouri 63138

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 3.4: VOTER REGISTRATION

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 3.4	National Voter Registration Act of 1993 and Chapter 20 of the Texas Election Code	All TWC-VR staff	10/20/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure TWC-VR customers are afforded the right to receive assistance with voter registration.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to the right to vote and assistance with voter registration.

Agent: A designated individual that may act on behalf of a customer for voter registration purposes.

POLICY

A. General Overview

TWC-VR customers are afforded certain basic rights, including informed choice, which include the right to assistance with voter registration. TWC-VR is designated by the Secretary of State to provide voter registration services through its VR and Independent Living Services for Older Individuals Who Are Blind (OIB) programs. TWC-VR staff must offer customers an opportunity to register to vote when they apply for services or when they report a change of address.

B. Prohibited Factors

TWC-VR staff are prohibited from:

- Influencing a customer's political preference or party registration;
- Displaying political preference or party affiliation;
- Making any statement or taking any action to discourage a customer from registering to vote; and
- Documenting in the case record the customer's response or reaction to being given the opportunity to register to vote.

C. Elections Division

TWC-VR staff must inform customers that they may contact the Texas Secretary of State Elections Division at any time to ask questions or file a complaint, and TWC-VR staff must provide the contact information:

Elections Division

Texas Secretary of State

P.O. Box 12060

Austin, Texas 78711-2060

Phone: (800) 252-VOTE (8683)

Email: elections@sos.texas.gov

Website: https://www.votetexas.gov/

PROCEDURES

A. Application for TWC-VR Services

During the application for VR services, TWC-VR staff must:

- Provide an opportunity for voter registration to all customers of voting age. In Texas, an individual may register to vote when they are at least 17 years and 10 months old, if they will be 18 years of age on Election Day.
- Help the customer complete the Texas Voter Registration Application, if the customer requests assistance;

- Mail the completed application within five calendar days of receipt, unless the customer declines assistance. If the customer indicates they wish to submit the application themselves or take the blank application form, provide them the information for mailing directly to the voter registrar or submitting the application online at https://vrapp.sos.state.tx.us/;
- Document that voter registration services were provided to the customer by:
    - Completing the Opportunity to Register to Vote page in RHW; or
    - Completing the Opportunity to Register to Vote (VR1680) and obtain the customer's signature in the event that RHW is unavailable. If the customer refuses to sign, TWC-VR staff will check the appropriate box. For additional information about completing this form, refer to Instructions for the Opportunity to Register to Vote (VR1680INST).

B. Change of Address

1. In-Person: When a customer reports a change of address in-person, TWC-VR staff must follow the voter registration procedures outlined above in section "A. Application for TWC-VR Services."
2. Remote: When a customer reports a change of address by phone, email, or other communication, TWC-VR staff must follow the voter registration procedures outlined above in section "A. Application for TWC-VR Services"; however, obtaining the customer's signature on VR1680 is not required.

TWC-VR staff must then:

- Mail a Texas Voter Registration Application and Texas Voter Registration Application Letter (VR1681) to customers who are of voting age;
- Assist the customer with completing the Texas Voter Registration Application, if the customer requests assistance; and
- Document that voter registration services were provided to the customer by completing the Opportunity to Register to Vote page on the Personal Information page in RHW.

C. Declination to Register

For customers who do not want to complete a voter registration application form, TWC-VR staff must check the appropriate box in RHW. If RHW is not available, complete form VR1680 and obtain the customer's signature. If the customer refuses to sign, the TWC-VR staff member must check the corresponding box on the form.

TWC-VR must preserve each declination for at least 22 months after the date of signing, in the customer's case file.

D. Designation of an Agent

When applying for VR services or anytime throughout the VR process, a customer may designate an agent to sign and act on behalf of the customer for voter registration purposes.

An agent is defined in the Texas Election Code Section 13.003 Application by Agent. An applicant may appoint, either orally or in writing an agent to perform one or more of the following acts for the applicant:

- complete and sign a registration application;
- submit an application;
- act on the applicant's behalf in the process of approving the application, including a challenge of the applicant;
- receive a registration certificate in person; and
- submit a notice or other applicable document for correcting registration information

To be designated as an agent; the person must:

- Be the customer's spouse, parent, or child, and
- be a qualified voter of the county or have submitted a registration application and be otherwise eligible to vote.

The agent must be identified and designated on the VR1487 Designation of Applicant or Customer Representative, signed by the agent and the applicant.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
10/20/2025	Revised	Added agent definition and guidance on designation of an agent

PART A, CHAPTER 4: APPEALS AND DUE PROCESS

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 4	34 CFR §361.57 and TWC Rule Chapter 850 Subpart E	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure TWC-VR customers are afforded their right to appeal decisions related to their TWC-VR case, and that procedural due process is clearly outlined for customers and stakeholders.

DEFINITIONS

Appeal: A request for a due process hearing to resolve disputes about determinations made by TWC-VR personnel that affect the provision of TWC-VR or Older Individuals who are Blind (OIB) services.

The Appellant: An applicant, eligible individual, authorized representative, or parent who has initiated formal procedures.

Discovery: The process by which a party, before a hearing on the merits, may obtain evidence and other information relevant to a claim or defense in the appeal.

Hearing: A formal review, including prehearing conferences.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including the right to appeal TWC-VR decisions.

Mediation: Voluntary process in which an appellant and a TWC-VR representative may work with a trained mediator, who is not a TWC employee, to try to resolve a dispute prior to the due process hearing.

Witness: An individual with personal knowledge of the facts or special knowledge (i.e., expert) of the facts and issues. It is generally expected that the appellant's VR Counselor will be called as a witness.

POLICY

A. General Overview

TWC-VR has established protocols, some of which include TWC's Office of General Counsel (OGC), to ensure that TWC-VR applicants, eligible individuals, and customers who are dissatisfied with any determination made by TWC-VR staff, that affects the provision of VR services may request, or, if appropriate, may request through the individual's representative, a timely review of that determination.

B. Basic Rights

TWC-VR customers are afforded certain basic rights as it pertains to appealing decisions regarding their planned services or their eligibility for such services. Additional information can be found in the "Can We Talk?" brochure.

C. Complaints

TWC-VR staff explore all options in policy to resolve a complaint through an informal resolution process. To avoid an interruption of services, TWC-VR handles complaints promptly and at the lowest possible management level. However, if the VR Counselor or their VR Supervisor or VR Manager cannot resolve the complaint, the customer must be given the right to appeal.

D. Mediation

Any party in an appeal may request mediation. Participation in the mediation process is voluntary. The mediation process cannot deny or delay the following:

- The appellant's right to an impartial hearing held 60 days from receipt of the appellant's request; or
- Any other rights described in this chapter.

At any point during mediation, either party or the mediator may decide to end the process. When mediation is ended, either party may pursue resolution through an impartial hearing.

Discussions that occur during the mediation process are kept confidential and are not used as evidence in any subsequent due-process hearing or civil proceedings.

E. Client Assistance Program (CAP)

TWC-VR staff informs customers of the Client Assistance Program (CAP) when TWC-VR decisions affect the provision of TWC-VR services.

PROCEDURES

A. TWC Office of General Counsel (OGC)

When contacting the OGC regarding proper protocols, TWC-VR staff members should adhere to the following steps:

1. Review the information and instructions in this chapter that seem most directly related to their question. Be prepared to provide OGC any relevant sources and/or documents.
2. Call, email, or open a ticket in the Legal Portal to submit the question.
    - Calling provides the fastest response. TWC-VR staff can email or use the Legal Portal if the question or issue would be easier to explain in writing. However, if the issue requires more than a quick response, it should be entered into the Legal Portal.
    - Subpoenas, court orders, letters from attorneys, and out-of-the-ordinary customer releases should promptly be provided to OGC for review. The Legal Portal to submit subpoenas and customer releases is located at TWC-OGC portal.

B. Open Record Request

For general questions, call or email the Open Records Department or the attorney designated to support their division. Calls may be placed through the OGC receptionist at (512) 463-3300 or directly to the main number, (512) 463-2422. Email open records at open.records@twc.texas.gov.

If individuals do not know which attorney is designated to support their division, they can ask the OGC receptionists or legal assistants.

C. Customer Rights

Customer rights applicable to each TWC-VR program are summarized in the "Can We Talk?" brochure. A copy of the brochure must be provided to potentially eligible students with disabilities, applicants, eligible individuals, and customers, at a minimum:

- At application or when the Request to Receive Pre-Employment Transition Services (VR1820) is completed for potentially eligible students;
- At the time of initial Individualized Plan for Employment (IPE) and IPE amendment;
- When services are being denied, reduced, suspended, or terminated; and

- Upon customer request.
- A case note recording the date and method the brochure was given to the customer must be documented for each occurrence.

D. Mediation

When the TWC-VR Hearings Coordinator receives a request for mediation, they select an individual from a list of qualified mediators who are knowledgeable about the laws and regulations concerning TWC-VR services.

- Mediation sessions are scheduled and conducted in a timely manner and can be held over the phone or in person. If an in-person mediation is conducted, the location is usually the TWC-VR regional or field office nearest the appellant's residence or a place agreed to by both parties.
- Any agreement reached during the mediation must be in writing and signed by all parties. The agreement becomes a part of the customer's record.

Mediation is provided by TWC-VR at no cost to the parties. However, TWC-VR does not pay for costs related to the appellant's representation by counsel or another advocate selected by the appellant. TWC-VR does not pay any expenses for legal services or for witnesses requested by the appellant.

E. Notifying the Customer of the Appeals Process

TWC-VR provides a customer or the customer's representative written notice of the following:

- The right to a review of TWC-VR determinations that impact the provision of services to the customer through an impartial due-process hearing;
- The option to pursue mediation;
- The contact information for filing an appeal;
- The way a mediator or Impartial Hearing Officer (IHO) may be selected; and
- The availability of the CAP to help the customer during a mediation session or due-process hearing.

F. Decisions Subject to Review by Appeal

- Denial, reduction, suspension, or termination of services;
- The nature or content of the customer's IPE; or
- The delivery or quality of VR counseling and guidance services or other services provided by TWC-VR.

G. Time Limit of an Appeal

A customer who is not satisfied with a determination by TWC-VR must file the appeal within 180 days of the date the determination was made.

H. Roles and Responsibilities in a Due-Process Hearing

The list below includes roles and responsibilities that must be followed by their respective positions to ensure due process is provided in accordance with the authority described in this policy.

1. Impartial Hearing Officer (IHO): A qualified individual who is not a TWC employee, is knowledgeable about the laws and regulations on TWC-VR services and is appointed to conduct a hearing.
2. Hearings Coordinator: The individual within OGC who provides administrative support to the IHO during the appeal process and is a point of contact for the appellant's questions about the due-process hearing.
3. TWC-VR Representative: Generally, the Deputy Regional Director or Regional Director. If the appellant is not represented by an attorney, the TWC-VR representative:
    - Has the authority to settle the dispute with the appellant;
    - Prepares and presents the case;
    - Represents TWC-VR at the due-process hearing;
    - Fields all content calls; and
    - May request support from OGC.

If the appellant is represented by an attorney, the TWC-VR representative:

- No longer has total responsibility to represent TWC-VR;
- Supports the OGC attorney assigned to represent TWC-VR;
- Is the rehabilitation content and case file expert; as needed, assists the OGC attorney in reaching a potential settlement.

The TWC-VR representative is the contact person for witnesses who are VR employees regarding the date, time, and location of the hearing and for any changes that occur.

4. OGC: If the appellant represents themself or is represented by someone who is not an attorney, OGC's role is primarily that of advisor to the TWC-VR representative. The TWC-VR representative prepares and presents the case. OGC provides all requested support to the TWC-VR representative.
   Before the hearing, OGC is available to meet with the TWC-VR representative to discuss:
    - Developing the issues;
    - Gathering the evidence;
    - Preparing witnesses; and
    - Preparing exhibits.

5. If the appellant's representative is an attorney, OGC prepares and presents the case with the TWC-VR representative's help.

I. Time Limit for the Hearing

An IHO must conduct a hearing within 60 days of TWC-VR's receipt of a customer's request for a due-process hearing, unless the parties to the dispute:

- Achieve informal resolution or a mediation agreement before the 60th day; or
- Agree to a specific time extension, which must be:
  - In writing;
  - Signed by the appellant; and
  - Filed with the Hearings Coordinator.

J. Serving Customers During an Appeal

A pending appeal decision by a mediator or IHO does not suspend, reduce, or stop services being provided for an appellant, including evaluation and assessment services and plan development, unless the:

- Appellant or the appellant's representative requests it; or
- Services have been obtained through misrepresentation, fraud, collusion, or criminal conduct by the appellant or the appellant's representative.

If a customer completes a term of training or similar services before the appeal is resolved, and the next term has not yet begun, the training or services under appeal will not continue to be provided for the next term. Training or services not under appeal will not be suspended, reduced, or stopped.

K. Designating an Appellant's Representative

An appellant may represent themself, or may designate someone to act as their representative, by completing Designation of Applicant or Customer Representative (VR1487). The representative may be an attorney licensed to practice law in Texas, but they are not required to be an attorney.

The appellant's representative may speak for the appellant, handle the hearing for the appellant, and hold the same status in the appeals process as the TWC-VR representative, or TWC's OGC attorney.

Once the appellant has designated a representative, the TWC-VR representative provides copies of all notices, pleadings, and other correspondence to the appellant's representative.

When the appellant's representative is an attorney, an attorney-client privilege relationship exists and all communication with the appellant regarding the appeal process must occur through the appellant's representative.

The appellant's authorized representative remains the representative of record in the absence of a formal request to withdraw and an order approving the withdrawal issued by IHO.

When the appellant or the appellant's representative communicates that a representative designation is no longer in effect, the VR representative:

- Stops communicating with the representative about the case;
- Documents the appellant's oral or written notice in a case note; and
- Asks the appellant to provide the request for revocation in writing, if applicable.

L. Client Assistance Program (CAP)

TWC-VR provides information on CAP in any determination provided to the customer. TWC-VR staff must document in a case note the date and method the information was provided. The required information for the appellant must include the CAP office intake number, which is (800) 252-9108.

Information about the availability of CAP must also be provided to customers who are potentially eligible when they complete the Request to Receive Pre-Employment Transition Services (VR1820).

Other free legal services and referrals may be available through Texas Legal Services Center, Texas Lawyers for Texas Veterans, or, depending on the customer's location, the following:

- Legal Aid of Northwest Texas, which serves the Dallas/Fort Worth area and Northwest Texas;
- Lone Star Legal Aid, which serves the Houston area and East Texas; or
- Texas Rio Grande Legal Aid, which serves the Austin/San Antonio area, El Paso area, and South Texas.

M. Communications with the Impartial Hearing Officer

Unless authorized by law, the TWC-VR representative or the appellant may not communicate directly or indirectly with the IHO about any issue of fact or law unless all parties may participate in the communication.

N. Witness Mileage and Fees

The party that requests the witness's appearance or deposition pays witness mileage and fees.

TWC-VR employees' expenses are paid by the office to which they are assigned.

Any witness who is not a TWC-VR employee and who is subpoenaed by TWC is entitled to the following:

- Mileage based on State travel rates for travel to and from the hearing or deposition, if the place is more than 25 miles from the individual's residence; and
- A fee of at least $10 a day for each day or part of a day that the individual is required to be present; or
- A fee equal to the per diem and travel allowances of a State employee, if an overnight stay is required.

O. Providing Reasonable Access

During the appeal process, TWC-VR provides reasonable access on requests to the customer or other individuals with disabilities.

During the appeal process, the IHO must require that TWC-VR provide, upon reasonable notice and request, and at TWC-VR's expense, special communication help, including translators, readers for blind or visually impaired customers, and interpreters or communication access real-time translation (CART) for deaf and hard-of-hearing customers during proceedings.

P. Computing Time

In computing any period stated in these procedures, the TWC-VR representative:

- Does not include the date of the act, event, or default (the period begins on the next day); and
- Includes the last day of the period, unless it falls on a Saturday, Sunday, or legal holiday. (The period runs until the end of the next day that is not a Saturday, Sunday, or legal holiday.)

Unless stated otherwise, the word "days" refers to calendar days.

Q. Prehearing Procedure

1. Notification of Appeal: An appeal is made when the customer files a Request for Due Process Hearing and/or Mediation (VR1505), with the Hearings Coordinator. A customer may file an appeal when they disagree with any determination affecting the provision of rehabilitation services.
2. Selection of the IHO for Hearing or Mediation: After receiving Request for Due Process Hearing and/or Mediation (VR1505), the Hearings Coordinator randomly selects an IHO from a pool of IHOs.
3. Action Before the Hearing: The IHO, with input from the parties, sets the date, time, and place for the hearing and notifies the parties. Hearings can be held over Microsoft Teams or in person. The IHO schedules a prehearing conference to acquaint all parties with the laws, regulations, and rules to be followed during the hearing. The purpose of the prehearing is to establish the issues to be heard, and to assign a due date for submitting evidence and witness lists. The IHO will also

establish the manner in which the exhibits and witness lists will be submitted to the Hearings Coordinator and exchanged between the parties.
The discovery, prehearing conference, and due-process hearing are electronically recorded. TWC-VR provides one copy of the recording at no cost to the appellant, upon request. There is a charge for additional copies or transcripts.

4. Discovery: TWC-VR must provide to the appellant, or the appellant's representative, a copy of the appellant's case file following TWC VR's procedures without the appellant having to request it.

Files may include information that needs to be redacted or withheld.

R. Conduct of the Parties During the Hearing

The IHO maintains and enforces standards of conduct. Every party, witness, attorney, and representative must participate in all proceedings with professionalism, dignity, courtesy, and respect for all other parties. For hearings conducted over Microsoft Teams, participants must join from a private/quiet location and must remain visible on camera throughout the proceeding.

S. Order of Procedure at the Hearing

1. The appellant may state:
    - The claim or defense;
    - What the appellant expects to prove; and
    - The relief sought.
2. TWC-VR may make a similar statement.
3. The IHO may allow others to make statements.
4. The appellant introduces evidence.
5. TWC-VR and/or any other appropriate party may cross-examine each of the appellant's witnesses.
6. Parties may redirect and re-cross-examine.
7. TWC-VR introduces evidence, if any.
8. The appellant and/or any other appropriate party may cross-examine each of TWC-VR's witnesses.
9. The parties then may present rebuttal evidence.
10. The IHO may allow the parties to make their closing statements.

The IHO may deviate from this order of procedure in the interest of justice or to expedite the proceedings.

T. The Impartial Hearing Officer's Decision

The IHO renders a decision within 30 days after the hearing completion date.

U. Motion for Reconsideration

Either party may file a motion for reconsideration with the Hearings Coordinator within 20 days after the IHO issues a decision.

The motion for reconsideration must specify the matters in the IHO's decision that the party considers erroneous. The opposing party must file a response to the motion within 15 days of the date that the motion was served on the opposing party.

V. Final Decision

The decision of the IHO is the final decision of the agency.

W. Civil Action or Judicial Review

Any party aggrieved by an IHO's final decision may bring a civil action for review of the decision. Without regard to the amount in controversy, the action may be brought in:

- Any State court of competent jurisdiction; or
- A U.S. district court of competent jurisdiction.

In any such action, the court:

- Receives the records relating to the hearing;
- Hears additional evidence at the request of a party to the action;
- Bases a decision on the preponderance of the evidence; and grants appropriate relief.

Exhausting all administrative remedies, including a motion for reconsideration, is a prerequisite to judicial review. A party seeking judicial review of the final TWC-VR decision must begin civil action no later than 30 days after the date of the final decision.

If a party brings a civil action to challenge an IHO's final decision, the IHO's final decision must be implemented, pending a court's review.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 5: PROTECTION, USE, AND RELEASE OF PERSONAL INFORMATION

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 5	34 CFR §361.38, Texas Health and Safety Code §85.115 and TWC Rule Chapter 850, Subchapter D	All TWC-VR staff	08/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to safeguarding the confidentiality of customer information.

DEFINITIONS

Customer Representative: Any individual chosen by an applicant or eligible individual, including a parent, guardian, other family member, or advocate. If a court has appointed a guardian or representative for an applicant or eligible individual, that person is the individual's representative.

Customer Representative (Child): The customer representative for a child who is less than 18 years old and not emancipated or married. The parent is presumed to be the representative unless provided documentation shows otherwise.

Personally Identifiable Information (PII): Any information connected to a specific individual that can be used to uncover that individual's identity (on its own or together with other relevant data), such as their social security number, full name, maiden name, birthdate, etc.

Release of Information: The process of providing access to protected information (e.g., PII, health and medical information, history) in which the customer determines who, and under what circumstances, can have access to their case record.

POLICY

A. General Overview

TWC-VR does not share confidential information in any manner without a customer's consent or without sound legal and/or ethical justification. Throughout each stage of the VR process, VR Counselors communicate the legal and ethical parameters of confidentiality to customers in a culturally competent manner and in the mode of communication determined appropriate for the customer and/or their representative.

TWC-VR staff must also maintain a professional respect for the confidential nature of the data on individuals and refrain from indiscreet and/or casual conversation that might reveal that data to unauthorized individuals.

B. Safeguarding Confidentiality

TWC-VR staff must safeguard the confidentiality of a customer's personal information, which can only be used for purposes directly connected with the administration of the VR program. TWC-VR staff must inform customers and/or their representatives of the following:

- Conditions for accessing and releasing customer information;
- The legal authority under which information is collected;
- Mandatory and voluntary data collection;
- Explanation of the principal purposes for which TWC-VR intends to use or release the information (including audits, evaluation, and research) and other programs and authorities;
- Which situations TWC-VR requires or does not require written consent before information can be released; and
- Other agencies to which information is commonly released (e.g., HHSC).

C. Release of Information to a Customer or Representative

TWC-VR may release information to the customer or a properly designated representative if a valid release is completed. This information must be released in a timely manner. Information that may not be released to the customer or representative in such circumstances includes the following:

- Information that TWC-VR determines may be harmful to the customer (e.g., medical, psychological, other) which must be provided through a third party chosen by the customer or through a court-appointed individual;
- HIV status or test results without explicit, written, and signed authorization (The confidentiality of customer HIV test results is strictly regulated under Texas Health and Safety Code.);

- Personal information that has been obtained from another agency or organization (e.g., SSA, Department of Public Safety) which may be released only by, or under the conditions established by, the other agency or organization. Confidential documents from other agencies may not always be marked indicating their confidential nature so TWC-VR must inspect all documents thoroughly before release;
- A name-based Computerized Criminal History (CCH) record to another organization or individual. This includes the customer or customer's representative unless there is a request contained in a valid subpoena or other valid court order and the release is approved by the Office of General Counsel (OGC); and
- A fingerprint-based CCH record to a customer's representative, spouse, other household or family member, or potential employer, even at the customer's request. Note: Such records can be printed and released to the customer (subject of record) upon a signed Authorization for Release of Confidential Customer Records and Information form (VR1517-2).

D. Release of Information to a Third Party

TWC-VR strictly prohibits sharing a customer's PII without a valid release. When sharing information such as a customer's name, résumé, or any other PII with a third party, including a potential employer, an Authorization for Release of Confidential Customer Records and Information (VR1517-2) or other acceptable form must be properly filled out with the necessary information and signatures before authorizing the release of the requested information. The signed release must be filed in the customer's paper case file.

E. Release for Audit, Evaluation, and Research

Personal information may be released to an organization, agency, or individual engaged in audit, evaluation, or research only for purposes directly connected with the administration of the TWC-VR program or for purposes that would significantly improve the quality of life for applicants and recipients of services and only if, in accordance with a written agreement, the organization, agency, or individual assures that:

- The information will be used only for the purposes for which it is being provided;
- The information will be released only to persons officially connected with the audit, evaluation, or research;
- The information will not be released to the involved individual;
- The information will be managed in a manner to safeguard confidentiality; and
- The final product will not reveal any PII without the informed written consent of the involved individual or the individual's representative.

F. Protecting Records

Sound judgment must be exercised, and reasonable precautions taken, to ensure unauthorized individuals do not have access to confidential records. TWC-VR staff violations of policy on protecting the confidential nature of customer records are grounds for appropriate disciplinary action. The following actions must be taken by TWC-VR staff in furtherance of this policy.

- A customer's paper case files and materials scheduled for inclusion in the customer's folders are kept in a locked desk, filing cabinet, or other suitable locked container when TWC-VR staff are not present to ensure proper security.
- All other information identifying the customer is kept in a locked TWC-VR building, office area, or room when TWC-VR staff are not present to ensure proper security.
- TWC-VR staff are required to use agency-issued equipment, servers, and any other technology or software that contains customer information. Confidential information is not to be saved on hard drives, personal computers, etc.

G. Security Breach

TWC-VR defines a confidential information incident as a loss of control, a compromise, an unauthorized disclosure, an unauthorized acquisition, unauthorized access, or any similar situations in which individuals other than authorized users have, for an unauthorized purpose, access or potential access to confidential information, whether physical or electronic. The term "confidential information incident" encompasses suspected and confirmed incidents or breaches, whether intentional or inadvertent, involving confidential information that raise a reasonable risk of harm.

It is the responsibility of all TWC-VR staff to report a known or suspected breach of confidential information immediately upon learning of an incident.

PROCEDURES

A. Authorized Release of Information

When the customer or their representative submits a completed release, the VR Counselor must provide in a timely manner the information requested from the customer's case record. See 40 Texas Administrative Code §850.51(a)(4). The following are valid releases accepted by TWC-VR:

- Authorization for Release of Confidential Customer Records and Information (VR1517-2); if the customer is requesting the information for themselves, they can designate that on the release.
- Social Security Administration (SSA) Form SSA-827, Authorization to Disclose Information to the Social Security Administration (SSA), version dated April 2009 or later (versions of Form SSA-827 dated before April 2009 are not valid and must not be honored); or

- An authorization or form provided by the customer, which, after evaluation on a case-by-case basis, has been found to meet the criteria set forth below.

The VR Counselor, or other designated staff, must ensure that all releases of information are complete and valid. To qualify as a valid release, a customer's authorization form must:

- Be in writing (either handwritten or typed);
- Identify the records or other information to be released;
- Be signed by the customer or a properly designated representative
- Be dated;
- Identify the individual (as appropriate, by name, telephone number, address, email) or entity to whom TWC-VR is authorized to release the information; and
- Be specifically directed to TWC-VR. (Exceptions: Release forms that are not addressed or release forms addressed "To Whom It May Concern" or "To Custodian of Records" are valid if they identify the records to be released as TWC-VR records.)

Open Records needs the full social security number of the customer to evaluate the request for the TWC-VR records.

When releases of information are not complete, the information requested cannot be released (to or from TWC-VR) as it could potentially cause unintended harm or delay to the customer. VR Counselors must ensure that a proper release with all the required information and signatures has been completed and filed before releasing the information.

B. Releasing information to a Customer Representative

For TWC-VR to safeguard the customer's confidentiality, the customer or their representative must provide documentation to show their designated status as applicable, prior to releasing any information.

A customer and/or their representative must:

- Complete the Designation of Applicant or Customer Representative form (VR1487);
- Provide power of attorney documentation or a written statement by the customer designating a representative; or
- Provide current legal documentation of guardianship.

Unless legally binding, the customer can revoke their designated representative at any time. For minors who no longer have a legal guardian (e.g., marriage, emancipation), legal documentation must be provided to remove the designated representative.

VR Counselors will have to determine whose signature is mandatory for a proper release to be executed which can be affected by the designation of a representative or guardian. VR Counselors should clearly

document these circumstances in case notes in RHW to supplement the above supporting documentation in the paper case file.

C. Types of Release

Records may be released for a variety of reasons. All releases (unless otherwise noted in this policy) must have the proper authorization. Examples of requesting individuals, organizations, and entities include the following:

- Customers, guardians, and representatives;
- Individuals accompanying customers to their VR appointment;
- Medical and Mental Health professionals and organizations;
- Law Enforcement, Courts (Must consult with Open Records and use Notice for Release of Confidential Records Pursuant to Legal Process or Investigation [VR1515] when submitting the requested documents.);
- Emergency situations (Must contact Open Records for guidance and approval.);
- Educational Organizations; and
- Media Requests; if a media request is received, TWC-VR should promptly contact their direct supervisor and Open Records to consult prior to the release of any records to a media outlet.

D. Law Enforcement, Subpoena Duces Tecum, and Other Legal Requests for Records

In legal circumstances, TWC-VR staff must contact Open Records promptly, as well as their direct supervisor. Examples of these requests include, but are not limited to, the following:

- A lawyer, judge, magistrate, or clerk of court calls or writes TWC-VR concerning a subpoena;
- If a Subpoena Duces Tecum for documents or records is received, VR should immediately contact Open Records and forward the Subpoena Duces Tecum to them; and
- All requests from law enforcement and other agencies.

Copies of legal requests must be submitted to Open Records. Release of records is prohibited unless expressly approved by Open Records:

TWC's Open Records Department

Email: open.records@twc.texas.gov

Fax: (512) 463-2990

Office:(512) 936-6355

After receiving approval from Open Records to release information to a governmental law enforcement agency, the TWC-VR staff attaches a copy of the request and VR1515, as a cover sheet to advise the agency of the confidential nature of the documents.

E. Subpoenas for Staff to Appear and Discussions with an Outside Attorney

Open Records should be promptly contacted in the following circumstances:

- TWC-VR staff is served with a subpoena that requires them to appear:
  - In court;
  - Before an administrative proceeding; or
  - For a deposition.
- A customer, customer's representative, or lawyer requests that a TWC-VR staff member discuss a customer's case with an attorney.

F. Open Record Requests

Records requests that are received from Open Records must be processed by the receiving TWC-VR office within three business days or as otherwise provided.

The designated TWC-VR staff completes the Request from Open Records (VR1514), and follows the instructions below:

1. Release only items within the scope of the authorization and only to those authorized to receive the information.
2. Review records for any items to be withheld, such as information harmful to the individual if released regarding certain medical/psychological notations. Contact Open Records regarding any documents within the scope of the request that TWC-VR believes should be withheld. The VR Counselor or VR Supervisor will need to attest in writing to the basis of withholding the records and submit to Open Records for approval. This statement should be placed in the case file.
3. Make copies of the records that will be released.
4. Sign the Official Certificate and attach it to a copy of the records being released.
5. Make a copy of the signed Official Certificate and retain it in the paper case file along with a description of the records being provided and any records withheld.
6. Regardless of what is requested, do NOT answer any questions, complete depositions, or complete affidavits that may arrive as part of the request.
7. Do not notarize the certification or other documents. Contact Open Records if a notarization was requested.
8. If a question or section does not apply, enter "Not Applicable" and explain why.
9. Type or handwrite responses using blue or black ink.
10. Email a scanned copy of VR1514 and the signed Official Certificate to the Open Records Disclosure Officer as directed.

11. If there are no records available in the case record, TWC-VR staff notify Open Records via email within three business days of receipt of this form. For specific information on policies, procedures, and costs pertaining to open records requests, see the TWC Open Records Unit Manual.

G. Security Breach Procedures

To report a known or suspected breach of confidential information, TWC-VR staff follow the procedures in the TWC Privacy Manual.

Upon discovery of a known or suspected breach, TWC-VR staff secure any loose papers or electronic devices in a locked drawer or cabinet. If the breach is discovered on the network or in an email, the TWC-VR staff note the location or method of access or receipt.

The TWC-VR staff immediately report the incident to their VR Supervisor or, if the VR Supervisor is unavailable or if there is a potential conflict of interest, reports the incident to their local privacy liaison or Regional Field Support Manager.

The employee must be aware of and avoid common mistakes in response to a confidential information incident that could inadvertently create another one. Such an example is forwarding or replying to an email with compromised information like a Social Security Number, full name, or birth date when reporting the original incident.

When the compromised information is needed by the VR Supervisor for TWC's Privacy Office or Chief Information Security Officer to respond to an incident, the TWC-VR staff will be given instructions on whether the compromised information needs to be forwarded to officials at TWC and how to secure it properly.

H. Case Record Documentation

All supporting documentation related to the release of information on TWC-VR customers must be included in the case record. Case notes should supplement the supporting documentation to explain the circumstances of the customer and/or their representative. Case notes should include, as needed, the following:

- Reasons for releasing information and why it is necessary for the VR process;
- Validation that the release of information was clearly explained and agreed to by the customer in order to document informed choice; and
- Any other relevant information to the circumstances.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- Open Records consultations and notifications are required for all legal and open records requests. Consultation require collaboration with TWC-VR staff and Open Records attorneys.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
08/01/2025	Revised	Updated information related to releasing a fingerprint-based CCH record to ensure compliance with DPS and FBI- Criminal Justice Information Services (CJIS) regulations

PART A, CHAPTER 6: ACCESS AND ACCOMMODATIONS

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 6	Americans with Disabilities Act	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to providing the necessary access and accommodations to individuals with disabilities to participate in the VR program.

DEFINITIONS

Access: A means of approaching or entering a place; obtaining, examining, or retrieving information.

Accommodations: Reasonable modifications or adjustments made in various aspects of employment, public services, and facilities to ensure equal opportunities and access for individuals with disabilities. These accommodations are designed to eliminate barriers and provide people with disabilities an equal chance to participate in various activities.

Americans with Disabilities Act (ADA): Prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and access to State and local government programs and services.

Auxiliary Aids and Services: Devices or services that enable effective communication, typically for people who have difficulty with hearing, seeing, speaking, reading, writing, remembering, or understanding.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including necessary and reasonable accommodations.

POLICY

A. General Overview

It is TWC-VR policy that accommodations, including auxiliary aids and services, must be provided, as needed, during the VR process to provide customers the ability to access and fully participate in their VR program (e.g., application, assessments, development, and implementation of Individualized Plans for Employment [IPE]).

It is TWC-VR policy that all individuals be provided access to buildings, offices, and events, as well as information provided in the preferred mode of communication to enhance understanding.

B. Accommodations

Accommodations can vary depending on the specific needs of the individual. The goal is to create an inclusive environment that allows individuals with disabilities to participate fully in various aspects of society. The ADA prohibits discrimination against individuals with disabilities and promotes the idea that everyone should have equal opportunities and access.

Accommodations should be reasonable and not impose undue hardship on the employer or service provider. Examples of accommodations in different settings include the following:

- Employment: Providing accessible workspaces, modifying work schedules, providing assistive technology, or making adjustments to job duties.
- Public Services: Ensuring that public buildings, transportation, and services are accessible, such as installing ramps, elevators, or accessible restrooms.
- Education: Implementing modifications in the classroom, providing assistive technology, offering extended testing time, or providing accessible course materials.
- Public Accommodations: Ensuring that businesses, restaurants, and other public places are accessible, which may involve installing ramps, widening doorways, or providing alternative formats for written materials.
- Electronic and Information Resources (EIR): Ensuring all TWC websites and EIR are accessible to individuals with disabilities, including members of the public and agency employees.

Refer to the TWC Accessibility Policy for more information.

PROCEDURES

A. General Overview

TWC-VR staff must follow the procedures outlined for Auxiliary Aids and Services, as well as other chapters of the VRSM outlining similar requirements.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures; however, consultation with VR Managers/Supervisors is encouraged as needed.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 7: ETHICAL CONDUCT

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 7	Code of Professional Ethics for Rehabilitation Counselors (2023), Texas Government Code Chapters 305 and 572, Texas Penal Code Chapters 36 and 39, and TWC Personnel Manual: Ethics Policy	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the Code of Professional Ethics for Rehabilitation Counselors, as well as other ethical conduct expectations.

DEFINITIONS

Conflict of Interest: A situation in which a person is in a position to derive personal benefit from actions or decisions made in their official capacity.

Ethical Dilemma: A type of ethical issue that arises when the available choices and obligations in a specific situation result in significant consequences for any course of action. An ethical dilemma must be supported by an ethical principle that could be compromised based on the chosen course of action. Ethical dilemmas can surface when there is a conflict of interest.

POLICY

A. General Overview

TWC-VR expects all staff to demonstrate adherence to ethical standards and rules of conduct in alignment with their professional competence, integrity, and objectivity consistent with their education, experience, expertise, and assigned position. Below are the specific ethical standards that must be followed:

- The Code of Professional Ethics for Rehabilitation Counselors, (the Code); and
- The TWC Personnel Manual: Ethics Policy.

TWC-VR staff who work in a professional area with its own code of ethics (e.g., counseling, legal, medical, internal auditing) must also abide by the ethical conduct requirements of that specific field.

B. Ethical Behavior

The Code is based upon the following six principles of ethical behavior:

1. Autonomy: To honor the right to make individual decisions;
2. Beneficence: To do good to others;
3. Nonmaleficence: To do no harm to others;
4. Justice: To be fair and give equal justice to all;
5. Fidelity: To be loyal and keep promises; and
6. Veracity: To be honest.

VR Counselors who violate the Code are subject to the actions defined by disciplinary action outlined in the TWC Ethics Policy. If the VR Counselor is certified through Commission on Rehabilitation Counselor Certification (CRCC), violations of the Code are also subject to CRCC action.

Solution-focused, respectful, nonexploitative, and empowering counseling relationships are built on high ethical standards. Understanding the principles listed in the Code supports the ethical decision-making process. The Code reflects the level of competency needed in professional relationships to promote and protect the spirit of caring and respect for individuals with disabilities.

C. Ethical Violations

TWC-VR staff who violate provisions of the ethical conduct authority in this policy are subject to disciplinary action, up to and including dismissal from employment. Further, any employee who violates the ethics policy is subject to any applicable civil or criminal penalty if the violation also constitutes a violation of another statute or rule.

D. Preventing Conflicts of Interest

TWC-VR staff must adhere to the following ethical guidelines and avoid conflicts of interest in their professional conduct to ensure the integrity and trustworthiness of the agency:

- Prohibition on Gifts and Favors: TWC-VR staff must not accept or solicit any gift, favor, or service of personal benefit or value that might influence their performance of official duties or that is intended to influence their official conduct.

- Confidentiality and Secondary Employment: TWC-VR staff must not accept employment or engage in business activities that would require them to disclose confidential information obtained through their official position, including information protected by law, TWC rules, or court orders.
- Independence of Judgment: TWC-VR staff must not accept other employment or engage in business activities that could impair their independent judgment in performing their official duties.
- Avoiding Conflicts of Interest: TWC-VR staff must avoid personal investments or activities that could create a substantial conflict between their private interests and the public interest.
- Prohibition on Soliciting Benefits: TWC-VR staff must not intentionally or knowingly solicit, accept, or agree to accept any benefit in return for exercising their official powers or performing their official duties as a favor.

E. Personal Relationships

TWC-VR staff must exercise sound judgment in all relationships with customers and other employees to prevent conflicts of interest, power dynamic concerns, or any other ethical situation by:

- Displaying professional decorum; and
- Refraining from personal involvement of any kind that would discredit or embarrass the agency or the individual involved.

TWC-VR employees must not fraternize with or engage in personal relationships with customers. Employees must not attend social events for a customer unless it is part of their job duties and is included in the normal workday.

When dealing with customers, vendors, service providers, grantees, subrecipients, or other third parties doing business with TWC-VR, a TWC-VR employee, and their spouse or other individual with whom the employee cohabits, must not:

- Provide personal loans of money or property;
- Benefit from contracts with TWC-VR or other State government entities that do business with TWC-VR (e.g., bidding on TWC-VR office space);
- Serve as a representative for active or former TWC-VR customers (except that employees may represent their own family members or customers with approval of the management chain pursuant to division policy);
- Display or distribute advertisements for a vendor that suggest a TWC-VR preference for one vendor over another for personal business interests;
- Lend their name in connection with any organization, facility, or vendor providing goods or services to TWC-VR or its customers;
- Solicit or conduct business for any organization during TWC-VR work hours, except for voluntary, nonprofit, disability-related organizations (applicable to TWC-VR employees only); or
- Attempt to evade or circumvent these restrictions by acting indirectly through someone else.

F. Family Members of Customers

Conflicts of interest can present in a variety of ways. TWC-VR employees must not:

- Directly provide or influence the provision of services for any member of their own families as defined above;
- Access their own customer records or those of family members; and
- Gain access to any customer records for which they do not have an official state business need.

The term "family" includes the following:

- All related individuals who are dependent upon the employee or employee's family member for personal care or services on a continuing basis;
- All individuals living in the same household with the employee or with an employee's family member (regardless of kinship); and
- Spouse, child, parent, grandparent, brother, sister, cousin, aunt, uncle, niece, nephew, and any other individual related by:
    - Kinship;
    - Adoption; or
    - Marriage (e.g., stepchild, stepparent, stepson)

G. Purchasing Restrictions

High ethical standards also involve best-value purchasing and the wise use of funds. To prevent conflicts of interest, the following restrictions apply:

- TWC-VR staff must not purchase goods or services for a customer from a family member, with the exception of the following:
    - Personal Assistant services
    - Childcare services
    - Transportation services; and
- TWC-VR staff must not purchase goods and services for a customer from a provider who serves as the customer's representative, with the exception of the following:
    - Before the customer designates the provider as their representative; or
    - After the customer has revoked the provider’s authority to act as their representative.

Exceptions are not allowed.

PROCEDURES

A. TWC-VR Staff Procedures

TWC-VR is committed to helping all staff make ethical decisions. It is essential that all TWC-VR staff:

- Adhere to the ethical standards stated in the Code as well as in all policy, procedure manuals, and all agency standards;
- Be accountable for those standards in the organization;
- Are transparent and accountable in all decisions and actions related to TWC-VR responsibilities; and
- Document any ethical dilemmas or conflicts of interest, approvals, consultations, and solutions in RHW.

B. Conflicts of Interest Training

For potential conflicts of interest, training from the Ethics Department provides guidance to disclose to management and to the Chief Ethics Officer at ethics@twc.texas.gov. The department can assist TWC-VR staff with exploring any potential ethical issues.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Supervisor approval is required in any circumstance where TWC-VR staff consider attending social events for a customer. TWC-VR staff must demonstrate this as part of their job duties, is included in the normal workday, and is approved in writing by the supervisor.

Consultations

- VR Supervisor and/or VR Manager consultation is recommended when potential ethical dilemmas arise.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 8: INCIDENT REPORTING

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 8	Texas Family Code §261.101, Texas Human Resources Code §48.051, Texas Administrative Code 202.22, Texas Government Code Section 2054.1125, and Texas Business and Commerce Code Section 521.	All TWC-VR staff	10/20/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to identifying incidents and properly reporting them.

DEFINITIONS

Abuse: The knowing infliction of physical or psychological harm or the knowing deprivation of goods or services that are necessary to meet essential needs or to avoid physical or psychological harm.

Emergency: An incident that is an immediate threat to health or safety.

Exploitation: The action or fact of treating someone unfairly to benefit from their work or resources.

Fraud: Wrongful or criminal deception that causes financial or personal gain.

Fraud Deterrence and Compliance Monitoring Division (FDCM): TWC-FDCM is responsible for investigating reports of potential fraud, waste, abuse, and misconduct. FDCM includes the VR Contract Oversight and Support (COS) department. The COS department also performs other services related to and in support of the monitoring function.

Incident: An unplanned, unusual, or unexpected event that compromises or may compromise the health or safety of individuals or the security of property. This includes incidents or accidents.

Misconduct: Unacceptable or illegal behavior by a person or group, especially those in a position of authority.

Neglect: Disregard of duty resulting from carelessness, indifference, or willfulness; failure to care for properly.

Non-emergency: An incident that is not an immediate threat to health and safety.

Risk & Security Management (RSM): TWC-RSM is responsible for identifying, assessing, mitigating, and monitoring risks that may impact TWC, its employees, contractors, and customers. Through an enterprise risk management approach, RSM leads programs and initiatives that enhance workplace safety, physical security, and compliance, ensuring a proactive stance on risk reduction and incident response.

Waste: The misuse of funds or resources through excessive or nonessential expenditures.

POLICY

A. General Overview

TWC Risk & Security Management has established an incident response and reporting policy for the agency. The policy requires that an incident report must be completed anytime a staff, customer, employee, contractor, or visitor is injured, property is damaged or stolen, or if agency data or security is breached.

Additionally, the TWC Personnel Manual directs that all TWC employees are guardians of public resources and are responsible for reporting any suspected violations of State or Federal laws concerning TWC's programs or services.

TWC-VR requires all accidents, incidents, or near misses to be reported. TWC-VR staff who witness or become aware of an incident that includes staff, customers, contractors, visitors, etc. are responsible for reporting the incident as directed in this chapter and in the Personnel Manual for Risk and Security Management.

PROCEDURES

A. Reporting Incidents Involving Health and Safety

- Emergency
  If an incident is an immediate threat to health or safety and there is an immediate need for emergency assistance:
  - TWC-VR staff will call 911 for assistance
  - TWC-VR staff will report the incident to the appropriate investigatory agency, as listed in the table in below
  - TWC-VR staff will notify their supervisor, manager, or the appropriate contract manager
  - TWC-VR supervisor and/or manager will report the incident to Risk & Security Management (RSM) as instructed below
- Abuse, Neglect, or Exploitation

To report allegations of abuse, neglect, or exploitation, when any TWC-VR staff who believes that abuse, neglect, or exploitation has occurred, the following action must be taken immediately:

- TWC-VR staff will contact law enforcement if the incident is a threat to health or safety
- TWC-VR staff will report the incident to the appropriate investigatory agency, as listed in the table below.
- TWC-VR staff will notify their supervisor, manager, or the appropriate contract manager of the allegation.
- TWC-VR supervisor and/or manager will report the incident to RSM as instructed below

- Harm to Self and/or Others
  Emergency assessment and care is the first priority for all incidents risking harm to self and/or others. When a customer demonstrates or expresses a threat to harm themselves (including suicide and suicide attempts) or others:
  - If incident requires emergency assistance, TWC-VR staff will call 911 for assistance
  - TWC-VR staff will report the incident to the appropriate investigatory agency as listed in the table below
  - TWC-VR will report it to the VR supervisor and/or VR manager immediately
  - TWC-VR supervisor and/or manager will report the incident to RSM as instructed below
- Reporting to Investigatory Agencies
  Communications between a customer and a professional, and records of identity, diagnosis, evaluation, or treatment of a customer that are created or maintained by a professional are confidential. However, a professional may disclose confidential information to the following under these circumstances:
  - Governmental agency, if the disclosure is required or authorized by law
  - Medical or law enforcement personnel if the professional determines that there is a probability of imminent physical injury by the customer to the customer or others, or there is a probability of immediate mental or emotional injury to the customer
  - Other professionals and personnel under the professionals' direction who participate in the diagnosis, evaluation, or treatment of the customer
  - Parent if the customer is a minor, or a guardian if the customer has been adjudicated as incompetent to manage their personal affairs

Use the table below for guidance. If the alleged abuse, neglect, exploitation, suicide, or suicide attempt occurs in a location listed in the left column (Incident Location), report the incident to the authority listed in the right column (Report Incident to:).

Incident Location	**Report Incident to—**
A Texas Workforce Solutions office	The TWC-VR staff member who believes abuse, neglect, exploitation, suicide, or suicide attempt has occurred reports the information to local police and/or dials 911.

Incident Location	Report Incident to—
• A Texas Department of Family and Protective Services–licensed child care operation, including a residential child care operation; • A state-licensed facility or community center that provides services for mental health, intellectual disabilities, or related conditions; • An adult foster home (with three or fewer customers, which is not licensed by the Texas Health and Human Services Commission (HHSC)); • An unlicensed room-and-board facility; • A school; or • An individual's own home.	Texas Department of Family and Protective Services Statewide Intake P.O. Box 149030 Austin, Texas 78714-9030 Voice (800) 252-5400 Fax (512) 832-2090 Texas Abuse Hotline
An HHSC-licensed entity, including— • Assisted-living care facility; • Nursing home; • Adult day care; • Private intermediate care facility for individuals with intellectual disabilities; or • Adult foster care.	Texas Abuse Hotline
A Texas Department of State Health Services licensed substance-abuse facility or program	Texas Department of State Health Services Substance Abuse Compliance Group Investigations 1100 W. 49th St. Austin, Texas 78756 Mail Code 2823 (800) 832-9623
A Texas Department of State Health Service–licensed hospital	Texas Department of State Health Services Facility Licensing Group 1100 W. 49th St. Austin, Texas 78756 Complaint Hotline (888) 973-0022

B. Reporting Incidents Involving Fraud, Waste, and Abuse

TWC-VR recognizes that fraud, waste, and abuse of Federal and State funds may happen. Fraud can occur by TWC-VR staff, customers, and vendors. TWC-VR must address prevention, detection, and deterrence, and act when fraud occurs. TWC-VR staff must be familiar with various improprieties that might occur within their area of responsibility and should be alert for indications of fraudulent activity.

In compliance with the TWC Personnel Manual, Chapter 1.19 Reporting Fraud, Theft, Waste and Program Abuse, TWC-VR staff must report suspected fraud, waste, and abuse of government resources including TWC-VR staff, customers, contracted providers, and vendors misconduct through one of the following:

- TWC Fraud Hotline: (800) 252-3642
- TWC website: Reporting Fraud in Programs – TWC
- TWC mailing address: TWC.fraud@twc.texas.gov

Texas Workforce Commission

Attn: Office of Investigations

101 E. 15th St., Room 214T

Austin, Texas 78778-0001

C. Reporting Incidents Involving Breach of Confidentiality

If TWC-VR staff suspects or knows that Sensitive Personal Information (SPI) has been lost, compromised or there has been unauthorized disclosure, they must report it.

Reportable incidents include:

- Loss or theft of laptop, cell phone, disk, etc.
- Loss or theft of paper records
- Suspected phishing email or phone calls
- Unauthorized or improper acquisition of protected information
- Unauthorized or improper release, modification, or destruction of protected information
- Unauthorized exposure or viewing of SPI
- Sending or receiving SPI via text or unencrypted email

TWC-VR staff who are aware of breach of confidentiality must report the incidents promptly to their management and complete the Report a Privacy/Security Incident form within ServiceNow.

D. Reporting Incidents to Risk Security Management (RSM)

TWC-VR staff who witness or are aware of an incident involving staff, customers, employees, contractors, or visitors must report the incident to the VR supervisor and/or VR manager immediately. The supervisor and/or VR manager will, with the assistance of the TWC-VR staff, complete an Incident Report, within 48 hours of the incident, or 24 hours if law enforcement is involved through ServiceNow.

To access the form, click on the TWC Self-Service Portal icon on your desktop. Next, click Service Catalog at the top of the page. Then navigate to Business Ops > Risk & Security Management > Incident Report Form.

TWC-VR staff must assist with follow-up investigations, as requested. Additional reporting may be required for specific types and locations of incidents as described above.

E. Contractor Reported Incidents

If a VR contractor is reporting the incident, they must report the incident to the TWC-VR counselor and submit a VR Incident Report (VR3446) to the Regional Quality Assurance Specialist (Q)/Regional Program Support Specialist (RPSS). Refer to the Vocational Rehabilitation Standards for Providers Manual, Chapter 3.2.11.

- TWC-VR contractor must contact TWC-VR counselor, supervisor, and/or the Regional Quality Assurance Specialist (Q)/Reginal Program Support Specialist (RPSS) to report the incident within 48 hours of the incident, or 24 hours if law enforcement is involved
- TWC-VR counselor must notify their supervisor, manager, or the appropriate contract manager of the incident
- TWC-VR supervisor and/or manager are responsible for completing the incident report to RSM as instructed above in Section D
- TWC-VR contractor must complete the VR3446 and submit it to the Regional Quality Assurance Specialist (Q)/Regional Program Support Specialist (RPSS) assigned to the provider's headquarters within 48 hours of the incident, or 24 hours if law enforcement is involved
- Upon receipt of the VR3446, the Regional Quality Assurance Specialist (Q)/Regional Program Support Specialist (RPSS) must:
    - Ensure TWC-VR staff have reported the incident to Risk Security Management as instructed above in Section D
    - Email a copy of the VR3446 to:
        - TWC-VR State Office (VRS.program.contract.approval@twc.texas.gov); and
        - RSM (risk.securitymanagement@twc.texas.gov). Within the email, reference the initial report.
    - Work with VR staff to complete the Contractor Performance Report (TWC1303), as applicable
- TWC-VR State Office staff will record receipt of the VR3446 and route it to the appropriate executive management and Office of General Counsel based on the severity of the incident.

F. Case Note

TWC-VR counselor must enter a case note into ReHabWorks, using the topic Requires Special Attention. The case note must include, at a minimum, the following:

- The date;
- The location;
- The names and addresses of witnesses and the people involved;
- What was said or done;
- The names of those willing to provide statements; and
- The date and time of the following:
    - When the Incident Report was completed through ServiceNow, or on the RSM SharePoint
    - RSM Incident Report number, and
    - When the VR3446 was received, as applicable.

G. Data Collection and Analysis

- TWC-VR State Office will record the receipt of VR3446, VR Contractor Incident Report.
- Risk & Security Management will record receipt of all incidents submitted through ServiceNow and email relevant contractor-related incidents to VRS.program.contract.approval@twc.texas.gov quarterly.
- TWC-VR State Office staff will compare the reports received from RSM with the log of VR3446 forms received from contractors to ensure the required reports have been submitted.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures. If major changes are required, the team will summarize them in the Document History log below.

Date	Type	Change Description
08/01/2025	New	Chapter rewritten to include all types of incident reporting
10/20/2025	Revised	Revised to state TWC-VR staff will report incidents to the appropriate investigatory agency.

PART A, CHAPTER 9: SUBROGATION

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 9	34 CFR §361.53(a), and Texas Labor Code §352.058	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to subrogation within TWC-VR.

DEFINITIONS

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Subrogation: A process in which TWC-VR recovers all or part of the costs of services provided to customers as a result of a customer being injured in an accident that was somebody else's fault and recovering monetary damages in a lawsuit or insurance settlement.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

POLICY

A. General Overview

In accordance with the Texas Labor Code, TWC-VR may be subrogated to the customer's right of recovery when TWC-VR pays for rehabilitation or medical care services for a customer. In other words, TWC-VR is put in the customer's place and assumes the customer's right of recovery from:

- Personal insurance;
- Another person for personal injury caused by the other individual's negligence or wrongdoing; or
- Any other source.

TWC-VR's right of subrogation is limited to the cost of the services provided to the customer. For example, TWC-VR pays for rehabilitation or medical services made necessary by a motor vehicle accident, and the customer later receives a court judgment or insurance settlement for the accident. TWC-VR is entitled to be reimbursed out of the proceeds of the settlement or judgment for the services provided to the customer.

TWC-VR can waive, totally or partially, TWC-VR's subrogation interest when it is found that enforcement will likely defeat the purpose of the customer's rehabilitation.

B. Office of General Counsel (OGC)

OGC provides all legal support and representation regarding subrogation. Within OGC, the subrogation coordinator:

- Helps identify cases that are appropriate for subrogation;
- Begins efforts to recover costs when OGC is notified of a subrogation case; and
- Communicates with Counselors and private attorneys to facilitate reimbursement.

C. Comparable Services and Benefits in Subrogation

TWC-VR funds can be used before a settlement or judgment is reached in a workers' compensation or liability case when funds are not available at the time needed to ensure the customer's progress toward the employment goal, so it is not delayed.

PROCEDURES

A. Subrogation Inquiries

When completing or updating the Personal Information page in ReHabWorks (RHW), or at any other appropriate time during the rehabilitation process (e.g., Individualized Plan for Employment [IPE] amendment), the VR Counselor must ask the customer whether they have retained an attorney for any issues associated with an injury.

If the customer confirms that they have retained an attorney, then it is presumed that there is a pending claim or litigation and the VR Counselor must ascertain whether TWC-VR may pursue subrogation.

B. Types of Subrogation

When the customer has retained an attorney or there is an injury-related lawsuit pending, the VR Counselor reviews the following scenarios with the customer to determine whether a Subrogation Report (VR3500) should be completed:

- A customer is bringing claims or suing another party for personal injury caused by the other party's negligence or wrongdoing, and when TWC-VR has expended, or will expend, funds for rehabilitation services due to the negligence or wrongdoing;
- A customer was injured on the job, but there is no workers' compensation coverage, and the customer has filed a liability claim or lawsuit; and
- The Texas Department of Insurance, Division of Workers' Compensation, has denied the customer's claim, and the customer is appealing the denial either to the Texas Department of Insurance, Division of Workers' Compensation, or in court, and TWC-VR has provided or will provide diagnostic or restorative services related to the injury.

TWC-VR does not pursue subrogation when any of the following are true:

- The Texas Department of Insurance, Division of Workers' Compensation, is paying or will pay for the customer's medical expenses;
- When the customer is applying for Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI) benefits;
- When TWC-VR has expended no funds and expects to spend no funds; and
- When TWC-VR expenditures in on-the-job injury cases include no medical costs relating to the original injury.

C. Subrogation Process

When TWC-VR has determined it may be entitled to pursue subrogation, the following steps are required by TWC-VR staff to ensure that OGC is notified of the pending subrogation case in a timely manner:

1. Steps and communications related to the pending or final subrogation must be documented in RHW as case notes;
2. Complete VR3500;
3. Enter "yes" in the "lawsuit pending" section of the RHW Personal Information page;
4. Send the completed form to OGC (email, fax, mail):

TWC OGC

Attention: Legal Assistant

101 East 15th Street, Room 608

Austin, Texas 78778

Tel: (512) 936-3511

Fax: (512) 463-1426

Email: subrogation@twc.texas.gov

5. Include copy of VR3500 in the customer's paper case file.

If the customer has questions about the subrogation process that the VR Counselor cannot answer, TWC-VR staff can escalate those questions through their chain of management to OGC for additional guidance and support.

OGC's recovery process begins when funds that are recoverable have been encumbered. TWC-VR staff are not required to track a subrogated case at this point.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 10: SERVICES TO BUSINESS

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 10	Rehabilitation Act, as amended, Section 109, and 34 CFR §361.32	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of services to business in the State of Texas.

DEFINITIONS

Business Relations Team (BRT): Team responsible for the delivery of all VR business services, including outreach, consultation, technical assistance, and training to support job placement and job retention for individuals with disabilities.

Job Ready: When TWC-VR customers have the necessary knowledge, skills, and abilities needed, with or without supports, to begin seeking employment that is consistent with the employment goal on the customer's Individualized Plan for Employment (IPE) or IPE amendment.

Labor Market: Where the supply and the demand for jobs meet, with the workers or labor providing the services that employers demand.

Labor Market Information (LMI): Comprehensive knowledge regarding a specific labor market, including information about occupations, locations, wages, demographics, etc.

Outreach Services and Coordination Teams (OSC): The regional OSC teams are the primary points of contact in developing business partnerships at the local and regional levels. OSC teams are established at regional levels by the Business Relations Coordinators (BRCs) and regional leadership.

The National Employment Team (NET): A national VR business network of VR staff specializing in employer development, business consulting, and corporate relations. The Business Relations Team partners with The NET so they are executing a coordinated approach to serving business customers.

POLICY

A. General Overview

1. Services to Employers: The employment of individuals with disabilities is directly related to the level of awareness and understanding that the business community has of the skills, abilities, and contributions that individuals with disabilities possess. Their ability to function in a specific job, and the possible accommodations that may be required to perform essential job functions, are services that TWC-VR may provide, which will enhance the employment opportunities and support business hiring needs in the local communities.
2. Service to Customers: TWC-VR provides a variety of individualized employment services to meet a customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

B. Legal Authorization

TWC-VR may expend VR funds to educate and provide services to employers who have hired or are interested in hiring individuals with disabilities, including the following:

1. Providing training and technical assistance to employers regarding the employment of individuals with disabilities, including disability awareness, and the requirements of the Americans with Disabilities Act (ADA) and other employment-related laws;
2. Working with employers to:
    - Provide opportunities for work-based learning experiences (including internships, short-term employment, apprenticeships, and fellowships);
    - Provide opportunities for pre-employment transition services (Pre-ETS);
    - Recruit qualified applicants who are individuals with disabilities;
    - Train employees who are individuals with disabilities; and
    - Promote awareness of disability-related obstacles to continued employment.
3. Providing consultation, technical assistance, and support to employers on workplace accommodations, AT, and facilities and workplace access through collaboration with community partners and employers, across States and nationally, to enable the employers to recruit, job match, hire, and retain qualified individuals with disabilities who are recipients of TWC-VR services, or who are applicants for such services; and
4. Assisting employers with utilizing available financial support for hiring or accommodating individuals with disabilities.

C. Business Relation Team Services

The VR Business Relations Team is responsible for the delivery of all VR business services, including outreach, consultation, technical assistance, and training to support job placement and job retention for individuals with disabilities. Members of the VR Business Relations Team include state office program specialists, regional business relations coordinators, employment assistance specialists, and outreach service and coordination (OSC) teams.

PROCEDURES

A. TWC-VR Staff Procedures

All TWC-VR staff members have a role in cultivating relationships with businesses, as well as referring to and consulting with the BRT.

B. Workforce Solutions Offices

The 28 Workforce Boards and over 170 Workforce Solutions Offices in the State of Texas offer a single point of contact for both the business community and those seeking employment. Services provided by Boards and Workforce Solutions Offices include employer services, WIOA youth and adult services, veteran services, job seeker resources and training, and labor market information.

TWC-VR and Workforce Solutions Office staff are strongly encouraged to partner to expand training and opportunities for job seekers and employers. By leveraging services and programs together, the customer, TWC-VR, and the workforce system win.

VR staff are to follow the local process when referring VR customers to Workforce Solutions offices for services. A service record to Workforce Solutions must be issued by a member of the VR team. When creating a service record, staff must use "Arranged" as the payment method. VR staff and Workforce Solutions staff are to remain in communication to ensure services are provided. TWC-VR Staff Learning Opportunities

TWC-VR staff must have knowledge and expertise in the labor market and the needs and expectations of business. TWC-VR offers a variety of supports for the field:

1. Training: Training opportunities are available through TWC Training and Development such as the Dual Customer Training available to TWC-VR staff to increase their knowledge, awareness, and understanding of serving the business community as another VR customer. The training teaches TWC-VR staff how to develop effective business relations, conduct outreach and marketing activities, and recommend appropriate accommodations for customers. TWC-VR staff may also work alongside their Regional BRC to build their awareness and confidence in this area.

Mandatory Training for VR Counselors (and any other staff member carrying a customer caseload) is located on the VR Business Relations intranet page: Labor Market Information (LMI).

2. Labor Market and Business Needs Tools: Competency in this area is critical to the vocational planning process as it helps TWC-VR and its customers build actionable goals to achieve high-quality employment outcomes.
   Before contacting a business, TWC-VR staff must:
   - Match businesses to the needs and interests of job seekers;
     i. Know basic information about the business, including the following:
     ii. The business's location and whether transportation is available;
     iii. The type of business and the products it makes and/or sells;
     iv. The business's prospects and stability; and
     v. Whether the business is hiring.

When working with a business, TWC-VR staff must remember that:

- The business is a VR customer;
- TWC-VR has a responsibility to understand the business's needs;
- TWC-VR must adjust its services when possible to meet the business needs;
- Businesses are not:
  i. VR or disability experts (avoid the use of VR language; use business terminology);
  ii. A funding source for special initiatives; or
  iii. Obligated to hire from VR talent pools; and
- Businesses need qualified candidates as they do not and should not be expected to hire based on disability or out of charity.

To better understand the local labor market, available employment outcomes, and the population of potential VR customers, TWC-VR staff can conduct labor market analyses using community resources and Labor Market and Career Information department tools.

The analysis includes the following:

- Labor market analysis of job trends and other factors to promote strategic employment outcomes and business development; and
- VR caseload statistical analysis of specific caseloads or offices to identify job-ready customers, vocational goals, and historical placement trends.

C. Job Ready Documentation

When TWC-VR customers have the necessary knowledge, skills, and abilities needed, with or without supports, to begin seeking employment that is consistent with the employment goal on the customer's IPE or IPE amendment, they are job ready. When the VR Counselor determines that the customer is job ready, the VR Counselor:

1. Updates the Job Ready status in RHW Personal Information section; and

2. Using the Job Ready case note topic in RHW, the VR Counselor documents the circumstances around the customer's job readiness, labor market and business needs, (as applicable) and next steps.

When the VR Counselor and customer determine that the customer is no longer job ready, the VR Counselor repeats the previous steps and selects No for Job Ready and, together, they amend the IPE, as needed, to continue VR services.

If needed, the VR Counselor can use the Job Ready Worksheet as a guide in determining whether the customer is job ready. If used, a copy of the Job Ready Worksheet is filed in the customer's case file.

D. Services to Business Documentation

For each activity provided to a business by a BRT member, there must be a record of the service entered into WorkInTexas to allow for joint reporting of services for the WIOA Effectiveness in Serving Employers Indicator.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART A, CHAPTER 11: WIOA PERFORMANCE ACCOUNTABILITY SYSTEM

Policy Number	Authority	Scope	Effective Date
Part A, Chapter 11	WIOA Section 116, and 34 CFR Subpart E	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy is to ensure adherence to meeting the standards outlined in WIOA for effectively serving TWC-VR customers resulting in long-term, sustainable CIE and meeting the needs of employers and the labor market.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

WIOA §116 Performance Accountability System establishes performance accountability indicators and reporting requirements to assess the effectiveness of States and local workforce development areas in achieving positive outcomes for individuals served by the workforce development system's six core programs.

The six core programs include the following:

Title I (U.S. Department of Labor)

- Adult program

- Dislocated Worker program
- Youth program

Title II (U.S. Department of Education)

- Adult Education and Family Literacy Act program

Title III (U.S. Department of Labor)

- Wagner-Peyser Employment Service program

Title IV (U.S. Department of Education)

- State Vocational Rehabilitation Services program (TWC-VR)

B. Policy Status

TWC-VR is in the process of developing policy and procedures for how it manages the requirements of §116, including reporting processes (e.g., customer data, Annual Report [ETA 9169] data), the six performance indicators (Credential Attainment and Measurable Skill Gains are already published in Part E), data validation, negotiations and sanctions.

When this policy and its procedures are developed, approved, and implemented, the final policy will be published here.

PROCEDURES

There are currently no procedures requirements for this policy.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description

09/03/2024	New	VRSM Policy and Procedure Rewrite

PART B, CHAPTER 1:.VOCATIONAL REHABILITATION PROCESS INTRODUCTION

Policy Number	Effective Date
Part B, Chapter 1	09/03/2024

OVERVIEW

Part B serves as the requirements related to the vocational rehabilitation (VR) process, beginning with a general overview and ending with case closure. The VR process is not always linear, and various steps in the VR process may need to be revisited when circumstances change for the customer. For example, once an Individualized Plan for Employment (IPE) is completed and services have been initiated, a change in the customer's circumstances might require additional assessments, an updated employment goal, an interruption of services, or a change to the services originally included in the IPE, which would require an IPE amendment.

This section addresses the specific roles and responsibilities of the VR team, which is made up of a group of individuals who share responsibility for informing, educating, advocating, facilitating, and encouraging the customer as the customer makes informed decisions to reach their employment goal.

Additionally, Part B includes competitive integrated employment, informed choice, initial contacts and applications, eligibility determination, Order of Selection, Trial Work Experience, comprehensive assessment, IPE development, Computerized Criminal History search, and case closure.

Questions related to Part B policies and procedures can be emailed to the Policy Planning and Statewide Initiatives Team (PPSI) at vrsm.support@twc.texas.gov.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART B, CHAPTER 2: VOCATIONAL REHABILITATION PROCESS

PART B, CHAPTER 2.1: OVERVIEW OF THE VR PROCESS

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 2.1	34 CFR Part 361 Subpart B, and TWC Rule §856 Subchapter B	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to TWC-VR's process from program entry to program exit. Part B includes the linear process individuals with disabilities will follow, including how TWC-VR services are provided with the goal of CIE. Though the process is linear, TWC-VR provides individualized services to all customers in which circumstances and needs may change over time.

DEFINITIONS

Admin PIN: A five-digit code used by authorized TWC-VR staff, typically management. The Admin PIN is used in ReHabWorks (RHW) to confirm that a customer, their representative, and/or legal guardian has provided a handwritten signature, digital signature, or Semi-Autonomous Research Assistant (SARA) email in lieu of a signature.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and by using more than one method of contact (e.g., phone, email, SARA).

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as the choice relates to all stages of the VR process.

Managing Conservator Signature: Customers who are minors and under the care of a foster parent are assigned a managing conservator who has the legal authority to sign documents.

Personal Identification Number (PIN): A four-digit number utilized by a customer, representative, and/or parent guardian to sign documents in RHW electronically.

Vocational Rehabilitation Team: A group of individuals who share responsibility for informing, educating, advocating, facilitating, and encouraging the customer to make informed decisions to reach their employment goal.

POLICY

A. General Overview

TWC-VR is an eligibility-based program which includes a basic process for referral, application, eligibility, Individualized Plan for Employment (IPE), service provision, and exit. TWC-VR staff must convey the program's purpose, process, and roles and responsibilities at the first meeting with a customer and throughout the life of the case. The VR Counselor should clearly explain that the expectation for partnership between the VR Counselor and the customer, through informed choice, is to achieve the goal of CIE.

At each step of the process, the VR Counselor takes the customer through a series of decisions about goals, services, and providers to achieve outcomes upon which the VR Counselor and the customer have agreed.

B. Qualified Vocational Rehabilitation Counselors

TWC-VR uses an individualized model that involves counseling methods and parameters within which the VR Counselor operates. VR Counselors with specialized skills and training to make decisions that support CIE outcomes for customers are the cornerstone of successful rehabilitation.

VR Counselors are required to meet the Comprehensive System of Personnel Development (CSPD) standard under the Qualified Vocational Rehabilitation Counselor (QVRC) Program.

C. Roles and Responsibilities

TWC-VR works as a team and is comprised of a group of individuals who share responsibility for informing, educating, advocating, facilitating, and encouraging the customer to make informed decisions to reach their employment goal. TWC-VR team members will change as the customer's needs and services evolve; however, the team will always include the customer and the VR Counselor. TWC-VR team members include the following as appropriate:

- Customer: TWC-VR customers are expected to actively engage in all stages of the VR process by:
    - Demonstrating motivation through active participation and consistent communication with the VR Counselor;
    - Engaging in the process of informed choice and decision making; and
    - Committing to following through with activities that lead to a CIE outcome.
- VR Counselor: VR Counselors have a unique skill set and specialized training to serve individuals with disabilities. This includes an extensive knowledge of disability and an understanding of the disability-related supports necessary to help TWC-VR customers reach their employment goals. This knowledge is combined with an understanding of the local labor market, business trends, and employment law.
    - Partnerships: The VR Counselor partners with the customer, providers, employers, and community resources to help customers reach their employment goals.
    - Purchasing: The VR Counselor must apply best value purchasing practices and use available comparable services and benefits to ensure effective use of public funds throughout the VR process.
    - Caseloads: VR Counselors have caseloads that are either general (all conditions and disabilities) or specialized (only specific disabilities or conditions, such as visual impairment, hearing loss, or transition-aged youth).
- Courtesy Counselor: A Courtesy Counselor provides TWC-VR services to a customer who is receiving services outside the customer's home area. When a Courtesy Counselor is assigned to provide additional support for a customer, the Courtesy Counselor may have similar responsibilities and provide similar services as a VR Counselor. The Courtesy Counselor will also maintain constant communication with the assigned VR Counselor.
- Rehabilitation Assistant: The Rehabilitation Assistant (RA) supports both the VR Counselor and the customer throughout the process by coordinating services approved by the VR Counselor, collecting information, providing caseload support, and more.
- VR Supervisors and Managers: The VR Supervisor and Manager work together to provide support, direction, and oversight of direct customer services for their assigned unit.
- Unit and Regional Management, Specialists, and Support Staff: Unit and Regional Management, Specialists, and Support Staff also serve a vital role in the VR process, even though they may not work directly with VR customers regularly. The unit and regional staff ensure case movement, payment to vendors, leadership, professional development, subject-matter expertise, and more.
- Consultants: TWC-VR staff have access to both internal and external consultants for specialized support (e.g., medical, psychological) in decision making throughout the VR process.
- Providers: Descriptions of providers' roles and responsibilities are outlined in the VR Standards for Providers Manual (VR-SFP).

D. Required Signatures

Customer signatures are required throughout the VR process. Depending on the customer's age and circumstance, customers must provide their own signature, designate a representative to provide a signature on their behalf, or provide the signature of either a parent, or a legal guardian.

- Representative's Signature: A customer or their legal guardian may designate an individual to serve as their representative in all or part of the VR process. The representative may be authorized to sign documents, speak on the customer's behalf, or serve in other capacities indicated on the Designation of Applicant or Customer Representative (VR1487). In some cases, a representative can help facilitate communication and help the rehabilitation process move forward to a successful outcome.
- Parent or Legal Guardian Signature: The signature of either a parent or legal guardian is required when the customer is:
    - A minor (i.e., under 18); or
    - Legally incompetent and assigned a legal guardian.

An exception to this requirement is an individual who is under 18 and legally married. Under Texas law, that individual is not considered a minor. Customers under 18 years of age must provide documentation of marriage if they assert that they are their own legal guardian.

Generally, a foster parent is not the legal guardian for their foster child and cannot sign an application for services, releases, or the IPE on behalf of the child. The child's managing conservator has the legal authority to sign these documents. Locate the conservator by contacting the nearest office of the Texas Department of Family and Protective Services.

E. Types of Signatures

TWC-VR customers, representatives, and/or legal guardians have multiple options to ensure required documentation is signed. TWC-VR staff will work with customers, representatives, and/or legal guardians to obtain their signatures through one of the following methods:

- Handwritten signatures (e.g., in person, photo, scanned copy);
- Digital signatures using a software option (i.e., Adobe and DocuSign, when available, on a TWC-VR form; SARA e-signatures);
- PINs as signatures entered in RHW by the TWC-VR customer, representative, and/or legal guardian; or
- SARA emailed agreement in lieu of handwritten signature.

VR staff must first make attempts to obtain a handwritten signature, digital signature or a PIN entered in RHW as a signature. If staff cannot obtain one of these signature options, they must document the reason why before using a SARA email in lieu of a handwritten signature.

F. Frequency of Contacts

TWC-VR is committed to maintaining regular communication and to being responsive to the evolving needs of potentially eligible students with disabilities, applicants, eligible individuals, and customers receiving services in an IPE. The frequency of contact (FOC) is determined by the unique circumstances and needs of each customer. The minimum FOC requirement is established in an IPE for customers receiving services. The FOC and can be adjusted as necessary throughout the duration of the case. The VR Counselor must make a good faith effort to meet the established FOC for each customer.

In cases where there is a change in FOC resulting in more frequent contact, an IPE amendment is not required. However, if the change in FOC results in less frequent contact, an IPE amendment is required.

TWC-VR staff must adhere to the guidelines outlined in the TWC Privacy Manual and throughout the VRSM. Additionally, while text messages and emails from SARA are secure, TWC-VR staff must refrain from transmitting sensitive information, such as personal identifying information (PII), to customers through non-secure channels. Text messaging, even when sent from an agency device, is not considered a secure form of communication.

G. Exceptions to Policies

When necessary to meet the VR needs of a customer, TWC-VR staff may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Signature Procedures

TWC-VR has signature procedures to ensure proper documentation and compliance. Under no circumstances does the Individualized Trial Work Plan (TWP), Individualized TWP amendment, IPE or IPE amendment take effect or allow for payment of any service until it is agreed to and signed by the customer or their representative and the VR Counselor.

When a representative signature is obtained, VR staff must ensure the Designation of Applicant or Customer Representative (VR1487) is completed and signed authorizing the representative's authority to sign on behalf of the customer.

- Handwritten Signature: A TWC-VR customer, representative, and/or legal guardian can use a handwritten signature throughout the VR process wherever signatures are required. This includes signatures obtained in person and electronically when the customer has the equipment necessary to print, sign, and return an electronic copy of the signed form (such as a photo or scanned copy).

The customer, representative, and/or legal guardian must:
  - Review the document and contact VR if there are questions or disagreements;
  - Sign the document indicating their agreement; and
  - Return the document to VR staff upon completion of the signature.
- Digital Signatures: A TWC-VR customer, representative, and/or legal guardian can use a digital signature throughout the VR process wherever signatures are required. A digital signature can be created using software such as Adobe or DocuSign which allows customers to securely sign. SARA also allows customers to provide digital signatures.
  The customer, representative, and/or legal guardian, must:
  - Review the document and contact VR if there are questions or disagreements;
  - Sign the document indicating their agreement using a digital software option (i.e., Adobe and DocuSign, when available, on a TWC-VR form; SARA signatures); and
  - Return the document to VR staff upon completion of signature.
- PIN as Signature: A TWC-VR customer, representative and/or legal guardian, can use an electronic PIN as a signature in RHW throughout the VR process whenever PINS are required. When the TWC-VR customer, representative, and/or legal guardian, sets or resets their PIN, TWC-VR staff should encourage the customer to use a number that is both easy to remember and meets the PIN requirements within RHW. When the PIN is reset by a member of the unit management team, TWC-VR staff document the action in a case note.
  TWC-VR staff are prohibited from knowing or recording the customer's unique PIN. TWC-VR staff must not ask the customer for their PIN or document any type of prompts or hints that could inadvertently compromise the confidentiality of the PIN.
- SARA Emailed Agreement in Lieu of Handwritten Signature: A TWC-VR customer, representative, and/or legal guardian, can use a SARA email in lieu of handwritten signature throughout the VR process wherever signatures are required if TWC-VR staff cannot obtain a handwritten signature, digital signature, or have the customer enter their PIN.
  When using an e-mail in lieu of a signature, the email to the customer can only be sent through SARA to ensure encryption. TWC-VR staff sends an encrypted e-mail through SARA to the customer using the email address provided by the customer listed in RHW. The TWC-VR staff attaches the document and copies and pastes an approved e-mail template in the body of the email.

SARA Email Templates

Dear (Applicant, Customer, Parent, Guardian, or Representative Name),

Please read through the attached documents and statements below. To proceed with your case, please reply directly to this encrypted email. In your reply, please state whether you agree to the statements listed below and include your name and date.

- VR5060, Permission to Collect Information

As the applicant, customer, parent, guardian, or representative, I authorize (list provider name) to disclose the protected health information and other personal information listed under “Information Subject to Disclosure” to Vocational Rehabilitation Services (VR). I authorize the following types of records to be disclosed: (list types).

- VR5060, Permission to Collect Information from The Work Number
  As the applicant, customer, parent, guardian, or representative, I authorize The Work Number to disclose the protected health information and other personal information listed under “Information Subject to Disclosure” to Vocational Rehabilitation Services (VR). I authorize the following types of records to be disclosed: Equifax The Work Number, including all employment information (i.e. wages and work history).
- VR5061, Notice and Consent for Disclosure of Personal Information
  I, the applicant, customer, parent, guardian, or representative, have read the VR5061, Notice and Consent for Disclosure of Personal Information. I authorize Vocational Rehabilitation (VR) to disclose personal information or records to other individuals for purposes directly connected with the administration of my rehabilitation program.
- VR1517-2, Authorization for Release of Confidential Customer Records and Information
  I, the applicant, customer, parent, guardian, or representative, authorize the records or information to be released to the individuals listed on the VR1517-2, Authorization for Release of Confidential Customer Records and Information.
- VR1510, Request for Computerized Criminal History (CCH) Search
  I, the customer, have read the VR1510, Request for Computerized Criminal History Search and acknowledge that a Computerized Criminal History (CCH) check may be performed by accessing the Texas Department of Public Safety Secure Website and may be based on name and DOB identifiers.
- VR1487, Designation of Applicant or Customer Representative
  Sent to customer:
  I, the applicant or customer, hereby designate (list name of person designated as the representative) to act as my representative for the purpose of rehabilitation services. He or she may act as my representative for the following purposes (list all that apply).
  Sent to designated representative
  I, designated representative for customer (enter customer’s name), agree to act as a representative for the purpose of rehabilitation services for the following purposes (list all that apply). I am/am not an attorney. My telephone number and address are (enter information).
- VR5062, Permission to Collect and Notice to Disclose : Mutually Served Medicaid Waiver and VR Customers
  As the applicant, customer, parent, guardian, or representative, I authorize Texas Workforce Commission (TWC) Vocational Rehabilitation Division (VR) to exchange with Texas Health and Human Services the information selected in the “Information Subject to Disclosure” box.

- VR5063, Permission to Collect and Notice to Disclose: National Student Clearinghouse
  As the applicant, customer, parent, guardian, or representative, I authorize Texas Workforce Commission (TWC) Vocational Rehabilitation Division (VR) to exchange with the National Student Clearinghouse the information selected in the "Information Subject to Disclosure" box.
- VR5057, Application Statement
  As the applicant, customer, parent, guardian, or representative I confirm that I have read and agree to the application statements as listed in the VR5057 Application Statement and would like to proceed with applying for Vocational Rehabilitation Services.
- VR1680, Opportunity to Register to Vote
  As the applicant, customer, parent, guardian, or representative, I confirm that I have been provided with information regarding Voter Registration as described in the VR1680 Opportunity to Register to Vote. Please respond Yes, No or No Response to indicate if you are not registered to vote where you live now, would like to register to vote today.
- VR5161, Individualized Trial Work Plan/ VR5157 Individualized Trial Work Plan Amendment
  As the applicant, customer, parent, guardian, or representative, I agree that I have been fully involved and used informed choice in the development of this program and have received a copy of this Trial Work Plan. This program will be reviewed by me, my designated representative, if any, and my VRC as often as necessary, but at least annually. Any change in this program will require collaboration between me, my designated representative, if any, and my VRC.
- VR5163, Individualized Plan for Employment (IPE)/VR5159 Individualized Plan for Employment (IPE) Amendment
  As the applicant, customer, parent, guardian, or representative, I agree that I have been fully involved and used informed choice in the development of this program and have received a copy of this IPE. This program will be reviewed by me, my designated representative, if any, and my VRC as often as necessary, but at least annually. Any change in this program will require collaboration between me, my designated representative, if any, and my VRC.

After receiving the customer's email confirmation, TWC-VR staff will request assistance from authorized staff to complete an Admin PIN.

- Admin PIN – Use by TWC-VR Staff: The only circumstances under which authorized TWC-VR staff can enter an Admin PIN in RHW on behalf of the customer are as follows:
  - The customer, representative, and/or legal guardian completed and signed a paper document. The following signed paper documentation must be uploaded into the electronic case file:
    - Application;
    - Voter registration;

        - Individualized Trial Work Plan (TWP);
        - Individualized TWP amendment;
        - IPE; and
        - IPE amendment.
    - A digital signature is obtained from the customer, representative, and/or legal guardian when a PIN is required in RHW;
    - The customer cannot enter a PIN due to the limitations caused by a physical disability; or
    - The customer, representative, and/or legal guardian cannot provide a handwritten signature, digital signature, or enter the PIN and they send an email through SARA indicating agreement for their signature on the form.

When requesting an Admin PIN, staff send an email to authorized TWC-VR staff. The email must clearly specify the document for which the PIN is requested and attach the relevant document. The authorized TWC-VR staff confirms that a customer, their representative, and/or legal guardian has provided a handwritten signature, digital signature, or SARA email in lieu of a signature. Once the Admin PIN has been entered, RHW will create a system-generated case note that records the reason and use of the Admin PIN.

The document signed by the customer, representative, and/or legal guardian that was used for the Admin PIN request must be uploaded to the electronic case file.

VR Supervisors, VR Managers, Deputy Regional Directors, or a Regional Director are the authorized TWC-VR staff who may enter an Admin PIN.

B. Approvals and Consultations Documentation

All required approvals, consultations, notifications, and reviews must be:

- Submitted through the requester's direct chain of command;
- Considered incomplete until they are documented in RHW; and
- Documented before including the good or service on an IPE and/or issuing a service authorization.

Approval Request: The "Add to Topic" for a request should include the specific good or service. The case note content must include the following:

- What is being requested (include specific good or service, provider, and anticipated dates of service);
- Circumstances supporting the request; and
- Name and job title of requester.

Approval Response: The "Add to Topic" for an approval or denial should include the specific good or service and the decision (i.e., "approved" or "denied"). The case note content must include the following:

- Parameters of the approval or denial include specific good or service, provider, and when applicable, the date range of the approval.);
- Type of review completed in the Texas Review, Oversight, and Coaching System (TxROCS) if applicable; and
- Name and job title of staff making the decision.

As part of the approval decision, the TWC-VR staff approving or denying the request should ensure that:

- The good or service is clearly connected to and supportive of vocational objective;
- The purchase is included in the IPE, IPE amendment, or in a service justification case note for goods/services for potentially eligible customers or before an IPE;
- Exploration and application of available comparable benefits are documented; and
- Required consultations have been completed, when applicable.

Consultation/Review: The "Add to Topic" for a consultation should include the specific good or service. The case note content must include the following:

- Parameters of the consultation including specific good or service, provider, the date range of service (when applicable), and specific recommendations;
- Type of review completed in TxROCS (if applicable); and
- Name and job title of staff providing the consultation.

Required consultations and approvals must be documented in RHW by entering an Approval Response case note or completing the appropriate RHW Purchase Approval Workflow in RHW. Questions about required consultations and approvals can be submitted to vrsm.support@twc.texas.gov or the appropriate Regional or State Office Program Specialist.

C. Delegating Required Actions

Required actions that are assigned to TWC-VR staff at the unit level must be completed by the identified TWC-VR staff member (i.e., VR Counselor, VR Supervisor, or VR Manager) or a TWC-VR staff member in an equivalent or higher level of supervision.

A Regional Director (RD) can delegate a required action to a TWC-VR staff member in an equivalent or higher level of supervision or the Deputy Regional Director (DRD).

State Office Management, including TWC-VR Executive Management, can delegate required actions to other State Office Management, regardless of their level of supervision.

If there is more than one approval needed for one service (e.g., VR Manager approval required for out-of-state training and VR Supervisor approval for an exception to the limitations on out-of-state training fees), TWC-VR staff may combine them into one approval with the highest level of supervision required

providing the entire approval. However, if there are two distinctly separate services (e.g., out-of-state training and cochlear implant surgery), the approvals should be documented and submitted separately.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the approvals and consultations listed in each VRSM chapter.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Revised signature requirements.
04/01/2025	Revised	Updated the form number for the application statement.
07/01/2025	Revised	Updated information for SARA email in lieu of a signature and updated SARA email templates.

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PART B, CHAPTER 2.2: COMPETITIVE INTEGRATED EMPLOYMENT (CIE)

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 2.2	34 CFR §361.5(c)(9), and §361.5(c)(15)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the requirement of TWC-VR supporting individuals with disabilities in the achievement of employment that meets the definition of Competitive Integrated Employment (CIE).

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

TWC-VR is dedicated to assisting individuals with disabilities in achieving an employment outcome. Employment outcomes means, with respect to an individual, entering, advancing in, or retaining full-time or, if appropriate, part-time CIE that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

B. Competitive Integrated Employment

CIE is work that:

1. Is performed on a full-time or part-time basis (including self-employment) and for which an individual is compensated at a rate that:
    - Is not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate required under the applicable State or local minimum wage law for the place of employment;
    - Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; and
    - In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and
    - Is eligible for the level of benefits provided to other employees; and
2. Is at a location:
    - Typically found in the community; and
    - Where the employee with a disability interacts for the purpose of performing the duties of the position with other employees within the particular work unit and the entire work site, and, as appropriate, to the work performed, other persons (e.g., customers and vendors) who are not individuals with disabilities (excluding supervisory personnel or individuals who are providing services to such employee) to the same extent that employees who are not individuals with disabilities and who are in comparable positions interact with these persons; and
3. Presents, as appropriate, opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

TWC-VR supports a variety of CIE types, including Self-Employment, Randolph-Sheppard Business Enterprises of Texas Program (BET), and Supported Employment in CIE.

PROCEDURES

A. Determining CIE

When conducting a case-by-case analysis to determine when a job position (based on the unique facts of the particular position) is integrated, the following steps must be followed:

1. The VR Counselor will review the requirements of an employment outcome in CIE with the customer throughout the VR process. The CIE Checklist may be used to assist in explaining requirements of an employment outcome.
2. If a customer is employed with an employer on the Searchable List of Employers, one of the following TWC-VR staff must complete the CIE Checklist and a worksite visit:

- Regional Program Specialist;
- Regional Program Support Specialist;
- Regional Quality Assurance Specialist;
- Program Improvement Specialist;
- Regional Blind Services Specialist;
- Program Support Manager;
- VR Supervisor;
- VR Manager;
- Process Improvement Specialist;
- Purchasing Specialist; or
- Business Relations Coordinator.

The VR Counselor may accompany TWC-VR staff during the worksite visit but cannot complete the CIE Checklist.

3. The CIE Checklist and supporting documentation is forwarded to the State Office CIE team mailbox at vr.cie@twc.texas.gov for review.
4. After receiving the CIE checklist and supporting documentation, the State Office CIE team will make a recommendation regarding the employment setting. TWC-VR Executive Management will review and make the final determination if the customer's position meets the criteria for CIE.
5. The determination will be emailed back to the TWC-VR staff who submitted the checklist.
6. The TWC-VR staff who completed the CIE Checklist must inform the VR Counselor as soon as possible as not to delay the customer's informed choice.
7. Employment settings that do not meet the criteria for CIE cannot be supported as the employment goal in the Individualized Plan for Employment (IPE) or outcome of successful employment.
8. A customer who chooses to pursue non-CIE positions or to remain employed in a non-CIE position will be:
    - Provided VR counseling and guidance on how a non-CIE position may help the customer prepare for CIE;
    - Referred to local workforce centers for further assistance;
    - Provided contact information for the non-CIE employer;
    - Provided a Checklist for Determining Significance of Disability (VR1390) or letter if needed to verify disability with the employer;
    - Referred to extended service providers for long-term supports; and/or
    - Provided information on closing the TWC-VR case due to extended employment (i.e., employed in a non-integrated setting).

The VR Counselor documents the outcome of the CIE review determination and corresponding VR counseling and guidance in a case note.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART B, CHAPTER 2.3: INFORMED CHOICE

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 2.3	Section 102(d) of the Rehabilitation Act of 1973, as amended, 34 CFR §361.52, and TWC Rule §856.52	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to informed choice (also referred to as informed customer choice), which begins with the initial interaction with a customer and continues throughout the VR process. Informed choice means that the customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules. The options are developed in partnership between the customer and the VR Counselor, with the goal of a CIE outcome.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to all stages of the VR process.

POLICY

A. General Overview

The TWC-VR services portion of the Combined State Plan must assure that applicants and recipients of services or, as appropriate, their representatives are provided information and support services to assist applicants and recipients of services in exercising informed choice throughout the rehabilitation process.

B. Written Policies and Procedures

TWC-VR, in consultation with the Rehabilitation Council of Texas (RCT), must develop and implement written policies and procedures that enable an applicant or recipient of services to exercise informed choice throughout the VR process. These policies and procedures must provide for:

- Informing each applicant and recipient of services (including students with disabilities who are making the transition from programs under the responsibility of an educational agency to programs under the responsibility of TWC-VR and including youth with disabilities), through appropriate modes of communication, about the availability of and opportunities to exercise informed choice, including the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice throughout the VR process;
- Assisting applicants and recipients of services in exercising informed choice in decisions related to the provision of assessment services;
- Developing and implementing flexible procurement policies and methods that facilitate the provision of TWC-VR services and that afford recipients meaningful choices among the methods used to procure those services;
- Assisting eligible individuals or, as appropriate, their representatives, in acquiring information that enables them to exercise informed choice in the development of their individualized plans for employment (IPE) with respect to the selection of the:
    - Employment outcome;
    - Specific TWC-VR services needed to achieve the employment outcome;
    - Entity that will provide the services;
    - Employment setting and the settings in which the services will be provided; and
    - Methods available for procuring the services; and
- Ensuring that the availability and scope of informed choice is consistent with the obligations of TWC-VR.

C. Selection of TWC-VR Goods and Services

In assisting an applicant and eligible individual in exercising informed choice during the assessment for determining eligibility, rehabilitation needs, and during development of the IPE, TWC-VR must provide information to the individual, or the individual's representative, or assist the individual, or the individual's representative, in acquiring the information necessary to make an informed choice about the specific TWC-VR services, including the providers of those services, that are needed to achieve the individual's employment outcome. This information must include, at a minimum, information relating to the:

- Cost, accessibility, and duration of potential goods and services;
- Customer satisfaction with those goods and services to the extent that information relating to customer satisfaction is available;
- Qualifications of potential goods and services providers;

- Types of goods and services offered by the potential providers;
- Degree to which services are provided in integrated settings; and
- Outcomes achieved by individuals working with service providers, to the extent that such information is available.

D. Methods or Sources of Information

In providing or assisting the individual or the individual's representative in acquiring the necessary information to make an informed choice, TWC-VR may use, but is not limited to, the following methods or sources of information:

- Lists of services and service providers;
- Periodic customer satisfaction surveys and reports;
- Referrals to other customers, customer groups, or disability advisory councils qualified to discuss the services or service providers;
- Relevant accreditation, certification, or other information relating to the qualifications of service providers; and/or
- Opportunities for individuals to visit or experience various work and service provider settings.

PROCEDURES

A. Informed Choice Procedures

The principles of informed customer choice require that the customer must be informed about and involved in choosing among alternative:

- Employment goals;
- Intermediate objectives;
- Services and the settings in which those services are provided;
- Entities providing such services; and
- Methods used to provide or procure the services.

B. Customer Decision Making

To achieve successful employment outcomes, the customer must be involved in decision-making to the greatest extent the customer is capable of participating. For individuals with cognitive or other disabilities who require assistance in exercising informed choice, they must be provided with the support services needed. These steps include the following:

1. During the first meeting with the customer, the VR Counselor explains the concepts of:
    - Informed choice;

- Effective partnerships between the VR Counselor and the customer; and
- The VR process, including the specific purposes of TWC-VR.

2. During the eligibility process, the customer and the VR Counselor jointly choose providers for assessments and other information necessary to make a timely and thorough determination of eligibility.
3. During IPE development and throughout amendments during the life of the customer's case, the VR Counselor and the customer jointly:
    - Consider a variety of competitive integrated employment goals that will help the customer overcome impediments to employment; and
    - Assess which choice is most consistent with the customer's knowledge, skills, abilities, and other key attributes.
4. After the customer's specific rehabilitation needs have been identified, the VR Counselor will provide information on available services that meet the customer's needs within the scope of Federal and State laws, agency policies and procedures, and the highest ethical standards.
    - In some cases, there may be only one appropriate alternative that meets the customer's needs and can be supported by TWC-VR. If alternatives developed by TWC-VR are not acceptable to the customer, or if preferences expressed by the customer are not among the alternatives presented, the VR Counselor discusses options until the VR Counselor and the customer reach a mutually agreed upon decision.
    - If the VR Counselor and the customer cannot reach an agreement, the VR Counselor informs the customer of their right to appeal and provides the Can We Talk?" brochure.

C. Documenting Informed Choice

Informed choice must be documented throughout the VR process to detail implementation and the outcome of the customer’s choice. The VR Counselor must document the following:

- All circumstances where the customer exercised informed choice throughout the VR process;
- The dates and methods documenting when the customer was provided information to make an informed choice throughout the entirety of the rehabilitation process, including when a service was denied;
- Case notes that show how and which activities led to a customer’s participation in informed choice;
- Description of the customer's involvement and informed choice in the selection of services, providers, and the employment goal; and
- General case notes related to contacts that include actions that support the customer's progress and informed choices.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART B, CHAPTER 3: INITIAL CONTACTS AND APPLICATIONS

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 3	34 CFR §361.37, §361.41, TWC Rule §856.19, and Section 7(a) of the Privacy Act of 1974	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to prompt and equitable processing of referrals and applications for TWC-VR services.

DEFINITIONS

Applicant: An individual who has completed and signed an application for TWC-VR services and has begun the steps necessary to make a determination of eligibility.

Diagnostic Interview: Interview with applicant for TWC-VR services during which a VR Counselor obtains information relevant to the determination of eligibility, while developing a rapport and building trust. It is an opportunity to identify knowledge, skills, abilities, support systems, and key attributes from the applicant's perspective.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Initial Contact: When TWC-VR staff confirm with the individual that they want to apply for TWC-VR services; this step prompts the scheduling of the application.

Referral: An individual who has contacted or has been referred to TWC-VR to inquire about the possibility of obtaining TWC-VR services but has not yet applied for services.

POLICY

A. General Overview

Referrals to TWC-VR come from a variety of organizations, partners, and individuals and must be processed as soon as possible. Providing excellent customer service at the initial contact will increase trust, relationship building, engagement, and the provision of services to eligible individuals in a timely manner.

After an individual is referred, the TWC-VR process includes the following:

1. Making initial contact with the individual and, if applicable, their representative;
2. Collecting identifying information and determining whether TWC-VR is the right agency to meet the individual's identified needs;
3. Scheduling an appointment to complete an application for TWC-VR services, and then completing the application with the individual;
4. Obtaining all required signatures on the application and release forms; and
5. Conducting a diagnostic interview.

B. Referral

TWC-VR must establish and implement standards for the prompt and equitable handling of referrals of individuals for TWC-VR services, including referrals of individuals made through the one-stop service delivery systems under section 121 of WIOA. The standards must include timelines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

C. Application

An individual is considered to have submitted an application when the individual or, if appropriate, the individual's representative:

1. Has completed and signed an agency application;
2. Has provided TWC-VR information necessary to initiate an assessment to determine eligibility and priority for services; and
3. Is available to complete the assessment process.

D. Timelines

Once an individual has submitted an application for TWC-VR services, an eligibility determination must be made within 60 days, unless:

- Exceptional and unforeseen circumstances beyond the control of TWC-VR occur that preclude making an eligibility determination within 60 days, and both TWC-VR and the individual agree to a specific extension of time; or
- An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out in a Trial Work Experience (TWE).

E. Access to Applications

TWC-VR must ensure its application is widely available throughout the State, particularly in the one-stop centers under section 121 of WIOA.

PROCEDURES

A. Referral Types

TWC-VR can receive referrals from a number of community organizations, State agencies, schools, medical clinics, employers, Local Workforce Development Boards (LWDB), Veterans Administration, doctors/providers, Start My VR, and from individuals with disabilities themselves. The TWC-VR staff member who receives the referral must record the source in ReHabWorks (RHW).

Outreach efforts are made by TWC-VR staff to inform potential referral sources and the LWDBs about TWC-VR services and to help the sources make appropriate referrals.

B. Workers Compensation Referrals

When TWC-VR receives referrals from Workers' Compensation, there are specific forms and processes that must be followed. Resources include the following:

- Vocational Rehabilitation Checklist for Customers with Workers' Compensation Cases (VR3414): This resource may be used to obtain and discuss important information related to workers' compensation with the individual.
- Workers' Compensation Contact Verification Letter (VR3415): This letter is completed by TWC-VR staff and provided to the individual, when needed, to document their participation in the TWC-VR program.

C. Initial Contact

The first contact with an individual is a critical point in the TWC-VR process. The individual not only exchanges information with a TWC-VR staff member but may also form an opinion about the entire agency based on the sincerity and professionalism of that interaction. Initial contact may be made in person, online, by phone, in writing, or by email. If the individual has a legal guardian/representative at the

time of the initial contact, the legal guardian/representative may make the initial contact on behalf of the individual, but the individual must be present and involved in the completion of the application for services.

To explain the purpose of the VR program and to develop an understanding of an individual's needs, the TWC-VR staff member should communicate with the individual in a way that best accommodates their limitations and in their preferred mode of communication.

The TWC-VR staff member should be familiar with all services provided through TWC, including TWC-VR, in order to provide accurate information to the referral source regarding the purpose and requirements of these programs.

D. Initial Contact Procedures

After making the initial contact with the individual, the TWC-VR staff member must do the following:

- Complete the Initial Contact page in RHW; and
- Assign the case to the appropriate caseload;
    - Consider population indicators to ensure assignment to the appropriate VR Counselor (e.g., Potentially Eligible for Pre-ETS, subminimum wage – 14(c)).
- Complete or schedule the appointment to complete an application for TWC-VR services with the following in mind:
    - The application appointment date must be no later than 30 days after the date of the initial contact, or a good faith effort shown to meet this requirement. A good faith effort is defined as three or more attempts to contact the individual on more than one date and using more than one method of contact (e.g., phone, email).
    - The TWC-VR staff member determines the individual's:
        - Language preference; and/or
        - Need for a translator, sign language interpreter services, reasonable accommodations, assignment to a specialty caseload; and other support services necessary to facilitate the application and eligibility process.
        - Provide the individual with contact information for the assigned TWC-VR office and VR Counselor.

E. Closing an Initial Contact

An initial contact has not yet applied for TWC-VR services; therefore, it is not closed in the same manner as customers. An initial contact can be closed after TWC-VR staff have made a good faith effort to contact the individual. All attempts must be documented in RHW using the case note topic "Attempt to Contact."

- Though any TWC-VR staff may contact, or attempt to contact the individual, only the VR Counselor can close the case in RHW.

- When the case is closed, the individual must be informed that they can reapply for TWC-VR services at any time in the future and must be provided a copy of the "Can We Talk?" brochure.

F. Application

If TWC-VR staff cannot meet with the individual to complete the application for TWC-VR services at the time of the initial contact, the individual is scheduled for an appointment for the earliest possible date. An individual can participate in the application process virtually, or in person, and is not required to provide verification of residency in the State of Texas in order to apply for services. However, the individual must be available to participate in the assessment process.

- The individual or their representative can participate by phone or complete the application at an off-site location, such as in a school or at their home.
- An application is not complete until a signature is obtained from the customer, or the customer's authorized representative, on the application for services.
- A Diagnostic Interview is typically scheduled with the VR Counselor at the same time the application for services is completed.

G. Application Procedures

Any individual who wants to apply for TWC-VR services must be allowed to do so. TWC-VR staff may not deny an application to an individual for any reason.

- TWC-VR staff uses the Application Appointment Letter in RHW to schedule the appointment.
    - If RHW is not available, TWC-VR staff schedule the appointment and complete the Application Appointment Letter in RHW as soon as it is available.
- The individual is encouraged, but not required, to bring the information listed on the Application Appointment Letter, which will assist in completing the application and beginning the assessment for eligibility.
  Once the application is signed, this is considered the application date and must be entered into RHW, match the date of the applicant's signature, and the timeline to determine eligibility within 60 days begins.
- The TWC-VR staff member who is taking the application for services provides copies of the following:
    - VR Program Application Statement (VR5057) with the individual's signature from the RHW Application page.
    - "Can We Talk?" brochure, which explains TWC-VR's appeal and mediation procedures.
    - "A Guide for Applicants," which explains:
        - Services and outcomes;
        - Options for developing the Individualized
        - Plan for Employment (IPE); Components of the IPE;

- The customer's right to appeal; and
- Services available from the Client Assistance Program (CAP).

TWC-VR staff must explain the basic content of each of the documents and their purpose to the customer. A case note is entered in RHW documenting the date and method the information was provided to the applicant.

The application must be completed in a location that is private enough to maintain the confidentiality of the information provided by the applicant.

During the meeting, TWC-VR staff:

- Explain to the applicant:
  - Purpose and expected outcomes of TWC-VR;
  - Responsibilities of the applicant;
  - Roles of the VR Counselor and applicant; and
  - Applicant's rights;
- Explain the circumstances under which the individual's personal information is released:
- Obtain the signature on the application and forms necessary to collect and disclose information:
  - Notice and Consent for Disclosure of Personal Information (VR5061);
  - Permission to Collect Information (VR5060);
  - Authorization for Release of Confidential Customer Records and Information (VR1517-2); and
  - Consent for Release of Information to obtain a Benefits Planning Query (BPQY) (SSA-3288) for SSI/SSDI recipients;
- Offer the applicant the opportunity to register to vote following the procedures for Voter Registration; and
- Acquire, review, and document the information necessary to make a determination of eligibility.

All information collected during the application process can be entered into RHW by any TWC-VR staff member. When RHW is not available, those staff members:

- Print (when a printer is available) a paper copy of the Application for VR Services (VR5056) and VR Program Application Statement (VR5057) and record the information by hand or complete the form electronically;
- Obtain signatures on the completed forms;
- Transfer the information into RHW as soon as available (including checking the "this is a paper application" box). Enter the application date that matches the signature dates on the paper application form when entering the application date in RHW;
- Keep a copy of the application in the paper case file after the data has been entered in RHW;
- File the signed forms in the paper case file; and
- Mail or email the applicant copies with the applicant's signature from the RHW Application page.

H. Diagnostic Interview

After the individual completes the application for TWC-VR services, the VR Counselor must conduct a diagnostic interview with the applicant, which can take up to two hours to complete.

- The primary purpose of the diagnostic interview is to obtain information that is relevant to the determination of eligibility, while developing a rapport and building trust with the applicant. It is an opportunity to identify knowledge, skills, abilities, support systems and key attributes from the applicant's perspective.
  If the VR Counselor is unable to complete the Diagnostic Interview at the time the application is completed, it must be completed within two weeks of the application signature.
- During the Diagnostic Interview, the VR Counselor asks about the applicant's disability, the functional limitations and their impact on employment, education, and independence, perception of issues related to their disability and need for TWC-VR services, work history, Social Security status, or any other relevant information.
- For assistance with the Diagnostic Interview, the VR Counselor reviews the Counselor's Desk Reference (CDR) for topics that are relevant to the disability, paying attention to the sample questions listed. For additional information about the applicant's disability, treatment, and the potential impact on employment, consult the Medical Disability Guidelines.
- The Intake Application is the Application for VR Services (VR5056), available electronically for TWC-VR staff via the application menu in RHW, and typically completed during this meeting, or shortly after.
- Exploring the applicant's work and disability history may reveal the need for further diagnostic review. The VR Counselor orders records and/or purchases evaluations as necessary.
- For all reported disabling conditions, medical records must be obtained from the appropriate licensed professional and filed in the applicant's paper case file before determining eligibility. The only exception to this requirement is for applicants with an observable impairment or with proof of Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI) benefits, due to their own disability.

The Diagnostic Interview must be documented in a case note.

I. Fast Track

When an individual with a previous case returns to TWC-VR, there is an option called "fast track." This option is available when:

- It is within a year from when their previous case was closed; and
- The customer has the same disability as in their previously closed case.

Fast track is completed in RHW and will copy some of the individual's application information from the previous case to the new case. TWC-VR staff must verify all information, including any wages and monthly financial information, to ensure that the copied information is still accurate.

J. Closing an Applicant

If, at any time an applicant's case needs to be closed, prior to making a determination of eligibility, an official closure letter generated in RHW, must be provided to the individual along with the "Can We Talk" brochure. Proceed to close the case. VR staff must document in RHW the date and method the information was provided to the customer.

K. Social Security Numbers

TWC-VR staff must ask the applicants to provide a Social Security number (SSN); however, if they refuse, TWC-VR does not deny services or delay any processes solely because of the refusal. It is prohibited for any Federal, State, or local government agency from denying any "right, benefit, or privilege provided by law" on the basis of an individual refusing to disclose their SSN.

If the applicant does not provide an SSN, TWC-VR staff must:

- Obtain a temporary SSN. RHW will provide a temporary SSN automatically. TWC-VR staff must not create random numbers when entering data into RHW.
- Inform the applicant that TWC-VR cannot determine eligibility until receiving documentation that the applicant can legally work in the U.S.

If the SSN provided is already assigned to another customer in RHW, the TWC-VR staff must verify accuracy by viewing the SSN card or other documentation and email VR.RHWSupport@twc.texas.gov.

If the individual (at any point during the VR process) later presents an SSN, TWC-VR staff complete the RHW Data Correction Request form (VR5158) and email it to VR.RHWSupport@twc.texas.gov to replace the temporary SSN. A copy of this form is filed in the customer's case file.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART B, CHAPTER 4: ELIGIBILITY DETERMINATION

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 4	34 CFR §361.42, §361.43, §361.44, TWC Rule §856.20, and §856.23	All TWC-VR staff, particularly VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to conducting a timely eligibility determination for TWC-VR services by executing the eligibility requirements and process.

DEFINITIONS

Eligible Individual: An applicant for TWC-VR services who meets the eligibility requirements outlined in this policy.

Employment Outcome: With respect to an individual entering, advancing in, or retaining full-time or, if appropriate, part-time CIE, (including customized employment, self-employment, telecommuting, or business ownership) or supported employment, that is consistent with an individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Trial Work Experience (TWE): Provided in CIE settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.

POLICY

A. General Overview

TWC-VR is an eligibility-based program and, therefore, the determination of eligibility is a cornerstone of the VR process. TWC-VR will make a determination of eligibility as soon as possible but no later than 60 days after the individual has applied for the program (i.e., applicant). All determinations of eligibility must be made by qualified VR Counselors, Supervisors, or Managers who are employed by TWC-VR.

The only exceptions to a determination of eligibility being completed within 60 days of application are:

- In the event of extenuating circumstances beyond the control of TWC-VR and where the customer has agreed to an extension for a specific period of time; or
- An exploration of the individual's abilities, capabilities, and capacity to perform in work situations is carried out through a TWE.

When an individual completes the application process, this is sufficient evidence of the individual’s intent to achieve an employment outcome. No further demonstration is necessary.

B. Eligibility Requirements

The eligibility for TWC-VR services is based on the following requirements:

- A determination by qualified personnel that the applicant has a physical or mental impairment;
- A determination by qualified personnel that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment; and
- A determination by a VR Counselor that the applicant requires TWC-VR services to prepare for, secure, retain, advance in, or regain employment that is consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice.
- TWC-VR must presume that an applicant who meets the eligibility requirements can benefit from TWC-VR services in terms of an employment outcome.

C. Individuals Who are Blind or Visually Impaired

Individuals with visual impairments that create a substantial impediment to employment may be eligible for TWC-VR services. TWC-VR recognizes the following three categories of visual impairments:

1. Blindness: Visual acuity with best correction of 20/200 or less in the better eye; a visual field of 20 degrees or less; or a combination of both.
2. Low Vision: Visual acuity with best correction of 20/70 or less in the better eye; a visual field of 30 degrees or less in the better eye; or a combination of both.
3. Significant Visual Impairment: A disease or condition of the eye that does not meet the definitions of blind or low vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

D. Presumption of Eligibility for SSI/SSDI Recipients

When the customer is receiving Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI), due to their own disability, the VR Counselor must make a determination of eligibility on the same business day that SSI/SSDI verification is received, unless there is a question about the customer's ability to benefit from TWC-VR services in terms of achieving an employment outcome due to the severity of their disability. Presumptive eligibility must be clearly documented in the case record (e.g., case notes, SSI/SSDI verification).

If there is a question about the customer's ability to achieve an employment outcome due to the severity of their disability, completing a Trial Work Plan (TWP) and moving the case into Trial Work Services meets the requirement of making a determination of eligibility within 60 days even if that decision is that TWEs are required prior to determining eligibility. If the customer is not available, an appointment must be scheduled with the customer to complete the TWP as soon as possible.

Presumption of eligibility does not create an entitlement to any TWC-VR service. Recipients of SSI/SSDI benefits must also provide proof of identity and current, unexpired authorization for employment prior to determination of eligibility for TWC-VR services.

E. Trial Work Experience (TWE)

Prior to any determination that an individual with a disability is unable to benefit from TWC-VR services in terms of an employment outcome because of the severity of their disability or that they are ineligible for TWC-VR services based on the severity of their disability, the VR Counselor must conduct an exploration of the individual's abilities, capabilities, and capacity to perform in realistic work situations.

F. Significance of Disability

After determination of eligibility, the customer is placed in a disability significance category, based upon the limitations in functional capacities presented by the disability. The disability categories are as follows:

1. Individual with a Disability
    - Has a physical or mental impairment that results in a substantial impediment to employment; and
    - Can benefit in terms of an employment outcome from TWC-VR services.
2. Individual with a Significant Disability
    - Has a severe physical or mental impairment which seriously limits one or more functional capacities (e.g., mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;
    - Is expected to require multiple TWC-VR services over an extended period of time; and
    - Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), spinal cord conditions (including paraplegia and quadriplegia), sickle cell anemia, intellectual disability, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.
3. Individual with a Most Significant Disability
    - Meets the definition above for Significant Disability but requires the individual to have three or more impairments limiting functional capacities.

G. Ineligibility Determination

When an applicant does not meet the eligibility requirements, TWC-VR will make a determination of ineligibility and close the case.

H. Prohibited Factors

A determination of eligibility is not based on duration of residency in the State of Texas, nor is an applicant or group of applicants excluded or found ineligible solely because of the type of disability.

The TWC-VR eligibility requirements are applied without regard to the following:

- Age, sex, race, color, national origin;
- Type of expected employment outcome;

- Source of referral for TWC-VR services;
- Particular service needs or anticipated costs of services required by an applicant or the income level of the individual or their family;
- Employment history or current employment status; and
- Educational status or current educational credential.

PROCEDURES

A. Assessment for Determining Eligibility

To the maximum extent possible, the assessment for determining eligibility will be based on a review of existing information, including the VR Counselor's observations, documentation from other programs and providers (e.g., SSA, Developmental Disability Agency), education records, medical records, previous TWC-VR cases, and information provided by the applicant or members of their family.

When existing information is unavailable or insufficient to make an eligibility determination, additional information must be obtained. This information can be obtained through the provision of TWC-VR services, including TWEs. The VR counselor can authorize the purchase of additional examinations or evaluations to determine if the customer is eligible for VR services.

1. Qualified Personnel: Records must include impairments (i.e., diagnoses) by the appropriate licensed professional in that field.
   The only exception is for recipients of SSI/SSDI who are presumed eligible, and individuals who have an observable impairment (e.g., amputation, required use of a wheelchair, deafness, observable blindness). Additional documentation may be required to assess the significance of disability.
2. Requesting Records: When the VR Counselor needs to request existing records to assist in the eligibility process, a request for records must be completed within five business days of the individual’s application.
3. Current Records: There are many disability types that do not require updated records as the circumstances around that disability are unlikely to change (e.g., congenital disorder). The VR Counselor evaluates all available records and, if the records are sufficient and accurately reflect the individual's current functioning level and impediments to employment, they are considered current and may be used in the eligibility process.
4. Purchasing Assessments: When additional assessments are required to determine eligibility, either at the time of application or when existing records are reviewed, the VR Counselor documents the need for these assessments in a case note.
   TWC-VR staff contact the provider within five business days to coordinate the appointment and complete a service authorization (if needed) for the assessment. The assessment should be provided as soon as possible to ensure timely movement of the case through the VR process.

5. Unable to Benefit: When there is significant concern by the VR Counselor that the individual's disability or disabilities is/are of such severity that there are no jobs in which the individual may be reasonably expected to be successful, even with appropriate supports, the VR Counselor must conduct a TWE.
6. Acute Medical Services: If circumstances directly related to the assessment process result in or contribute to the need for acute medical services and comparable benefits are not readily available, the VR Counselor may approve the use of TWC-VR funds for the necessary care when clearly documented in RHW and approved by the VR Supervisor.
7. VR Counselor Observation: If a VR Counselor observes a customer's impairment and can determine that they have an impairment-related impediment to employment, the first two eligibility criteria have been satisfied; medical reports are not required. Examples of impairments that can be observed and documented in a case note by the VR Counselor include amputation, required use of a wheelchair, deafness, or observable blindness.
   Existing medical records and/or assessments may be necessary to assess the significance of disability, complete a comprehensive assessment and to develop the customer's IPE.

B. Eligibility Extension of Time (EOT)

When the VR Counselor cannot determine eligibility within the 60-day timeframe, they must do the following:

- Inform the applicant of the exceptional and unforeseen circumstances (beyond TWC-VR control) that are delaying determination of eligibility;
- Obtain agreement from the applicant that an EOT is necessary;
- Give the reasons an EOT is required;
- Ensure the applicant agrees with the EOT; and
- Complete the EOT for Eligibility Page in RHW.

If the applicant does not agree to an EOT, the VR Counselor:

- Documents their decision in a case note;
- Explains to the applicant that eligibility for TWC-VR services cannot be determined with the information available;
- Informs the applicant that the case will be closed;
- Informs the applicant of the right to appeal the decision;
- Provides the "Can We Talk?" brochure; and
- Closes the case using the RHW Closed After Application Phase.

TWC-VR staff must document in RHW the date and method the brochure was provided to the applicant.

If the VR Counselor cannot make contact with the applicant to obtain agreement with the EOT by the 60th day, the VR Counselor must document a good faith effort was made and may close the case, as appropriate. As needed, the VR Counselor may consult with the VR Supervisor for guidance on how to proceed with the case.

Extensions are limited to 30 days at a time. The VR Counselor must create a new EOT, in agreement with the customer, every 30 days. This ensures that extensions are being used only when appropriate and necessary and reassessed regularly to ensure that a determination of eligibility is made as soon as possible, and within the extended timeframe.

C. Eligibility Determination

The VR Counselor must consider all factors that apply to make a determination of eligibility. However, this decision must not be delayed in order to document all circumstances related to the disability of the applicant and the implications for employment. Rather, an eligibility determination must be determined as soon as enough information is gathered and clearly documented in the case record (e.g., case notes, disability records).

1. Eligible: The VR Counselor may determine that the applicant is eligible for TWC-VR services if, after reviewing all records and considering all diagnostic data, the VR Counselor concludes that they:
    - Have a physical or mental impairment (evidence of an impairment);
    - Have a disability that constitutes or results in a substantial impediment to employment (functional capacities). Examples include, but are not limited to, the following:
        i. Prevents the individual from obtaining a job consistent with their abilities;
        ii. Significantly interferes with preparing for employment consistent with their abilities;
        iii. Causes the individual to need assistance to perform job duties that results in employers being reluctant to hire the individual; or
        iv. Interferes with job retention or job advancement;
    - Require VR services to prepare for, secure, retain, advance in, or regain employment and one or more TWC-VR services are expected to:
        i. Have a substantial impact on the individual's disability and limitations of functional capacities; and/or
        ii. Reduce the impediment to employment, thus allowing the individual to prepare for, obtain, retain, regain, or advance in CIE consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interest, and informed choice; and
        iii. Cannot access these services elsewhere without TWC-VR intervention; and
    - After completing TWEs, it is determined through clear and convincing evidence that the applicant can benefit from TWC-VR services in terms of an employment outcome, and they are determined eligible as soon as possible.

2. Presumed Eligible: If the customer is a recipient of Social Security disability benefits (SSI/SSDI), the VR Counselor must determine that the applicant is presumed eligible for TWC-VR services, unless there is a question about the customer's ability to achieve an employment outcome. In these circumstances, the applicant is assumed to have at least one functional limitation and must be documented as having a significant disability. This excludes individuals under age 18 receiving a cash-only benefit from a parent's work record or SSA retirement benefits because these are not benefits based on disability.
   The VR Counselor:
   - Documents the self-reported disability of the customer (unless medical records are available to document the actual disability);
   - Verifies receipt of SSI and/or SSDI due to the applicant's disability and files a copy in the case file;
   - Gathers additional information to determine if the disability is most significant, and necessary to complete the IPE;
   - Follows any additional eligibility requirements, including obtaining proof of identity and employment authorization.
3. Ineligible: The VR Counselor may determine that the applicant is ineligible for VR services if, after reviewing all records and considering all diagnostic data, the VR Counselor concludes that the applicant:
   - Does not have a physical or mental impairment;
   - Does not have a disability that constitutes or results in a substantial impediment to employment;
   - Does not require TWC-VR services to prepare for, secure, retain, advance in, or regain employment; or
   - Cannot benefit from TWC-VR services in terms of an employment outcome as determined by TWEs resulting in clear and convincing evidence.

   When this occurs, the VR Counselor must provide the individual with information and referrals to other programs that may be more appropriate to meet their needs, as well as their right to appeal the decision by offering the "Can We Talk" brochure. VR staff must document in RHW the date and method the information was provided to the customer.
   When needed, use the Texas 211: Information and Referral Network (Finding Help in Texas) to assist in identifying available resources.
4. Unable to Determine: The VR Counselor may close an applicant's case when the applicant declines to participate in, or is unavailable to complete, an assessment for determining eligibility and priority for services (when under an Order of Selection), and TWC-VR has made a good faith effort to contact the applicant or, if appropriate, the applicant's representative, to encourage the applicant's participation.

Once the determination or decision to close the case is made, including all documentation included in the case record (e.g., records, case notes), the VR Counselor follows the requirements for case closure.

D. Primary, Secondary and Tertiary Disabilities

Once the VR Counselor has determined that an applicant is eligible for TWC-VR services, they must document the cause or source of those disabilities. There may be more than three disabilities; however, the VR Counselor, in partnership with the customer, determines which is the primary, secondary, and tertiary disabilities causing impediments to employment.

The disability categories are as follows:

- Blind Sensory/Communicative Impairments;
- Mental Impairments;
- Physical Impairments; and
- Sensory/Communicative Impairments

On the RHW Disability Information Page, the VR Counselor selects the following for the primary, secondary and tertiary disabilities:

- Impairment category that best identifies the disability;
- Impairment subcategory that best identifies the disability; and
- Specific cause or source of the disabling condition.

E. Establishing Significance of Disability

Once the VR Counselor has determined that an applicant is eligible for TWC-VR services, they must document the significance of disability on the RHW “Significance of Disability Page" under the Eligibility tab prior to entering yes or no on the Eligibility Page. The significance of disability refers to the combination of the limitations in functional capacity threshold of the individual combined with the level of TWC-VR services needed to help a customer reach a CIE outcome. The VR Counselor must follow the definitions in this policy regarding Individual with a Disability, Significant Disability, and Most Significant Disability. If the customer is a recipient of SSI/SSDI benefits, they are considered to be, at a minimum, an individual with a significant disability.

The VR Counselor must document the decision in a case note or in the VR1390, Checklist for Determining Significance of Disability, and include all relevant information in the case file. Using the table below, the VR Counselor determines the significance of disability, based on individual circumstances of the customer.

Significance of Disability Table

Customer Scenario	SSI/ SSDI Recipient	Limited Functional Capacities (Threshold=3)	Anticipated Need for Multiple Services over Extended Period	Significance of Disability
1	No	0	Yes	Individual with a Disability
2	No	1 or 2	Yes	Significant Disability
3	Yes	0, 1, or 2	Yes or No	Significant Disability
4	No	0, 1, or 2	No	Individual with a Disability
5	Yes	3, 4, 5, 6, or 7	Yes or No	Most Significant Disability
6	No	3, 4, 5, 6, or 7	No	Individual with a Disability
7	No	3, 4, 5, 6, or 7	Yes	Most Significant Disability

The significance of disability can be changed in RHW if based on additional information gathered during the comprehensive assessment of needs or any time later in the VR process.

F. Determination Notification

Once a determination of eligibility is made, the VR Counselor notifies the customer using the Eligibility Letter in RHW.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required for the provision of acute medical services.
- VR Supervisor approval is required for the provision of technology devices and services (except for eyeglasses) prior to determining an applicant eligible for TWC-VR services.

- State Medical Director consultation is required before determining eligibility for customers with fractures, including malunion or nonunion fractures to confirm the type of fracture and stability. VR Manager must be copied on email with the consultation packet.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Changed “Level of Significance” to “Significance of Disability” to align with federal classification

PART B, CHAPTER 5: ORDER OF SELECTION (OOS)

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 5	34 CFR §361.36, and TWC Rule §856.82	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy is to ensure adherence to invoking, implementing, and managing an Order of Selection (OOS) waitlist for TWC-VR services should an OOS become available.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

TWC-VR must be able to provide the full range of services listed in section 103(a) of the Rehabilitation Act and Part C of the VRSM, as appropriate, to all eligible individuals. In the event that TWC-VR services cannot be provided to all eligible individuals in the State of Texas who apply, TWC-VR must implement an OOS waiting list, including the order of selecting eligible individuals to be provided TWC-VR services.

B. OOS Status

TWC-VR is not currently operating with an OOS waitlist and, therefore, is able to provide services to all eligible individuals with disabilities. In a scenario in which resources and funding are no longer available for all eligible individuals, TWC-VR will develop and implement, through public comment and State plan requirements, policy and procedures around an OOS.

TWC-VR must reevaluate the need for an OOS if/when circumstances change during the course of a fiscal year (e.g., decrease in fiscal or personnel resources, increase in program costs) and these circumstances indicate that TWC-VR may no longer be able to provide the full range of services, as appropriate, to all eligible individuals.

PROCEDURES

There are currently no procedures requirements for this policy.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART B, CHAPTER 6: TRIAL WORK EXPERIENCE (TWE)

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 6	34 CFR §361.42(e) and TWC Rule §856.22	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the requirement that TWC-VR cannot determine an individual ineligible and unable to benefit from TWC-VR services in terms of an employment outcome due to the severity of their disability without clear and convincing evidence through Trial Work Experiences (TWE).

DEFINITIONS

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing TWE services and the providers of those services.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Sufficient Evidence: The clear (i.e., unequivocal) and convincing evidence required before the VR Counselor can conclude that an individual is incapable of benefiting from TWC-VR services, in terms of an employment outcome. The clear and convincing standard constitutes the highest standard used in the civil system of law and is to be applied on a case-by-case basis.

Sufficient Period of Time: An individualized amount of time, based on the unique circumstances of the individual, to provide enough services and supports to make a determination of eligibility.

Sufficient Variety: An individual must receive, at minimum, two TWEs in various work settings to make an ineligibility determination based on their disability being too significant to benefit from services.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Trial Work Experience: Provided in competitive integrated employment settings to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual.

Trial Work Plan: Similar to an Individualized Plan for Employment (IPE), a Trial Work Plan (TWP) is used to provide services, including TWEs, needed to assess an individual's abilities, capabilities, and capacity to perform in competitive integrated work situations.

POLICY

A. General Overview

Prior to any determination that an individual with a disability is unable to benefit from TWC-VR services in terms of an employment outcome due to the severity of that individual's disability or that the customer is ineligible for TWC-VR services based on the severity of their disability, the VR Counselor must conduct an exploration of the customer's abilities, capabilities, and capacity to perform in realistic work situations (i.e., TWEs). Trial Work justification must be documented in a case note.

B. Trial Work Experience(s)

TWEs must be provided in competitive integrated employment settings, to the maximum extent possible, consistent with the informed choice and rehabilitation needs of the individual. TWEs must be of a sufficient variety and over a sufficient period of time, so that the VR Counselor can determine that:

- There is sufficient evidence to conclude that the individual can benefit from the provision of TWC-VR services in terms of an employment outcome; or
- There is clear and convincing evidence that due to the severity of the individual's disability, the individual is incapable of benefitting from the provision of TWC-VR services in terms of an employment outcome.

During the TWEs, TWC-VR must provide appropriate supports, including, but not limited to, assistive technology devices and services and personal assistance services to accommodate the rehabilitation needs of the individual.

C. TWE Timelines

If a TWE is determined necessary, the VR Counselor must develop a TWP as soon as possible but no later than 60 days after an individual has applied for TWC-VR services. A TWP will meet the same timeline requirement as if a determination of eligibility has been made.

D. SSI/SSDI Customers

When the customer is receiving Supplemental Security Income (SSI) and/or Social Security Disability Insurance (SSDI), due to their own disability, the VR Counselor must make a determination of eligibility on the same business day that the SSI/SSDI verification is received, unless there is a question about the customer's ability to benefit from TWC-VR services in terms of achieving an employment outcome due to the severity of their disability.

If there is a question about the customer's ability to achieve an employment outcome due to the severity of their disability, completing a TWP and moving the case into trial work services meets the requirement of making a determination of eligibility within 60 days even if that decision is that TWEs are required prior to determining eligibility. If the customer is not available, an appointment must be scheduled with the customer to complete the TWP as soon as possible. Presumptive eligibility and the need for TWE must be clearly documented in the case record (e.g., case notes, SSI/SSDI verification).

E. Annual Review of Ineligibility

Review within 12 months (and annually thereafter, if requested by the customer or, if appropriate, by the customer's representative) any ineligibility determination that is based on a finding that the customer is incapable of achieving an employment outcome due to the severity of their disability. If the customer's circumstances have changed, a new application should be completed.

This review is not required when the individual has refused it, the individual is no longer present in the State of Texas, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

PROCEDURES

A. Determination of a TWE

A TWE should only be initiated when there is significant concern by the VR Counselor that the individual's disability or disabilities is/are of such severity that there are no jobs in which the individual may be reasonably expected to be successfully employed, even with appropriate supports. This concern may be based on previous work experiences, medical or psychological information of record, self-report, observation, or other verifiable information.

TWC-VR staff must understand that all individuals are presumed to be able to benefit in terms of an employment outcome, including individuals with the most significant and/or multiple disabilities.

Once the VR Counselor determines the need for a TWE (documented in the case record), a TWP is completed with the customer.

B. Trial Work Plan

The VR Counselor selects TWP in RHW. If RHW is not available, the Individualized Trial Work Plan (VR5161) must be used.

- When developing the TWP, the VR Counselor should consider the need for interpreter, translator, reader, personal assistant services, rehabilitation technology, and/or other support services that are needed by the customer.
- A signed TWP, by the VR Counselor and customer, is required before any services, including TWEs, can be purchased, provided, or arranged for the customer.
- The TWP must include objectives, timeframes, responsible persons, evaluation of progress timeframes, anticipated services, and anticipated start and end dates for services, as well as the responsibilities of the VR Counselor and customer.

C. TWE Services

All VRSM policies related to purchasing, arranging, or providing specific goods or services for TWC-VR customers are applicable to customers receiving services under a TWP. If a good or service has special requirements or restrictions for eligible customers, those same requirements and restrictions apply.

TWEs can include the following:

- Supported Employment (SE) Services;
- On-the-Job Training (OJT) Services;
- Work Experience Services (excluding Paid Work Experience purchased from the Local Workforce Development Boards);
- Wage Services for Work Experience through WorkQuest;
- Work Adjustment Training (WAT) Services; and/or
- Other experiences using real work settings.

Progress reports must be maintained in the case record showing the outcomes of all services provided in a TWP.

D. Frequency of Contact for TWEs

It is critical that the VR Counselor maintains contact with the customer and service providers during their TWEs. Because of the nature of TWEs, this contact should be consistent and agreed upon by the parties involved and documented on the TWP. Additionally, if services provided (e.g., SE) have specific frequency of contacts required, these must also be followed.

All contacts and progress of the TWEs must be documented in case notes, including good faith efforts.

E. Comparable Services and Benefits

When comparable services and benefits are readily available (e.g., Medicaid Waiver job coaching), the VR Counselor should use these benefits, as appropriate, during the TWEs. However, if the use of comparable services and benefits would interrupt or delay the individual's eligibility assessment, the VR Counselor must document the reason that comparable services and benefits are not being used in a case note and move forward with coordinating necessary assessments.

F. Customer Participation in the Cost of TWE Services

Because TWE services are considered assessments for the determination of eligibility, customers are not required to participate in the cost of such services; therefore, VR Counselors must not apply Basic Living Requirements (BLR) for these customers.

G. Ending TWEs

As soon as there is enough information to determine that the individual can benefit from TWC-VR services in terms of an employment outcome, the VR Counselor must determine the customer eligible for TWC-VR services and develop an IPE. If the customer is unsuccessful in the TWEs after all of the requirements above are met, the VR Counselor should determine the customer to be ineligible based on the severity of their disability preventing them from benefiting from TWC-VR services in terms of an employment outcome.

The case remains in Pre-Eligibility/Trial Work phase in RHW while the customer is participating in TWEs. When there is sufficient evidence to make a determination of eligibility (i.e., eligible or ineligible) or when the case is closed for another reason (e.g., customer request), the case will move into the next phase in RHW.

To move the customer's case out of Pre-Eligibility/Trial Work and to the appropriate next phase, the VR Counselor must do the following:

- Enter the eligibility or ineligibility decision in RHW; or
- Close the case with the appropriate corresponding reason in RHW;

- Document the decision in a case note; and
- Notify the customer of the decision and their appeal rights, including the "Can We Talk?" brochure.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required for a TWE plan lasting longer than 12 months. A full case review in TxROCS must be completed before approving the extension of the TWE.
- VR Supervisor approval is required for the following services and goods, when provided as part of the TWE plan:
    - Residential modifications;
    - Worksite modifications;
    - Durable medical good;
    - Orthotics and prosthetics;
    - Any services related to self-employment;
    - Modification of vehicles;
    - Academic or vocational training;
    - Medical services; and
    - Services or goods to support any of the above services.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART B, CHAPTER 7: COMPREHENSIVE ASSESSMENT

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 7	34 CFR §361.45(f), and TWC Rule §856.41	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to provisions for conducting a comprehensive assessment of a customer's rehabilitation needs in order to determine their employment goal and to plan for the TWC-VR services required to assist them with employment in a competitive integrated environment.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and TWC-VR rules. The information discovered in the comprehensive assessment equips the customer with more data to further identify an optimal employment outcome and the services needed to achieve that outcome.

Integrated Setting: A work environment, typically found in the community, where individuals with disabilities work alongside their non-disabled peers in jobs that are typical for that industry or workplace. In an integrated setting, individuals with disabilities have equal opportunities for employment, access to the same benefits, resources, and training, and are fully included in all aspects of the workplace culture.

Labor Market Information (LMI): Comprehensive knowledge regarding a specific labor market, including information about occupations, locations, wages, demographics, etc.

POLICY

A. General Overview

The VR Counselor must conduct, to the degree necessary, an assessment of rehabilitation needs sufficient to develop an Individualized Plan for Employment (IPE). This includes obtaining sufficient information (e.g., existing assessments and history, LMI) to determine the employment goal and nature and scope of services. Comprehensive assessments must be conducted in the most integrated settings possible.

B. Comprehensive Assessment

A comprehensive assessment is an individualized process to determine the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests. This includes assessing the need for supported employment. Comprehensive assessment is an ongoing process that occurs both before and after IPE development and implementation.

The comprehensive assessment must be limited to information that is necessary to determine the employment goal, identify the rehabilitation needs of the customer, and plan for services required to assist the customer to become employed in a competitive integrated environment, and, therefore, should not be delayed and an IPE should be developed immediately.

If it is determined that additional information is necessary to identify the employment goal and the nature and scope of rehabilitation services to be included in the IPE, the VR Counselor must conduct a comprehensive assessment that meets the following criteria:

- Information available from other programs and providers, particularly information used by education officials and the Social Security Administration;
- Information provided by the customer and the customer's family; and
- Information obtained under the assessment for determining the customer's eligibility and VR needs.

This information is used to increase the VR Counselor's and customer's knowledge of their capacities to promote appropriate and informed choices during the rehabilitation process. It enables the customer to identify an optimal employment outcome and to reach their maximum employment potential.

The comprehensive assessment may include the following:

- An assessment of the personality, interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities of the customer and the medical, psychiatric,

psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors that affect the employment and rehabilitation needs of the customer;

- An appraisal of the patterns of work behavior of the customer and services needed for the customer to acquire occupational skills and to develop work aptitudes, work habits, work tolerance, and social and behavioral patterns necessary for successful job performance, including the use of work in real job situations to assess and develop the capacities of the customer to perform adequately in a work environment;
- LMI that shows the employment goal and training/education aligned with a strong job outlook with opportunities for success;
- Information on the customer's criminal background; and
- Information obtained from experiences in integrated employment settings in the community and in other integrated community settings to the maximum extent possible.

TWC-VR must also provide rehabilitation/assistive technologies needed to assess and develop the customer's capacities to perform in a work environment.

C. Required Assessments

TWC-VR may require assessments to ensure that appropriate services are offered. TWC-VR staff must follow the service provision requirements listed in the corresponding service chapter of the VRSM to ensure the required assessment, documentation and approvals are completed before including the service in the IPE.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expand funds on goods and services unless the VR counselor and the customer have made maximum efforts to secure service and benefits that are:
    - Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
    - Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual’s individualized plan for employment; and
    - Commensurate to the services that the individual would otherwise receive from the designated TWC-VRD.
- Customer Participation in the Cost of Services: Assessment services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.

- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Purpose of the Comprehensive Assessment

The comprehensive assessment is an ongoing process that occurs both before and after IPE development and implementation. The VR Counselor will determine what assessments may be necessary to inform the development of the IPE, which can change over time. Services provided in the IPE may be used to assess further needs of the customer (e.g., work-based learning experiences).

The comprehensive assessment is intended to:

- Clarify the customer's vocational interests and aptitudes;
- Assess the marketability of the customer's present and potential skill levels;
- Describe the types of services needed to gain or improve the customer's skills;
- Identify the best use of rehabilitation/assistive technologies; and
- Identify other needs and issues relevant to TWC-VR services.

The VR Counselor ensures that assessments are provided in the most individualized and most integrated setting possible that is consistent with the customer's informed choice.

B. Use of Existing Records

To the maximum extent possible, the VR Counselor must do the following:

- Use existing records;
- Rely on information from the individual's experiences in an integrated employment setting or in other integrated community settings; and
- Consider the validity or correctness of the information based upon the source and the VR Counselor's knowledge of the customer.

Customers must not be required to participate in unnecessary assessments, such as a psychological assessment or medical assessment, if:

- Comparable sufficient information is available from existing records; or
- The assessment will not directly assist with determining the employment goal or the VR services available to the customer.

C. Requesting Records or Assessments

When additional records and/or assessments are necessary to complete the comprehensive assessment, they should be requested as soon as the need has been identified.

D. Updating Disability Classification

During the TWC-VR process, additional disabling conditions or functional capacity limitations may arise. When this information affects the customer's disability classification or significance of disability, the VR Counselor is required to update the classification and significance of disability in RHW and describe the circumstances in a case note.

E. Blind and Visually Impaired Specialty Services

TWC-VR offers specialized evaluation and support services for blind and visually impaired customers including the following:

- Assistive Technology Unit Services (ATU)
- DeafBlind Services (DB)
- Diabetes Education Services
- Employment Assistance Services (EAS)
- Orientation and Mobility Services (O&M)
- Vocational Diagnostic Unit Services (VDU)
- Vocational Rehabilitation Teacher Services (VRT)

Customers who are blind or have significant visual impairment can receive evaluation and support through TWC-VR provided services (i.e., in-house) and specialized contract providers throughout the rehabilitation process.

F. Labor Market and Career Information

The VR Counselor and customer should explore the LMI as it relates to the customer's employment goal and/or potential employment goals. Having such information will assist the customer in making an informed choice about determining a career pathway, availability of jobs where they live, whether to return to work in an industry or with a specific employer, and other employment industries with projected growth opportunities. The VR Counselor discusses the job requirements and conditions, training, work environment and duties, local demand for workers, and possibility of relocating to find employment when considering any employment goal.

Labor market information is available through the Texas Workforce Commission's Labor Market and Career Information (LMCI) website.

G. Comprehensive Assessment Documentation

Throughout the comprehensive assessment process, the specific details that are gathered and evaluated by the VR Counselor can be entered as "Assessment and Planning" case notes.

When all the assessment information has been gathered and reviewed, the VR Counselor enters a case note with the title "Comprehensive Assessment" in ReHabWorks (RHW). The comprehensive assessment case note can be amended as additional information is obtained throughout the life of the case.

Comprehensive Assessment Case Note: This case note, or series of case notes, must include the following:

- Summary of the customer's disabilities and related impediments to employment;
- Summary of the customer's adjustment to the disability;
- Services recommended that will address specific functional limitations;
- Assessment of the customer's needs for rehabilitation technology or assistive technology for blind and visually impaired customers;
- Justification for a selected employment goal;
- Justification for services needed to achieve the employment goal (Include justification for each service and documentation of best value for purchased goods and services.);
- Available resources and comparable benefits;
- Independent living skills that support the employment goal;
- Any relevant legal issues;
- Description of the customer's involvement in and informed choice regarding the selection of services and providers and the customer's employment goal;
- Educational and vocational history and goals;
- Justification for planned frequency of contact;
- Explanation of the customer's contribution to planned services (if required);
- Any other factors that might impact the customer's participation in services.

When relevant, the case note, or series of case notes, may also include information about the following:

- Customer's work tolerance;
- Customer's ability to acquire specific job skills;
- Customer's patterns of work behavior;
- Additional medical or psychological evaluations needed to determine the nature and scope of services;
- Vocational and psychological assessments;
- Functional assessments conducted in a trial work setting; and

- Any additional assessments needed to determine:
  - Best job placement; or
  - Support services to be provided through supported employment services.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition to Comparable Services and Benefits

PART B, CHAPTER 8: INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 8	34 CFR §361.45, §361.46, TWC Rule §856.52, and §856.40	All TWC-VR staff, particularly VR Counselors	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the proper development and implementation of the Individualized Plan for Employment (IPE) to assist the customer in achieving a competitive integrated employment outcome.

DEFINITIONS

Client Assistance Program (CAP): Advocacy resource for people with disabilities who are seeking, receiving, or have been denied services from State VR agencies.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules. The information in the IPE helps the customer and their VR Counselor together construct the customer's best path forward to achieving their employment outcome.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Substantive Changes: Modifications that constitute an IPE amendment due to the significant impact to the employment goal, the TWC-VR services to be provided, or the providers of those services.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

POLICY

A. General Overview

The Individualized Plan for Employment (IPE) outlines the nature and scope of TWC-VR services that are required to help the customer prepare, gain, maintain, or advance in a specific competitive integrated employment outcome that is selected by the customer and consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

VR Counselors must consider all factors that apply to developing and amending an IPE and ensure that customers are provided with the necessary information, in writing through their preferred mode of communication, to make informed decisions. The customer must be informed of the following:

- Options for developing the IPE (with assistance, without assistance, and the resources available);
- The full range of components that must be included in an IPE;
- Guidelines and criteria for customer and TWC-VR financial commitments;
- Availability of assistance in completing IPE forms;
- Rights and responsibilities of the customer, including remedies available; and
- Description of the Client Assistance Program (CAP).

Customers receiving SSI or SSDI must be provided the information on additional support available to them, including work incentives counseling.

B. Contents of the IPE

The IPE must be agreed to and signed by the eligible individual, or their representative, and approved and signed by a qualified VR Counselor employed by TWC-VR. A copy of the IPE and any amendments must be provided to the customer, or their representative, in their preferred mode of communication.

VR Counselors must use the TWC-VR Individualized Plan for Employment (VR5163) in RehabWorks (RHW) to ensure the IPE contains the following mandatory components:

- A description of the specific employment outcome that is chosen by the customer and agreed to by the VR Counselor, which takes into consideration the customer's unique strengths, resources,

priorities, concerns, abilities, capabilities, career interests, and informed choice consistent with the general goal of competitive integrated employment;

- A description of the following:
    - The specific TWC-VR services needed to achieve the employment outcome, including, as appropriate, the provision of assistive technology devices, assistive technology services, and personal assistance services, including training in the management of those services; and
    - In the case of an IPE for an eligible customer who is a student or youth with a disability, the specific transition services and supports needed to achieve their employment outcome;
- Provision of services in the most integrated setting appropriate for the services involved and consistent with the informed choice of the customer;
- Timelines for the achievement of the employment outcome and for the initiation of services;
- A description of the entity or entities chosen by the customer or, as appropriate, the customer's representative, that will provide the TWC-VR services and the methods used to procure those services;
- A description of the criteria that will be used to evaluate progress toward achievement of the employment outcome; and
- The terms and conditions of the IPE, including, as appropriate, information describing the following:
    - The responsibilities of the VR Counselor;
    - The responsibilities of the customer, including the following:
        - The responsibilities the customer will assume in relation to achieving the employment outcome;
        - If applicable, the extent of the customer's participation in paying for the cost of services; and
        - The responsibility of the customer with regard to applying for and securing comparable services and benefits;
    - The responsibilities of other entities as the result of arrangements made pursuant to comparable services or benefits.
- As determined to be necessary, the expected need for post-employment services and, if appropriate, the need and source of extended services;
- Information regarding customer due process rights and remedies for any dissatisfaction, including the opportunity for a review of VR Counselor determinations and the availability of the Client Assistance Program (CAP); and
- For customers who are also eligible for services under the Individuals with Disabilities Education Act (IDEA), the IPE will be prepared in coordination with the appropriate educational entity and shall include relevant elements of the Individualized Education Program (IEP) or 504 plan for that student. The appropriate educational entity may vary with each school district; however, in most instances, it would be the teacher or Special Education Coordinator.

C. Timelines

The IPE must be completed as soon as possible, but no later than 90 days after the customer has been determined eligible for TWC-VR services. The only exception is if there are extenuating circumstances where the VR Counselor and the eligible individual agree to the extension of that deadline to a specific date by which the IPE must be completed.

D. Supported Employment (SE)

When an IPE for a customer with a most significant disability has an employment outcome of competitive integrated employment in a supported employment setting, the VR Counselor:

- Specifies the SE services provided by TWC-VR;
- Specifies the expected extended services needed (including natural supports);
- Identifies the source of extended services or a description of the basis for concluding that there is a reasonable expectation those sources will become available;
- Performs periodic monitoring to ensure the customer is making satisfactory progress, as outlined in the IPE, by the time of transitioning to extended services;
- Coordinates services provided by TWC-VR and other Federal or State programs;
- Describes the job skills training that will be provided on site (as applicable); and
- Includes employment in an integrated setting for the maximum number of hours possible based on the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the customer.

E. Joint Annual Review

The IPE must be reviewed at least annually by the VR Counselor and the customer to assess the progress in achieving the identified employment goal.

F. IPE Amendments

The IPE is amended as necessary if there are substantive changes in the employment goal, the TWC-VR services to be provided (including post-employment services), or the providers of those services. After a customer has signed an IPE, any additional goods or services must be placed on an IPE amendment. Amendments to the IPE do not take effect until agreed to and signed by the customer, or their representative, and by the VR Counselor.

G. Post-Employment Services

The IPE must include one or more of the TWC-VR services that are provided subsequent to the achievement of an employment outcome and that are necessary for a customer to maintain, regain, or

advance in employment, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. Post-employment services are provided prior to case closure.

H. Credential Attainment and Measurable Skill Gains

When the IPE includes education and training services that lead to a credential or employment, there are additional documentation requirements to consider. During the development of the IPE, IPE amendments, and annual reviews, are key points in time to discuss training needs and/or training progress.

I. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on goods and services unless the VR counselor and the customer have made maximum efforts to secure service and benefits that are:
    - Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
    - Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and
    - Commensurate to the services that the individual would otherwise receive from the designated TWC-VRD.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Completing the IPE

The IPE is developed with the customer or, as appropriate, their representative, in the customer's native language or preferred mode of communication.

The VR Counselor informs the customer of the available options for all or part of the IPE:

- With direct assistance from a VR Counselor who is employed by TWC-VR;
- By the individual (without any assistance);
- With assistance of a qualified VR Counselor who is not employed by TWC-VR; or
- With assistance, as appropriate, from a disability advocacy organization.

TWC-VR does not pay for assistance with IPE development.

Once developed, the VR Counselor reviews and approves the IPE after considering the following:

- Results of the comprehensive assessment;
- The customer's unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice; and
- Applicable TWC-VR policies and procedures.

If the VR Counselor does not agree with content that the customer is requesting to be included in the IPE, the VR Counselor should not sign the IPE; instead, they should discuss specific points and problem areas with the customer.

If the customer and the VR Counselor cannot come to an agreement on the content of the proposed IPE after discussing their concerns, the VR Counselor informs the customer of their rights as outlined in the "Can We Talk?" brochure. The VR Counselor documents in RHW the date and method the brochure was provided. The VR Counselor also documents the status of the pending IPE and, if needed, consults with the VR Supervisor for guidance on how to proceed. If necessary, the VR Counselor and customer can utilize an extension of time, as needed.

B. IPE Extension of Time (EOT)

When the VR Counselor and customer cannot complete the IPE within 90 days after the date that eligibility is determined, the VR Counselor must do the following:

- Inform the eligible individual of the reasons that the development of the IPE will require additional time to complete and when the IPE is expected to be completed;
- Obtain agreement from the customer that the EOT for completing the IPE is necessary;
- Give the reasons that an EOT is required; and
- Complete the EOT for "IPE page" in RHW, including the date to which the IPE completion is extended.

If the eligible individual does not agree to an EOT, the VR Counselor must document their decision in a case note and explain that TWC-VR services cannot be provided without an IPE and their case may be closed. If the eligible individual and VR Counselor cannot come to an agreement regarding the contents of

the IPE within 90 days, the VR Counselor must document the status of the pending IPE and consult with supervision on how to proceed with the case. The VR Counselor then informs the eligible individual of the right to appeal the decision and provides the "Can We Talk?" brochure. TWC-VR staff must document in RHW the date and method the information was provided to the eligible individual.

If the VR Counselor cannot make contact with the eligible individual to obtain agreement with the EOT for IPE development by the 90th day, the VR Counselor must document a good faith effort and may close the case, as appropriate. The VR Counselor must follow the closure and notification policies and procedures.

Extensions are limited to 30 days at a time. The VR Counselor must create a new EOT, in agreement with the customer, every 30 days. This ensures that extensions are being used only when appropriate and necessary and reassessed regularly to ensure that the IPE is developed as soon as possible, and within the extended timeframe.

C. Content Sections of the IPE

The following are the content sections of the IPE:

- Employment Goal: The employment goal specified on the IPE must be specific and agreed upon by both the customer and the VR Counselor. It should not be vague, such as "to be determined," and must include the Standard Occupational Classification (SOC) code. Initially, particularly for transition students, the goal may be stated in terms of a career type or industry, but it should be revised later to reflect a specific employment goal as the customer's employment interests evolve. If the comprehensive assessment yields multiple suitable options, the employment goal chosen should align closely with the customer's interests and expectations for salary and benefits at the time of IPE development, with amendments made as necessary as the case progresses.
  If the chosen employment goal requires licenses, criminal history checks, or drug screening tests, the customer's ability to meet these requirements must be assessed both before the IPE is finalized and again when the customer is ready for employment. Uncompensated employment goals, such as homemaker or unpaid family worker, do not fulfill the criteria for competitive integrated employment and therefore cannot be used as the goal in the customer's IPE. The VR Counselor is prohibited from agreeing to an employment goal on the IPE if the customer will not be able to meet the employment requirements even after receiving TWC-VR services.
- Education Goal: When the IPE includes education or training services, the IPE must include the education goal in which the customer will be participating to achieve the identified employment goal. The education goal can be secondary (e.g., secondary school diploma, equivalency) or postsecondary (e.g., career/technical training, bachelor’s degree) depending on the age and goals of the customer. When education or training is not a goal in the IPE, the VR Counselor should use “not applicable” in the RHW field.

- Intermediate Objectives: Intermediate objectives are the steps in the VR process that are necessary for the customer to reach a competitive integrated employment outcome; they must have a clear cause and effect relationship with the employment goal that is identified on the IPE. The TWC-VR services agreed upon in the IPE will lead to completion of the intermediate objectives that will result in achieving the employment goal. In creating intermediate objectives:
    - Address factors that affect the customer's ability to participate in identified services; and
    - Include strategies to develop the skills, abilities, or other key attributes needed for the customer to progress in rehabilitation planning.
- Progress Review: Enter objective criteria by which progress toward the achievement of the employment outcome will be measured. In most cases, this is the progress toward completing intermediate objectives. Documentation of progress toward the employment outcome is captured in case notes and may also include copies of various reports (e.g., TWC-VR in-house providers, medical, academic).
- Planned Services: The IPE must include the specific TWC-VR services the customer will receive (all goods and services and any anticipated ancillary or support goods and services) that are necessary for the customer to reach the employment goal. There must be a clear association between the identified good or service, the customer's disability, and the employment goal.
  The VR Counselor must carefully review the policies and procedures for each good or service before including it on the customer's IPE. The IPE should not reflect specific rates but should refer to them as "will pay amounts per policy."
  If consultations or approvals are required for a specific good or service, these must be completed and documented by the consultant or approver in a case note before the good or services is included in the customer's IPE.
- Comparable Services and Benefits: Information about available comparable services and benefits must be included in the customer's IPE. This includes any comparable services and benefits that the customer currently has or has agreed to seek. Clearly describe the customer's responsibility to apply for and maintain eligibility for comparable benefits and services (e.g., Pell grants, Medicaid), and for circumstances that may result in an exception to the search for comparable services and benefits.
- Customer Participation in the Cost of Services: Information about the customer's participation in the cost of services must be included in the customer's IPE. Circumstances resulting in exceptions to this requirement must be clearly documented.
- Roles and Responsibilities: The roles and responsibilities of the VR team must be documented clearly in objective, measurable statements on the customer's IPE.
- Frequency of Contact: Contact with a customer is defined as interaction with the customer, or representative, through direct face-to-face communication, phone calls, written correspondence, or email. All communications with customers must be confidential and secure. When TWC-VR staff initiate contact with the customer or representative with no response, it is documented as an "attempted contact."

Frequency of contact (FOC) can change as needed throughout the VR process, based on the individualized needs and circumstances of the customer. The minimum FOC with the customer should be clearly stated on the customer's IPE. If FOC changes from a lower number of days to a higher (less frequent) number of days, an IPE amendment is required. If FOC changes from a higher number of days to a lower (more frequent) number of days, an IPE amendment is not required.

D. Required Signatures

Customer signatures are required throughout the VR process. Depending on the customer's age and circumstance, customers must provide their own signature, designate a representative to provide a signature on their behalf, or provide the signature of either a parent, or a legal guardian

Under no circumstances does the IPE or IPE amendment take effect or allow for payment of any service until it is agreed to and signed by the customer or their representative and the VR Counselor. In addition to being included on the customer's IPE, purchased services must also be authorized in advance with a service authorization that is generated by RHW prior to the service being provided.

If RHW is not available, the VR Counselor may use VR5163. After signature, the VR Counselor enters the information from the VR5163 into RHW as soon as possible and maintains the signed paper copy in the customer's electronic case file. Authorized TWC-VR staff must enter an Admin PIN when prompted by the VR Counselor. RHW will create a system-generated case note that records the use of the Admin PIN and the reason for its use.

When the IPE is completed in RHW, the VR Counselor prints and provides a copy of the document to the customer in their preferred mode of communication.

E. IPE Amendments

The IPE is amended, as necessary, in collaboration with the customer or, as appropriate, their representative and the VR Counselor when there are substantive changes in the employment goal, the TWC-VR services to be provided, or the providers of those services.

The IPE amendment procedures include the following:

- A substantive change to the employment goal occurs when there is a change to the SOC major group identified in the first two digits of the SOC code.
- The IPE amendment is a standalone document that captures the goals and services that the customer will need to continue to progress towards a competitive integrated employment outcome.

All policies and procedures for completing the original IPE apply to the completion of the IPE amendment.

- When a service is carried over to a new IPE amendment, the start and end dates will remain as they were on the previous IPE or IPE amendment; if the service is to resume after the gap between the expiration date/end date of the service, the next line item for the service must include the new start date, which is the date of the current IPE amendment or a later date. This line item will also include the anticipated end date of the service.
- All services that remain in effect at the time that the IPE is amended must be included on the IPE amendment. The start date of services on the IPE amendment should reflect the date that the services first started if they were included in the original IPE or a previous IPE amendment. New services that are added to the IPE amendment cannot have a start date prior to the date of the current IPE amendment.
- The IPE amendment must be signed by both the VR Counselor and the customer, or their representative, and entered in RHW before services can continue.
- All circumstances, including justification and best value purchasing, regarding the IPE amendment must be documented in RHW.
- Completing an IPE amendment also meets the annual review requirement. The annual review clock restarts in RHW one year from the date of the IPE amendment.

If RHW is not available, the VR Counselor may use VR5159. The VR Counselor must enter the information from the VR5159 into RHW as soon as possible and maintain the signed paper copy in the customer's electronic case file. Authorized TWC-VR staff must enter an Admin PIN when prompted by the VR Counselor. RHW will create a system-generated case note that records the use of the Admin PIN and the reason for its use.

When the IPE amendment is completed in RHW, the VR Counselor prints and provides a copy of the document to the customer in their preferred mode of communication.

F. Joint Annual Review Procedures

The IPE is reviewed at least annually by the VR Counselor and the customer or, as appropriate, their representative to assess their progress in achieving their IPE employment goal. The review of the IPE can be completed as a formal joint annual review (JAR) or when the IPE is amended.

Completing either a JAR or an IPE amendment restarts the clock in RHW for the next required annual review as one year from the date of either activity.

The JAR procedures include the following:

- Meeting with the VR Counselor and the customer and, as appropriate, the customer's representative to review the details of their current IPE and determine if there is a need to complete an amendment;

- The VR Counselor reviews and updates all information in RHW (i.e., Initial Contact, Application, Education History, Employment Information, and IPE), on release of information forms, and documents all circumstances of the JAR in a case note.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
2/10/2025	Revised	Revised to align with signature policy updates.
07/01/2025	Revised	Updated the definition of Comparable Services and Benefits

PART B, CHAPTER 9: COMPUTERIZED CRIMINAL HISTORY (CCH)

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 9	34 CFR §361.38, Texas Government Code §411.117, §411.084, and TWC Privacy Manual	All TWC-VR staff	08/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to requesting and using Computerized Criminal History (CCH) records necessary to inform service provision and/or the employment goal of a customer.

DEFINITIONS

Computerized Criminal History (CCH): Statewide repository of criminal history information reported to the Department of Public Safety (DPS) by local criminal justice agencies in Texas, as defined by the Code of Criminal Procedure.

Criminal Background Premium: A payment made to a contractor in addition to the base rate paid for services to work with a customer who has a qualifying criminal background.

Criminal History Record Information (CHRI): Information collected by criminal justice agencies consisting of personally identifiable descriptions and notations of arrests, detentions, indictments, information, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information (e.g., fingerprint records) if such information does not indicate the individual's involvement with the criminal justice system.

Criminal Justice Information (CJI): Abstract term used to refer to all of the data provided by the Criminal Justice Information Services Division (CJIS) necessary for law enforcement agencies to perform their mission and enforce the laws. This data includes, but is not limited to, biometric, identity history, person,

organization, property (when accompanied by any personally identifiable information), and case/incident history data. In addition, CJI refers to the CJIS-provided data necessary for civil agencies to perform their mission (e.g., data used to make hiring decisions). Transaction control type numbers (e.g., ORI, NIC, UCN) when not accompanied by information that reveals CJI or Personal Identifiable Information (PII) are exempt from the protection levels required for CJI.

Fingerprint-Based Search: A search of information using both an individual's biometric information (e.g., fingerprint) and PII (e.g., legal name on identification documents). It is the most accurate method available for returning records based on matching fingerprints.

Name-Based Search: A search for information based on an individual's name and date of birth. It is considered a "possible match" to the person about whom the search is being conducted. Search results may include partial name or date-of-birth matches.

Personally Identifiable Information (PII): Any information connected to a specific individual that can be used to uncover that individual's identify, such as their social security number, full name, maiden name, birthdate, etc.

Requestors: TWC-VR staff members who are authorized to request CCH records.

Secure Site Users: Designated Regional and State Office points of contact for CCH records responsible for confirming CCH record requests from TWC-VR staff are vocationally relevant, or conducting the CCH search and furnishing the CCH record to VR Counselors.

POLICY

A. General Overview

A Computerized Criminal History (CCH) should be considered for any TWC-VR eligible customer if it will support them in choosing and/or achieving their employment goal. A CCH must be used when:

- A customer is participating in a training program for an occupation requiring licensure, permits, or other credentials;
- A customer is seeking an employment goal that requires a license, permit, or other credential that is not already possessed and prior to signing the IPE;
- A customer has reported difficulty obtaining employment due to a history of criminal conviction(s);
- A customer needs to receive Criminal Background Premium services to remove barriers to employment that are directly related to a customer's criminal history; and
- A customer is interested in attending Criss Cole Rehabilitation Center (CCRC) training.

B. Secure CCH Search

A CCH search must only be conducted through TWC-VR-issued computers. It is administratively prohibited by DPS to access the DPS secure site via a mobile device (e.g., smartphone or tablet). Secure site users (i.e., Regional and State Office points of contact) must handle requests within three business days.

C. Paying for CCH Search

TWC-VR may pay for the cost of a CCH search (both Name-Based and Fingerprint-Based) when agreed upon by the VR Counselor and customer prior to completing the request. A TWC-VR customer may go to DPS independently to obtain a fingerprint-based CCH search; however, this cost will not be covered by TWC-VR.

D. Releasing CCH Records

- TWC-VR may not release a name-based record to another organization or individual. This includes the customer or customer's representative unless there is a request contained in a valid subpoena or other valid court order and the release is approved by the Office of General Counsel (OGC).
- TWC-VR may release a fingerprint-based CCH record directly to a customer (subject of the record) upon a signed Authorization for Release of Confidential Customer Records and Information form (VR1517-2). Such records cannot be printed and released to a customer's representative, spouse, other household or family member, or potential employer, even at the customer's request. Requests contained in a valid subpoena or other valid court order may be released after obtaining approval by the OGC.

PROCEDURES

A. Determining CCH Type

TWC-VR staff discusses with the customer how specific criminal offenses can affect their ability to obtain licensure, permits, or credentials required for particular occupations and employment settings. TWC-VR staff enters a case note explaining what counseling and guidance was offered to the customer about selecting their vocational goal and obtaining a CCH before the customer and the VR counselor agree to the contents of the IPE.

There are two types of CCH searches and the VR Counselor determines the type of search necessary to meet the circumstances of each customer.

1. Name-Based CCH Search:

- Has the potential to return multiple records of individuals with same or similar name and DOB;
- Only returns legal history that occurred in the State of Texas; and
- Cannot be discussed with or released to customers or other parties outside of authorized staff within TWC.

2. Fingerprint-Based CCH Search:
    - Is the best method for returning accurate criminal history records and should be used when:
        i. A customer has lived out of state or disclosed that a crime was committed in another state;
        ii. An exact match to the customer could not be made on a name-based CCH search in the State of Texas; and/or
        iii. Discussing the results of a CCH record with the customer is necessary.

B. Requesting a CCH

After determining the type of CCH search, the VR Counselor must complete the Request for Computerized Criminal History Search form (VR1510) and obtain the customer's signature. The VR1510 must be stored in the customer's case file.

The VR counselor enters a case note indicating the request for a CCH, detailing the procedure followed and the reasons for the request. Any RHW case note topic may be used, but "Background Check Request" must be included in the Add to Topic Section of the case note.

1. Name-Based CCH Search: The VR Counselor submits the request via (choose one):
    - Email: Send an encrypted email to the Regional Office Point of Contact (POC). Add the subject line: <ENCRYPT> Background Check Request. Include the signed Request for Computerized Criminal History Search (VR1510) in Microsoft Word or PDF.
    - DocuSign: Send the Request for Computerized Criminal History Search (VR1510) via DocuSign to the assigned Regional Office POC once the customer's signature is completed within the DocuSign system.
    - The Regional POC for CCH will conduct the CCH search.
    - The Regional POC for CCH will provide the CCH record to the TWC-VR Counselor, or notify that no records were found, via encrypted email with the subject line <ENCRYPT> Background Check Response.
        i. If a customer discloses they have a criminal record but no record is returned, it is possible the local arresting authority did not report the crime to DPS and the VR Counselor should direct the customer to their local authority to handle any disputes.
        ii. If verification of a CCH record cannot be made based on a customer's name, the Regional POC instructs the VR Counselor to follow the procedure to request a fingerprint-based CCH search.

iii. If a name-based CCH search reveals any result that needs to be discussed, to clear any possible misidentification, the VR Counselor contacts the State Office POCs to obtain a fingerprint-based CCH search.
iv. Alternatively, the customer may go to DPS independently to obtain a fingerprint-based CCH; however, TWC-VR will not pay for this cost.

2. Fingerprint-based CCH Search: The VR Counselor submits the request via (choose one):
   - Email: Send an encrypted email to the State Office Point of Contact (POC). Add the subject line: <ENCRYPT> Background Check Request. Include the signed Request for Computerized Criminal History Search (VR1510) in Microsoft Word or PDF.
   - DocuSign: Send the Request for Computerized Criminal History Search (VR1510) via DocuSign to the assigned State Office POC once the customer's signature is completed within the DocuSign system.
     i. The State Office Program Specialist(s) for CCH will instruct the VR Counselor on the process for acquiring a fingerprint-based CCH search by email.
     ii. TWC-VR staff helps the customer schedule the fingerprinting appointment using information provided by the State Office Program Specialist.
     iii. TWC-VR staff informs the customer that they will be required to pay a service fee (approximately $10-$25) at the time of the fingerprinting appointment. TWC-VR State Office staff pays the cost of the CCH search.
     iv. TWC-VR staff directs the customer to take a photo ID and Social Security number when the customer goes to the fingerprinting appointment. For additional information, see Documents to Prove Identity for Fingerprinting (PDF).
     v. TWC-VR staff sends an email to the State Office Program Specialist with the following information:
        (a) The date and location of the fingerprinting appointment;
        (b) The customer's name; and
        (c) The case ID.
     vi. The State Office Program Specialist provides CCH record to the VR Counselor or notifies the VR Counselor that no records were found, via encrypted email with the subject line <ENCRYPT> Background Check response.

   The VR counselor enters a case note confirming receipt of the CCH record.
   The VR counselor only documents how the implications of the CCH may affect the selection of the vocational goal. However, specific details from the CCH record, such as dates and types of convictions, must not be included in the case note.

C. Securing and Destroying CCH Records

TWC-VR staff must adhere to the requirements of the criminal record agency releasing the information. This includes the following:

- It is prohibited to print name-based CCH records.

- Fingerprint-based CCH records may be printed and released to the customer (subject of record) upon a signed Authorization for Release of Confidential Customer Records and Information form (VR1517-2). Such records cannot be released to a customer's representative, spouse, other household or family member, or potential employer, even at the customer's request.
- Under no circumstances are CCH records to be stored in a paper or virtual case file, or on TWC-VR staff computers.
- All CCH records must be purged and destroyed immediately after a CCH record has served the purpose for which it was obtained. For example, after the VR Counselor discusses the implication of the fingerprint-based CCH results with the customer, the VR Counselor immediately destroys the CCH results.

D. Other Circumstances

The following include other circumstances where the VR Counselor or other TWC-VR staff must follow additional procedures:

- If a CCH record reveals there is no disposition (e.g., a criminal charge has been made but a conviction has not been reached) or the customer does not agree with the information on the CCH record, the TWC-VR staff member refers the customer to the DPS Criminal History Error Resolution site where the customer can access relevant information and take appropriate action.
- If a customer's CCH record reveals a criminal history and the occupational goal is licensed by a certain regulatory entity:
    - The customer must go through an evaluation process required by that entity. For example, Texas Department of Licensing and Regulation (TDLR) has a criminal history evaluation process to determine whether the customer's criminal history will prevent them from being licensed in that occupation. Another example is the Texas Board of Nursing's (BON) Petition for Declaratory Order (DO) process.
    - The VR Counselor must not support an employment goal for any occupation in which TDLR or any other regulatory entity has determined that the customer may not be licensed.

E. Criss Cole Rehabilitation Center (CCRC)

When a customer is referred to CCRC, the designated CCRC admissions staff member will run the CCH search instead of the Regional Secure Site User before the customer is authorized to attend CCRC.

APPROVALS & CONSULTATIONS

There are no approvals and consultations for this policy and these procedures; however, consultations with State Office Program Specialists for CCH are available.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
12/02/2024	Revised	Added in case note requirements for CCH
04/07/2025	Revised	Updated procedures and added data elements required for the newly revised VR 1510, Request for Computerized Criminal History (CCH) Search
08/01/2025	Revised	Updated information related to releasing a fingerprint-based CCH record to ensure compliance with DPS and FBI- Criminal Justice Information Services (CJIS) regulations

PART B, CHAPTER 10: VR CASE CLOSURE

Policy Number	Authority	Scope	Effective Date
Part B, Chapter 10	34 CFR §361.44, §361.47, §361.56, §363.55, TWC Rule §856.24, and §856.53	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to specific requirements to be followed when closing the TWC-VR case record for potentially eligible students with disabilities, applicants, eligible individuals, ineligible individuals, unsuccessful closures of customers and successful closures of customers who achieved an employment outcome.

DEFINITIONS

Case Closure: When a customer has been referred to, applied for and/or received services from TWC-VR and, for whatever reason, their case is closed. They can no longer receive services but may reapply in the future.

Employment Stability: When a customer is maintaining consistent and satisfactory employment for a specified period of time, with regular work hours, satisfactory job performance, employer and customer satisfaction, and financial independence, without immediate threats to continued employment. The customer has likely finished services in the IPE and no longer requires TWC-VR services to maintain employment.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR program's rules, including case closure.

Potentially Eligible Student with a Disability Closure: When a potentially eligible student with a disability is no longer interested in receiving Pre-Employment Transition Services, is unable to locate, or does not pursue TWC-VR application, their case is closed.

Standard Occupational Classification System: Federal statistical standard used by Federal agencies to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data.

Successful Closure: When a customer has received services under an Individualized Plan for Employment (IPE) and achieved their employment goal in competitive integrated employment (CIE), in addition to criteria outlined in this policy, and their case is closed.

Unsuccessful Closure: When a customer has been determined eligible for TWC-VR services and/or received services under an IPE but did not successfully achieve an employment outcome and their case is closed.

POLICY

A. General Overview

TWC-VR customers exit the VR program for a variety of reasons and at different stages of the VR process, which results in their VR case being closed. The VR Counselor may close the customer's case when it is determined that:

- The customer is not eligible or is no longer eligible;
- Services have been provided and the customer has achieved a competitive integrated employment outcome under an IPE; or
- The customer is not interested in services, is not cooperating, or is otherwise unavailable for services or there are no resources available for extended ongoing support services for supported employment.

B. Successfully Employed Closures

TWC-VR must follow required procedures when closing the case of a customer who has achieved an employment outcome in competitive integrated employment. Additionally, there are stages in the VR process where a customer's case is closed for other reasons and is not considered successful.

C. Ineligibility and Unsuccessful Closures

There are stages in the VR process where a customer's case is closed for a variety of reasons, some of which are considered unsuccessful. TWC-VR must follow required procedures when closing the case of a

customer due to ineligibility, prior to making a determination of eligibility, and in Competitive Integrated Employment (CIE) in Supported Employment.

PROCEDURES

A. Customer Notification

Before closing the case, the VR Counselor must inform the customer that their TWC-VR case is being closed. Notification may be provided in person, by phone, or in writing. The notification must include the reason the case is being closed and the availability of post-employment services, if applicable, and must be documented in a case note.

If the individual has submitted an application for TWC-VR services and the VR Counselor has been unsuccessful in all attempts to contact the customer (i.e., good faith effort), the customer must be notified in writing. A letter or encrypted email must be sent, providing 10 business days before closing the case, to allow the customer to contact TWC-VR with any concerns.

The VR Counselor copies and pastes the email or letter notification in a case note with the topic "Attempt to Contact." If there is no response from the customer, the case may be closed.

Once the closure has been processed, a closure letter is available in RHW. TWC-VR staff must email or mail the letter to the customer at the time of closure as well as provide the "Can We Talk?" brochure, which outlines the TWC-VR appeals procedure if the customer disagrees with the closure. TWC-VR staff must document in RHW the date and method used to provide the notification. Additionally, the VR Counselor provides information about community resources that may benefit the customer and let them know that they can always re-apply for TWC-VR services when they are ready.

B. Reasons for Closure

The VR Counselor must document the reason a customer exited the program, including why they may be determined ineligible and/or any circumstances related to their case being closed in RHW. It is not uncommon that more than one reason may be applicable. Individualized circumstances can create confusion or misrepresent the actual reason a customer’s case is closed. VR Counselors should consistently select the reason that best describes the customer's circumstances, while following TWC-VR guidance in this policy and these procedures. If the VR Counselor has any concern or questions arise, it is always best practice to consult with supervision.

The reason a customer’s case is closed (after receiving services under an IPE) also determines whether they will be included or excluded from the WIOA performance indicators.

The following table contains the reasons a customer may exit the VR program, and which option the VR Counselor documents in RHW.

Reason	Explanation
Achieved Competitive Integrated Employment Outcome	Customer achieved competitive integrated employment, or supported employment, after receiving services under an IPE.
Completed Pre-ETS, Not Pursuing VR Application	Student with a disability participated in pre-employment transition services and chose not to apply for VR services. This reason is only available for potentially eligible cases being closed before case assignment/application.
Criminal Offender	Customer entered a correctional institution (e.g., prison, jail, reformatory, work farm, detention center) or other institution designed for confinement or rehabilitation of criminal offenders (§225 of WIOA).
Death of the Individual	Customer passed away during the VR process. No notification is required. Contact with family is only required when TWC-VR is obligated to reclaim equipment.
Health/Medical	Customer is hospitalized or receiving medical treatment that is expected to last longer than 90 days and precludes entry into competitive integrated employment or continued participation in the program.
Not Available for Services – In an Institutional Setting Other than Prison/Jail	Individual entered an institution other than a prison or jail and will be unavailable to participate in TWC-VR for an indefinite or considerable period of time. This category of institutions includes hospitals, nursing homes, and residential/psychiatric treatment centers.

Reason	Explanation
Ineligible	Customer was determined eligible for the VR program; however, the individual was no longer eligible because they no longer wished to seek competitive integrated employment or the individual's disability prevented the individual's ability to seek competitive integrated employment.
Ineligible: Disability Too Significant to Benefit from TWC-VR Services	Following a minimum of two Trial Work Experiences, the customer was determined ineligible because they were unable to benefit, in terms of an employment outcome, due to the severity of their disability.
Ineligible: No Disabling Condition	Individual is not eligible for VR services because no physical or mental impairment exists.
Ineligible: No Impediment to Employment	Individual is not eligible for TWC-VR services because the physical or mental impairment does not constitute a substantial impediment to employment.
Ineligible: Does Not Require VR Services	Individual does not require TWC-VR services to prepare for, enter, engage in, or retain gainful employment consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.
Currently Not Able to Legally Work in the U.S.	When the customer's employment authorization documents expire while participating in VR services, they are no longer eligible for VR services and the case must be closed, unless the case is in employment status (which means they are eligible to work).

Reason	Explanation
Ineligible: Pursuant to Section 511	Customer applied for VR services pursuant to section 511 of the Rehabilitation Act and was determined ineligible because they did not wish to pursue competitive integrated employment. The 14(c) population indicator must be selected in RHW to use this closure reason.
No Longer Interested in Receiving Services or Further Services	Customer actively chose not to participate or continue in the VR program or when their actions make it impossible to begin or continue the VR process. Examples would include repeated failures to keep appointments for assessment, counseling, or other services.
Reserve Forces Called to Active Duty	Customer is a member of the National Guard or other reserve military unit of the armed forces and is called to active duty for at least 90 days.
Supported Employment Earning Subminimum Wage	Customer achieved supported employment in integrated employment but did not earn a competitive wage after exhausting the short-term basis period.
Transferred to Another Agency	Customer needs services that are more appropriately obtained elsewhere. Transfer to another agency indicates that appropriate referral information is forwarded to the other agency so that agency may provide services more effectively. Includes customers transferred to other VR agencies.

Reason	Explanation
Unable to Locate or Contact	Customer has relocated or left the State without a forwarding address, or when they have not responded to repeated attempts to contact the individual by mail, telephone, text, or email. Three or more documented attempts must have been made by TWC-VR staff.
Pre-ETS Unable to Locate or Contact	A potentially eligible student with a disability has relocated or left the State without a forwarding address, or when they have not responded to repeated attempts to contact the individual by mail, telephone, text, or email. Three or more documented attempts must have been made by TWC-VR staff.
Extended Employment	Individuals who received TWC-VR services and were placed in a nonintegrated or sheltered setting for a public or private nonprofit agency or organization that provides compensation in accordance with the Fair Labor Standards Act (34 CFR §361.5(c)(18)).
Extended Services Not Available	Individual has received TWC-VR services but requires long-term extended services for which no long-term source of funding is available. This code is used only for individuals who have received TWC-VR services.
Transportation Not Feasible	Customer actively chose not to participate or continue in the VR program or when their actions make it impossible to begin or continue the VR process because sufficient transportation is not feasible.
All Other Reasons	Customers case is closed for reasons not otherwise described.

C. Successfully Employed Closures in CIE

A customer's case can be closed successfully once they achieve an employment outcome in CIE. A successful employment outcome means:

- The customer has entered, advanced in, or retained full- or part-time employment, including supported employment, customized employment, and self-employment (including BET);
- The customer's employment setting is considered both competitive and integrated;
- The employment is consistent with the customer's goal on their IPE and their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice;
- The customer has maintained the job for an appropriate period of time, but not less than 90 days, necessary to ensure the stability of the employment outcome;
- The customer no longer needs TWC-VR services;
- The customer and VR Counselor consider the employment outcome to be satisfactory and agree that the customer is performing well in the employment; and
- The customer has been informed through appropriate modes of communication of the availability of post-employment services.

The VR Counselor must document the type of employment and SOC code once the customer becomes employed and when completing the "Successful Closure" page in RHW.

D. Employment Verification

Documentation verifying the customer's start date of employment, hourly wages, and hours worked, must be in their case file before closure, along with a case note detailing the verification method used. For closure, the customer must be employed, and documentation verifying their employment must be current, not exceeding 14 days before closure. A case note detailing the employment verification method must also be entered. If the date on the verification document does not reflect the same date the case is being successfully closed, TWC-VR staff must obtain employment confirmation at the time of closure, through contact with the customer, employer, Employment Service Provider (ESP), or other means. Documentation must reflect 90 days of employment after stability.

The employment verification of the customer’s start date can be obtained at any time during the VR process and does not have to be re-verified at closure unless there are changes to the start date that was initially verified. Wages may be obtained at any time throughout the life of the case but must be obtained before the case closure. The wages must be accurate at the time of the case closure.

TWC-VR staff should initially seek one of the primary source documents to verify employment, start date and hourly wages. Hours worked can be verified through the same source documents or by the customer. The primary source documents include:

Pay stubs;

- Automated databases (e.g., The Work Number);
- Self-employment worksheets (e.g., IRS forms or financial spreadsheets, profit and loss statements);
- Employer emails/letters;
- Unemployment Insurance (UI) wage match for out-of-state employers, federal employers or military employers (not total quarterly earnings);
- One-stop operating systems' administrative records, such as current records of eligibility for programs with income-based eligibility; or
- ESP documentation which includes the signatures of both the customer and provider.

If unable to obtain primary source documents after three good faith effort documented attempts, alternate verification methods may be pursued.

E. Alternative Methods to Obtaining Employment Verification

After three good faith effort documented attempts to obtain primary source documents for verifying employment, hourly wages, and start date, TWC-VR staff may pursue alternate methods. Each attempt should be documented in a case note, specifying the type of document requested and the reason it couldn't be obtained. If alternate methods are used, detailed case notes must include the verification method, date received, and justification for lack of formal documentation.

Alternate methods may include:

- Contacting the customer's place of employment to verbally verify information;
- Contacting the customer directly; or
- Contacting the customer's guardian, if applicable.

When contacting the place of employment for verification, TWC-VR staff must not disclose details about the customer's disability or services unless specific consent has been obtained. If direct contact is made, document the name of the verifying individual (e.g., manager or customer).

F. Multiple Employments

A customer may hold multiple concurrent jobs within the 90-day period and still fulfill closure requirements if each job aligns with their unique strengths, resources, priorities, concerns, abilities, capabilities, career interests, and informed choice. Verification of wages is required for each job prior to case closure.

To document concurrent jobs in RHW, the VR Counselor follows these steps:

- Records each job separately on an "Employment Information" page;
- Selects one job from the "Employment List" page for closure, typically prioritizing the job with more hours or higher pay, marking "yes" for the "Start 90-Day Clock" field;

- Marks "no" for the "Start 90-Day Clock" field for other jobs;
- Enters the hire date or the employment stability date, whichever is later, in the "Substantial Services Completed Date (90-day clock)" field for the selected job;
- Documents in a case note the customer's concurrent employment situation and reasons for preferring multiple jobs, emphasizing how it supports the successful closure; and
- Enters the total net wages for concurrent jobs on the "Monthly Financial Information" page.

G. Service Provision During Employment Stability

The 90-day employment stability period is a pivotal phase in the VR process. Throughout this period, the VR Counselor monitors the customer's employment stability and evaluates their need for post-employment services. VR counseling and guidance services are available throughout the entire 90-day stability period without impacting the anticipated closure date.

However, if significant, complex, or comprehensive TWC-VR services are required after the stability period begins, the 90-day clock restarts.

The 90-day count for successful closure will start over anytime a customer:

- Loses their job;
- Changes employers;
- Changes positions with same employer;
- Receives a promotion;
- Quits their job voluntarily; or
- Requires substantial services.

H. Supported Employment Closures

If the customer received supported employment services, there must be sufficient documentation that the customer's employment was maintained for a minimum of 90 days following completion of the Job Stability benchmark and when services are transferred to the extended services provider.

I. Self-Employment Closures

If the customer is self-employed, the case record must clearly document the length of business operation and the income level.

J. Successfully Employed Closure Procedures

Before closing a case as successful, the VR Counselor must do the following:

- Confirms that the requirements for closure and the conditions for successful employment have been met;
- Reviews the case:
    - For technical compliance and data integrity, and makes needed corrections; and
    - To determine the SOC code is accurate or if an IPE amendment to update the employment goal is needed;
- Reviews any open service authorizations, TWC-VR in-house service records, and associated financial actions needed (Case will not close if in-house service records are open. Only the in-house specialist is authorized to close their service records.);
- Ensures that verification of the start date of employment, wages, and continued employment are documented in RHW and includes the method used in a case note and a copy of the source documentation in the case file;
- Confirms that services were delivered by TWC-VR and they contributed to the customer's successful employment;
- Confirms that a minimum of 90 days have passed since the customer achieved stability and they continue to be employed;
- Ensures that agreements for extended services are still in place, when necessary;
- Contacts the customer to discuss closure and availability of post-employment services. If post-employment services are needed, amend the IPE to include the required service, prior to providing to the customer; and
- Closes the case in RHW when post-employment services are completed (or not needed) and the customer has maintained their employment; notifies the customer.

K. Other Closure Procedures

For case closures that are not due to successful employment after services provided under an IPE, the following procedures apply:

Closing an Initial Contact: An initial contact has not yet applied for TWC-VR services; therefore, it is not closed in the same manner as customers. An initial contact can be closed after TWC-VR staff have made a good faith effort to contact the individual. All attempts must be documented in RHW using the case note topic "Attempt to Contact."

- Though any TWC-VR staff may contact, or attempt to contact the individual, only the VR Counselor can close the case in RHW.
- When the case is closed, the individual must be informed that they can contact TWC-VR services at any time in the future and must be provided a copy of the "Can We Talk?" brochure.

Closing Potentially Eligible Case: Potentially eligible students with disabilities receiving Pre-Employment Transition Services (Pre-ETS) are not required to apply for TWC-VR services; however, VR Counselors should encourage students to apply if they have additional needs that go beyond what can be provided

with Pre-ETS, or if the student feels they will need continued services post-high school graduation and/or if they reach the age limit for Pre-ETS.

When a potentially eligible student with a disability is no longer interested in receiving Pre-ETS, no longer meets the definition of a student, is unable to locate, or does not pursue TWC-VR application, their case is closed.

Closing an Applicant: A customer's case may be closed when the VR Counselor is unable to determine eligibility when the customer declines to participate in or is unavailable to complete an assessment for determining eligibility and priority of services. TWC-VR must document multiple and varied attempts (i.e., email, letter, phone) to contact the customer to encourage participation prior to closing as an applicant, prior to a determination of eligibility.

Customers must be notified in writing of the intent to close their case 10 business days prior to the closure. Once the case is closed, the customer is notified in writing to confirm the case has been closed, appeal rights, and how to reapply for TWC-VR services in the future, if needed.

The date of exit/closure is the date the VR Counselor completes and signs the closure confirmation letter, which must be consistent with the closure date in RHW, documented in the case file, and mailed to the customer.

Ineligibility Determination: Based on the eligibility criteria for TWC-VR, there are four reasons a VR Counselor may determine an applicant is ineligible for the program:

- No disabling condition (physical or mental impairment);
- No substantial impediment to employment;
- TWC-VR services are not required to prepare for, secure, retain, advance in, or regain employment; and
- Disabling condition is too significant to benefit from TWC-VR services in terms of an employment outcome requires Trial Work Experience.

Ineligible Due to Disability Too Significant to Benefit: Closing a TWC-VR case with the reason "Disability Too Significant to Benefit from Services" in terms of an employment outcome requires the completion of the following procedures:

- The customer has participated in Trial Work Experiences (TWE);
- The VR Counselor reviews documentation from TWE that provides clear and convincing evidence to confirm the customer cannot benefit from TWC-VR services in terms of an employment outcome;
- The VR Counselor discusses the decision with the customer and provides them with a copy of the "Can We Talk?" brochure, and documents in RHW the date and method the brochure was provided;

- The VR Counselor completes the certification of ineligibility in RHW;
- The VR Counselor refers the customer to other programs that are part of the workforce development system or appropriate community resources, and documents these referrals in a case note;
- The VR Counselor prints the closure letter from RHW and provides this to the customer; and
- The VR Counselor documents these circumstances and proceeds with closure.

When this reason is used, the VR Counselor should anticipate an annual RHW generated alert to review the case for reconsideration of the customer's eligibility. This requires the VR Counselor to discuss with the individual and determine if they can benefit from TWC-VR services and should reapply.

Procedures for Ineligible Closure: Before closing any case as ineligible, the VR Counselor:

- Discusses with the customer and/or the customer's representative the reason for the closure; and
- Ensures the case reflects the justification for the decision.

Before case closure, the VR Counselor must give the customer an opportunity to fully discuss the decision, including the right to appeal. In addition, the VR Counselor:

- Refers the customer to other programs that are part of the workforce development system or appropriate community resources, and document these referrals in a case note;
- Notifies the customer in writing of their ineligibility using RHW VR Ineligibility Notice (VR5104) and includes the following:
    - Reason(s) for the determination of ineligibility;
    - Right of appeal and availability of the Client Assistance Program (CAP);
- Documents the reason for closing the case; and
- Proceeds with closure.

L. Reopening a Closed Case

There may be circumstances where a case was previously closed, but there is new information available such that the case can be reopened or the individual can reapply for TWC-VR services. Consideration should be given to opening a new case if:

- The customer requires comprehensive services to be successful;
- The customer's barrier to employment is new and distinct from information addressed in the original IPE;
- The customer has a new vocational goal that would require extensive additional training; and/or
- The case was closed outside of the current program year quarter.

If the customer requires only limited services to maintain, regain, or advance in employment, the VR Counselor should consider phase adjusting the case if it is within the program year quarter of case closure, using post-employment services.

If the customer requires more complex and comprehensive (substantial) services after the case is closed, the individual must reapply for TWC-VR services.

If the customer will be reapplying for services, the office serving the customer can request the hard case file. The closed case file must be sent to the receiving office within three days of the request to ensure timely processing of the case.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Added clarifying language ‘requires substantial services’ to restart of 90-day clock.

PART C, CHAPTER 1: VOCATIONAL REHABILITATION SERVICES INTRODUCTION

Policy Number	Effective Date
Part C, Chapter 1	09/03/2024

OVERVIEW

Part C serves as the requirements related to the provision of vocational rehabilitation (VR) services, including career, training, and other support services. The VRSM includes services that are provided directly by TWC-VR staff (i.e., in-house services), purchased services, and services provided and/or arranged through a comparable service or benefit.

Additionally, Part C outlines an overview of policy and procedures that apply to all services, detailed descriptions of when customers must participate in the cost of their VR services, as well as when the requirement to seek comparable services and benefits applies.

Questions related to Part C policies and procedures can be emailed to the Policy Planning and Statewide Initiatives Team (PPSI) at vrsm.support@twc.texas.gov.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 2: VOCATIONAL REHABILITATION SERVICES

PART C, CHAPTER 2.1: OVERVIEW OF VOCATIONAL REHABILITATION SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 2.1	34 CFR §361.48 and TWC Rule §856 Subchapter B	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of services available from TWC-VR to individuals with disabilities, necessary to participate in the assessment process for determining eligibility, identifying the scope of VR needs, and, ultimately, obtaining and maintaining CIE.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from available options based on their needs and circumstances and the VR program's rules, as it relates to choosing services and the providers of those services.

Integrated Setting: Setting typically found in the community in which the customer interacts with non-disabled individuals, not including non-disabled individuals who are providing their services (e.g., job coach).

POLICY

A. General Overview

Services are available to TWC-VR customers when they are necessary to prepare for, secure, retain, advance in, or regain the employment goal that is identified on the customer's individualized plan for employment (IPE). TWC-VR will ensure the availability of these services to customers who have applied for or been determined eligible for VR services, as appropriate for each customer.

B. Categories of VR Services

TWC-VR provides services that are crucial for addressing the holistic needs of customers seeking employment and training opportunities, to assist with removing barriers that may otherwise prevent them from fully participating in and benefiting from the VR program.

TWC-VR services are broken into the following three categories:

1. Career Services: TWC-VR services designed to assist customers in developing their career goals and pathways. These services include VR counseling and guidance, job search assistance and placement (i.e., employment services), supported employment, labor market information, training and employment accommodations, assessments and diagnostic/ treatment, resume writing, interview preparation, benefits planning, and information and referral services. Career services aim to help customers make informed decisions about their career choices, develop the skills necessary to achieve their goals, and successfully enter or re-enter the workforce in CIE.
2. Training Services: TWC-VR services (provided in an IPE) that improve a customer’s occupational skills through job-driven training programs that lead to a recognized postsecondary credential, such as a degree or certification, and employment. Training services can include classroom instruction (i.e., postsecondary education), on-the-job training (OJT), work experience, customized training, and registered apprenticeship programs. These services are intended to help customers acquire the skills needed to obtain and advance in employment within their chosen career pathway.
3. Other Services: Additional TWC-VR services provided to customers to help them overcome barriers to employment and succeed in their training or career services. These support services (e.g., transportation, maintenance) are essential for addressing the diverse needs of job seekers and workers, particularly those facing significant barriers to employment. By addressing these barriers, support services play a vital role in helping customers achieve economic self-sufficiency and long-term success in employment.

C. Scope of Services

TWC-VR will ensure that the following services are available to assist the customer, as appropriate to meet the needs of the individual, in preparing for, securing, retaining, advancing in, or regaining a CIE outcome that is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

- Pre-Employment Transition Services (Pre-ETS): Services available only to those who meet the definition of students with disabilities; and
- VR Services: Services for customers who have applied for or have been determined eligible, and consistent with each individual's IPE, are as follows:
    - Assessment for determining eligibility and priority for services;
    - Assessment for determining VR needs;
    - VR counseling and guidance services;
    - Information and referral services;
    - Physical and mental restoration services;
    - Education and training services;
    - Maintenance services;
    - Transportation services;
    - VR services to family members of a customer if necessary to enable the customer to achieve an employment outcome;
    - Interpreter services, including sign language and oral interpreter services, by qualified personnel;
    - Reader services, rehabilitation teaching services, and orientation and mobility services for customers who are blind;
    - Employment-related services, including job-seeking skills training, job search and placement assistance, job retention services, follow-up services, and follow-along services;
    - Supported Employment services, including Customized Employment;
    - Personal assistance services, including training in the management of these services;
    - Post-employment services;
    - Occupational licenses, tools, equipment, initial stocks, and supplies;
    - Rehabilitation technology, including vehicle modification, telecommunications, sensory, and other technological aids and devices and training in the management of these services;
    - Transition services for students and youth with disabilities, including Pre-ETS;
    - Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the Statewide workforce investment system, to customers who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; and
    - Other goods and services determined necessary to assist a customer with achieving a CIE outcome.

D. Provision of Services

TWC-VR must ensure that each customer receives only those services required to determine eligibility, address the VR needs of the customer, and assist the customer to achieve the CIE outcome identified in the IPE. VR counseling and guidance is a core service all TWC-VR customers receive as part of their rehabilitation path. This service is provided to customers from application to IPE development, through IPE implementation and service provision, and throughout the life of the case.

TWC-VR services must:

- Be allowable, allocable, necessary, and reasonable;
- Assist a customer with a disability in preparing for, securing, retaining, advancing in, or regaining a CIE outcome; and
- Be consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

TWC-VR services are provided, in whole or by part, in the following ways:

- TWC-VR staff directly provide services (in-house services);
- TWC-VR staff purchase services utilizing an outside provider (purchased services); and/or
- TWC-VR staff coordinate services that can be provided through another agency or funding source: comparable service or benefit (arranged services).

When providing purchased services, TWC-VR must consider the following:

- Best value;
- Use of comparable services and benefits;
- Required customer participation in cost of services;
- Separation of duties; and
- Ethics and purchasing.

TWC-VR must provide services within a reasonable timeframe and in collaboration with the customer. General provision expectations include, but are not limited to, the following:

- Services must be provided in the most integrated setting possible; and
- A support service (i.e., other services), such as transportation or maintenance, is only provided if it is in support of planned services (i.e., career or training services).

TWC-VR must ensure that customers, and/or their representatives, participate fully in the development of the IPE and that informed choice is provided when selecting vendors.

TWC-VR establishes and maintains policies governing the rates of payment and fee schedules for all purchased VR services.

E. Eligibility to Work in the U.S.

Authorization for eligibility to work in the United States is required for all work experience services. TWC-VR staff may help customers prepare the I-9 and sign the I-9 as a preparer or translator; however, they must be aware that they are attesting under oath that they have helped to complete the form and that, to the best of their knowledge, the information is true and correct. The employer of record completes and signs the employer section of the I-9 before employment commences.

F. Child Labor Laws

When making decisions about work-based training that include work experience services, child labor laws must be observed.

- Minors 14 and 15 Years of Age: There is no special work permit required for this age range, but there are restrictions on:
    - Number of hours that 14- and 15-year-olds may work;
    - Times that they may work; and
    - Type of work that they may do.

For example:

- When school is not in session, minors may not work more than eight hours a day and 40 hours a week;
- When school is in session, minors may not work more than three hours a day on school days or 18 hours a week outside of school hours;
- During the school year, minors may work from 7 a.m. to 7 p.m. only; and
- In the summer (June 1 through Labor Day), minors may work from 7 a.m. to 9 p.m.

Limitations are placed on the work that 14- and 15-year-olds may do when they work in retail, food service, and gasoline service establishments.

- Minors 16 and 17 Years of Age: There are no child labor law restrictions on the number of hours and times that 16- and 17-year-olds may work.

However, there are restrictions on working in occupations declared hazardous by the US Department of Labor.

For more detailed information on child labor laws, refer to Texas Child Labor Laws.

G. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expand funds on goods and services unless the VR counselor and the customer have made maximum efforts to secure service and benefits that are:
    - Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
    - Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and
    - Commensurate to the services that the individual would otherwise receive from the designated TWC-VRD.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted. Only specific services are exempt from this requirement.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Authorizing Services Prior to an IPE

TWC-VR goods or services may be authorized before the service is included in the IPE and the IPE is signed by both the customer and the VR Counselor only if:

- The good or service is necessary for the customer to participate in assessments that are required to determine eligibility or develop the IPE;
- Participation in the assessment cannot occur without the provision of the good or service; and
- Comparable benefits for the good or service are not readily available.

Goods or services purchased with TWC-VR funds prior to completing the IPE must be authorized in advance with a service justification case note and a service authorization.

B. Authorizing Services After an IPE

TWC-VR goods or services may only be authorized once the specific service is included in the IPE, or an IPE amendment, and signed by both the customer and the VR Counselor.

C. Provision of TWC-VR Services

TWC-VR staff must follow the policies and procedures for each service chapter in Part C for specific service requirements and Part D for budgeting and purchasing requirements.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Clarified authorizing purchases before IPE by adding word ‘service justification’ to the service authorization verbiage.

PART C, CHAPTER 2.2: COMPARABLE SERVICES AND BENEFITS

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 2.2	34 CFR §361.53, §361.5(c)(8), and TWC Rule §856.71	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the requirement for determining whether comparable services and benefits exist under any other program and if they are available to the customer.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Normal Living Expenses: Items such as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including seeking the availability of comparable services and benefits.

POLICY

A. General Overview

Comparable services and benefits are resources provided or paid for, in whole or by part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits.

Comparable services and benefits do not include the following:

- Scholarships or other awards of merit;
- Student loans;
- Personal loans; or
- Customer contributions to the cost of services.

B. Requirement to Use Comparable Services and Benefits

When a customer is determined eligible for TWC-VR services, prior to providing any service (unless otherwise noted), TWC-VR must determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the customer. These resources must be available to TWC-VR customers at the time needed and must be commensurate with the services that the customer would otherwise receive from TWC-VR. When comparable services and benefits are available, these resources must be used for planned services before using TWC-VR funds.

C. Exceptions for Use of Comparable Services and Benefits

Comparable services and benefits must be utilized unless doing so would significantly interrupt or delay the following:

- Progress of the customer toward achieving the employment outcome identified in the Individualize Plan for Employment (IPE);
- An immediate job placement; or
- Provision of TWC-VR services to any customer who is determined to be at extreme medical risk, based on medical evidence provided by an appropriately qualified medical professional.

D. Exempt Services

While all available resources should be utilized to ensure compliance with best value purchasing, the requirement to use comparable services and benefits does not apply to the following goods and services:

- Assessments for determining eligibility and VR needs;
- VR counseling and guidance, including assisting the customer in exercising informed choice;

- Referral and other services to secure needed services from other agencies, including TWC programs;
- Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services;
- Rehabilitation technology, including telecommunications, sensory, and other technological aids and devices; and
- Post-employment services consisting of the services listed above.

E. Insurance as a Comparable Benefit

TWC-VR is the payor of last resort. Comparable benefits and the customer's required participation in the cost of services must be applied before TWC-VR funds are spent.

After the customer's primary and/or secondary benefit coverage has been applied and the customer's ability to pay has been determined, if TWC-VR is paying a portion of the total amount owed to the provider, TWC-VR may pay an amount equal to the customer's copayment, coinsurance, or deductible due.

- TWC-VR payment must not exceed:
- Amount allowed by the customer's insurance;
- Allowable TWC-VR rate; or
- TWC-VR contract rate, whichever is less.

F. Additional Policy Consideration

- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Documenting Use of Comparable Services and Benefits

The exploration of and use and non-use of comparable services and benefits must be thoroughly documented in the customer's case file. This includes the following documentation in ReHabWorks (RHW):

- Case notes;
- Service records;
- IPE or IPE amendments; and
- Closure Services page.

Copies of documents related to approval or denial of comparable services and benefits must be filed in the customer's case file.

Support goods and services necessary for the customer to reach the identified employment goal and are provided by a comparable benefit must be documented by an arranged service record in RHW.

B. Comparable Services and Benefits Types

The following can be selected to document the use of comparable benefits when service records, IPEs, and Closure Services pages are developed in RHW:

- Centers for Independent Living;
- Child Protective Services;
- Educational Institutions (elementary and secondary);
- Educational Institutions (postsecondary);
- Educational Service Center;
- Employers;
- Employment Networks (not otherwise specified);
- Federal Student Aid (such as Pell grants, SEOP [Supplemental Educational Opportunity Grant], work study, etc.);
- Intellectual and Developmental Disabilities Agencies;
- Lion's Club;
- Medicaid Programs;
- Medicaid Waiver;
- Medical Health Provider (public or private);
- Medicare;
- Mental Health Provider (public or private);

- One-Stop Employment and Training Centers;
- Other Sources;
- Other State Agencies;
- Other VR State Agencies;
- Public Housing Authority;
- Scholarship (except merit-based scholarships);
- Social Security Administration (Disability Determination Services or District office);
- State Department of Correction and Juvenile Justice;
- State Employment Service Agency;
- Tuition Waiver (non-blind, non-deaf);
- Tuition Waiver Blind;
- Tuition Waiver Deaf;
- Veteran's Administration;
- Waiver Programs: Medically Dependent Children Program (MDCP) In-Home, Community Living Assistance and Support Services (CLASS) and Family Support Services;
- Welfare Agency (State or local government); and
- Worker's Compensation.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Manager approval is required for any exceptions to the use of available comparable services and benefits as outlined in this policy. Otherwise, no exceptions are allowed to this policy.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition of Best Value Purchasing

PART C, CHAPTER 2.3: CUSTOMER FINANCIAL PARTICIPATION (BASIC LIVING REQUIREMENTS)

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 2.3	34 CFR §361.48, §361.54, 2 CFR Part 3485, Part 3474, Texas Government Code Chapter 2155 , TWC Rule Chapter 20, §856.59, and §856.60	All TWC-VR staff	12/05/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the requirements for TWC-VR staff to appropriately determine the level of financial participation in the cost of services.

DEFINITIONS

Basic Living Requirements (BLR): The framework for determining whether the customer must contribute to the cost of certain TWC-VR services. BLR is applied uniformly to ensure that all customers in similar circumstances receive equitable treatment.

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rule’s, including choosing services, the providers of those services.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security

system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

POLICY

A. General Overview

While there is no Federal requirement to consider the financial need of individuals when providing services, TWC-VR does consider the financial need of individuals for purposes of determining the extent of their participation in the cost of TWC-VR services.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expand funds on goods and services unless the VR counselor and the customer have made maximum efforts to secure service and benefits that are:
    - Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
    - Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and
    - Commensurate to the services that the individual would otherwise receive from the designated TWC-VRD.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining Financial Need and BLR

Documentation is required for the customer's income and expenses. A customer who is eligible for Social Security Disability Benefits (SSI and SSDI) provides only proof of Social Security eligibility. Customers may refuse to provide information, and, in those instances, TWC-VR makes the determination that the customer exceeds the Basic Living Requirements (BLR) and will be responsible for paying the cost of goods and/or services, when BLR requirements applies. For all other customers, documentation regarding the following must be received:

- Income: Net wages and net income for the customer, customer's spouse (if applicable), and parent or legal guardian (if the customer is claimed as a dependent for purposes of Federal income taxes); all Social Security benefits; income such as public support payments, VA income benefits, unemployment compensation income, Workers' Compensation income, private disability insurance, or annuities; child support payments received by the customer.

Documentation Required: Check stub, bank statement, earnings statement, award letter, income tax return, or a court order.

- Liquid Assets: Cash, plus assets that are easily converted to cash for the customer, customer's spouse (if applicable), and parent or legal guardian (if the customer is claimed as a dependent for purposes of Federal income taxes).

Documentation Required: Account statements.

- Allowable Additions: Monthly home mortgage or rental payments, prescribed diet and medicines used by the customer, debts imposed by court order, medical costs, and disability-related expenses of the customer.

Documentation required: Statement, canceled checks, money order stub, contract, lease, itemized receipts, or a court order.

B. IPE Requirements

If the customer's IPE is developed before proof of income and expenses are received, the VR Counselor does not include services that require the customer's participation in the cost.

When proof of income and expenses are received, the VR Counselor amends the IPE as needed.

C. Financial Participation Does Not Apply

A customer whose net income or liquid assets exceed the BLR is not required to help pay for services, if:

- The customer is eligible for Social Security disability benefits (i.e., SSI or SSDI);
- The VR Manager grants an exception because the customer's participation would prevent the customer from receiving a necessary service;
- The individual is a potentially eligible student with a disability.

D. Calculating the Amount of Financial Participation

RHW determines the amount that a customer must contribute to the cost of services, based on the customer's net monthly income and family size as related to the poverty guidelines for the current fiscal year.

When the liquid assets exceed the BLR level after including any allowable BLR additions, the customer must contribute toward the cost of goods and services when BLR applies. As the customer is covering the excess, their contribution must not exceed the cost of the good and/or service.

For each month in which TWC-VR pays for goods and/or services, the customer must contribute the difference between the customer's monthly net income and the BLR level after including any allowable BLR additions.

Additionally, as the BLR is utilized monthly, the customer’s BLR must be recalculated if their net income and liquid assets change.

The VR Counselor must inform the customer that failure to provide complete and accurate financial information may result in a denial or delay of services that are not exempt from customer contribution requirements.

E. Financial Need Exemptions

Some services are exempt from the BLR and customer financial participation in the cost of services, as shown in the table below:

VR Service	BLR Applies
Adult Basic Education	Yes

VR Service	BLR Applies
Apprenticeship Costs and Opportunities	Yes
Assessment for determining eligibility and VR Needs	No
Auxiliary Aids and Services	No
Bundled Job Placement Services	No
BVI Specialty Services: • Assistive Technology Unit Services • Criss Cole Rehabilitation Center (CCRC) • DeafBlind Services • Employment Assistance Services • Vocational Diagnostic Unit • Vocational Rehabilitation Teacher Services	No
Child Care Services	Yes
College, University, and Technical Training (tuition and fees)	Yes
Counseling and Guidance	No
Diabetes Education Services	No
Employment Assistance Specialist Services	No

VR Service	BLR Applies
Home and Jobsite Modifications (actual service)	Yes
Interpreter Services	No
Job Skills Training	No
Maintenance (BLR does not apply when directly associated with a required assessment; BLR does apply in all other conditions.)	Yes
Medical Services	Yes
Non-Bundled Job Placement Services	No
Occupational Licenses	Yes
On-the-Job Training	No
Orientation and Mobility Services	No
Paid Work Experience Services	No
Personal Assistant Services	No
Pre-Employment Transition Services Pre-ETS	No
Print Braille Materials (provided by TWC-VR in-house)	No
Project SEARCH	No

VR Service	BLR Applies
Psychological Services	Yes
Reader Services	No
Rehabilitation Technology Devices and Services, including Hearing Aids (Comparable benefits are not required but should be used if readily available to meet best value requirements.)	Yes
Room and Board	Yes
Self-Employment Services	Yes
Services to the Customer's Family Members	Yes
Services for SSI/SSDI Recipients	No
Supported Employment Services	No
Textbooks and Supplies	Yes
Tools and Equipment	Yes
Training by Paid Instructor	Yes
Translator Services	No
Transportation Services (BLR does not apply when directly associated with a required assessment; BLR does apply in all other conditions.)	Yes

VR Service	BLR Applies
Tutoring	Yes
TWC-VR services needed to directly support Pre-ETS, such as transportation, maintenance, and personal assistant services (applicable for VR-eligible students only)	Yes
Vehicle Modifications	Yes
Vehicle Rental	Yes
Vehicle Repairs	Yes
Work Experience Services	No
Work Readiness Services (PSAT, WAT, and VAT)	No

F. Service Authorizations (SA)

The TWC-VR Counselor must consider the following factors when authorizing the purchase of a good or service:

- Cost, accessibility, type, and duration of the service;
- Customer's informed choice;
- Customer's satisfaction with the proposed service;
- Provider's compliance with the Americans with Disabilities Act (ADA);
- Qualifications of the service provider;
- Setting in which the service is provided;
- Provider's history of success with other customers;
- Best value;
- Use of comparable benefits; and
- Any required customer participation in cost of service.

If, prior to SA, the customer is participating toward the cost of services and paying TWC-VR directly instead of the vendor, the total amount the customer is required to pay must be received.

G. Payment

- Billing/Invoices: When paying TWC-VR, the total amount that the customer is required to pay must be received prior to any SA being issued.
    - A customer pays the service provider directly, except for the Maximum Affordable Payment Schedule (MAPS) and contract services.
    - When direct payment to the provider is not feasible, the TWC-VR Counselor arranges for the customer to submit the required amount to TWC-VR by check or money order.
    - When authorizing the purchase of hearing aids, accessories, and/or hearing aid service charges and the customer exceeds BLR, the customer must submit the required amount to TWC-VR by check or money order.
    - The customer may pay in kind for certain services listed on the IPE (e.g., paying for transportation to receive services, or paying for uniforms, textbooks).
- Documentation: When receiving payments from customers for service, the VR Counselor must document the receipt of the check or money order in a case note, file copies of the check or money order in the customer's case file, and document refunds accordingly.

H. Refunds

When receiving a refund from a vendor or customer, the Unit Purchasing Specialist or the designated TWC-VR staff member for that office location must:

- Document the receipt of the check or money order in a case note;
- Complete the Cash Receipts and Returned Warrants Log (TWC1770);
- Complete the Cash Receipts Transmittal Memo (TWC1769);
- Email the completed TWC1769 and scanned checks or money order to TWC Revenue and Trust Management (RTM.Revenue.accounting@twc.texas.gov) within two business days after the mail was opened or the check was hand delivered to the office, copying the Regional Director, Deputy Division Director of Field Services Delivery, and VR Division Director;
- Make a paper copy of the check or money order and the TWC1769;
- File the copies in the case file; and
- Mail the original check or money order and the TWC1769 to:
    - If sending by regular mail (U.S. Postal Service), send to:

      Texas Workforce Commission
      Revenue and Trust Management
      PO Box 322
      Austin, Texas 78767

- If sending by FedEx, send to:
  Texas Workforce Commission
  Revenue and Trust Management Room 446
  101 E 15th Street
  Austin, TX 78778

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Manager approval is required to not apply BLR because the customer's participation in services would prevent the customer from receiving a necessary service.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition of Best Value Purchasing
12/05/2025	Revised	Updated Revenue and Trust Management email and physical address and removed the phone number

PART C, CHAPTER 3: VR COUNSELING AND GUIDANCE SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 3	34 CFR §361.48(b)(3), §361.18, TWC Rule §850.11, and §856.42	All TWC-VR staff, particularly VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure that all customers of TWC-VR are receiving VR counseling and guidance to assist them in exercising informed choices and achieving an appropriate employment outcome.

DEFINITIONS

Counseling: Assisting the customer through appropriate modes of communication to deal effectively with important issues or concerns related to their vocational rehabilitation program to help them achieve employment. This involves communication, goal setting, and beneficial growth or change through self-advocacy, and through psychological, vocational, social, and behavioral interventions.

Guidance: Giving the customer information and acting as a coordinator and advocate; less formal than counseling. Guidance involves providing information on available TWC-VR services and other comparable benefits provided by community organizations, supports needed to exercise informed choice, and assistance in understanding rights, responsibilities and the expectations of TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path from options based on their needs and circumstances and the TWC-VR rules. Informed choice is facilitated by VR counseling and guidance to help customers obtain the knowledge, skills, and experiences needed for career choice, preparation, and advancement.

POLICY

A. General Overview

VR counseling and guidance, including information and support services to assist a customer in exercising informed choice, is a core service of TWC-VR, provided throughout the rehabilitation process to help customers obtain the knowledge, skills, and experiences needed to make informed decisions about career choice, preparation, and advancement. A VR Counselor works with the customer to identify existing employment skills, soft skills, transferable skills and to review the local labor market information. This process helps the VR Counselor and customer develop an agreed upon employment goal that is consistent with the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, and interests.

The VR Counselor and the customer work together to address disability-related barriers in order to obtain and successfully maintain competitive integrated employment (CIE). As a VR Counselor, it is imperative to provide thorough VR counseling and guidance to inform and educate each customer about employment options and the available services and supports to help achieve their employment goals.

B. Counseling and Guidance throughout the VR Process

VR Counselors provide counseling and guidance during all stages of the VR process, from application to case closure. Because TWC-VR provides services to eligible individuals with various disability types and causes, generational age groups, ethnic and racial groups, all with unique circumstances, VR Counselors must tailor the level and frequency of counseling and guidance to each customer's individualized needs.

When a customer is receiving services in an Individualized Plan for Employment (IPE), VR counseling and guidance must be included as a service provided directly by TWC-VR (i.e., in-house).

C. Ethical Considerations

As described in the Commission on Rehabilitation Counselor Certification (CRCC) Code of Professional Ethics for Rehabilitation Counselors, VR Counselors "practice only within the boundaries of their competence, based on their education, training, supervised experience, professional credentials, and appropriate professional experience."

TWC-VR’s counseling and guidance services should not be interpreted or misrepresented as psychological/mental health therapy or treatment. Customers who need more intensive therapy or treatment must be referred to an appropriate provider who is qualified to perform these services under their professional scope and licensure.

D. Additional Policy Considerations

- Comparable Services and Benefits: VR counseling and guidance services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: VR counseling and guidance services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Providing VR Counseling and Guidance

VR counseling and guidance can be provided to customers throughout the VR process; however, VR Counselors must follow different requirements, depending on which stage of the process the service occurs. VR counseling and guidance must be documented in a case note or series of case notes.

1. Prior to an IPE: Counseling and guidance is often necessary during the assessment for determining both eligibility for TWC-VR services and when developing the IPE. The VR Counselor documents the service in case notes, or a series of case notes, when documenting the results of assessments, sessions with the customer, and the manner in which the service was provided (e.g., exercising informed choice to determine the employment goal).
2. After an IPE: When a customer is receiving services in an IPE, VR counseling and guidance must be listed as a service provided by TWC-VR. VR counseling and guidance must be documented in a case note within 7 calendar days of completing the initial IPE.

The level and frequency of VR counseling and guidance must be clearly explained on the comprehensive assessment case note, included in the IPE and individualized to meet the customer’s needs but must not exceed 180 days. The level and frequency may change as needed throughout the life of the case, and must be provided, at a minimum, at the frequency agreed to by the VR counselor and customer as indicated on the customer’s IPE.

If the frequency of VR counseling and guidance changes from a lower number of days to a higher number of days, an IPE amendment is required. If the frequency of VR counseling and guidance changes from a higher number of days to a lower number of days, an IPE amendment is not required.

Customer contacts that are not VR counseling and guidance may be made by any TWC-VR staff member. These contacts are made as often as necessary to advance the customer's program of services. The contacts are documented in RHW with the appropriate case note topic heading. Although a case note may be entered that C&G was attempted, using the ReHabWorks drop-down Attempt to Complete C&G selection, C&G must still be completed at the frequency indicated on the IPE in order for the case to be compliant.

B. Aspects of Counseling and Guidance

VR counseling and guidance addresses, but is not limited to, one or more of the following topics:

- Customer's strengths and limitations in relation to their disability and barriers to employment;
- Transferable skills and how they might be applied to overcome a customer's barriers to employment;
- Selection and/or maintenance of a CIE goal with information that allows the customer to make appropriate informed choices among employment options and career paths based on realistic and up-to-date labor market information;
- Customer's self-awareness regarding barriers to productivity and possible reasonable accommodations at their place of employment;
- Development of self-advocacy skills needed for taking responsibility for continued career success; and
- Relevant support services and access to those resources for continued success in employment.

The essential aspects of counseling and guidance include, but are not limited to, the following:

- Developing rapport with the customer;
- Keeping the customer engaged in the VR process;
- Continually assessing the customer's progress throughout the VR process;
- Identifying the rehabilitation needs and providing information to meet those needs;
- Helping the customer develop compensatory strategies to reach a successful outcome;
- Addressing issues as they arise;
- Helping the customer learn about the options and resources available for achieving success; and
- Helping the customer develop and make progress in an IPE.

The services provided by the VR Counselor, including VR counseling and guidance, drive the customer's movement through the VR process, assist with the customer making informed choices, support the employment goal, and address the functional capacity limitations of the disability.

C. Communication Strategies

VR counseling and guidance may be provided in person, by phone, and/or through secure electronic communications. The VR Counselor is expected to communicate in ways that are developmentally, cognitively, functionally, and culturally appropriate for the customer. This can include the use of translators, interpreters, and other forms of communication assistance and alternate formats.

The VR Counselor must ensure that all communication with the customer remains confidential and is conducted in the utmost ethical manner.

D. Closing a VR Counseling and Guidance-Only Case

VR counseling and guidance must be provided and documented as a service in all TWC-VR cases, along with all other services that influenced the outcome of the case. In some cases, VR counseling and guidance may be the only service the customer needs to achieve a CIE outcome.

In this case, the VR Counselor must clearly document, throughout the life of the case and at closure, the impact the VR counseling and guidance made in the customer's achievement of their employment outcome.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures; however, consultation is encouraged when support is needed in providing counseling and guidance or when ethical dilemmas arise.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 4: INFORMATION AND REFERRAL SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 4	34 CFR §361.37, §361.48(b)(4), and TWC Rule §856.42	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is ensuring customers have access to all community resources and organizational benefits that are appropriate to address their needs.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules.

POLICY

A. General Overview

Information and referral services are provided by TWC-VR to ensure that customers have access to all community resources and organizational benefits. TWC-VR staff provide information and referral services to customers as needed, throughout the VR process. These services could be provided by other appropriate Federal and State programs, including other agencies within TWC. The TWC-VR staff must explain to the customer the nature and purpose of the information and the reason for each referral (e.g., comparable benefit, services not provided by TWC-VR).

Though this service is provided by TWC-VR staff, at no cost, it is substantial and can result in short- and long-term positive impacts for the customer. This service can be provided to customers prior to the

development of an Individualized Plan for Employment (IPE); however, it is included in the IPE once developed.

B. Additional Policy Considerations

- Comparable Services and Benefits: Information and referral services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Information and referral services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Types of Programs

TWC-VR staff provide information and referral services to appropriate programs and service providers best suited to address the specific rehabilitation, independent living, and employment needs of the customer.

Examples include, but are not limited to, the following:

- Housing;
- Food and general assistance;
- Social Security Administration;
- FAFSA and other educational resources;
- Texas Workforce Commission;
- Adult education agencies;
- Developmental disability agencies;
- Mental health providers;
- Insurance programs (e.g. Medicaid);
- Disability resource centers; and
- Independent living centers.

When needed, TWC-VR staff can use the Texas 211: Information and Referral Network (Finding Help in Texas) to assist in identifying available resources.

B. Referral Documentation

When a customer is referred for services to Federal or State programs, including services provided by TWC, documentation must include the following:

Notice of the referral;

Information and advice that was provided regarding the most suitable services to assist the customer to prepare for, secure, retain, advance in, or regain CIE; and

- Information identifying a specific point of contact within the agency to which the customer is being referred.

C. Customers Choosing Not to Pursue CIE

When TWC-VR staff are providing information and referral services to a customer who makes an informed choice not to pursue an employment outcome in CIE, the following information must be provided to the customer and documented in a case note:

- Purpose of the VR program;
- Availability of employment options, and of TWC-VR services available to assist the customer in achieving an appropriate employment outcome;
- Option for TWC-VR services to be provided in an extended employment setting if necessary for purposes of training or otherwise preparing for employment in an integrated setting;
- Customer's right to reapply for services if they decide to pursue an employment outcome in CIE in the future; and
- Benefits planning services to obtain information concerning the ability to work while receiving benefits from the Social Security Administration (SSA).

D. Case Closure

When the VR Counselor closes the case before eligibility, information and referral services must be provided if:

- The customer is available and needs other services;
- Those services are available from another agency or program; and/or
- The customer provides an Authorization for Release of Confidential Customer Records and Information (VR1517-2); the VR Counselor may contact the agency or program, set up an

appointment for the customer, and provide the agency or program with information requested about the customer, when appropriate.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 5: RESTORATION SERVICES PART C, CHAPTER 5.1: RESTORATION SERVICES OVERVIEW

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.1	34 CFR §361.5(c)(39), §361.48(b)(5), TWC Rule §856.43, and §856.44	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of physical and mental restoration services necessary to alleviate or improve the functional capacity limitations of TWC-VR customers.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing restoration services, both physical and mental, and the providers of those services.

Neurodevelopmental Disorders: Group of conditions with onset in the developmental period, typically early in development.

POLICY

A. General Overview

Physical and Mental Restoration Services provide a comprehensive range of interventions aimed at addressing physical or mental impairments that significantly hinder a customer's ability to gain or maintain employment. These services encompass various therapeutic, diagnostic, and supportive measures.

These crucial services include corrective surgery or physical therapeutic treatment, dentistry, various types of therapy, psychological and mental health, and other medically related rehabilitation services that are likely, within a reasonable time frame, to correct or substantially modify a stable or slowly progressive physical or mental impairment that constitutes a substantial barrier to employment, thereby enhancing the customer's prospects for successful employment and integration into the workforce.

These services may be available through TWC-VR only when:

- Comparable services and benefits are not available; and
- The service is necessary for the customer to reach their Individualized Plan for Employment (IPE) goals.

B. Medical Services and Equipment

Medical services, which are also referred to as "physical restoration," are available to eligible TWC-VR customers when these services are expected to decrease, help manage, or stabilize physical barriers so that eligible customers can secure, keep, advance in, or return to competitive integrated employment (CIE).

C. Psychological Services

Psychological services, which are also referred to as "mental restoration," are available to support eligible TWC-VR customers with neurodevelopmental or psychological disorders, as they relate to an employment outcome.

Neurodevelopmental disorders vary from very specific limitations of learning or control of executive functions to global impairments of social skills or intelligence. Neurodevelopmental disorders frequently co-occur with each other.

A psychological disorder refers to a spectrum of mental disorders or conditions that influence our emotions, cognitions, and/or behaviors. Psychological disabilities may include depression, anxiety, schizophrenia, and bipolar disorder.

D. Prohibiting Factors

VR Counselors do not diagnose or imply they are qualified to diagnose or treat physical or psychological disorders. However, VR Counselors must have sufficient knowledge about the diagnoses in order to apply effective restoration- and employment-related services.

E. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on restoration services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. General Overview

Due to the nature of TWC-VR services and needs, including the individualized services and unique circumstances of each customer, TWC-VR staff must follow the policy and procedures for each available physical or mental restoration service.

Additionally, TWC-VR staff must follow the policies and procedures related to Best Value Purchasing.

B. Telehealth for Restoration Services

When considering telehealth options for customers, VR Counselors must carefully consider which types of treatments that use telehealth are the most effective and decide on a case-by-case basis whether to proceed.

The U.S. Department of Health and Human Services (HHS) issued guidance on using Health Insurance Portability and Accountability Act (HIPAA)-compliant platforms. HHS lists the following as vendors that provide HIPAA-compliant video communication products:

Skype for Business/Microsoft Teams;

- Updox;
- VSee;
- Zoom for Healthcare;
- Doxy.me;
- Google Meet on G Suite;
- Cisco Webex Meetings/Webex Teams;
- Amazon Chime; and
- GoToMeeting.

Telehealth options are available for the following services:

- Autism Spectrum Disorder Supports;
- Applied Behavior Analysis;
- Psychological Services; and
- Medical Services.

When a customer receives telehealth services during a pandemic, TWC-VR staff must refer to the TWC-VR State Office Guidance and Texas Department of Insurance - Telemedicine emergency rule for information on telehealth billing and payment guidelines.

C. Insurance as a Comparable Benefit

After the customer's primary and/or secondary benefit coverage has been applied and the customer's ability to pay has been determined, if TWC-VR is paying a portion of the total owed to the provider, TWC-VR may pay an amount equal to the customer's copayment, coinsurance, or deductible due.

TWC-VR payment must not exceed:

- Amount allowed by the customer's insurance;
- Allowable TWC-VR rate; or
- TWC-VR contract rate, whichever is less.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition of Best Value Purchasing

PART C, CHAPTER 5.2.a: MEDICAL SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.a	34 CFR §361.5(c)(39), §361.48(b)(5), TWC Rule §856.43, and §856.44	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of medical services for TWC-VR customers.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing medical services and the providers of those services.

POLICY

A. General Overview

Medical Services are provided to eligible TWC-VR customers who have physical impairments that cause limitations in regard to employment.

Medical Services are provided only when:

- Comparable services and benefits are not available;
- Required to improve or stabilize the effects of the physical impairment; and
- Necessary to achieve an employment outcome.
- Individuals whose physical disorders:
    - Are stable or slowly progressive; and
    - Can be corrected or stabilized within a reasonable time.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on medical services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Restrictions

When approval for any procedure, service, food, or device is required, the consultation and approval must be completed and documented in ReHabWorks (RHW) before including the services on the customer's Individualized Plan for Employment (IPE) or IPE amendment.

The following medical services are not allowable, with no exceptions:

- Ongoing general medical care for health maintenance;
- Emerging technology and temporary, experimental, or investigational medical services (terminology codes, also called T-codes);
- Maternity care; and
- Medical or surgical treatment associated with:
    - Active tuberculosis;

- Sexually transmitted diseases;
- Cancer;
- Organ transplantation (except for the treatment of individuals with end-stage renal disease, subject to management consultation and approval, as set out below);
  - A corneal transplant, also known as keratoplasty, is a surgical procedure in which a damaged or diseased cornea is replaced by donated corneal tissue. Corneal tissue is not considered an organ; therefore, corneal transplants are not considered organ transplants and are not restricted; or
- Human immunodeficiency virus infection (HIV) or acquired immunodeficiency syndrome (AIDS).

B. Medical Services Consultations

Medical consultants provide support to TWC-VR staff throughout the VR process.

- State Medical Director: The following require consultation with the Medical Director:
  - Medical services with payments exceeding the Maximum Affordable Payment Schedule (MAPS);
  - Medical services or devices with unlisted MAPS codes;
  - Payment for co-surgeons;
  - Actions contrary to the Local Medical Consultant's (LMC) advice; and
  - Services, procedures, and programs with special requirements.

TWC-VR staff must consult with the Medical Director. The VR Manager must be copied on email with the consultation packet. The Medical Director will provide a recommendation to the VR Counselor.

- State Ophthalmological Consultants: The State Ophthalmological Consultant is an ophthalmologist. TWC-VR staff must direct ophthalmological and surgical questions to their attention. When a consultation is required, the State Ophthalmological Consultant will provide a recommendation to the VR Counselor.
- State Optometric Consultants: State Optometric Consultants are optometrists and clinical low-vision specialists. Low-vision, vision therapy, and related optometric questions are directed to their attention. When a consultation is required, The State Optometric Consultant will provide a recommendation to the VR Counselor.
- State Physical Medicine and Rehabilitation Consultant: The State Physical Medicine and Rehabilitation (PM&R) Consultant reviews cases and provides guidance on the physical status and prognosis of customers with brain injuries and customers in the Employment Supports for Brain Injury (ESBI) program to help VR Counselors determine a customer's ability to return to work and participate in the VR process. When a consultation is required, the State PM&R Consultant will provide a recommendation to the VR Counselor.

- State Neuropsychological Consultant: The State Neuropsychological Consultant reviews cases and provides guidance on the mental status and prognosis of customers with brain injuries and customers in the ESBI program to help VR Counselors determine a customer's ability to return to work and participate in the VR process. When a consultation is required, the State Neuropsychological Consultant will provide a recommendation to the VR Counselor.
- Regional Dental Consultant: A Regional Dental Consultant (RDC) consultation is required for all dental services. The RDC will provide a recommendation to the VR Counselor. Any decision contrary to the RDC's recommendation requires approval from the Deputy Division Director of Field Services Delivery.
- Local Medical Consultant: The following require consultations with a Local Medical Consultant (LMC):
    - Surgical services, with the exception of eye surgeries; and
    - Procedures requiring local and general anesthesia.

Some services, procedures, and programs with special requirements require LMC consultations. When a consultation is required, the LMC will provide a recommendation to the VR Counselor. Any decision contrary to the LMC's recommendation requires consultation with the Medical Director. The VR Manager must be copied on email with the consultation packet. The Medical Director will provide a recommendation to the VR Counselor.

C. Medical Services Procedures

When medical services are being considered, the following procedures must be followed:

- The VR Counselor must document how the customer's substantial barriers to employment will be addressed by the proposed medical services to allow the customer to return to, obtain, maintain, or advance in competitive integrated employment (CIE).
- The VR Counselor or the designee must submit all required documentation for required consultations, and approvals to the appropriate source.
- All required consultations and approvals must be documented in RHW.
- If a consultation was completed by one of the medical consultants, the VR Counselor must review the consultant's recommendations. If in agreement, the VR Counselor proceeds with providing the recommended medical services. If the VR Counselor does not agree with the consultant's recommendations and wants to proceed with a decision contrary to the medical consultant's recommendation, the VR Counselor must seek approval.
- After confirming documentation of all required consultations, and approvals, medical services must be included in the customer's IPE or IPE amendment.
- The VR Counselor must provide counseling and guidance to ensure that the customer understands the recommended treatment and their responsibilities throughout the physical restoration process.

If TWC-VR staff obtain additional information or records that may influence a recommendation after the case has been sent to or reviewed by the Medical Director or State Consultant, the TWC-VR staff should provide the additional information to the appropriate email box.

The VR Counselor uses the following procedures when authorizing medical services:

- Reviews the customer's medical records related to the reported disability;
- Obtains a written recommendation for planned medical services; and
- Obtains the current procedural terminology codes from the surgeon or physician for the recommended procedures.

D. Surgery Procedures

Before developing the IPE, if the recommendations include TWC-VR-purchased surgeries (excluding eye treatments or surgery), TWC-VR staff must:

- Obtain the completed Surgery and Treatment Recommendations (VR3110);
- Direct the LMC to review VR3110;
- Direct the LMC complete the Consultant Review (VR3101) before creating the IPE for medical services;
- Document the outcome of the LMC recommendation in a case note; and
- Consult with the TWC-VR Program Specialist for Physical Restoration for medical services that:
    - Are not listed in MAPS;
    - Use codes listed as $0; or
    - Use codes ending in "99" or the letter "T".

If the provider requests authorization for services that exceed the MAPS rates, the VR Counselor must consult with the VR Medical Director.

Justification of a payment rate that exceeds the MAPS rate must show that the:

- Customer is an established patient of the medical provider;
- A limited number of medical providers exists in the geographical area where the customer resides;
- Surgery or procedure is complicated and requires the special expertise of the medical provider; or
- Rate is the best value to TWC-VR.

If requesting a State Ophthalmological or State Optometric Consultant consultation, the VR Counselor must:

- Complete Request for MAPS Consultation for Visual Services (VR2351), which states the name of the appropriate consultant, explains the reason for the request, and lists all the codes and dollar amounts associated with the request;

- Include all pertinent background materials (e.g., eye exams, other medical reports, and provider comments and recommendations) as well as invoices or other documentation submitted by the provider;
- Email information to the VR Medical Services Program Specialist for Physical Restoration to vr.mapsinquiry_blindservices@twc.texas.gov; and
- Take responsibility for:
    - Documenting the consultant's response in the customer's case records;
    - Ensuring that the service is provided in accordance with the consultant's recommendations if the VR Counselor agrees with the recommendations; and
    - Processing payment for the completed service in accordance with all programmatic and purchasing requirements.

Local TWC-VR office staff must coordinate any medical services that are provided in an in-office or facility setting that only requires local anesthesia. These types of medical services may include medical evaluation and treatment in a physician's office, including surgical consultations pre- and post-surgery and other physical restoration procedures provided in an office setting with local anesthesia, therapy services, durable medical equipment, and prosthetic or orthotic services.

Exception: The local field office staff may coordinate a laboratory or radiology diagnostic test at a hospital or facility if the diagnostic test is ordered by a physician in conjunction with a medical evaluation and the laboratory or radiology order does not allow time for the medical services coordinator (MSC) coordination of the requested diagnostic test. In that case, the local field office staff obtain guidance from the MSC before issuing the service authorization (SA).

For the purpose of TWC-VR service delivery, local anesthesia is considered a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection that is used during in-office procedures with no anesthesia staff present and does not require a separate billing from an anesthesiologist or certified registered nurse anesthetist (CRNA).

E. Coordinating with the Medical Services Coordinator

If the VR Counselor determines the case should be coordinated by the MSC, the designated MSC coordinates all customer physical restoration services that will be provided in a hospital, ambulatory surgical center, employment supports for contracted ESBI facilities, or medical school where local/monitored anesthesia care (MAC) or general anesthesia will be used during the surgery or procedure.

Role of the Medical Services Coordinator: The MSC must coordinate:

- Any hospital inpatient and outpatient medical services when local/MAC or general anesthesia is used;
- Ambulatory surgical center services when local/MAC or general anesthesia is used;

- Residential and non-residential ESBI; and
- Treatment at medical schools.

The MSC coordinates all durable medical equipment for the first two weeks following discharge for in-region cases and the first 30 days for out-of-region cases. Medications for discharge must be coordinated between the rehabilitation assistant (RA) and VR Counselor team and the MSC before the customer's discharge.

For MSC-coordinated services, the VR Counselor must send a complete courtesy case of required information to the designated MSC. For out-of-region customer medical services, the VR Counselor must send the courtesy case to the designated in-region MSC (Home MSC), who will:

- Manage out-of-region cases as per regional policy for coordination of the service; and
- Notify the counselor of the case assignment.

When out-of-region services are completed, the Service MSC notifies the Home MSC and the VR Counselor that the services have been completed. The Service MSC then transfers the medical services coordination of the case back to the Home MSC for additional services that must be provided in the home region.

When coordinating medical services, the MSC must:

- Serve as the TWC-VR point of contact with the medical provider to coordinate the services;
- Review and verify comparable services and benefits and release of information forms submitted by the RA and VR Counselor team;
- Obtain a cost estimate for medical services and notify the counselor;
- Issue SAs for service and all anticipated ancillary services;
- Obtain admission or start dates for services and notify the customer as directed by the VR Counselor;
- Verify customer admission, discharge, and completion of service;
- Notify the VR Counselor of case-coordination issues or medical complications requiring authorization of additional services;
- Coordinate discharge durable medical equipment needs for the customer; and
- Coordinate medications for discharge between the RA and VR Counselor team and the MSC before the customer's discharge.

The MSC must also:

- Pay medical provider bills and send paid bills to the VR Counselor;
- Obtain customer treatment records and send records to the VR Counselor; and
- Document in RHW the MSC case actions related to the coordination of medical services, including the following:

- Comparable services and benefits verification information with contact name and date;
- Specific medical service coordinated, including the provider name, admission or start date of service, and number of units or days authorized;
- For surgery cases, the name of the surgery, surgeon, hospital or facility, and admission and surgery date;
- Verification of discharge date, end date of service, and customer completion of service;
- A list of ancillary providers required for coordination of the primary medical service;
- Customer medical complications and requests for additional services or an extension of services;
- The reason for delay in the coordination of medical services;
- The VR Counselor contact information to discuss medical coordination case issues; and
- The medical provider contacts to coordinate and pay for medical services.

F. Process at Completion of Medical Services

The VR Counselor must:

- Contact the customer at the time of hospital discharge to ensure that the customer understands postoperative instructions and is aware that they must notify the physician and the VR Counselor if there are signs and/or symptoms of a potential medical complication;
- Provide monitoring and support to the customer during rehabilitative treatment to assess progress and compliance with the treatment regimen;
- Obtain verbal or written information about changes in functional limitations or work capacity from the service provider;
- Identify the customer's long-term and ongoing medical needs after TWC-VR purchase of physical restoration services ends and discusses with the customer the plans for meeting those needs; and
- Document how the barrier to employment has changed because of the physical restoration service by using one of the following:
  - Work Restriction Checklist (VR3106);
  - Functional capacity evaluation;
  - Clinic or progress notes; or
  - Case note.

Exception: Intercurrent illness and dental treatment do not require assessment of residual functional limitations.

G. Necessary Unplanned Medical Services

The VR Counselor or MSC must not authorize payment for any vocationally necessary medical service that has not been approved by means of an SA before the provision of the service. If additional medical

services are necessary, the provider must ask the VR Counselor or the MSC to request an SA before providing the additional services.

Exceptions: Invoices to TWC-VR for vocationally necessary medical services that were provided without prior VR approval should be infrequent and must be for immediate services that were required for a customer's safety and welfare.

H. Treatment of Medical Complications

If the customer does not recover sufficiently from medical complications within a reasonable period, and the VR Counselor concludes that the customer is no longer able to participate in TWC-VR services, the VR Counselor must refer the customer to other comparable benefits for additional services and support.

After reviewing and documenting the circumstances of the case closure with the Manager and the MSC, the VR Counselor must notify the following individuals in writing if the decision is made to close the customer's case:

- Customer;
- Customer's family;
- Hospital representative; and
- Attending physician.

If the disability is too significant to benefit in terms of an employment outcome, the VR Counselor must document the clear and convincing evidence utilized to make this determination at closure.

The MSC is responsible for confirming that the customer is discharged from the hospital or facility as planned and in accordance with the number of days documented on the SA.

The MSC is the point of contact with the hospital or facility with respect to the authorization of additional hospital days and medical treatment. The VR Counselor assesses the prognosis for recovery within a time frame that will permit the customer to participate in TWC-VR services that lead to employment and, when necessary, consults the LMC.

I. Payment for Medical Services

After applying comparable benefits and the customers financial participation, if required, TWC-VR may pay the customer's portion, to include the deductible, coinsurance, and/or co-pay amount, if the customer's portion does not exceed the maximum amount allowed by:

- MAPS;
- Contracted payment rate; or
- Retail or negotiated lower price (for non-MAPS, noncontract items).

The VR Counselor must ensure that consideration is given to the customer's participation in cost of services. Payment of the customer's portion by TWC-VR should be considered only when:

- The customer demonstrates financial need; and
- Payment of the customer's portion is less than what TWC-VR would pay in the absence of a comparable benefit.

Explanation of Benefits: When a customer has health insurance, Medicare, or Medicaid, the provider first submits a timely claim to these entities, as applicable, for payment of the provided medical services. An Explanation of Benefits (EOB) is sent to the medical provider to document the payment made per benefit coverage and the patient's payment responsibility (the customer's portion). The medical provider submits to VR a copy of the EOB with the provider's invoice so that the VR payment responsibility can be determined.

If the comparable service or benefit denies the service, the VR Counselor must review the EOB to determine the reason for the denial. If the service was denied for insufficient documentation, the VR Counselor must contact the medical provider and request that the provider resubmit the claim with proper documentation. TWC-VR is not responsible for payment of services when a medical provider fails to file the claim with the comparable benefit in a timely manner or fails to obtain any prior authorizations if required.

J. Professional Medical Providers

Medical treatment must be provided, as appropriate, only by a Texas licensed and/or certified:

- Physician;
- Surgeon;
- Anesthesiologist;
- Assistant surgeon;
- Chiropractor;
- Radiologist;
- Pathologist;
- Physician's assistant;
- Nurse practitioner;
- Physical therapist;
- Occupational therapist;
- Speech therapist; and/or
- Registered nurse anesthetist.

A physician's assistant (PA) and a nurse practitioner provide medical services under the licensure and supervision of a physician. However, they may evaluate and treat a customer, as well as issue a report, without a physician's co-signature.

The medical provider must send documentation along with the invoice for payment that the medical service was provided. Examples of acceptable documentation include the following:

- Medical report or office notes;
- Operative report;
- Therapy evaluations and progress notes; and
- Diagnostic test reports.

If a medical evaluation is purchased, the evaluation report must address the following:

- Medical history;
- Reported symptoms;
- Review of body systems;
- Clinical examination findings;
- Diagnoses of medical conditions; and
- Recommended treatment.

K. Payment to Medical Providers

The following conditions apply to payment for professional medical services:

- Payment for medical treatment must be the professional's usual fees or the MAPS maximum payment rate for the medical service, whichever is less;
- If the medical professional's usual fee exceeds the MAPS maximum payment rate, the VR Counselor must verify that the medical professional providing the service will agree to accept the VR allowance in MAPS as payment in full before coordinating services;
- If the medical provider requests payment that exceeds the MAPS rate for the medical service, the VR Counselor must consult with the VR Medical Director;
- The VR Counselor must consult with the VR Program Specialist for Physical Restoration if the VR Counselor is requesting to authorize medical services not listed in MAPS; and
- Medical providers are not paid maintenance or a per diem.

L. Professional Surgical Services Policies

- Surgeon: The surgeon's fee usually includes postoperative office visits for a specified period. The period should be verified for each individual customer and surgery.

A medical complication that results from the surgery directly or is inherent in the condition under treatment is a part of the physical restoration service.

TWC-VR uses a multiple surgical procedure discount when calculating the surgeon's fee per MAPS.

- Co-Surgeons: Two surgeons may not be paid as co-surgeons on the same case at the same time except when the surgery requires the collaboration of two or more surgical specialties. For approval of co-surgeons, the VR Counselor must:
  - Obtain a separate Surgery and Treatment Recommendations (VR3110) or Eye Surgery and Treatment Recommendations (VR3109) from each surgeon;
  - Verify that the identified surgeons have different specialties required by the proposed surgery;
  - Verify that the current procedural terminology (CPT) codes identifying the surgical procedures are different for each surgeon; and
  - Consult with the VR Medical Director to pay for co-surgeons.
- Surgical Assistant: A licensed physician, licensed PA, licensed surgical assistant, or registered nurse first assistant may be paid as a surgical assistant.
- Anesthesiology Services: A fee for the administration of anesthesia during a surgical procedure is paid to an anesthesiologist or a certified registered nurse anesthetist (CRNA). When a CRNA administers anesthesia under the supervision of an anesthesiologist, the supervising anesthesiologist may be paid for supervising the CRNA.

A fee for anesthesia may not be paid to a physician or surgeon who administers a local anesthetic agent when performing an office procedure.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Deputy Division Director of Field Services Delivery approval is required when actions are taken that are contrary to the advice of the Medical Director, State Physical Medicine and Rehabilitation Consultant, and/or State Neuropsychological Consultant.

Consultations

- State Office Program Specialist for Physical Disabilities consultation is required for evaluation or treatment of customers by a local medical consultant.
- Local Medical Consultant and State Office Program Specialist for Physical Disabilities or Program Specialist for Physical Restoration Services consultation is required for medical services not listed in MAPS.

- Local Medical Consultant consultation is required for surgical services (except eye surgeries).
- Local Medical Consultant consultation is required for Electrical Bone Stimulators.
- State Medical Director consultation is required for payments for co-surgeons. VR Manager must be copied on email with the consultation packet.
- State Medical Director consultation is required for payments that exceed MAPS rates. VR Manager must be copied on email with the consultation packet.
- State Medical Director consultation is required for actions contrary to a local medical consultant's (LMC) advice. VR Manager must be copied on email with the consultation packet.
- State Medical Director consultation is required for medical devices with unlisted MAPS codes. VR Manager must be copied on email with the consultation packet.
- Local Medical Consultant review and State Medical Director consultation is required for the following surgeries. VR Manager must be copied on email with the consultation packet.
    - Bariatric Surgery
    - Breast Implant Removal
    - Breast Reduction Surgery
    - Bilateral Total Knee Replacement (Simultaneous)
    - Back or Neck Injections or Neurotomy
    - Back or Neck Surgery
    - Spinal fusion surgeries involving three or more levels
    - Discograms
    - Spinal cord stimulator or dorsal column stimulator

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated definition of Best Value Purchasing

PART C, CHAPTER 5.2.b: CLINICAL SETTINGS SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.b	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of physical restoration services in various clinical settings.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing physical restoration services in various clinical settings.

POLICY

A. General Overview

Physical restoration services include a range of medical services provided in a variety of clinical settings. TWC-VR provides essential physical restoration services across a variety of clinical settings to meet the diverse needs of customers. These services are offered in specialized environments such as hospitals, outpatient facilities, cardiac rehabilitation facilities, rehabilitation hospital programs, and skilled nursing

facilities, among others. These various settings allow TWC-VR to deliver tailored rehabilitation and medical care to individuals recovering from injuries or surgeries or managing chronic conditions.

TWC-VR ensures that services like physical therapy, occupational therapy, orthotic and prosthetic fittings, and specialized medical treatments are accessible and integrated into comprehensive treatment plans. By collaborating with multidisciplinary teams at these clinical settings, TWC-VR aims to enhance customers' functional abilities, improve their overall health outcomes, and support their journey towards achieving employment goals and greater independence.

B. Contracted Hospital and Medical Facilities

TWC-VR ensures effective management of its relationships with hospitals and medical facilities across the State through written contracts maintained by the Contract Management Unit (CMU). These contracts define the terms of business between TWC-VR and healthcare providers, including the agreed-upon rates of payment for services rendered. These contracts with hospitals and medical facilities must be utilized as the primary mechanism for delivering physical restoration services to customers, prior to accessing non-contracted facilities. This policy ensures consistency, accountability, and compliance with established contractual obligations, aiming to optimize service delivery and support the vocational goals of customers.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on physical restoration services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Appropriate Clinical Settings

VR Counselors utilize TWC-VR contracts with hospitals and medical facilities as the primary mechanism for services needed in clinical settings; however, the customer's treating physician can provide guidance on whether a contracted hospital or noncontracted Ambulatory Surgery Center (ASC) or other facility will best meet the customer's needs, including the proximity of the facility to the customer's home. Types of clinical settings include the following:

Ambulatory Surgery Centers: Specialize in performing surgical procedures that do not require an overnight hospital stay; also known as outpatient surgery centers or same-day surgery centers. ASCs offer a wide range of surgical procedures across various medical specialties, such as orthopedics, ophthalmology, gastroenterology, and plastic surgery

Hospital and Medical Facilities: Encompass a broader range of healthcare services, including surgical procedures that may require overnight stays. Hospitals provide comprehensive medical care, including emergency services, inpatient care, and intensive care units (ICUs). They perform a wide range of surgeries, from routine to complex procedures across all medical specialties.

If hospitalization is necessary, the VR Counselor must use a TWC-contracted hospital. When selecting a hospital, the VR Counselor and the customer must consider the following:

- Specialized services available (e.g., for traumatic brain or spinal cord injuries or ear, heart, brain, or orthopedic surgery);
- Composition of the patient population (e.g., a comprehensive medical rehabilitation program primarily serving elderly stroke patients might not be appropriate for treating a young customer with a spinal cord injury);
- Availability of additional services (e.g., driver's evaluation and training, vocational evaluation, specialized orthotics, rehabilitation engineering); and
- Availability and/or access to follow-up and aftercare.

Cardiac Rehabilitation Facilities: Specialized centers that provide structured programs to help patients recover from heart-related conditions, surgeries, or cardiac events. Programs are staffed by multidisciplinary teams and typically include supervised exercise sessions, education on heart-healthy lifestyle choices, nutritional counseling, stress management techniques, and emotional support.

A cardiac rehabilitation facility must meet the following criteria:

- Supervision by a cardiologist;
- An individualized, structured, progressive exercise program;
- Continuous customer monitoring during exercise;

- A physician must be available during exercise sessions; and
- A summary report with recommendations to the referring physician and to the VR Counselor.

Rehabilitation Hospital Programs: Specialize in comprehensive inpatient and outpatient rehabilitation programs for patients recovering from severe injuries, surgeries, or medical conditions. They are staffed by multidisciplinary teams and provide intensive therapy to help patients regain function, mobility, and independence after strokes, spinal cord injuries, traumatic brain injuries, amputations, and other disabling conditions. Programs typically include, but are not limited to, the following:

- Physical therapy,
- Occupational therapy,
- Speech-language pathology,
- Psychological counseling,
- Medical management
- Rehabilitation engineering; and
- Patient education.

Skilled Nursing Facility Services: Provide skilled nursing care and rehabilitation services for patients who require ongoing medical supervision and assistance; also known as nursing homes or convalescent homes. Customers may need these services following a TWC-VR-provided surgery when:

- The customer's medical condition or lack of home care resources do not allow the customer to be discharged home;
- The physician's order identifies the need and that medical services cannot be provided by home health care services;
- Skilled nursing facility services are the best value to TWC-VR.

B. Non-Contracted Hospital or Medical Facility

If a customer needs a medical service at a hospital or medical facility that does not have a TWC contract, the assigned Medical Services Coordinator (MSC) must contact the CMU to develop a single-customer contract with a negotiated payment rate for the medical service before authorizing the service. Exception to Contracted Hospital Purchase (VR3423) must be completed to initiate the approval process.

C. Hospital or Medical Facility Payments

Hospital and medical facility services payments may not exceed the contract rate. Hospital services are paid based on a percentage of the hospital's usual and customary billing. Before authorizing payment, the TWC-VR Staff:

- Reviews the hospital's current payment rate in RHW; and

- Obtains documentation that a medical service was provided.

D. Reduced Payment Agreement

When the customer's circumstances warrant, hospital contracts allow for payments to be less than or more than the contracted rate. A special reduced-payment agreement may be negotiated with a hospital under the terms of the hospital contract when the customer:

- Is having a procedure with a projected high cost;
- Is undergoing a series of surgical procedures; or
- Has medical complications following surgery and is therefore having a hospital stay beyond the generally expected time frames associated with typical recovery.

Reduced Payment Agreement (VR3422) is signed by both the MSC and an authorized hospital representative and a copy is included in the customer's case file. The MSC then notifies the State Office Program Specialist for Physical Disabilities.

E. Length of Hospital Stay: Required Consultation

Hospitalizations are limited to 14 days, excluding inpatient comprehensive rehabilitation services and employment supports for brain injury.

If the treating physician expects the recommended hospitalization to exceed 14 days, the VR Counselor must consult with the VR Manager and the State Office Program Specialist for Physical Disabilities to ensure that the proposed treatment or surgery is an appropriate physical restoration service within the scope of TWC-VR services.

When a customer requires hospitalization beyond the length of time to which TWC-VR agreed and payment will not continue, an approved notice must be sent to:

- The customer;
- The hospital;
- The attending physicians; and
- All other parties concerned.

F. Other Hospital Services

- Restricted Hospital Services: TWC-VR restricts some hospital services. Examples include the following:
    - Television rental;
    - Telephone calls;
    - Gourmet meals;

    - Cots; and
    - Guest trays and a private room, unless:
        - The physician orders it as medically necessary; and/or
        - No other room is available.
- Blood: If a customer needs a blood transfusion, the VR Counselor must discuss with the customer about donations from family and friends for replacement, if the physician has not done so. The VR Counselor purchases blood when replacement from family and friends is not possible. When a medical procedure is scheduled, every effort should be made to obtain blood donations before the procedure.
- Social Work Charges: TWC-VR pays hospital charges for social work services at the hospital contract rate when the services are prescribed by attending physicians. These services are provided by contracts in either a residential or a nonresidential program.

G. Payment

- The following documentation is required for payment of a hospital or medical facility bill:
- Name of provider;
- Documentation of service;
- Record of hospital inpatient surgery or treatment;
- Record of hospital inpatient diagnostic tests (laboratory, radiology, pathology);
- Record of hospital outpatient treatment, therapy, or diagnostic test;
- Treatment, therapy, or diagnostic test report;
- Information about employment supports for brain injury facility residential program progress (or staffing notes);
- Information about employment supports for brain injury facility nonresidential program progress (or staffing notes);
- Discharge summary and/or operative report.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Manager approval is required prior to authorizing hospitalization that will exceed 14 days.
- VR Manager approval is required when terminating authorization for payment of medical treatment when treatment exceeds 14 days.
- VR Manager, VR Deputy or Regional Director, and VR Director, or designee, approval is required for all non-hospital contract exceptions.
- VR Director, or designee, approval is required for all exceptions to existing hospital contracts.

Consultations

- State Office Program Specialist for Physical Disabilities consultation is required when hospitalization is expected to exceed 14 days to ensure that the proposed treatment or surgery is an appropriate service within the scope of TWC-VR services.
- Medical Services Coordinator consultation is required to arrange services in clinical settings.
- Medical Services Coordinator consultation is required for all hospital contract exceptions and to complete the VR3423.
- VR Manager, MSC, hospital representative, and State Office Program Specialist for Physical Disabilities consultation is required when reducing payment to any facility.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition of Best Value Purchasing

PART C, CHAPTER 5.2.c: MEDICAL SERVICES WITH SPECIAL REQUIREMENTS

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.c	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of medical services with special requirements that warrant additional consultations and approvals.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing medical services with special requirements, and the providers of those services.

L Codes: Healthcare Common Procedure Coding System (HCPCS) codes that bill for orthotics and prosthetics provided to patients.

POLICY

A. General Overview

TWC-VR provides comprehensive physical restoration services to address a wide range of medical issues and physical disabilities. These services are designed to enhance employability and improve the ability to perform daily activities, ultimately facilitating the customer's path toward successful employment. By tailoring these services to individual needs, TWC-VR ensures that each customer receives the support necessary to overcome physical barriers and achieve their employment goals.

Physical restoration services addressed in this chapter have specific requirements. Before including any of these services in a customer's individualized plan for employment (IPE) or an IPE amendment, the VR Counselor must ensure that the requirements are met. These services are provided when they are likely to improve a customer's employability or ability to perform daily activities that support employment.

Special requirements for the following services are covered in this chapter:

- Back and neck treatment;
- Cardiac treatment;
- Dental treatment;
- Diabetes medical management;
- End-stage renal disease;
- Functional capacity assessments;
- Home health care services;
- Intercurrent illness treatment;
- Medical assistive devices and supplies;
- Obesity treatment;
- Orthopedic treatment;
- Orthoses and prostheses;
- Pain treatment;
- Prescription drugs and medical supplies;
- Rehabilitative therapies;
- Women's health; and
- Wound care.

Physical restoration services included in this chapter require clearly documented justification, demonstrating that the treatment is necessary and related to the vocational goal.

B. Routine Health Care

TWC-VR does not provide treatment for routine health care (unless required by a physician for approved surgery) because the program focuses on services that directly enhance a customer's employability and their ability to perform daily activities necessary for employment. Routine health care, such as regular dental check-ups, general medical exams, vaccinations, mammograms, colonoscopies, and pregnancy care are considered standard medical maintenance and are typically managed by primary care providers or other healthcare services. These routine treatments do not directly relate to overcoming specific barriers to employment, which is why TWC-VR prioritizes interventions that have a clear impact on a customer's vocational goals.

C. Gym Memberships and Home Exercise Equipment

Due to the potential risk of injury associated with unsupervised exercise, TWC-VR does not provide gym memberships or home exercise equipment, including home-based water therapy equipment and strengthening apparatus. Because unsupervised exercise can lead to unintended injuries that may hinder the rehabilitation process, TWC-VR focuses on providing supervised and structured rehabilitation services that align with best practices for safety and efficacy.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on medical services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Back and Neck Treatment

- Injections or Neurotomy
    - Epidural Steroid Injections: Corticosteroids are injected into the epidural space to reduce inflammation and alleviate pain from herniated discs, spinal stenosis, or sciatica. Fluoroscopic guidance ensures precise placement.
    - Facet Injections: These injections target facet joints with a mix of local anesthetic and corticosteroid to reduce pain and inflammation caused by arthritis or degenerative conditions. Imaging guides the procedure.
    - Medial Branch Blocks: An anesthetic is injected near medial branch nerves to diagnose and treat facet joint pain. Successful pain relief indicates facet joints as the pain source, potentially leading to further treatment like radiofrequency neurotomy.
    - Radiofrequency Neurotomy: This procedure uses radiofrequency energy to heat and destroy nerves transmitting pain signals from facet joints, providing longer-term pain relief when other treatments fail.
    - Surgery: Back or neck surgery, including spinal fusion surgeries involving three or more levels may be considered if:
        - Medical records confirm:
            - Abnormal radiographic findings correlating with symptoms,
            - Conservative treatment options have been explored, and
            - Other potential causes of the customer's symptoms have been ruled out; and
        - The surgery is expected to significantly improve the customer's ability to work and perform daily activities essential for employment.
- Discograms: This is an X-ray procedure that helps determine if a damaged spinal disc is causing back pain and may be considered when the VR Counselor obtains written justification for the discogram from the requesting physician.
- Spinal Cord Stimulator or Dorsal Column Stimulator: A spinal cord or dorsal column stimulator should be considered for chronic intractable pain when other treatment options have failed to provide adequate pain relief. If a spinal cord or dorsal column stimulator is recommended by the customer's treating physician, the VR Counselor must obtain a psychological evaluation and have the report reviewed by the treating physician.

If a trial placement is successful in reducing the customer's pain, the VR Counselor can proceed with the permanent placement of the spinal cord or dorsal column stimulator.

Additional requirements regarding back and neck treatment can be found in the table under the Approvals & Consultations section of this policy.

B. Cardiac Catheterization or Angiography

Cardiac catheterization may not be authorized as a diagnostic test before the IPE is written.

When stents are placed during a cardiac catheterization, the procedure is considered a medical service and is beyond the scope of a diagnostic procedure. All medical procedures, including cardiac catheterization, that include the placement of stents must be included as a planned service on the IPE.

Angiography should not be authorized before the IPE is written.

Additional requirements regarding cardiac catheterization can be found in the table under the Approvals & Consultations section of this policy.

C. Dental Treatment

To be allowable, dental corrective surgery or therapeutic treatment must be likely, within a reasonable period, to correct or modify substantially a stable or slowly progressive physical impairment that constitutes a substantial impediment to employment.

Dental treatment may be provided as:

- A means to address an intercurrent illness (e.g., abscess or infection);
- A component of maxillofacial surgery; or
- Needed treatment, as determined by the regional dental consultant, that allows the customer to participate in planned services within a reasonable period.

To be allowable, expenses for dental treatments must be shown to be directly related to a customer's employment goals as outlined in the IPE. The VR Counselor must consider comparable benefits and ensure that least-cost, least-invasive procedures are considered first.

Additional requirements regarding dental treatment can be found in the table under the Approvals & Consultations section of this policy.

D. Diabetes Medical Management

VR does not purchase insulin pumps for the medical management of diabetes.

E. End-Stage Renal Disease

TWC-VR may provide services for customers with end-stage renal disease.

Additional requirements regarding end-stage renal disease can be found in the table under the Approvals & Consultations section of this policy.

F. Functional Capacity Assessment

A functional capacity assessment (FCA) is a comprehensive series of physical tests to determine a customer's ability to perform such tasks as walking, lifting, and stooping.

In most cases, an FCA is not required to determine the presence of an impairment and eligibility for services. Existing medical records should be used when possible. An FCA may be necessary at the completion of a physical restoration service to determine objectively a customer's physical capability to return to a specific job or achieve a specific employment goal.

To purchase a FCA, the VR Counselor must:

- Obtains a prescription from the customer's physician or evaluating specialist; and
- Verify that the physician has provided medical care or evaluation of the customer within the past three months.

A licensed physical therapist, occupational therapist, or chiropractor must supervise the assessment directly. The assessment must include the following:

- A range of motion evaluation;
- A strength evaluation; and
- An endurance evaluation.

The licensed physical therapist, occupational therapist, or chiropractor completing the assessment must report the results of the FCA to the prescribing physician or evaluating specialist and the VR Counselor. If needed, the VR Counselor consults with the prescribing physician if the customer's safe work-capacity and work restrictions are unclear. The prescribing physician can review the FCA report and communicate a release to work for final work restrictions. An FCA evaluation report is not a release to work.

G. Home Health Care Services

Providers of home health care must be licensed by the Texas Department of State Health Services.

Home health care services may be provided following TWC-VR provided surgery if the following criteria are met:

- The customer is homebound or finds that leaving home requires considerable effort to go to the postoperative office visits and/or rehabilitative therapy;
- A physician order identifies the need for home health care; and
- Home health care services are the best value to TWC-VR.

Additional requirements regarding home health care services can be found in the table under the Approvals & Consultations section of this policy.

H. Intercurrent Illness Treatment

When a short-term illness or condition hinders VR services, the VR Counselor provides acute medical care as necessary and must include this service in an IPE or IPE amendment. This supplemental service is limited to such acute conditions as:

- Infections or abscesses;
- Pneumonia;
- Appendicitis;
- Ectopic (tubal) pregnancy;
- Simple fractures; or
- Minor injuries.

I. Medical Assistive Devices and Supplies

Medically assistive devices and supplies (e.g., walkers, canes, raised toilet seats, grab bars) may be purchased for a customer if needed to meet the goals of the customer's VR program as outlined in the IPE.

- Before purchase, the VR Counselor must assess and document the following:
- Functional need in line with VR goals;
- Expected functional improvement with device or technology;
- Duration of use;
- Issues related to use, such as compliance monitoring and maintenance; and
- Best value option has resulted in the following:
- A less expensive option has been ruled out; and
- Rental versus purchase has been evaluated.

Medical Devices with Unlisted MAPS: New medical devices are usually designated as "investigational" or "experimental" because of nonexistent or limited independent research showing that the device is safe and effective for its designated purpose. These items usually have unlisted MAPS codes. TWC does not authorize the use of investigational or experimental medical devices.

Additional requirements regarding Medical Assistive Devices and Supplies (with and without MAPS codes) can be found in the table under the Approvals & Consultations section of this policy.

J. Obesity Treatment

Surgery for Morbid Obesity: A customer is considered morbidly (severely) obese when their body mass index (BMI) is 40 or more. Morbid obesity is a disability if it results in an impediment to employment. Before considering bariatric surgery as a service for a morbidly obese customer, the VR Counselor must identify and document the customer's specific and substantial impediment to employment

Procedure for Determining whether Morbid Obesity Results in a Substantial Impediment to Employment: To determine whether a customer has a substantial impediment to employment related to morbid obesity, the VR Counselor must use the following assessment procedure:

- Obtain documentation from a physician that shows the customer's height and weight and verify that the customer has a BMI of 40 or more;
- Purchase an FCA to evaluate the customer's functional capabilities and accurately measure the customer's work capacity;
- If the customer is employed, purchase a job analysis to determine the functional requirements of the customer's job and review the FCA and job analysis to determine whether the customer can perform the critical tasks of the job. If the customer can perform the critical tasks of the job, with or without a reasonable accommodation, there is no substantial impediment to employment related to severe obesity; and
- If the customer is unemployed, use the results of the FCA to determine whether the customer can meet the physical demands of the job goal as defined in O*NET or an equivalent resource. If the customer can perform the critical job tasks of the chosen realistic job goal, there is no substantial impediment to employment related to morbid obesity.

Nonsurgical Alternatives to Bariatric Surgery: Because TWC-VR uses tax revenue for case service expenditures, the division must purchase the least expensive alternative that meets the functional needs of the customer.

If a customer has a substantial impediment to employment related to morbid obesity, the VR Counselor must first determine whether any of the following nonsurgical options will remove the customer's substantial impediment to employment:

- Workplace modification;
- Reasonable accommodation;
- Assistive device;
- Nutritional counseling;
- Weight loss treatment (50–60 pounds in a six-month program).

Before the VR Counselor considers corrective surgery or therapeutic treatment, they must document that the surgery or treatment is likely, within a reasonable period, to correct or modify substantially the customer's impairment that is a substantial impediment to employment.

Procedure for Requesting Approval for Bariatric Surgery: If nonsurgical services will not remove the substantial impediment to employment, the VR Counselor must use the following procedure to request approval to purchase bariatric surgery for a customer:

- Obtain clearance for bariatric surgery and documentation of the medical stability of the customer's other conditions from a primary care physician or internal medicine specialist;
- Arrange for a psychological or psychiatric evaluation with a bariatric focus that includes:
    - The Minnesota Multiphasic Personality Inventory (MMPI);
    - Questions to the psychologist to determine the customer's motivation, family support, life stressors, coping ability, realistic expectations, and the presence of mental health diagnoses that may interfere with successful dietary compliance and weight loss; and
    - The need for medication management or psychological counseling to treat the underlying mental health condition (e.g., anxiety or depression) that may interfere with successful dietary compliance and healthy lifestyle changes;
- Refer the customer to an experienced bariatric surgeon for evaluation;
- Use a bariatric surgeon affiliated with a bariatric center accredited by the Metabolic and Bariatric Surgery Accreditation and Quality Improvement Program if available;
- Instruct the LMC to review the customer's case; and
- If the bariatric surgeon and the LMC determine that the customer is an appropriate candidate for surgery, provides documentation for the customer's file that the customer successfully participated in a prebariatric surgery multidisciplinary program for at least three months.

Prebariatric Surgery Multidisciplinary Program: The purpose of a prebariatric surgery multidisciplinary program is to evaluate the customer's motivation to make lifestyle changes and comply with necessary dietary restrictions. The multidisciplinary program must have the following four components:

- Medical management;
- Nutrition;
- Behavioral modification counseling; and
- Exercise components.

If the bariatric surgeon has a prebariatric surgery program, the VR Counselor must verify that the program has the four required components. The VR Counselor must coordinate and purchase missing components or create a multidisciplinary program that uses independent providers.

If the customer participates in a prebariatric surgery multidisciplinary program, the VR Counselor must:

- Monitor the customer's progress in the program;

- Set appropriate expectations with the customer for participation, responsibilities, attendance, and goal attainment;
- Discuss with the customer the consequences for noncompliance with the program; and
- Obtain monthly progress reports from providers or use the Prebariatric Surgery Program Progress Report.

Postbariatric Surgery Case Management: Following bariatric surgery, the VR Counselor must:

- Identify the medical provider that is responsible for monitoring the customer's nutritional status and weight loss after surgery;
- Verify that the customer understands and accepts responsibility for complying with the postsurgical treatment plan; and
- Monitor the customer's compliance with postsurgical instructions, dietary restrictions, and progress with weight loss.

Panniculectomy: Surgery to remove excess skin following weight loss (panniculectomy) is not a part of bariatric surgery services. A specific and separate impediment to employment must be established for TWC-VR to pay for a panniculectomy.

Weight-Loss Treatment: TWC-VR provides weight-loss treatment for a customer under the following conditions:

- The customer has a BMI of 30 or more.
- The customer must lose 50 to 60 pounds in a six-month period.
- The reason for the recommended weight loss is:
    - To improve function or lessen the substantial vocational impediment caused by the primary disability;
    - To meet the surgeon's weight-loss requirement before surgery; or
    - To remove the substantial impediment to employment for a customer with severe (morbid) obesity when the loss of 50 to 60 pounds will remove the impediment.

Obesity is not considered a primary disability unless the customer has a BMI of 40 or more, which meets the definition of morbid obesity.

To purchase weight-loss treatment for a customer, the VR Counselor must:

- Verify that the customer's BMI is 30 or greater;
- Document in RHW the reason that a weight-loss program is necessary;
- Obtain a referral for weight-loss treatment from the customer's primary physician;
- Obtain a psychological evaluation assessing motivation, family support, life stressors, coping ability, and realistic expectations to achieve and maintain weight loss. The psychological battery should include an MMPI:

- If the customer has underlying psychological diagnoses, such as anxiety and/or depression, ensure that the customer's psychological issues are being addressed through treatment before the start of the weight-loss program;
- Weight-loss treatment must be multidisciplinary and include:
  - Medical supervision;
  - Nutritional education;
  - Psychological support and behavior modification; and
  - An exercise program.

Weight-loss treatment can be provided by an established weight-loss program or by independent providers forming a multidisciplinary team. If an established weight-loss program does not have the four required components, the VR Counselor must provide the missing component services by using independent service providers.

If the customer is participating in a fasting program, a physician must see the customer weekly, and regular laboratory studies are required.

The VR Counselor provides counseling and guidance on the following issues and must document the conversations in RHW:

- The expectation of customer attendance and participation in weight-loss treatment;
- The expectation that the customer will meet realistic weight-loss goals during treatment; and
- The consequences for noncompliance and the possible termination of treatment.

The VR Counselor must:

- Monitor the customer's progress in treatment closely by getting monthly progress reports (the service provider may submit a report or use the Form VR3510, Weight-Loss Progress Report); and
- Provide counseling as needed to promote a positive weight-loss outcome.

Additional requirements regarding weight loss treatment can be found in the table under the Approvals & Consultations section of this policy.

K. Orthopedic Treatment

Dynamic Splinting Devices: Dynamic splinting devices may be prescribed for joint stiffness or contracture of the knee, elbow, wrist, finger, or toe. These devices are spring-loaded and adjustable to provide a low-load prolonged stretch while the customer is asleep or at rest. Dynamic splinting devices include, but are not limited to, products such as Dynasplint, EMPI Advance, LBM Pro-Glide, SaboFlex and Ultraflex. The VR Counselor should consult with the Program Specialist for Physical Disabilities for the current clinical criteria and best value considerations.

Electrical Bone Stimulators: An electrical bone stimulator may be authorized for a customer only when:

- The customer has:
- A previous failed spinal fusion;
- A multilevel spinal fusion; or
- Nonunion of a fracture six months or more from the initial fracture date;
- A prescription from the treating physician;
- Best-value principles have been applied (i.e., rent or purchase).

Fractures: TWC-VR does not provide medical care to treat a fracture for an individual who requires immediate medical or emergency services or fractures that are not healed.

TWC-VR services may be considered only for eligible customers with fractures that have healed but have healed improperly (malunion or nonunion) and when these services are necessary to help the customer to obtain or maintain competitive integrated employment.

Bilateral Total Knee Replacement (Simultaneous): Knee replacement surgery may be considered when conservative treatment has failed to resolve an impediment to employment created by pain or loss of function in the knee.

Osteomyelitis of the Extremities: Osteomyelitis is a bone infection that can cause an unstable medical condition with an uncertain prognosis. This condition may require complicated and extensive medical treatment.

TWC-VR considers providing medical treatment for osteomyelitis only when:

- Amputation of an extremity is recommended as a curative treatment; or
- The osteomyelitis condition occurs as a complication of a VR-provided surgery.

Additional requirements regarding orthopedic treatment can be found in the table under the Approvals & Consultations section of this policy.

L. Orthoses and Prostheses

The VR Counselor provides an orthosis or prosthesis to enhance a customer's employability or capability to perform activities of daily living that will facilitate employment.

Required Medical Examinations for Orthoses and Prostheses: Customers that have ongoing medical conditions that could affect the future ability to successfully use an orthotic or prosthetic device, such as diabetes or cancer (Cancer Diabetes Disability Medical Report [VR3112]), will need to have documentation from the appropriate medical provider indicating that the customer is compliant with

treatment recommendations and that there is a good prognosis for successful orthotic or prosthetic use and return to employment.

For orthoses, a physician's examination is required before the purchase of an initial orthosis or if there is difficulty using the current orthosis.

For prostheses, an examination by a physician with a specialty in orthopedics or physical medicine and rehabilitation is required before the purchase of the first prosthesis.

If the customer has difficulty using their current prosthesis because of medical issues or problems with the residual limb, an orthopedic or physical medicine and rehabilitation specialist evaluation is required before planning the purchase of a second prosthesis. This specialty evaluation requirement for a prosthesis replacement does not apply to the following situations:

- The fit and use of the current prosthesis is compromised by damaged prosthetic components; and
- A poor socket fit exists because of changes in weight or the normal physiologic changes that occur to the residual limb because of ambulation and activity with an initial prosthesis.

All providers of orthoses and prostheses must:

- Be currently licensed by the Texas Board of Orthotics and Prosthetics;
- Perform all measurements, fittings, alignments, and final checkouts;
- Fabricate or directly supervise the fabrication of these devices; and
- Provide final delivery and instructions for use.

Payments for orthoses or prostheses may not exceed MAPS.

University of Texas Southwestern (UTSW) Reviews: Requirements can be found in the table under the Approvals & Consultations section of this policy.

Orthotic and Prosthetic Review Committee (OPRC): If the letter of specification contains a prosthetic component with an unlisted MAPS code, the VR Counselor must consult with the VR Manager and then send the letter to the State Office Orthotic and Prosthetic Review Committee (OPRC). The component must be approved for purchase by the OPRC regardless of the cost.

An OPRC review is required even when the customer's comparable benefit is expected to pay for the major portion of the cost of the prosthesis or orthosis.

A letter of specification for a prosthetic that has an unlisted MAPS code does not require a secondary technical UTSW review.

If the L-code for a device or component is not listed in MAPS when the service record is generated, the OPRC must approve the purchase of the specialized device or component regardless of cost. OPRC

approval for the purchase of a specialized device or component does not require an additional technical review by UTSW.

Purchasing Orthoses and Prostheses: The VR Counselor must purchase the most basic orthotic or prosthetic device that allows a customer to meet their vocational needs. More technologically advanced devices or components may be purchased only if required by the customer's vocational needs as stated in the IPE. An orthosis or prosthesis is a medically prescribed item. The VR Counselor is not required to obtain competitive bids. Payments for orthoses or prosthesis may not exceed MAPS.

Orthoses include the following:

- Corsets;
- Orthopedic shoes;
- Braces; and
- Splints.

Prostheses include the following:

- Transhumeral (above elbow);
- Transradial (below elbow);
- Hand or fingers;
- Hip disarticulation (full leg);
- Transfemoral (above knee);
- Transtibial (below knee); and
- Foot or toes.

To purchase an orthosis or prosthesis for a customer, the VR Counselor must:

- Obtain a physician's written prescription (a prescription is not required for the repair or replacement of a prosthetic or orthotic component);
- If purchasing a prosthesis, complete Upper Extremity Amputation Checklist (VR3601) or Lower Extremity Amputation Checklist (VR3602), and send the identified section of the Checklist to the prosthetist for completion;
- Obtain a letter of specification from the orthotist/prosthetist that includes:
    - Healthcare Common Procedure Coding System (HCPCS) codes;
    - Number of units;
    - Item descriptions; and
    - Itemized charges;
- Obtain from the prosthetist or orthotist the medical or vocational justification for the components or devices selected. For a replacement, the VR Counselor must request from the prosthetist or

orthotist an identification of problems with the customer's current prosthesis or orthosis. The letter must describe the design and components of the current device fully.

- Additionally, the letter must:
  - Identify problems that have limited the customer's ability to use the current device; and
  - Explain the necessity and rationale of the proposed device.

The VR Counselor must develop a service record for a recommended orthosis or prosthesis using the letter of specification.

If the letter of specification contains a prosthetic component with an unlisted MAPS code, then the component must be approved for purchase by the OPRC, regardless of cost. An OPRC review is required even when the customer's comparable benefit is expected to pay for the major portion of the cost of the prosthesis or orthosis.

A letter of specification prosthetic that has an unlisted MAPS code does not require a secondary technical UTSW review.

Procedure for University Southwestern Medical Center UTSW Technical Review: To submit a letter of specification for a prosthetic for UTSW review, the VR Counselor must:

- Use the UTSW cover sheet and attaches required information; and
- Document in RHW the need for the required review and the submission date of the cover sheet and required information.

Upon receipt of the UTSW technical review report, the VR Counselor must share the report with the prescribing prosthetist.

The VR Counselor must:

- Discuss with the prosthetist the recommended changes to the letter of specification as identified by the UTSW review; and
- Request a revised letter of specification if the prosthetist agrees with the changes.

The VR Counselor must issue a service authorization (SA) for fabrication of the orthosis or prosthesis and verify receipt before payment.

If an amended letter of specification cannot be negotiated, the prosthetist may submit additional information and the VR Counselor may request a UTSW follow-up review of the case. The additional information must be substantive and pertain specifically to the customer. It should not be generic information or the same information provided in the original documents. The VR Counselor must request the UTSW follow-up review using the procedure outlined above at an additional cost. Only one UTSW

follow-up review is allowed. Questions about the UTSW report should be directed to the Medical Services team.

Procedure for Purchasing an Orthosis or Prosthesis with an Unlisted MAPS Code: If the L-code for a device or component is not listed in MAPS when the service record is generated, the OPRC must approve the purchase of the specialized device or component regardless of cost. OPRC approval for purchase of a specialized device or component does not require an additional technical review by UTSW. The VR Counselor uses the following procedures to submit a case to the OPRC for approval.

The VR Counselor must:

- Prepare a consultation packet using the OPRC cover sheet, follows the instructions, and attaches all required information;
- Document in RHW the need for the required review and the submission date of the cover sheet and required information;
- Review the OPRC decision entered in a case note in RHW (The decision includes a review and report of the state prosthetic consultant and is based on the medical and/or vocational necessity of the component.);
- Give the prosthetist a copy of the TWC State prosthetic consultant's report for review;
- Submit a request for another review if the VR Counselor, prosthetist, or orthotist has additional pertinent information that might affect the OPRC decision;
- Contact Medical Services to issue an SA for the fabrication of the orthosis or prosthesis if the component is approved by OPRC; and
- Verify the receipt of orthosis or prosthesis before payment.

Functional Electrical Stimulation Devices: Purchase of functional electrical stimulation (FES) for walking is limited to customers with spinal cord injury who have met the clinical criteria.

The VR Counselor must select the most basic orthotic device that allows the customer to perform their tasks in the work environment. TWC-VR may consider the purchase of lower extremity FES devices only for customers:

- Who have spinal cord injuries that meet specific clinical criteria in accordance with Centers for Medicare and Medicaid Services guidelines and who have had their cases reviewed by the State Medical Director;
- Who can demonstrate a clear vocational need for the FES devices as compared to ambulation with an ankle foot orthosis or a knee ankle foot orthosis;
- Who can demonstrate the ability to provide for the monthly maintenance and needed supplies; and
- Whose case favors best value purchasing.

VR Managers may not make exceptions to any part of the FES devices policy.

Warranties, Repair, and Maintenance of Orthoses and Prostheses: The provider agrees to replace, without cost to TWC-VR, defective parts and materials within 90 days of the customer's receiving the completed orthosis or prosthesis, excluding:

- Evidence that the device or component has been altered by anyone other than the provider; or
- Changes in the customer's condition that affect use of the device.

Manufacture Warranty: When an orthosis or prosthesis requires repair, the VR Counselor must determine whether any of the repair cost and/or component replacement cost is covered by warranty before using VR funds. The provider must honor the manufacturer warranties and pay all costs associated with warranty replacement.

Extended Warranty: The customer must pay all costs associated with extended warranties.

Maintenance: Before the purchase of an orthosis or prosthesis, the VR Counselor must discuss with the customer their responsibility to maintain, repair, and/or replace the orthosis or prosthesis. The VR Counselor must discuss with the customer issues pertaining to specific maintenance costs of advanced technological components, such as the microprocessor knee unit.

Repair: The VR Counselor authorizes repair of the current orthosis or prosthesis unless the repair cost is more than 60% of the replacement cost. A prosthetist must submit the manufacturer's written repair estimate for advanced technological components, such as a microprocessor knee unit.

Labor charges are calculated at prevailing hourly rates for individual providers and must not exceed $50 per hour.

Gait Training: The VR Counselor purchases gait training for a customer with an above-knee prosthesis if the customer:

- Has not used a prosthesis previously;
- Will have a prosthesis that is different from the customer's previous prosthesis; or
- Has not used a prosthesis for a prolonged period.

A prosthetist may provide training in the use of a below-knee prosthesis. If the prosthetist recommends additional training, the VR Counselor must arrange for prosthetic training from a qualified physical or occupational therapist.

A qualified physical or occupational therapist may also provide training in the use of an upper-extremity prosthesis.

Additional requirements regarding Orthoses and Prostheses can be found in the table under the Approvals & Consultations section of this policy.

M. Pain Treatment

Pain treatment may be purchased on a short-term basis only to improve a customer's functional ability that is necessary to achieve a well-defined employment goal described in the customer's IPE. Since TWC-VR does not provide long-term medical treatment for chronic medical conditions, the VR Counselor must inform the customer that long-term pain treatment must be provided by comparable benefits or by the customer.

When a customer reports functional limitations related to chronic pain, the VR Counselor must:

- Consider an orthopedic, neurological, or physical medicine and rehabilitation evaluation to determine whether the pain source can be treated with conventional physical restoration services;
- Consider an FCA followed by job placement services if no physical restoration treatment options exist and the customer wants to work despite the pain;
- Screen for and coordinate treatment for comorbid psychological diagnoses; and
- Obtain information from the physician about pain medication use and potential safety risks.

The VR Counselor refers the customer to available comparable benefits to meet long-term treatment needs.

N. Prescription Drugs and Medical Supplies

TWC-VR purchases medication that is prescribed to treat a specific diagnosis or condition for no more than three months. For any additional medication purchases, an approval from the VR Supervisor must be entered into RHW. TWC-VR is the payer of last resort.

Documentation of the referral must be included in the case file.

The customer's status and progress towards accessing comparable benefits to meet ongoing medication needs must be monitored.

When a customer is discharged from a medical rehabilitation facility or hospital that has an in-house pharmacy, TWC-VR may pay for a 30-day supply of the prescription drugs and medical supplies provided to the customer.

O. Rehabilitative Therapies

Rehabilitative therapies are physical restoration services that may be provided as a primary service or following other physical restoration services, such as surgery or injections.

To purchase a rehabilitative therapy, the VR Counselor must:

- Obtain a prescription from the treating physician;

- Provide the therapist with the vocational goal;
- Monitor the customer's attendance and compliance with therapy; and
- Assess the functional improvement for the customer at the completion of the prescribed period of therapy.

If an extension of treatment is requested, the VR Counselor must:

- Assess and document the customer's progress to date and potential for continued progress; and
- Document how the additional requested therapy sessions are expected to contribute to achieving the employment goal.

The 30-session limit for the life of the case applies to each individual therapy and not a combined number of therapies.

Outpatient Services: Outpatient services may include the following:

- Physician visits; and
- Nutritional services, when prescribed by a physician.

If the service provider requests an extension of treatment beyond the initial recommendation, the VR Counselor must assess the customer's potential for continued progress, which may involve reviewing treatment progress notes and/or contacting the physician, LMC, and/or provider. If continuing treatment is appropriate, the VR Counselor:

- Must document in the case file how continued services are expected to contribute to achieving the employment goal; and
- May approve up to 30 visits or therapy sessions.

Physical Therapy: Physical therapy is used to improve coordination, strength, and range of motion. This type of therapy:

- May be provided as work hardening and conditioning;
- Is provided in 15-minute units of service (multiple units make up one session); and
- Must be provided by a licensed physical therapist.

A licensed physical therapist must evaluate the customer and develop the treatment plan. However, a licensed physical therapy assistant may work with a customer under the supervision of a licensed physical therapist.

Occupational Therapy: Occupational therapy improves the ability to perform activities of daily living, independent living, and work to achieve the goals of the IPE. This type of therapy:

- Is provided in 15-minute units of service;

- Has a single session comprising multiple units; and
- Must be provided by a licensed occupational therapist.

A licensed occupational therapist must evaluate the customer and develop the treatment plan; however, a licensed occupational therapy assistant may work with a customer under the supervision of a licensed occupational therapist.

Speech Therapy: Speech therapy improves expressive and receptive speech, auditory processing, and evaluation and training in the use of speech amplification devices. Speech therapy:

- Is provided as one unit of the service per session (no time limit exists for a session); and
- Must be provided by a licensed speech and language pathologist.

Cognitive Therapy: Cognitive therapy improves memory, attention, social interaction, executive functions, visuospatial deficits, aphasia, and apraxia. Each therapy bills separately. Cognitive therapy must be provided by the following licensed providers:

- Licensed psychiatrist or neuropsychiatrist;
- Licensed psychologist or neuropsychologist;
- Licensed occupational therapist; and/or
- Licensed speech and language pathologist.

Chiropractic Treatment: Chiropractic treatment may be purchased for a customer only under the following conditions:

- A board-certified orthopedic or physical medicine and rehabilitation physician has submitted a written recommendation for the maximum number of allowed chiropractic treatments; and
- The number of sessions does not exceed 12 sessions within 90 consecutive days, with a potential eight additional sessions if symptoms are improving, for a total of 20 sessions.

Only chiropractic manipulative treatment is purchased.

Additional requirements regarding rehabilitative therapies can be found in the table under the Approvals & Consultations section of this policy.

P. Women's Health Treatment

- Breast Implant Removal: See table in Approvals & Consultations section for requirements.
- Breast Reduction Surgery: To be approved, macromastia must be determined to be a substantial impediment to employment. Before surgery can be considered, there must be documentation that less-invasive therapeutic measures were tried first, including proper brassiere support, prescription medication, and/or physical therapy. Symptoms must be shown to have persisted despite

reasonable therapeutic efforts. Reduction mammoplasty for macromastia may be purchased for a customer meeting the following criteria:

- Persistent functional impairment in two or more body areas, such as:
  - Neck pain;
  - Pain in the trapezius muscles (upper shoulder) and/or pain in the lateral cervical group of muscles (back of neck);
  - Pain from brassiere straps cutting into shoulders;
  - Upper back pain;
  - Painful kyphosis documented by X-ray; and
  - Chronic skin breakdown despite treatment;
- Evaluation by an orthopedic or spine surgeon noting that the customer's symptoms are primarily due to macromastia.

Additional requirements regarding women's health treatment can be found in the table under the Approvals & Consultations section of this policy.

Q. Wound Care

When a VR Counselor considers services for wound care that is a result of a surgery directly associated with a TWC-VR-provided surgery, the VR Counselor must discuss with the treating surgeon whether intervention is needed urgently. If it is not, the VR Counselor must request that the LMC review the case on a priority basis.

Additional requirements regarding wound care can be found in the table under the Approvals & Consultations section of this policy.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

A. General Surgery

Situation, Good, or Service	Approvals	Consultation
Bariatric Surgery	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Breast Implant Removal Breast Reduction Surgery	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Bilateral Total Knee Replacement	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.

B. Surgery, Orthopedic/ Neurosurgery

Situation, Good, or Service	Approvals	Consultation
Back or Neck Injections or Neurotomy	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Back or Neck Surgery	N/A	• Review by LMC • Consultation with State Office Program Specialist for Physical Disabilities Services • VR Manager must be copied on email with the consultation packet.
Spinal fusion surgeries involving three or more levels	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.

Situation, Good, or Service	Approvals	Consultation
Discograms	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Spinal cord stimulator or dorsal column stimulator	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Electrical Bone Stimulators	N/A	• Review by LMC

C. Orthoses and Prostheses

Situation, Good, or Service	Approvals	Consultation
Prosthesis with unlisted MAPS codes	N/A	• State Office Orthotic and Prosthetic Review Committee (OPRC) approval • VR Manager must be copied on email with the consultation packet.

Situation, Good, or Service	Approvals	Consultation
If VR cost for a prosthesis is equal to or greater than $12,500 and does not include unlisted MAPS codes	N/A	• University of Texas Southwestern (UTSW) review • VR Manager must be copied on email with the consultation packet.
Functional Electrical Stimulation (FES) Devices	N/A	• Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Before determining eligibility for customers with fractures, including malunion or nonunion fractures.	N/A	• Consultation with State Medical Director to confirm the type of fracture and stability. • VR Manager must be copied on email with the consultation packet.

D. Osteomyelitis

Situation, Good, or Service	Approvals	Consultation
Osteomyelitis treatment that is not a curative treatment Osteomyelitis treatment that is necessary due to a complication of a VR-provided treatment	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.

E. Rehabilitation Therapy

Situation, Good, or Service	Approvals	Consultation
More than 30 sessions or visits of any single outpatient rehabilitation therapy	• VR Supervisor approval	N/A
Exceeding 20 chiropractic treatment sessions	N/A	• Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Home health care that exceeds 30 sessions	• VR Supervisor approval	N/A

F. Other Programs with Special Requirements

Situation, Good, or Service	Approvals	Consultation
ESBI residential services beyond four months ESBI nonresidential beyond 12 weeks	• VR Supervisor approval in 30-day increments	N/A
Weight-loss programs	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Cardiac catheterization and or angiography	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.
Wound care that involves an uncertain prognosis, such as abscess or infection.	N/A	• Review by LMC • Consultation with State Medical Director • VR Manager must be copied on email with the consultation packet.

G. Dental Surgery and Treatment

Situation, Good, or Service	Approvals	Consultation
Intercurrent illness (e.g. abscess or infection); a component of maxillofacial surgery; or needed treatment, as determined by the regional dental consultant	• VR Manager approval	• Regional Dental Consultant review
Actions contrary to the Regional Dental Consultant's advice	• Deputy Division Director of Field Services Delivery approval	N/A

H. Prescriptions

Situation, Good, or Service	Approvals	Consultation
Prescription medication to treat a specific condition for longer than three months	• VR Supervisor Approval	N/A

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

Date	Type	Change Description
07/01/2025	Revised	Updated the definition of Best Value Purchasing

PART C, CHAPTER 5.2.d: DURABLE MEDICAL EQUIPMENT

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.d	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Durable Medical Equipment.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing medical equipment and devices and the provider of the equipment and devices.

POLICY

A. General Overview

Durable Medical Equipment (DME) refers to reusable medical devices and supplies prescribed by healthcare providers to aid individuals with medical conditions or disabilities. These items are designed for long-term use and are essential for enhancing quality of life, supporting medical conditions, and ensuring safety.

Examples include the following:

- Mobility aids (wheelchairs, walkers);
- Home medical equipment (hospital beds);
- Respiratory equipment (oxygen concentrators); and
- Monitoring devices (blood glucose monitors).

Many DME items are covered by insurance plans when deemed medically necessary.

Medical assistive devices and supplies fall into three categories, which have policies and procedures that are specific to each:

- Noncontract;
- Contract; and
- Noncontract Items Requiring Special Consideration.

B. Bids

Bids are required when a single purchase is expected to exceed $10,000, unless the item is under contract or listed in MAPS.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 8: Durable Medical Equipment.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on DME services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management

up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Ownership of Medical Assistive Devices

Medical assistive devices purchased for a customer by TWC-VR are the property of the State of Texas.

The VR Counselor must utilize the Assistive Technology Specialist (ATS). The ATS must:

- Prepare a consultation packet using the DME coversheet, follow the instructions, and attach all required information;
- Submit the packet to the Program Specialist for Assistive and Rehab Technology (PSART) mailbox: PSART@twc.texas.gov;
- Document in RHW the need for the required review and the submission date of the cover sheet and required information; and
- Review the DME decision entered in a case note in RHW, resolve any issues with the vendor, and inform the VR Counselor when the review is completed.

B. Contracted Goods and Services (Excluding Hospitals and Hearing Aids)

Contract administration staff solicit and manage contracts for TWC-VR goods and services. Some goods or services must be purchased under contract. Before purchasing a good or service, the VR Counselor must use RHW to determine whether a contract is required. When the SA is generated, RHW assigns the contract number based on the vendor and the type of purchase.

C. Determining the Need for DME

The VR Counselor may authorize the purchase of the following DME only when it is vocationally necessary and is expected to improve the customer's ability to participate in VR services that are required to obtain, maintain, advance in, or regain employment as defined in the customer's individualized plan for employment (IPE):

- Rehabilitation or hospital beds;
- Patient lifts;
- Manual wheelchairs;
- Power wheelchairs;
- Scooters;
- Assistive devices for the bathroom;

- Seating and positioning systems; and
- CPAP or BiPAP.

When an existing wheelchair owned by the customer needs to be repaired, TWC-VR staff must obtain an estimate of the cost for repair to the original chair from the local provider of wheelchair repair services and apply best value principles when considering whether repair or replacement is the more cost-effective course.

When an existing wheelchair owned by the customer needs to be replaced, TWC-VR staff must obtain an estimate of the cost for refurbishing the original chair from the local provider of wheelchair repair services.

D. Provision of Contracted Goods

When the VR Counselor and customer agree to the need for DME purchase from a contracted provider, the VR Counselor must:

- Obtain a medical prescription that is less than six months old for the DME, include a copy in the case file, and document the action in a case note; written recommendations are required for the initial purchase of all contracted medical assistive devices and replacement items;
- After an initial prescription is received, obtain specifications (type, size, and special features) by arranging for the customer to be evaluated by:
    - A physiatrist;
    - A pulmonologist;
    - A physical or occupational therapist;
    - A rehabilitation engineer; or
    - An assistive technology professional;

- Apply best value principles in considering whether repair or replacement is the more cost-effective course;
- When purchasing a replacement chair, obtain the customer's current (within six months) prescription and a reevaluation by a physiatrist, a physical therapist, or an occupational therapist; repairs do not have to be purchased from a contract provider;
- Provide approval for the development of specifications for fabricated goods (schematics, drawings, installation, setup and training, written instructions on use and maintenance, and self-repair information, parts, warranty, and post-warranty repair); and
- Send DME recommendation and prescription with SA to the provider.

The contractor must:

- Determine the specific equipment needed based on professional recommendations, the customer's prescription, and information provided by TWC-VR;
- Provide new (unused and not refurbished) DME as specified on a VR SA;
- Deliver the goods to the specified address within 45 days of the SA, on the date and time mutually agreed upon by the VR Counselor, TWC-VR customer, and contractor;
- Deliver the goods in an assembled and fully functional state, including adaptations necessary to meet the individual needs of the TWC-VR customer as detailed on the SA and on the approved specification sheet provided by the contractor;
- Provide the VR Counselor with a cost estimate that includes:
- MSRP with the established 18% discount;
    - Comparable benefits submission, comparable benefits response, and explanation of benefits (EOB);
    - Item number and description, matched with the appropriate codes from the Healthcare Common Procedure Coding System (HCPCS); and
    - Anticipated delivery date; and
- Must notify the TWC-VR office, in writing, if goods or equipment purchased with TWC-VR funds are subsequently returned to the contractor or exchanged or replaced by the contractor.

E. DME Payment

Payment for DME is made to the contractor when the VR Counselor verifies the equipment was delivered and DME contractor has provided:

- The item numbers and descriptions matched with the appropriate HCPCS codes;
- MSRP on the manufacturer's price list or the price shown on the order form;
    - The price being billed must be at least the manufacturer's price with the established 18% discount);
- A copy of the customer's EOB for all primary and secondary payers; and
- An invoice.

F. Noncontract: Medical Assistive Devices and Supplies

The following procedures apply to noncontract medical assistive devices and supplies.

The VR Counselor must:

- Determine whether a written recommendation or prescription is required. Written recommendations are required for:
  - The initial purchase of medical assistive devices and supplies; and
  - Replacement items when the medical condition is progressive.
- If required, obtain and include in the case file a written recommendation and/or prescription from:
  - A physician;
  - A physician assistant;
  - An advanced practice nurse;
  - A dentist; or
  - An optometrist;
- When the written recommendation and/or prescription do not describe the item, obtain a letter of specification from an appropriate certified paramedical specialist (i.e., physical or occupational therapist, orthotist, or prosthetist); and
- Follow procedures outlined below in Noncontract Items Requiring Special Consideration, if applicable.

G. Purchases from Hospitals

Medical assistive devices and supplies purchased from contracted hospitals must be:

- Listed on the hospital invoice; and
- Paid for under the terms of the hospital contract.

To determine the proper procedure to purchase items not listed here, the VR Counselor must contact the State Office Program Specialist for Physical Restoration.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- State Office Program Specialist for Rehabilitation Technology review is required when an SA is over $10,000. This applies to non-contracted, under contract, or listed in MAPS.
- Noncontract items requiring special consideration are listed in the following table:

Item	Required Consideration
Dentures or dental appliances	VR Manager's approval is required.
Prescription drugs	A prescription from a physician (MD or DO), physician assistant, or advanced practice nurse, or the prescription number from the named pharmacy is required.
Repairs	Repairs to prosthetic or orthotic devices do not require a medical professional's recommendation or prescription. Payment for repair labor charges must not exceed $50 per hour.
Transcutaneous electrical nerve stimulator	The device must be rented for 7-14 days before the VR Counselor may purchase it. If the VR Counselor purchases it, the vendor must agree to apply the rental fees to its total cost.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
04/01/2025	Revised	Removed additional invoice requirements to align with required elements of an invoice
07/01/2025	Revised	Updated definition of Best Value purchasing

PART C, CHAPTER 5.2.e: EMPLOYMENT SUPPORTS FOR BRAIN INJURY

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.e	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of employment supports for customers with brain injuries, to ensure they receive the specialized services required.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing employment supports.

POLICY

A. General Overview

Employment Supports for Brain Injury (ESBI) services benefit individuals with acquired brain injuries by encouraging the development of community-based Interdisciplinary Teams (IDTs) throughout Texas. The purpose of this program is to enhance employment outcomes for individuals with brain injuries.

ESBI services are provided to integrate the therapy and employment preparation and placement of TWC-VR customers experiencing persistent functional limitations resulting from an acquired brain injury. Services involve the coordination of therapeutic and employment services to assist customers in obtaining and maintaining a CIE outcome.

ESBI services assist customers in gaining functional skills and cognitive abilities in either a nonresidential or residential setting. Customers often progress to outpatient and community services post-ESBI and TWC-VR services to manage disability long-term while engaged in CIE.

A customer needing ESBI services requires an IDT approach to develop a treatment plan and service delivery. The IDT's therapeutic and employment services work together to assist the customer in achieving CIE.

B. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 21: Employment Supports for Brain Injury.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on ESBI services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.

- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Consultation for ESBI Services

For TWC-VR customers who have a brain injury, the VR Counselor should consult with the State Office Program Specialist for Brain and Spinal Cord Injury and when indicated the Specialized Medical Consultant (State Physical Medicine and Rehabilitation [PM&R] consultant or State Neuropsychological consultant.

B. Assessing and Planning for Services

The VR Counselor must collect and review the information from the consultations and medical records and determine if the customer would benefit from ESBI residential, ESBI non-residential, or general TWC-VR services. While completing the independent assessment in collaboration with the customer, the VR Counselor must determine the ESBI provider, establish the Individualized Plan for Employment (IPE), and arrange the initial assessments to determine the scope of ESBI services.

Residential and non-residential ESBI services will only be authorized when medically prescribed.

The customer must have a confirmed and a documented place to live after discharge. Documentation in the case file must confirm that:

- The customer can learn and transfer skills back into a local community employment setting; or
- The IDT has a plan in place for transferring strategies to the customer's local employment environment upon discharge.

If residential evaluation services are indicated by existing evaluations and assessments, the VR Counselor must coordinate with the designated Medical Services Coordinator (MSC) and a contracted ESBI residential provider of the customer's choice to schedule admission for planning and evaluation. Otherwise, the VR Counselor must work with a contracted ESBI nonresidential provider to refer the customer for the Initial Assessment and Evaluation Plan (IAEP). The IAEP includes a review of existing recent occupational therapy, physical therapy, speech therapy, and/or cognitive evaluations in relation to any existing work experience evaluations, vocational evaluations, and/or environmental work assessments. Necessary assessments are conducted as part of the evaluation plan authorized by the VR Counselor with input from the ESBI IDT. The IDT's IAEP includes short- and long-term goals, treatment recommendations, and an expected time frame for necessary therapeutic services.

To assist the VR Counselor with decisions regarding the customer's progress toward a successful outcome, the evaluations and recommendations of the IDT may be reviewed by the State Office Program Specialist for Brain and Spinal Cord Injury and/or the Specialized Medical Consultant before the Interdisciplinary Program Plan (IPP) and the IPE are completed.

When sending a customer for an IDT IAEP, the VR Counselor must send a courtesy case file to the MSC, along with a completed Referral for Provider Services (VR5000), to coordinate purchasing for the case and include use of any comparable benefits.

The VR Counselor must use best value purchasing and documentation that all comparable benefits were explored before writing the IPE. Coordination with the MSC must include the investigation and application of available benefits for the customer.

Customers who are assessed to have aggressive or dangerous behaviors to themselves or others that cannot be regulated with medication will be considered not ready to benefit from ESBI services until the behavior issues are resolved. The VR counselor will work with the provider to discharge the customer to a safe environment. The IDT must have a plan for a customer's behavioral issues as part of the IPP and consider whether the customer is able to benefit from other services being provided. If the IDT determines the customer is not likely to benefit from other services, the customer is discharged until stabilization is achieved. The physician and the IDT must monitor chemical restraint programs closely for desired responses and adverse consequences.

If services from a residential ESBI provider are required, the VR Counselor can add a maximum of 120 days but only if the documented criteria are met and intermediary goals are set for measurable and observable progress toward the employment goal. The VR Counselor must document, and review progress every 30 days for continued TWC-VR support. Customers who do not demonstrate progress toward intermediary goals may be discharged, and alternative interventions may be considered to meet customer goals. Managerial oversight must not cause breaks in service for customers who demonstrate progress toward goal achievement. The VR Counselor and VR Supervisor, when necessary, must make decisions in a timely fashion in accordance with the IPP.

The VR Counselor must review and amend the IPE when significant changes are identified in the IPP or when additional services are approved.

C. Determining the Need for ESBI

The VR Counselor and customer may determine ESBI services are necessary when they:

- Have reviewed the results of the neuropsychological evaluation, including the recommendations that ESBI would be a beneficial service to the customer; and
- Determine that ESBI will assist the customer in understanding their disability and the coping strategies necessary to obtain or maintain substantial employment.

D. Coordination of ESBI

When referring a customer to ESBI, the VR Counselor receives unit-purchasing-specialist (UPS) assistance by sending a consultation packet to the MSC. The MSC must coordinate:

- The evaluation of purchasing and billing from the ESBI providers; and
- Contracted ESBI nonresidential services or contracted ESBI residential services.

The MSC must issue all service authorizations (SA) for all contracted ESBI therapeutic residential and nonresidential services, and the UPS must coordinate ESBI-related employment SAs in a residential or nonresidential setting.

Upon receiving a consultation packet and after coordination with the UPS, the MSC must:

- Review referral information and discuss with the VR Counselor any problems encountered, additional medical information needed, or related medical questions;
- Confirm the availability of comparable services and benefits;
- Inform the VR Counselor of the estimated costs for medical services before encumbering funds;
- Discuss with the provider or the provider's staff members the payment allowances for related medical services;
- Coordinate ESBI services;
- Issue ESBI SAs, except for those covered by the employment services contract;
- Communicate with the customer, the VR Counselor, and providers about ongoing services;
- Notify the VR Counselor, service provider, and the customer, if necessary, about the date, time, and location of scheduled services;
- Provide the VR Counselor with documentation of significant events in the medical services process;
- Request approval from the VR Counselor to process claims for payment after deducting other payments;
- Process documents on encumbrances for medical services;
- Maintain effective working relationships with ESBI program staff members and the medical community; and
- Serve as a resource to ESBI program staff members in field offices when coordinating medical services for the customer.

The MSC or the Medical Services Technician (MST) must issue all SAs for contracted ESBI services provided in a residential or nonresidential setting. The UPS or designated staff must coordinate the SAs for all ESBI employment services.

The MSC must coordinate contracted nonresidential or residential ESBI services for eligible VR customers. The MSC or MST must contact the ESBI provider to:

- Verify receipt of required physician orders for nonresidential or residential services and verify the provider has completed an assessment confirming the customer is appropriate for provider services;
- Verify comparable benefits, if applicable, with the ESBI provider representative to include the specific benefit coverage for ESBI services and the expected customer portion of the cost, and document the information and its source in a case note;
- Verify ESBI services were approved;
- Place documentation of approval in the case file if the comparable benefit requires preauthorization for ESBI services; and
- Review TWC-VR payment policies and limitations and determine whether the customer's medical records must be faxed or mailed to the provider, and if prescriptions must be updated.

The MSC Creates Service Records: Residential ESBI services are paid using a daily contract rate. Nonresidential ESBI services are paid using an hourly rate. The MSC must refer to the tiered contract rate for the payment rate and create service records for all anticipated services, including the following:

- ESBI facility base services (per standards);
- Physician consultations (using MAPS) (routine medical management is included in the daily contract rate);
- Medications (at cost if purchased from an outside pharmacy; prescription is required);
- Individual therapies at an ESBI facility based on the tiered rates; and
- Neuropsychological evaluation (using MAPS).

If the facility is also a hospital and has a pharmacy, medications should be purchased through the hospital contract rate.

When the Customer Has Verified Comparable Benefits: When the customer has comparable benefits that have been verified, the MSC must create service records using the customer portion not covered by the comparable benefit as the cost for the service. The customer's portion must not exceed the ESBI standards rate or the MAPS rate for the ancillary service, whichever is applicable.

If the customer's comparable benefits have not been verified, the MSC must create service records as if the customer does not have any comparable benefits by following the steps below.

1. The MSC must document the estimated cost in ReHabWorks (RHW) and contact the VR Counselor to:
    - Provide an estimate of the total cost for requested service(s) and anticipated ancillary services; and
    - Notify the VR Counselor to request the availability of funds from the caseload budget.
2. The MSC must contact an ESBI facility representative to:

- Obtain the admission or start date and advise the ESBI facility representative the SA will be sent (services cannot begin until the provider receives the SA); and
- Obtain preadmission instructions for the customer.

3. The MSC must then document the contact in a case note.
4. The MSC must issue SAs and sends a copy to the ESBI facility and ancillary medical service providers. The MSC and UPS must continue to collaborate on other ancillary service requests. The UPS must coordinate any nonmedical purchases necessary for the employment goals of the customer. The MSC must:
   - Review the service records to confirm the information is correct and ensure accurate SAs will be generated;
   - Issue SAs for planned service and all anticipated ancillary services. If comparable benefits are verified, the MSC must note the specific comparable benefit in the Payment or Special Instructions section of the SA and request a copy of the Explanation of Benefits (EOB) with the invoice for payment. If comparable benefit coverage cannot be established before issuing the SA, the MSC must note the reported comparable benefit in the Payment or Special Instructions section of the SA and alert the provider of possible benefit coverage;
   - Ensure the required approvals are documented in RHW before issuing an SA;
   - Issue an SA for an initial period of 120 days and extend ESBI services in 30-day increments (or shorter increments if fewer than 30 days are needed to complete the program) when VR Manager approval is documented and an updated IPP is received; and
   - Fax, e-mail, or mail the SAs to the ESBI facility and ancillary service providers, as applicable. Given the length of the program, SAs have multiple line items corresponding to a facility's billing cycle and interim invoice.
5. The VR Counselor or Rehabilitation Assistant must contact the customer to coordinate the admission or start date of ESBI services by:
   - Requesting the customer and/or family schedule the admission or start date and notify the MSC;
   - Verifying whether the customer has received special instructions from the ESBI facility;
   - Notifying the VR Counselor of the customer's ESBI admission or start date and of any special instructions from the ESBI provider;
   - Sending a letter to the customer and/or family (if needed) with the facility admission or start date and including any additional instructions; and
   - Documenting the information in a case note.
6. The MSC must contact the ESBI provider facility representative:
   - Within two days after the scheduled admission or start date to confirm the customer started services;
   - To ensure the ESBI provider representative knows to contact the MSC and the VR Counselor if the customer misses more than one day of ESBI services;
   - To follow up with the ESBI provider to ensure the treatment plan and monthly staffing progress reports are delivered simultaneously to the VR Counselor and the MSC; and

- Before the date of expected discharge, to identify medical needs for the customer, including supplies, durable medical equipment, and medication for the first two weeks if the customer is in a residential ESBI setting.

7. The MSC must contact the VR Counselor to:
   - Notify them when the customer is discharged and of any medical needs the MSC will coordinate (the MSC obtains approval for encumbrances and documents the approval in a case note);
   - Forward any medical records received;
   - Notify, if applicable, when the case will be returned to the home MSC; and
   - Discuss any additional case coordination needs.

Duration of Employment Supports for Brain Injury Services: ESBI services are not limited by time elapsed since the traumatic brain injury was acquired.

Purchasing Employment Supports for Brain Injury Services: Residential ESBI services may be provided for 120 days. Nonresidential services are provided in an outpatient setting with total therapeutic hours not to exceed 20 hours per week over a 12-week period unless approved by the VR Counselor specifically on the IPE and IPP. If additional services are needed, the VR Counselor must amend the IPE.

E. Referral and Service Provision

When the VR Counselor and customer agree to the receipt of ESBI services, it must be included in the IPE.

The VR Counselor must:

- Obtain prescriptions for recommended ESBI services;
- Complete the VR5000;
- Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations case notes, vocational testing, housing, and/or employment data collected by TWC-VR that prepares the provider to more effectively work with the customer;
- Determine whether residential or non-residential will be provided;
- Include in the IPE for both residential and non-residential the following IAEPs:
  - Facilitation;
  - Coordination of Initial Evaluation and Associated Report;
  - Coordination of Initial IPP and Associated Reports
  - Coordination of Monthly IPP Reviews and Associated Reports;
  - Coordination of Discharge Summary and Associated Reports;
  - The evaluation services identified in the IEAP;
  - The therapeutic services in the IAP, including premiums;
  - Prescribed goods and services such as DME and assistive technology

    - The employment services provider for attendance to all IAEP and IPP meetings;
- Attend all IAEP, IPP, and IDT meetings;
- Document the following in ReHabWorks (RHW):
    - Progress toward rehabilitation goals;
    - Progress toward employment goals; and
    - Any VR Counselor–approved modifications to the IPP; and
- Obtain a copy of the monthly IDT meeting report and file it in the customer's case file;
- Collect all required prescriptions for therapeutic services;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve required documentation completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor must:

- Document accurate and descriptive content associated with the therapeutic staff or employment service providers' evaluation, assessment or on service delivery documents including:
    - A copy of the customer's weekly activity schedule;
    - A weekly time log recording all billable time for evaluations completed by the licensed and/or certified professional;
    - All evaluations and assessments identified in the IAEP and service authorizations
    - Attendance and status of any employment services provided, as identified in the IAEP and submit invoice for attendance;
    - The updated IAEP summary, which records the results of completed assessments and evaluations and must include:
        - The assessments, evaluation, and therapy results, which must contain:
            - The customer's abilities, deficits, and potential to obtain and maintain CIE;
            - The customer's potential to secure, retain, and advance in employment;
            - The customer's employment goal(s), transferable skills, and employment barriers;
            - Recommendations for the licensed and/or certified professional therapy service and/or employment services to be provided; and
            - The customer's measurable goals.
        - Assessments, evaluations, and therapy services, which are paid based on:
            - The approved time listed in the IAEP;
            - The time recorded on the customer's weekly time log; and
            - The time recorded on the assessment and/or evaluation reports and therapy reports.

F. Customer's Satisfaction

The customer's satisfaction and service delivery are verified by the VR Counselor or by a TWC-VR staff member's contact with the customer, documented in a case note.

G. ESBI Payment

Payment for ESBI services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- For Evaluations and every 30-day reporting period:
  - IAEP;
  - IPP;
  - Progress Reports;
  - Weekly Activity Schedules;
  - Weekly Time Log; and
  - The invoice.

The time used to attend the IPP meeting and update the IPP is not billable.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Manager approval is required when residential ESBI services exceed 120 days and is limited to 30-day increments, based on progress toward IPP and IPE goals.
- VR Supervisor approval is required when nonresidential ESBI services exceed 12 weeks and is limited to 30-day increments.

Consultations

- MSC consultation is required to arrange services in a hospital, ambulatory surgical center, brain injury facility, or medical school.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated definition to Best Value purchasing

PART C, CHAPTER 5.2.f: HEARING AIDS

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.f	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43 21 CFR §801, §874.3300, §874.3305, Texas Occupations Code Title 3 Subtitle G, Chapter 402, and Texas Insurance Code Title 8, Subtitle E, Chapter 1367.	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of hearing aids, accessories, and services necessary to adapt to these personally prescribed devices.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Dispenser: A licensed professional in the State of Texas. Licensed audiologist, assistant in audiology, licensed physician, Hearing Aid Specialist or Hearing Instrument Fitter and Dispensers. Dispensers must meet the Texas Administrative Code regulations and licensing for the State of Texas.

Frequency Modulation (FM) System: Used to help a person with hearing loss listen in noisy environments; consists of a 1) microphone and transmitter worn by the person speaking and 2) the receiver used by the listener.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including hearing aid services and the provider of those services.

Telecoil: Small copper wire built into a hearing aid that works as a receiver that picks up signals, which are then turned into sound.

POLICY

A. General Overview

TWC-VR supports individuals who are deaf or hard of hearing through the provision of hearing aids. These devices significantly enhance communication abilities, sound awareness, and overall quality of life by facilitating better educational and professional opportunities, reducing social isolation, and contributing to mental well-being, thereby enabling individuals to participate more fully in society.

B. Hearing Aids

Consisting of a microphone, amplifier, and speaker, hearing aids are electronic devices designed to amplify sound for individuals with mild to moderate hearing loss. The microphone picks up sound, which is then processed and amplified before being sent to the ear through the speaker. There are various types of hearing aids, including behind-the-ear (BTE), receiver-in-the canal (RIC), in-the-ear (ITE), completely-in-canal (CIC), and contralateral routing of signals (CROS), each catering to different degrees and types of hearing loss.

Hearing aids are provided when:

- Recommended by a licensed audiologist or hearing instrument fitter and dispenser and required to improve or stabilize the effects of the hard of hearing impairment; and
- Necessary to achieve an employment outcome or participate in training services.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 6: Hearing Aids and Related Accessories.

D. Additional Policy Considerations

- Comparable Services and Benefits: Hearing Aids (i.e., Rehabilitation Technology) are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.

- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Hearing Aids

VR Counselors may provide hearing aids when they are expected to improve the customer's ability to participate in employment and/or training required for a specific employment outcome. Hearing aids are purchased to benefit a customer who is deaf, hard of hearing, DeafBlind, or who would otherwise benefit from hearing aids as recommended by a licensed audiologist or hearing instrument fitter and dispenser. Recommendations from a licensed audiologist or hearing instrument fitter and dispenser are gathered before authorizing hearing aids. When authorizing hearing aids, the VR Counselor also must consider the effect of the customer's hearing on specific training requirements, job requirements, and safety needs. The VR Counselor must document the expected outcomes in the case record as part of the assessing and planning process.

The Hearing Evaluation Report: Customer Questionnaire (VR3105A) can be utilized to gather more information about the customer's hearing loss including the cause, how the hearing loss affects the customer across different environments as well as more information on previous use of hearing aids, as applicable. This information may be useful in assessing the need for TWC-VR services in an Individualized Plan for Employment (IPE) and provided to the audiologist as background information.

B. Provision of Hearing Aids

The VR Counselor develops the IPE to include hearing aids after receiving:

- A medical evaluation, as described on Hearing Evaluation Report: Otological Examination (VR3105B), or medical records from the otologist or otolaryngologist including the medical evaluation, and dated within the last six months;

- An audiological assessment completed by a licensed audiologist or hearing instrument fitter and dispenser :
    - On Hearing Evaluation Report: Audiometric Examination (VR3105C) dated within the last six months; or
    - Documented on audiological records containing the same audiometric and tympanometry required on VR3105C and dated within the last six months; and
- The completed hearing evaluation form with hearing aid recommendations recorded on Hearing Evaluation Report: Hearing Aid Recommendations (VR3105D).
- When the customer is younger than 18 years of age, a medical evaluation must be obtained by an otologist or otolaryngologist.

It is recommended that a medical evaluation be obtained to rule out any medical reason for the customer's hearing loss, such as infection, injury or deformity, ear wax in the ear canal, and, in rare cases, tumors.

C. Medical Evaluation

- Seasoned Hearing Aid Users: For seasoned hearing aid users (i.e., not a first-time hearing aid user) with no medical issues (e.g., ear was injured in an accident, fluid or blood coming out of the ear within the previous six months, pain or discomfort in the ear, history of excessive ear wax, dizziness, or fluctuating hearing loss within the previous six months, tinnitus only in one ear or a noticeable difference in hearing between ears, extreme changes in hearing loss), it is best practice to obtain a medical evaluation, as needed. The medical evaluation is completed by a physician or physician assistant or nurse practitioner who is supervised by a licensed physician.
- First-time Hearing Aid User: For a first-time hearing aid user, a medical evaluation is required from an otologist or otolaryngologist. If the TWC-VR staff member is experiencing substantial delays in securing the evaluation by the otologist or otolaryngologist, the medical evaluation may be performed by the customer's Primary Care Physician (PCP) or, if the customer does not have a PCP, another physician, or physician assistant/nurse practitioner who is supervised by a licensed physician.

D. Recommendation for Hearing Aids and Accessories

- Complete-In-Canal Hearing Aid: When the VR Counselor receives a recommendation for a complete-in-canal (CIC) hearing aid, they must ensure the audiologist justifies the added benefits of a CIC hearing aid when compared to an alternative style with the same capabilities. Invisible-In-Canal (IIC) hearing aids must have documented vocational justification.
- Binaural Hearing Aid: When an audiologist or hearing instrument fitter and dispenser provides a vocational justification that warrants binaural hearing aid.
- Hearing Aid without Manual Telecoil: When an audiologist or hearing instrument fitter and dispenser provides a vocational justification that warrants an aid without a manual telecoil, it is

recommended that the VR Counselor consult with a local Deaf and Hard of Hearing Technology Specialist before purchasing the aid. The VR Counselor may request a workplace or environmental assessment completed by the local Deaf and Hard of Hearing Technology Specialist to identify additional technology needs.

- Earmolds and Canal Impressions: Earmolds and canal impressions may be:
  - Required for hearing aid purchase;
  - Purchased from the contracted hearing aid manufacturer, audiologist, or hearing instrument fitter and dispenser;
  - Paid for separately (not to exceed Maximum Affordable Payment Schedule [MAPS]); and
  - Purchased for diagnostic purposes.

Custom-made ear plugs, which look like earmolds and are made for sound protection, may be purchased to preserve the customer's residual hearing while performing work duties.

- Consultation: The VR Counselor should consult with a Texas Health and Human Services Commission (HHSC) Deaf and Hard of Hearing Technology Specialist when considering the purchase of additional non-contracted technology recommended by the dispenser.

E. Staff Qualifications for Hearing Aid Dispensers

Individuals who provide and bill for services associated with the purchase of hearing aids and related accessories must meet the qualifications and licensing requirements of the Texas Department of Licensing & Regulation, which is the designated regulatory authority for audiologists and Hearing Instrument Fitters and Dispensers.

Job Title	Job Function	Required Qualifications
Audiologist	• Provides audiological examinations • May dispense hearing aids • May provide basic audiometric assessments • May provide hearing aid evaluations	Must comply with all provisions of: Texas Administrative Code Title 16, Part 4, Texas Department of Licensing and Regulation, Chapter 111, Speech-Language Pathologists and Audiologists

Job Title	Job Function	Required Qualifications
Hearing Instrument Fitter and Dispenser	• Dispenses hearing aids • May provide basic audiometric assessments • May provide hearing aid evaluations	Must comply with all provisions of: Texas Administrative Code, Title 16, Economic Regulation, Part 4, Texas Department of Licensing and Regulation Chapter 112, Hearing Instrument Fitters and Dispensers

F. Hearing Aid Recommendations

The selected provider must complete the VR3105D, indicating the:

- Brand name and model number (not serial number);
- Type of hearing aid, such as:
  - Behind-the-ear;
  - Receiver-in-the-canal;
  - In-the-ear;
  - In-the-canal;
  - Complete-in-canal; or
  - Contralateral routing of signal (includes BICROS);
- Model of the device(s);
- Quantity of hearing aids;
- Rechargeable Battery;
- Color selection;
- Receiver information;
- Earmold information;
- Dome Information;
- Price of hearing aids;
- Additional training;
- Accessories;
- Provider's ship to information, including their "ship to" account number for the hearing aid manufacturer; and
- Any required justifications.

G. Service Charge to the Hearing Aid Dispenser

The service charge is the dispenser's usual and customary charge, not to exceed the MAPS, for:

- Initial fitting, including activation of a telecoil;
- Up to four follow-up visits without any time limitations for adjustments, including:
  - Post-fitting evaluation; and
  - Report of hearing aid performance and customer level of satisfaction; and
- Instructions on the care and use of the instrument(s);
- The warranty including the warranty end date; and
- Provided the customer with the manufacturer's User Instructional Brochure.

H. Service Charge for Replacement Hearing Aids

For hearing aids replaced under the three-year warranty, the VR Counselor must use MAPS code paid for the dispensing of the original hearing aid if the dispenser requires payment of a service charge. If the service charge for a replacement hearing aid or aids is paid, four additional follow-up visits are included in the cost of the service.

I. After Hearing Aid Purchase

The hearing aid dispenser must complete the Initial Fitting Acknowledgements section on Hearing Aid Fitting and Post-Fitting Report (VR3105E) and submit the report to TWC-VR immediately upon receipt of the customer’s signature, which indicates receipt of the hearing aids.

Post-Fitting Appointment Requirements:

- This appointment should ideally be scheduled during the initial fitting.
- If an appointment cannot be scheduled at the initial fitting or within 14 days, the hearing aid dispenser must notify TWC-VR staff.
- The customer must attend a post-fitting appointment within 14-30 days after their initial hearing aid fitting.
- If the customer misses their appointment, TWC-VR staff must contact the customer before the 30-day trial period ends to confirm satisfaction with the hearing aids.

When the hearing aids are returned within the 30-day trial period, the original service charge covers any services for the replacement hearing aids.

J. Hearing Accessories

An audiologist or hearing instrument fitter and dispenser may recommend certain accessories and devices that work with the hearing aids to enhance the customer's ability to hear and understand

conversational speech and environmental sounds (e.g., a device that streams sounds from the telephone, television, and music player, as well as a compatible microphone, directly to the hearing aids, or a hearing aid drying kit which draws moisture from the hearing aids to prolong their life span).

Accessories may be purchased when the VR Counselor determines that any of the recommended accessories are vocationally relevant, as such accessories must be vocationally necessary and not used solely for personal purposes.

K. Hearing Aid Repair

Payment for repair of a hearing aid, including labor and shipping and handling charges (outside of the warranty), must not exceed the cost of a new hearing aid.

L. Frequency Modulation System

The VR Counselor may purchase a frequency modulation (FM) system directly from a manufacturer or an audiologist. However, the VR Counselor may not pay a service fee, including any fitting and dispensing fees, when they purchase an FM system through an audiologist.

When additional training is needed for an FM system not purchased from the hearing aid manufacturer at the time of purchasing the hearing aids, the VR Counselor contacts the State Office Deaf and Hard of Hearing Technology Specialist to request training for the customer on the use of the device and to perform troubleshooting of any issues with the device. Services provided by the State Office Deaf and Hard of Hearing Technology Specialist are free and may be used when available. If the required training is not available, the VR Counselor may negotiate payment with the provider for training the customer on the use of the device and for solving problems that arise with the device.

M. Hearing Aid Purchasing

When the VR Counselor receives, reviews, and approves a completed VR3105D, two service authorizations (SA) are issued and submitted to the following:

- Contracted hearing aid manufacturer for the purchase of the hearing aid(s) and any accessories, with delivery instructions indicating the name, account number, and address of the dispenser where the items are to be shipped with the completed VR3105D; and
- Hearing aid dispenser for related service fees and any accessories.

TWC-VR staff must then submit the SA for the hearing aid and any accessories (from the manufacturer) with the completed VR3105D to the contracted hearing aid manufacturer for fulfillment. The contracted hearing aid manufacturer ships the hearing aid(s) and any accessories to the hearing aid dispenser.

TWC-VR staff must print a copy of the hearing aid SA to a PDF file, noting "courtesy copy," and submit a copy of the SA to the hearing aid dispenser. Once the hearing aid dispenser receives the courtesy copy of the hearing aid SA, the dispenser:

- Reviews the details on the courtesy copy SA; and
- Notifies TWC-VR staff of any discrepancies between the SAs in need of correction.

If a corrected SA is required, TWC-VR staff must provide:

- An updated SA to the hearing aid manufacturer; and
- An updated courtesy copy to the dispenser.

The courtesy copy of the SA also notifies the dispenser to send ear impressions for ear molds, if appropriate. Any changes made to the SA submitted to the hearing aid manufacturer must be documented in RHW, and the updated SA must be resubmitted to the hearing aid manufacturer.

- Payment for Hearing Aids to the Manufacturer: Upon receipt of an invoice, TWC-VR pays the contracted hearing aid manufacturer for the hearing aid(s) and/or accessories when the invoice complies with requirements below:
    - Verification by TWC-VR staff with the dispenser the hearing aids and accessories have been received with a detailed case note entered in RHW; or
    - Receipt of VR3105E with the Initial Fitting Acknowledgements section completed and signed by the customer.

N. Payment for Hearing Aids Service Charges to the Dispenser

For the hearing aid dispenser to receive payment for services provided, they must submit the following:

- A completed VR3105E, indicating the customer has received the hearing aids and is satisfied with the hearing aids and any accessories, as indicated by the customer signing and dating the form; and
- Post-fitting documentation, such as:
    - An audiogram of functional results for each ear (aided); or
    - Measurements for each ear (aided).

If the customer fails to attend the scheduled post-fitting appointment, the Dispenser may be paid the service charge once the:

- TWC-VR staff document at least three attempts to contact the customer about attending the post-fitting appointment; and
- The VR Counselor enters a purchasing case note that justifies payment of the service charge without the customer's attendance at the post-fitting appointment.

O. Warranty

Hearing aids purchased from contracted hearing aid manufacturers have a three-year Loss/Damage warranty with no cost for replacement. The customer should contact the VR Counselor or TWC-VR staff to report issues with the hearing aid(s). When hearing aid(s) need to be replaced under the warranty, the audiologist, hearing instrument fitter and dispenser, and/or TWC-VR staff must complete Hearing Aid & Accessories Loss/Damage Replacement Request (VR3105G). If the form is completed by the audiologist or hearing instrument fitter and dispenser, the completed form is immediately sent to the TWC-VR staff who ordered the services for the customer, who will then submit the completed form to the manufacturer. The manufacturer will ship the replacement hearing aid(s) to the audiologist or hearing instrument fitter and dispenser listed on VR3105G and notify TWC-VR staff of the shipment.

If the TWC case has been closed, a new service charge for replacement hearing aid(s) can only be paid when the individual reapplies for TWC-VR services, has been determined eligible, and hearing aids are included in a new IPE.

P. Returns

The hearing aid dispenser must provide written notice to the TWC-VR office that issued the SA when any goods or equipment purchased with VR funds are returned to the manufacturer for any reason. The hearing aid dispenser completes Hearing Aid and Hearing Aid Accessories Return (VR3105F) and submits the completed form to the 1) manufacturer with the returned items and 2) the TWC-VR office immediately upon return of the items.

VR3105F must include the following:

- Customer's name;
- Case identification number;
- Original SA number associated with the returned items;
- Hearing aid manufacturer;
- Hearing aid manufacturer reference/invoice number;
- Description of the item(s) returned;
- Reason for the return;
- Amount of refund credit due to VR;
- Date and method the item was returned including the bill of lading or shipment number from the carrier; and
- Signature of dispenser’s staff member making the return.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Aligned wording to clarify when the post fitting is completed after receiving hearing aids.
07/01/2025	Revised	Updated the definition to Best Value purchasing

PART C, CHAPTER 5.2.g: COCHLEAR IMPLANTS AND BONE-ANCHORED HEARING AIDS

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.g	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43 21 CFR §874, §801, 34 CFR §300.113, and Texas Insurance Code Title 8, Subtitle E, Chapter 1367	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Cochlear Implants and Bone Anchored Hearing Aids surgery, headbands/softbands/ soundarcs/adhears, and processor replacements.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including surgery and processor services and the provider of those services.

POLICY

A. General Overview

TWC-VR supports individuals who are deaf or hard of hearing through the provision of cochlear implants. These devices significantly enhance communication abilities, sound awareness, and overall quality of life. Cochlear implants are purchased for individuals with severe to profound hearing loss, offering the ability to perceive sound and understand speech. These technologies facilitate better educational and professional opportunities, reduce social isolation, and contribute to mental well-being, thereby enabling individuals to participate more fully in society.

B. Bone-Anchored Hearing Aid (BAHA)

Bone conduction hearing aids or hearing systems, also called osseointegrated or bone-anchored devices, are technology approved by the FDA to treat certain types of hearing loss. There are surgical and non-surgical options for bone conduction hearing systems. Bone conduction hearing aids amplify sound via bone conduction, or vibrations through the bones of the skull.

BAHA surgeries are provided only when:

- Performed by otologists and licensed audiologists and required to improve or stabilize the effects of the physical impairment; and
- Necessary to achieve an employment outcome.

C. Cochlear Implants

Cochlear implants are surgically implanted devices that bypass damaged parts of the inner ear and directly stimulate the auditory nerve. They consist of an external processor that captures sound and an internal implant that sends electrical signals to the brain. Cochlear implants are suitable for individuals with severe to profound sensorineural hearing loss who do not benefit sufficiently from hearing aids.

Cochlear Implants are provided only when:

- Performed by otologists and licensed audiologists and required to improve or stabilize the effects of the physical impairment; and
- Necessary to achieve an employment outcome.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on Cochlear Implants or BAHAs unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.

- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Cochlear Implant, Bone Conduction Implant, and Bone-Anchored Hearing Aid Surgery

Surgery for a cochlear implant, bone conduction implant or a bone anchored hearing aid (BAHA) may be authorized when it is expected to correct or substantially modify a stable or slowly progressive hearing impairment that constitutes a substantial impediment to employment and/or training that is required for a specific employment outcome.

Documentation must address how the surgery will correct or modify substantially, within a reasonable period, the hearing impairment that constitutes a substantial impediment to employment.

- Determining the Need for Surgery: Before planning surgical services, the customer must have:
    - Been diagnosed with a significant hearing loss and be unable to use a hearing aid effectively in the ear to be implanted;
    - A stable or slowly progressive hearing impairment;
    - Good overall general health, as evaluated by a general history and physical examination;
    - No evidence of problems that would preclude surgery or the aural rehabilitation program, including middle ear infection;
    - For cochlear implant surgery:
        - An optimal inner ear structure, including an accessible cochlear lumen that is structurally suited to taking an implant; and
        - No evidence of lesions in the auditory nerve and acoustic areas of the central nervous system;
    - For bone conduction implant and BAHA surgery, good inner ear function; and

    - Been evaluated by an otologic surgeon who is qualified to perform cochlear implant, bone conduction implant, and BAHA surgeries including a completed Surgery and Treatment Recommendation (VR3110).
- Evaluation Report: The evaluation report completed by the Otologic Surgeon must include the following:
    - Diagnosis;
    - Recommendations for treatment, including a letter of medical necessity (only necessary when the customer has insurance); and
    - Prognosis.
- Requirements: The VR Counselor must ensure that:
    - The consultation with a Local Medical Consultant (LMC) has occurred and received a completed Consultant Review (VR3101);
    - For cochlear implant candidates, an effective aural rehabilitation program following surgery is available may include the need for a psychological evaluation; and
    - Through counseling and guidance, the customer:
        - Understands the prescribed treatment program and is willing and able to follow through;
        - Acknowledges potential side effects; and
        - Accepts that the device:
            - May be supplemented by a hearing aid in the other ear and/or use of other assistive listening devices; and
            - Can create the perception of sound but will not restore normal hearing.

B. Bone-Anchored Hearing Aid Headband/Softband/SoundArc/Adhere

BAHA headband/softband/soundarc/adhear are a non-surgical alternative to the surgical BAHA. Non-surgical devices are worn on a headband or attached directly to the skin with adhesive.

- Considerations: The VR Counselor must carefully consider the following when assessing the need for a headband/softband/soundarc:
    - The customer's vocational goal, including tasks, functions, and work conditions, particularly where it relates to the customer's ability to hear and understand conversational speech and/or environmental sounds;
    - The potential impact on the customer's ability to obtain and maintain employment if the device is not provided;
    - The availability of assistive technology to enable the customer to gain full benefits in training or on the job; and
    - Good inner ear function.
- Evaluation Report: The evaluation report completed by the audiologist and otologist must include the following:
    - Diagnosis;

  - Recommendations for treatment, including a letter of medical necessity (only necessary when the customer has insurance); and
  - Anticipated prognosis.
- Medical Director Consultation: The cost of the recommended headband or softband/soundarc/adhear may exceed the threshold set in MAPS. When this occurs, Medical Director consultation is required to override the pre-set rate in MAPS. To obtain Medical Director consultation, the VR Counselor sends an email to vr.medicalservices@twc.texas.gov along with the following:
  - Evaluation report from the audiologist;
  - Manufacturer's quote for headband or softband or soundarc or adhear; and
  - VR justification for the upgrade.

C. Cochlear Implants, Bone Conduction Implant, and Bone-Anchored Hearing Aids Replacement Processors

The VR Counselor may authorize replacement of cochlear implant, bone conduction implant, and bone anchored hearing aid (BAHA) processors, including BAHA with headband/softband/soundarc/adhear, when they are expected to improve the customer's ability to participate in employment and/or training required for a specific employment outcome identified on the Individualized Plan for Employment (IPE). As part of the assessing and planning process, the VR Counselor must document the expected outcomes, such as the expectation of an improved ability to understand spoken communication or respond to environmental cues.

Replacement of processors may not be authorized solely for the sake of upgrading to newer technology.

- Considerations: The VR Counselor must carefully consider the following when assessing the need for such replacement:
  - The customer’s vocational goal, including tasks, functions, and work conditions, particularly where it relates to the customer’s ability to hear and understand conversational speech and/or environmental sounds;
  - The potential impact on the customer’s ability to obtain and maintain employment if replacement is not made;
  - The availability of assistive technology to enable the customer to gain full benefits in training or on the job; and
  - The status of the customer’s device, especially relating to:
    1. Warranty coverage;

2. Physical condition; and

3. Need for repair, if any.

- Evaluation Report: The evaluation report completed by the audiologist and otologist must include the following:
    - Diagnosis;
    - Recommendations for treatment, including a letter of medical necessity (only necessary when the customer has insurance); and
    - Anticipated prognosis.
- Medical Director Consultation: The cost of the recommended replacement processor may exceed the threshold set in MAPS. When this occurs, Medical Director consultation is required to override the pre-set rate in MAPS. To obtain Medical Director consultation, the VR Counselor sends an email to vr.medicalservices@twc.texas.govalong with the following:
    - Evaluation report from the audiologist;
    - Manufacturer's quote for processor replacement; and
    - VR justification for the upgrade.

D. TWC-VR Consultation

The VR Counselor must send a consultation packet to the following for consultation before planning the purchase of any replacement processor, BAHA headband/softband/soundarc/adhear, and/or surgery:

- State Office Program Specialist for the Deaf and Hard of Hearing (for all caseloads except Blind and Visual Impairment [BVI]); or
- State Office Manager for Blind Services Field Support (for BVI caseloads).

The consultation packet must include the following:

- Medical, audiological, speech, and language evaluations and reports as specified above; and
- Justification of how device replacement, headband/softband/soundarc/adhear, and/or surgery will lessen the vocational impediment.

The VR Counselor can use the checklist for additional information. After the State Office Program Specialist for the Deaf and Hard of Hearing or the State Office Manager for Blind Services Field Support reviews the consultation packet, a case note documenting the consultation is entered in RHW.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- Medical Director consultation is required when the cost of the recommended processor or replacement processor exceeds the threshold set in MAPS and an override to the pre-set rate is needed. VR Manager must be copied on email with the consultation packet.
- LMC review is required for cochlear implant and bone anchored hearing aid surgery.
- State Office Program Specialist for the Deaf and Hard of Hearing (for all caseloads except Blind and Visual Impairment [BVI]) or the State Office Manager for Blind Services Field Support (BVI caseloads only) consultations are required when providing surgery and/or processor replacements. VR Manager must be copied on email with the consultation packet.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition of Best Value Purchasing

PART C, CHAPTER 5.2.h: EYE MEDICAL SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.h	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of eye medical services to customers who are blind or visually impaired.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to eye medical services and the providers of those services.

POLICY

A. General Overview

Eye Medical Services include eye surgery and treatment for eye conditions. The purpose of eye medical services is to assist TWC-VR customers with a visual impairment to prevent the onset of legal blindness or make an improvement in their visual impairment, and to allow them to maintain or seek employment and remain as independent as possible in employment.

Eye medical services must:

- Have a direct effect on the customer's functional ability to perform the employment goal, or support other needed TWC-VR services; and

- Be likely, within a reasonable period, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on eye medical services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Eye Surgery

When the VR Counselor and customer agree that eye medical services may be necessary, the VR Counselor must take the following initial steps:

Document how the customer's substantial impediment to employment will be addressed by the proposed eye surgery or treatment in a case note;

1. Obtain a recommendation for planned eye medical services with current (within six months) procedural terminology codes from the surgeon or physician using the Eye Surgery and Treatment Recommendation (VR3109) or eye medical records (within six months);
2. Document the appropriate reviews or approvals required and completed in RHW (if applicable); and
3. Determine whether the eye surgery or treatment will be coordinated by local TWC-VR staff or the Medical Services Coordinator (MSC);
4. After determining the appropriate service, add the appropriate eye medical services to the IPE or IPE amendment before services are rendered.

5. The surgeon or physician must complete the VR3109. If information is missing, TWC-VR staff must return the form to the surgeon or physician for completion.

B. Eye Medical Services Consultations

- Medical Services Coordinator: If the recommended surgery or procedure will be conducted in a physician's office or ambulatory surgical center (ASC) with a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection, it is exempt from MSC coordination. Local TWC-VR staff may coordinate these medical services and must clearly document why this was coordinated at the local level.

If the surgery or treatment is required to be sent to the regional MSC, frequent communication between the MSC and local TWC-VR staff is advised.

- Local Medical Consultant: Due to the nature of eye surgeries and treatments being low-risk procedures and to create more efficient and timely services for customers, a local medical consultant (LMC) review is not required for eye surgeries or treatments.
- State Medical Consultant: The VR Counselor may choose to consult with the State Optometric Consultant or the State Ophthalmological Consultant.
    - State Ophthalmological Consultants: TWC-VR staff must direct ophthalmological and surgical questions to their attention. When a consultation is required, the State Ophthalmological Consultant will provide a recommendation to the VR Counselor.
    - State Optometric Consultants: State Optometric Consultants are clinical low-vision specialists. Low-vision, vision therapy, and related optometric questions are directed to their attention. When a consultation is required, the State Optometric Consultant will provide a recommendation to the VR counselor.

The VR Counselor completes the Request for MAPS Consultation for Visual Services (VR2351) to accompany a consultation packet, which must include any relevant medical records, the VR3109 and other documents, and is emailed to vr.mapsinquiry_blindservices@twc.texas.gov.

Consultations may be needed when there are:

- Conflicting or unclear eye medical records or documents;
- Questions on recurring eye medical treatments;
- Procedures not listed in MAPS;
- Questions or requests from medical providers for a higher-than-normal cost; or
- Requests for fees that exceed MAPS fees.

VR Counselors can use the checklist for assistance in providing all the required documentation to the consultant. The VR Counselor must document the results of the consultation in a case note.

- State Office Program Specialist for Blind Services: Eye surgeries with complex procedures may need additional consultation. TWC-VR staff must contact the State Office Program Specialist for Blind Services at BVI_staffing@twc.texas.gov if the VR Counselor has questions:
  - Regarding a need for an eye surgery;
  - Regarding the eye surgery process; or
  - Regarding blind services policy and procedure.
- State Office Program Specialist for Physical Restoration: For additional consultation, VR Counselors must contact the State Office Program Specialist for Physical Restoration at vr.mapsinquiry_blindservices@twc.texas.gov when:
  - Codes are not listed in MAPS;
  - The code is listed as $0; or
  - Codes end in "99" or the letter "T."

TWC-VR staff members must copy their immediate supervisor on all consultation requests.

C. Eye Prescriptions

Eye prescriptions are provided by a physician for various purposes, including pre- and post-surgery care and the management of eye conditions to prevent vision deterioration. Common uses include treating eye infections, reducing inflammation, and preparing for or recovering from eye surgery. While some eye conditions are temporary and can be quickly resolved with eye drops, others, like glaucoma, require ongoing treatment. Typically, glaucoma is initially managed with prescription eye drops, which may be necessary for extended periods, often longer than three months. For most eye surgeries, eye drops are used for less than a month, with exceptions such as steroid drops for corneal transplants, which may be required for a longer duration.

The VR Counselor can authorize for up to three months of eye drops.

D. Eye Injections

Intravitreal injections are effective treatments for certain retinal conditions, including diabetic eye disease, macular degeneration, and retinal vein occlusion. These injections, administered in a physician's office using local anesthetics such as topical anesthetic, subconjunctival lidocaine, or retrobulbar injection, may be coordinated by the VR Counselor/Rehabilitation Assistant (RA) team.

Regular injections are crucial for preventing permanent vision loss and maintaining long-term vision. Customers may require ongoing injections, typically averaging 12 per eye, to stabilize their condition. Once stabilized, a scheduled treatment plan will be implemented. After the completion of 12 injections per eye, a State Ophthalmological Consultant review is required to reassess the customer's treatment.

Eye injections are not considered prescriptions but are physician-recommended treatments. The VR Counselor must have ongoing VR counseling and guidance with the customer regarding applying for

comparable services and benefits and long-term payment options since the customer may need continued eye injections to maintain their eye health indefinitely. TWC-VR staff must enter case notes to document the effect and improvement of the customer's progress with the treatment of eye injections.

E. Corneal Transplants

Corneal transplants, also called a keratoplasty, is a surgical procedure in which the corneal tissue is replaced with donor tissue. Typically, corneal transplants are conducted as an outpatient procedure. If the procedure will be completed using general or local/MAC anesthesia, the case should be coordinated through the MSC.

If the procedure is completed using a local topical anesthetic or a local subconjunctival lidocaine or retrobulbar injection, the VR Counselor/RA team must complete the following steps:

The VR Counselor/RA team must contact the facility to determine which eye bank the facility will use.

- VR Counselor/RA team must call the eye bank directly to request a copy of the invoice as soon as it becomes available. The eye bank invoice is required before a service authorization (SA) is issued.
- The invoice amount is typically set at zero since the authorized payment varies depending on the source of the tissue. Payment for the donor tissue is based on the eye bank's invoiced amount. TWC-VR does not pay for shipping, handling, or other processing fees.
- TWC-VR staff must obtain a copy of the original eye bank invoice and must not pay from the hospital or facility invoice. TWC-VR staff must retain the invoice in the customer's case file. The service record and SA for a MAPS purchase must be completed once the service is approved but before the service is ordered. The SA must only be completed once the actual eye bank invoice is received.
- The invoice from the eye bank will not be received until immediately before the service. This delay occurs because corneal tissue is only shipped to the facility immediately before the surgery. The eye bank cannot ship the donor tissue until the last minute and there is no way of knowing the actual cost until the tissue is available and ready to be shipped.
- TWC-VR staff must work closely with the eye bank in advance of the planned surgery to ensure the invoice is received as soon as possible. Typically, TWC-VR staff receive the invoice the day before the scheduled surgical procedure.
- Once the eye bank invoice is received, the VR Counselor/RA team send an email to vr.mapsinquiry_blindservices@twc.texas.gov to request to open V2785 in the amount shown on the invoice. The email must confirm that the requested amount does not include shipping, handling, or other fees.
- A medical services team member will open V2785 in the requested amount. The VR Counselor/RA team will be notified when the MAPS code has been opened.
- VR Counselor/RA team must complete the service record and SA.

- Required documentation must be completed in RHW before changing the amount requested.

F. Vision Therapy

Vision therapy is a customized program of visual activities designed to correct or improve specific vision problems and enhance visual skills. The therapy aims to improve the coordination, efficiency, and functioning of the visual system. A physician may recommend vision therapy as part of their treatment plan, which requires State Optometric Consultation.

VR Counselors can use the checklist for assistance in providing all the required documentation to the consultant. The VR Counselor documents the results of the consultation in a case note.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Deputy Division Director of Field Services Delivery approval is required when actions are taken that are contrary to the advice of the State Optometric and/or Ophthalmological Consultant.
- VR Supervisor approval is required when eye-drop prescriptions exceed three months.

Consultations

- State Optometric consultation is required when vision therapy is recommended by a physician.
- State Ophthalmological consultation is required:

Eye Condition	**State Ophthalmological Consultant Review Required**
Any surgery	If more than one surgeon is recommended on any procedure
Cataracts	If, more than two per eye, past cataract surgeries have occurred If any lens other than a standard intraocular lens is recommended
Diabetic Retinopathy	After 12 injections (per eye) and/or if injection cost is more than $300 per injection

Eye Condition	State Ophthalmological Consultant Review Required
Glaucoma (advanced)	After 12 injections (per eye) and/or if injection cost is more than $300 per injection
Keratoconus (severe)	After one previous crosslinking procedure has occurred
Macular Degeneration (Wet or Dry)	After 12 injections (per eye) and/or if injection cost is more than $300 per injection

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 5.2.i: LOW VISION SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.2.i	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.43	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of low vision services to customers who are visually impaired.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing low vision services and the providers of those services.

POLICY

A. General Overview

A candidate for low-vision services is a customer whose vision cannot be corrected by conventional prescription glasses or contacts.

The primary objective of both Low-Vision Specialists and TWC-VR is to optimize visual functioning for customers' vocational, educational, and independent living goals. Given that funding comes from tax revenue, TWC-VR is required to procure the least expensive optical low-vision devices that adequately meet the customer's vocational needs. However, in certain cases, a more expensive device may be necessary to meet those needs.

Visual acuity must be assessed using the best corrected distance acuity, achieved through simple refraction with glasses or contact lenses, not with low-vision aids such as telescopic devices. An ophthalmologist or optometrist must:

- Measure visual acuity using the distance Snellen chart; or
- Measure and convert the result in writing to the distance Snellen equivalent.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on low-vision services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Low Vision Services

The VR Counselor and customer work together to determine if low vision services are necessary in order to achieve their employment goals. Once agreed upon, the VR Counselor includes the specific low vision services in the Individualized Plan for Employment (IPE).

While no licensure or certification for Low-Vision Specialists exists, there is a growing network of service providers who provide excellent services. Some ophthalmological practices have a Low-Vision Specialist on staff, but most Low-Vision Specialists are licensed optometrists. Many are active members of the low-vision section of the Texas Optometric Association and have collaborated with TWC-VR via the State Optometric Consultant in the development of these guidelines.

To expand the network of Low-Vision Specialists statewide, TWC-VR staff must inform the State Office Program Specialist For Physical Restoration Services if they identify a new potential service provider. Additionally, VR Counselors may ask for guidance on purchasing low-vision services.

- The Low-Vision Evaluation: The VR Counselor provides customer information to the low-vision provider before scheduling a low-vision evaluation.

Once the referral information has been provided and the customer's visual needs have been communicated, an initial low-vision evaluation is scheduled for the customer.

The evaluation is a combination of:

- A diagnostic and medical component that must include a comprehensive medical history and eye examination with automated visual fields measurements; and
- A low-vision refraction and magnification assessment with an individualized evaluation of the customer's functional use of residual vision in relation to the rehabilitation goal.

Because VR pays for low-vision refraction and magnification assessment, the information must be detailed in the provider's written report.

The costs for the medical services component of the evaluation are often covered by comparable benefits resources such as health insurance policies and Medicare. However, the functional component is rarely a covered service by any comparable benefits resource, and TWC-VR is the only financial participant to assist the customer with the costs. Comparable benefits for evaluations, if available, can be considered after the IPE is written.

From the evaluation, the low-vision clinician provides answers to the following questions about the customer's visual functioning:

- Is the current diagnosis consistent with the clinical findings?
- Can vision be improved with conventional corrective lenses?
    - If so, what is the best corrected distance acuity in both eyes, with conventional lenses?
- What is the customer's near acuity, both single-letter identification and reading?
- Is this customer monocular or binocular?
- Does this customer have a problem with contrast sensitivity, and if so, how does this affect visual functioning and reaching rehabilitation and/or habilitation goals?
- Are there significant peripheral or central visual field losses?
    - If so, how do these affect visual functioning and reaching rehabilitation and/or habilitation goals?
- Can distance vision be improved with telescopes, and if so, is a telescopic correction practical for this customer's vocational and/or daily living goals?

- Subsequent Low-Vision Evaluation: Low-vision revisits may be indicated to determine further the types of nonprescription and/or prescription optical devices that could help the customer perform desired tasks and activities. The level of service required depends on the amount of time needed to accomplish subsequent evaluations.

It is important that the customer demonstrate the ability to use recommended optical devices at an acceptable level of efficiency. Unless the customer finds using the optics to be more efficient than not using them, it is unlikely that the devices will be used.

- Specific Referral Information for the Low-Vision Specialist: The VR Counselor can maximize the effectiveness of services by providing the low-vision clinician with information about the customer's:
- Level of visual functioning for specific tasks and activities;
- Specific visual problem areas as experienced in school, independent living, and/or on a job; and
- Goals for greater independence in these areas.

Specificity of information is critical for the Low-Vision Specialist to be able to direct the examination in terms of activities related to the customer's IPE goals. General referral information typically results in only general recommendations; specific referral information can produce pertinent recommendations related to the customer's IPE goals. It is recommended that a customer bring samples of materials that they want to access visually to their meeting with the specialist.

B. MAPS Codes for Reimbursement for Optical Devices and Professional Services

Reimbursement to the Low-Vision Specialist for prescribing, dispensing, and training for an optical low-vision device is based on the wholesale supplier's price apart from the specialist's professional service with the customer. A minimum processing fee (calculated as a designated percentage of the device's base cost) is added to the cost of the device to cover the Low-Vision Specialist's costs, such as handling the prescription-ordering, verifying, shipping, and stocking.

TWC-VR reimburses the provider for professional time spent with the customer in designing a system of optical devices and in training the customer to use the system.

C. Categories of Optical Devices and Price Ranges

The Low-Vision Packet for Eye Glasses and Low-Vision Recommendations is available by request from the State Office Program Specialist for Physical Restoration Services at vr.rhw.maps@twc.texas.gov. The electronic version is in a printable format that may be shared with low-vision providers that recommend specific eyeglasses prescriptions and low-vision aids to ensure that both TWC-VR staff members and providers are sharing a common terminology and fee structure.

D. Devices

- Eyeglasses and Contact Lenses: To purchase single vision, bifocal, or trifocal glasses or contact lenses, the VR Counselor must obtain a prescription from an ophthalmologist or optometrist.

Frames must be the least expensive serviceable type available. The customer may supplement the additional cost for frames if their cost exceeds the MAPS maximum.

Lenses may have tint and/or be impact-resistant only when specified in the prescription.

Glasses may be purchased if needed to complete diagnostic studies.

Before purchasing contact lenses, the VR Counselor must:

- Compare the cost of contact lenses with the cost of glasses; and
- Apply best-value principles.

Irlen lenses are not an approved purchase at this time.

- Optical and Nonoptical Low-Vision Devices: A wide range of services and items are available for people with low vision, from low-tech and low-cost approaches (e.g., modifications in lighting, magnification, and contrast) to high-tech optical devices with higher costs (e.g., single and compound optical systems). Only the optical devices are purchased through MAPS.

Other nonoptical items, such as independent living aids, magnifiers, closed-circuit televisions (CCTV), and adaptive computer hardware and software are acquired and/or purchased as a non-MAPS specification in RHW (i.e., warehouse supply, commercial requisitions, or contract purchases). The VR Counselor must contact Customer Procurement and Client Services Contracting (CPCSC) to determine which purchasing mechanism to use.

- Handheld, Stand, and Other Stock Nonspectacle-Mounted Optical Devices: Handheld, stand, and other nonspectacle-mounted optical devices, known as V2600 devices, are nonprescription devices that can be purchased directly from a supplier as non-MAPS rehabilitation supplies or as a MAPS purchase through a Low-Vision Specialist at the wholesale supplier's price plus 25% to the Low-Vision Specialist.

These items are readily available and can be purchased over the counter by the public. TWC-VR staff may purchase these directly from a wholesale supplier as the least costly option. When purchased through a Low-Vision Specialist, an additional 25% processing fee is paid on all stock items (including handheld magnifiers, handheld telescopes, stand magnifiers, and fit over filters for glare control and contrast enhancement). The base price is the cost that appears in the price list of a national supplier. Local VR offices have supplier price lists that can be used to verify that the service provider's charges do not exceed the MAPS maximum allowable payment.

A minimum of professional time is needed to train a customer to use these devices. For each classification of devices in the V2600 category, one DBS05 fitting fee can be authorized. For example, if the VR Counselor approves one magnifier and one illuminated magnifier on the same date for the same customer, the VR Counselor may authorize a total of two DBS05 fees (one for the non-illuminated magnifier and one for the illuminated magnifier).

- Single Lens, Spectacle-Mounted Low-Vision Devices: V2610 devices are prescribed and include all spectacle microscopes, microscopic bifocals (+5 diopters and over), doublet and triplet microscopes, Unilens, and prismatic half eyes. These devices are reimbursed at the supplier's price plus a 30% prescriptive service fee. Additionally, the Low-Vision Specialist is reimbursed for a 92354 fitting fee for each single element low-vision device to cover the design, evaluation, and training costs involved. The VR Counselor does not authorize an exam or evaluation, because the fitting fee covers the office visit and training. An additional exam may be provided and billed only if there is an additional goal that is being pursued and another prescription that is being considered.
- Spherical and Cylindrical Bifocal Microscopes: The low-vision clinician often must design and special order a prescription for the customer in bifocal or trifocal form, which includes cylinder, prism, and other special optics parameters. The reimbursement for these devices is per the V-codes as listed in MAPS.
- Telescopic and Other Compound Lens Systems: The more sophisticated and complex low-vision prescriptions are the bioptic, telemicroscopic, and reversed telescopic optical systems. These are spectacle mounted, include the customer's prescription, and often must include the use of filters. Advanced clinical skills and extended time are required for correct fitting. Extensive training is required for effective and efficient use of these prescriptive optical devices. Prisms for field awareness are also included in this category.

A fitting fee (92355) plus a 40% prescription service fee above the supplier's price are allowed for this category of devices. The VR Counselor does not authorize an exam, because the fitting fee covers the office visit and training.

- Prism Awareness Systems: Custom prism awareness systems are unique ophthalmic prism designs. The Low-Vision Specialist must provide the invoice from the lab that created the optics.

One example of this coding is an invoice for $400 for the prism, a $160 (40%) processing fee, $100 for the deluxe frame, and a $240 fitting fee. This allows for a maximum reimbursement of $900 for this system.

For prism (visual fields) awareness systems using Fresnel prisms, V-codes are used for the distance correction.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 5.3.a: PSYCHOLOGICAL SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.3.a	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.44	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Psychological Services for TWC-VR customers.

DEFINITIONS

Detoxification: Process used to assist the recovering individual through the acute effects of the substance used. Usually consists of hospitalization, medication, and nutritional assistance.

Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5): Handbook published by American Psychiatric Association (APA) widely used by clinicians and psychiatrists in the United States to diagnose psychiatric illnesses. Covers all categories of mental health disorders for both adults and children.

Dual Diagnosis: Term used to describe the condition of an individual who is diagnosed with both a psychological disorder and a substance use disorder. Often used interchangeably with the terms comorbidities, co-occurring illnesses, concurrent disorders, comorbid disorders, co-occurring disorder, or dual disorders.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing psychological services and the providers of those services.

Methadone Treatment: Daily doses of methadone to replace the drug in order to prevent withdrawal symptoms and relapse. This is usually performed at medically supervised clinics. Methadone treatment does not include AA or NA practices.

Sobriety: The state of living without substances (i.e., drugs, alcohol); process of transitioning from addiction to recovery (i.e., healing mentally, physically, and emotionally from substance abuse and its causes).

Substance Use Disorders: A pathological pattern of behaviors related to the use of a substance or substances, per the DSM-5.

POLICY

A. General Overview

Psychological Services are provided to eligible TWC-VR customers who have clinically diagnosed psychiatric conditions that are defined within the DSM-5 (or the most current version).

Psychological Services are provided only when:

- Comparable services and benefits are not available;
- Prescribed by a licensed psychologist, licensed psychiatrist, licensed medical professional, or licensed mental health professional and required to improve or stabilize the effects of the psychological impairment;
- Necessary to achieve an employment outcome; and
- Individuals whose psychological disorders:
    - Are stable or slowly progressive; and
    - Can be corrected or stabilized within a reasonable time.

Exception: If a customer lacks a clinical psychiatric diagnosis or prescription, a VR counselor may authorize psychological counseling services if they determine the customer would benefit from support in addressing an impediment to employment, including adjustment to disability. The counselor must document the rationale for approving and purchasing these services in a case note.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on psychological services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or

liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Psychological Service Provision

Provider Qualifications: Psychological Services may be purchased from:

- Physicians skilled in the diagnosis and treatment of mental or emotional disorders licensed by the Texas Medical Board;
- Psychologists licensed by the Texas State Board of Examiners of Psychologists;
- Clinical social workers who are licensed by the Texas State Board of Social Worker Examiners;
- Counselors who are licensed by the Texas State Board of Examiners of Professional Counselors;
- Psychiatric–mental health clinical nurse specialists and psychiatric–mental health nurse practitioners licensed by the Texas Board of Nursing;
- Physician assistants licensed by the Texas Physician Assistant Board; or
- Marriage and family therapists (LMFTs) who are licensed by the Texas State Board of Examiners of Marriage and Family Therapists.

Psychological Services may be provided by an intern who is working under the supervision of a licensed provider. When provided by an intern, Psychological Services are paid at the payment rate for the provider supervising the intern. Additional payments are not permitted for the time spent providing the supervision.

Psychological Services Limits: Psychological Services are limited to the purchase of psychotherapy and outpatient psychiatric treatment. TWC-VR does not pay for inpatient psychiatric treatment, with no exceptions allowed. Customers who need this level of treatment must be referred to the local mental health authority.

A Service Authorization for outpatient sessions limited to 10 sessions at a time. Additional sessions may be authorized after documenting progress with the therapist and documenting ongoing need.

Outpatient sessions with qualified providers include:

- A maximum of 30 individual sessions; or
- A maximum of 15 group sessions.

Requests for psychological or neuropsychological tests not listed in the Maximum Affordable Payment Schedule (MAPS) require consultation with the Regional Psychological Consultant (RPC).

The RPC's responsibilities include the following:

- Providing updates on DSM-5 diagnoses and new treatment modalities for behavioral health conditions within the region when requested by the State Office Program Specialist for Veterans and Behavioral Health; and
- Providing technical assistance to peer psychologists within their assigned region.

No-Show Payments: A "no-show" is defined as a customer who fails to appear for a scheduled appointment without giving prior notice of cancellation to the provider. When a customer is a no-show for a scheduled appointment with a psychiatrist, social worker, licensed professional counselor, or psychologist for a service purchased by TWC-VR, the provider may claim a service fee equal to 50% of the usual and customary fee, or the allowable MAPS fee, whichever is less.

The VR Counselor must contact customers who are no-shows for a scheduled appointment to discuss the missed appointment and the importance of keeping future appointments.

B. Substance Use Disorders Services

Substance Use Disorders Services refers to services that are provided for customers who are eligible for TWC-VR services and who have been clinically diagnosed with a substance use disorder that is defined in the DSM-5.

Provision of Substance Use Disorder Services: Substance Use Disorders Services are provided only when:

- Comparable benefits, such as services provided by private insurance, community centers or indigent care organizations, are not available;
- Prescribed by a licensed psychologist or psychiatrist;
- Clinically necessary to achieve a planned employment outcome; and
- Individuals whose psychological disorders:
    - Are stable or slowly progressive; and
    - Can be corrected or stabilized within a reasonable time.

Substance Use Disorders Treatment: VR Counselors assess customers to ensure that each customer has a basic understanding of substance use and abuse. The customer must be participating in treatment

if they are actively using substances. Treatment options for substance use disorders that may be available through the customer's community include, but are not limited to, the following:

- Inpatient or outpatient services;
- Therapy and counseling;
- Continuing care programs;
- Alcoholics Anonymous (AA);
- Narcotics Anonymous (NA); and
- Church and community center sobriety programs.

Typically, no cost is associated with outpatient services provided by AA, NA, or church and community center sobriety programs.

The customer must make the decision to discontinue using substances and choose the method of recovery. If a customer with a substance use disorder applies for TWC-VR services and is not currently in treatment, the VR Counselor must assist the customer in finding treatment options in their community and allows the customer to make the choice to engage in treatment. The VR Counselor may use random drug testing, when included in the Individualized Plan for Employment (IPE), to verify that the customer is abstaining from drug use.

A customer who has previously participated in treatment and has been substance-free without aftercare or support services is generally not considered to have a substantial impediment to employment. If the VR Counselor determines that a substantial impediment to employment exists (e.g., frequent loss of employment due to substance use), the VR Counselor must document how and why the customer has not been able to make satisfactory progress to obtain or retain employment.

Eligibility for TWC-VR Services: Customers with conditions diagnosed or related to a substance use disorder must be participating in, be willing to participate in, or have successfully completed an inpatient or outpatient substance use disorder treatment program before receiving TWC-VR services in an IPE. The VR Counselor must verify the treatment.

VR Counselors decide whether continuation of therapeutic treatment is adequate as a support or if new or additional interventions are needed. Below are some issues for the VR Counselor to consider when working with a customer diagnosed with a substance use disorder.

The customer must:

- Recognize that a substance use disorder is a disability and participate in a group treatment program or individual counseling (under medical supervision, if appropriate);
- Maintain consistent and regular attendance, and demonstrate progress in completing their treatment program;

- Demonstrate a commitment to recovery, as evidenced by making progress in completing their treatment program;
- Make satisfactory progress toward addressing issues related to their overall functioning by advancing in various stages of treatment;
- Acknowledge that they are seeking TWC-VR services for assistance with employment and are committed to and demonstrate the actions to maintain sobriety; and
- Be available to participate in the VR process for the purpose of acquiring or maintaining employment.

VR Counselors must move a case forward if the customer is making progress in their recovery and demonstrates an ability to participate in TWC-VR services.

VR Counseling and Guidance: Early in the case, the VR Counselor schedules regular contacts with the customer to provide guidance, including ongoing recovery and aftercare activities to prepare for engaging in employment. The VR Counselor makes a schedule for verifying sobriety and customer participation in treatment. When considering the needs of the customer, the VR Counselor must remain flexible regarding a customer's abstinence before the initiation of TWC-VR services.

In dual diagnosis cases when substance use disorders co-occur with serious and persistent mental illness, the VR Counselor must address all diagnoses simultaneously.

Relapse: VR Counselors must understand that relapse is considered a natural symptom of the disease; therefore, it is incumbent upon the VR Counselor to remain actively engaged with the customer to assist with recovery if a relapse occurs.

Temporary episodic setbacks or relapses are evaluated on an individual basis in terms of the continuing rehabilitation plan. If the VR Counselor determines that the customer has relapsed due to substance use after eligibility is determined, the VR Counselor must help the customer reengage with their treatment or aftercare program.

Triggers are external events that cause an intense and emotional reaction. The VR Counselor must help the customer identify triggers and develop strategies to help the customer succeed with their current IPE. Triggers are identified by asking questions about situations or events that led up to the customer's most recent relapse episode.

In the event of a relapse while the customer is receiving counseling and guidance, the VR Counselor must:

- Ensure that the customer contacts their sponsor, if applicable (most programs have an accountable individual working with the customer);
- Help the customer identify triggers (e.g., family, environment, and life situations) that cause relapse; and

- Help the customer create a plan that identifies what the customer will do when triggers occur.

Substance Use Disorders Services and Limits: TWC-VR may provide Substance Use Disorders Services, including, but not limited to, the following:

- Therapeutic residential treatment;
- Brief cognitive counseling sessions;
- Psychological services; and
- Licensed Practical Counseling.

TWC-VR does not pay for detoxification services, methadone treatment, or related services.

Documentation and Support to Maintain Sobriety: VR Counselors must look at a case in its entirety and assess documentation that supports a customer's progress and their evidence of commitment to recovery. The VR Counselor must regularly evaluate the customer's case to assess whether an individual needs additional supports to be successful with their IPE.

One of the following must be verifiable and provided by the customer to the VR Counselor to ensure that the customer is actively participating in treatment and/or receiving support to maintain sobriety:

- AA and/or NA logs and a supporting letter from the customer's AA or NA sponsor;
- Records from licensed treatment sources;
- Information from a probation or parole officer; or
- Drug test results from testing performed within the past 30 days.

When a customer participates in a treatment or support program that is not provided by VR Substance Use Disorders Services, the VR Counselor may consult with the State Office Program Specialist for veterans and behavioral health to ensure that documentation exists to show that the customer continues to make progress toward sobriety and employment.

The VR Counselor may request that the customer submit to a clinical drug test if sobriety is unable to be documented. VR Counselors may use urine and blood screenings to verify a customer's sobriety and eligibility for TWC-VR services.

VR Counselors must be aware of the psychological, behavioral, and physical signs of drug use. Signs that would warrant a drug screening include, but are not limited to, the following:

- Psychological signs:
  - Unexplained changes in personality or attitude;
  - Sudden mood changes, irritability, anger outbursts, or inappropriate laughing; and
  - Paranoia.
- Behavioral Signs:

  - Poor attendance at or chronic tardiness to work;
  - Decline in performance/productivity; and
  - Acting isolated, withdrawn, or secretive.
- Physical signs:
  - Dilated pupils or bloodshot eyes;
  - Tremors;
  - Fidgeting/inability to sit still; and
  - Drastic change in appearance (e.g., inappropriate clothing and grooming).

C. Dual Diagnosis and Treatment

When an individual has been clinically diagnosed with dual diagnosis, effective treatment involves addressing both the substance use disorder and the psychological disorder. Treatment of only one condition or the other (rather than both) has been found to be less effective than integrated treatment of both types of disorders at the same time in the same setting. Therefore, integrated treatment is suggested to improve outcomes for both disorders, which should also lead to the chances of a better employment outcome for individuals with comorbid disorders.

SAMHSA identifies the following evidence-based practices for treating individuals with dual diagnoses. More information about these practices can be found on the SAMHSA website:

Illness Management and Recovery

Integrated Treatment

Assertive Community Treatment

Supported Employment

Family Psycho-Education

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when the RPC is directly evaluating or treating customers.
- VR Supervisor approval is required when authorizing more than 30 individual outpatient counseling sessions or 15 group counseling sessions.
- VR Supervisor approval is required for prescription medications needed to treat a specific condition for longer than 90 days.
- VR Manager approval is required when actions are taken that are contrary to the advice of the RPC.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Added disciplines that can prescribe psychological services and added an exception for psychological services

PART C, CHAPTER 5.3.b: AUTISM SPECTRUM DISORDER SUPPORTS

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.3.b	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.44	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of services that will best support TWC-VR customers with autism spectrum disorders (ASD).

DEFINITIONS

Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5): Handbook published by American Psychiatric Association (APA) widely used by clinicians and psychiatrists in the United States to diagnose psychiatric illnesses. Covers all categories of mental health disorders for both adults and children.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing Autism supports and services and the providers of those services.

POLICY

A. General Overview

Autism Spectrum Disorder (ASD) is characterized, in varying degrees, by difficulties in social interaction, verbal and nonverbal communication, and repetitive behaviors and hyper- or hypo-reactivity to sensory input as defined by the DSM-5.

ASD Supports are intended to address skills deficits that are barriers to employment for customers who have been diagnosed with ASD or who display diagnostic characteristics of ASD. These supports are the middle ground between clinical intervention and job skills training.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds Autism Spectrum supports unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for ASD Supports

Characteristics of ASD that would benefit from ASD Supports, as determined by the VR Counselor, are based on the following DSM-5 clinical criteria for diagnosis:

The criteria for Autism Spectrum Disorder include the following:

- Persistent deficits in social communication and interaction across various contexts;
- Deficits in social-emotional reciprocity, ranging from abnormal social approach to reduced sharing of interests or failure to respond to social interactions;
- Deficits in nonverbal communication behaviors, such as abnormalities in eye contact, body language, or understanding and use of gestures;
- Difficulties in developing, maintaining, and understanding relationships, including challenges in adjusting behavior to social contexts or engaging in imaginative play;
- Restricted, repetitive patterns of behavior, interests, or activities;
- Stereotyped or repetitive motor movements, use of objects, or speech;
- Insistence on sameness, inflexible adherence to routines, or ritualized behaviors;

- Highly restricted, fixated interests that are abnormal in intensity or focus;
- Sensory integration abnormalities, including hyper- or hypo-reactivity to sensory input or unusual interests in sensory aspects of the environment.

For a diagnosis of ASD, these symptoms must be present in the early developmental period. However, these symptoms may not fully manifest until social demands exceed limited capacities or may be masked by learned strategies in later life.

B. Autism Spectrum Disorder Supports Referrals

To be referred for ASD Supports, a VR customer must:

- Have a clinical diagnosis of ASD or social communication disorder; or
- Display diagnostic characteristics of ASD as determined by the VR Counselor.

If the VR Counselor has determined that the customer displays diagnostic characteristics of ASD, and the customer has a clinical diagnosis that otherwise meets the eligibility requirements for TWC-VR services, the VR Counselor must provide clear documentation that explains why the customer would benefit from short-term ASD Supports to achieve competitive integrated employment.

This case note must include:

The clinical diagnosis that supports the customer's eligibility for VR services;

- A statement that the customer does not have an official diagnosis of ASD;
- A statement, based on the VR Counselor's professional experience, that the customer requires ASD Supports to be successful in reaching a competitive integrated employment outcome; and
- Documentation of each of at least three characteristics of ASD that the customer must display to benefit from ASD Supports without a diagnosis of ASD.

All customers referred for ASD Supports must display deficits in specific skills that are:

- Required for obtaining or maintaining employment;
- A direct result of autism; and
- Outside the role of job skills training.

Customers who participate in ASD Supports are not required to participate in clinical intervention such as Applied Behavior Analysis (ABA) or psychotherapy.

C. Description of Autism Spectrum Disorder Supports

The ASD Supports may be:

- Offered individually and/or in a group or a combination of both;
- Provided only after an Individualized plan for Employment (IPE) has been developed;
- Combined with employment services as long as services are not duplicated;
- Provided to the customer as well as to parents, caregivers, school staff, and other pertinent people in the customer's life when successful employment is unlikely without their participation; and
- Provided in addition to other provided services, including those through special education or Section 504 of the Rehabilitation Act of 1973, as amended (e.g., when the customer is in high school).

D. Autism Spectrum Disorder Provider Qualifications

To be linked in ReHabWorks (RHW) as a provider of ASD Supports, the provider must be credentialed as one of the following:

- Employment Specialist with a verified Autism Endorsement from University of North Texas Workplace Inclusion and Suitable Employment (UNTWISE);
- Certified Special Education Teacher;
- Licensed Specialist in School Psychology (LSSP); or
- School Speech Pathologist.

ASD Supports are not a contracted Employment Specialist Service; therefore, ASD Supports are not required to be in the provider's contract. However, before starting this service, the Employment Specialist directly working with the customer must be individually linked in RHW through vendor services.

Before an Employment Specialist is linked, it must be verified that they hold a current Autism Endorsement through UNTWISE.

As an exception, a provider can be linked in RHW upon proof of alternative qualifications approved by the State Office Program Specialist for Neurodevelopmental Disabilities.

E. Required Autism Spectrum Disorder Support Forms

Referral Form for Services for Neurodevelopmental Disorders (VR1879): After it is determined that ASD Supports are the appropriate services, the VR Counselor completes VR1879 and submits the completed form to the provider. The VR Counselor must document a case note confirming that the form was completed and stating when it was submitted to the provider.

Autism Spectrum Disorder Supports Plan (VR1880): After the ASD Supports referral is accepted by the provider and the initial consultation with the VR Counselor has taken place, the provider must complete an initial contact with the customer and complete a basic assessment of the customer's needs. The result of this needs assessment is documented in VR1880, which:

- Identifies new specific skills deficits to address;
- Includes five or fewer specific skills that are targeted in that plan; and
- Ensures that there is not a duplication of services.

The skills identified in VR1880 must:

- Be directly related to the diagnostic characteristics of ASD identified by the VR Counselor;
- Be clearly outside of the role of job skills training;
- Make each identified skill measurable; and
- Include the recommended hours that ASD Supports are provided individually, in a group setting, or both.

Billable time for the ASD Supports Plan is not to exceed five hours and may include, but not be limited to, the following:

- Consultation with the VR Counselor;
- The initial meeting with the customer and/or guardian;
- Email or phone correspondence with related parties;
- Brief needs assessment to identify skills deficits; and
- Completion of the plan.

Autism Spectrum Disorder Supports Time Log and Progress Report (VR1881): VR1881 must be completed to document each hour that is billed. The report must be submitted each time an invoice is submitted. With the information that is documented in VR1881, the VR Counselor must be able to evaluate the progress that is being made and that all issues are being addressed.

VR1881 must:

- Include the beginning level of the identified skill;
- Include the level that indicated that the skill has been mastered;
- Include the current level of the identified skill; and
- Not exceed more than two hours of indirect service time.

F. Autism Spectrum Disorder Supports Settings, Fees, and Allowable Hours

Autism Spectrum Disorder Supports Settings: ASD Supports may be provided individually, in a group setting, or in a combination of both. If service is provided in a group setting, a 1:6 counselor-to-customer ratio must not be exceeded.

Autism Spectrum Disorder Supports Fees: Individual service fee for direct and indirect time is $46.00 per hour.

Group service fee for direct time is $23.00 per hour per person and indirect time is $46.00 per hour.

Documentation is completed for each customer participating in a group. Therefore, indirect time is billed at the individual service fee.

For example, each participant requires:

- VR1879;
- VR1880; and
- VR1881.

Allowable Hours for Autism Spectrum Disorder Supports: The VR Counselor may authorize up to 20 hours of ASD Supports.

Authorization of additional hours requires documentation that the customer has:

- Mastered the skills identified on the current VR1880;
- Made measurable improvement on the skills identified on VR1880, but needs more time to master skills; or
- Additional needs for skills development that have been identified.

For each 20 hours authorized, VR1880 must be updated by the provider and submitted to the VR Counselor for review and approval. The VR Counselor must document whether the updated VR1880 is approved in a case note and notifies the provider of the decision.

The total number of hours for ASD Supports may not exceed 120 hours over the lifetime of the case.

Exceptions to the 20-Hour Limit: When necessary and clearly documented by the VR Counselor, an exception can be made to the limitation of authorizing no more than 20 hours of ASD Support services at a time. For example, if a provider is conducting a summer social and vocational skills group that requires 30 hours, the VR Counselor documents this as the justification for the exception in a case note.

If more than one exception to the 20-hour limit is determined necessary for the same customer, approval is required.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when there is more than one exception to the 20-hour limit of support for the same customer. Hours will be approved in increments of 20-hours at a time.
- VR Supervisor approval is required to purchase any of the following assessments or services more than once:

- ABA Evaluation (Social Skills or Functional Behavioral Assessment)
- ASD Supports Plan
- Autism Psychological Battery
- Environmental Work Assessment (EWA)

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 5.3.c: APPLIED BEHAVIOR ANALYSIS (ABA) SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.3.c	34 CFR §361.5(c)(39), §361.48(b)(5), TWC Rule §856.44, and BCBA Handbook 2022	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Applied Behavior Analysis services.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to ABA services and the providers of those services.

POLICY

A. General Overview

Applied Behavior Analysis (ABA) is the science of applying experimentally derived principles of behavior to improve socially significant behavior. ABA takes what is known about human behavior and uses it to develop and apply strategies that are intended to bring about real-world, meaningful change in the individual's behavior. In ABA, behaviors are defined in observable and measurable terms to assess behavioral changes over time. These behaviors are then analyzed within a real-world environment to identify factors that are influencing the behavior and assess how these factors and/or behaviors can be modified.

ABA is provided through three main services:

- Pre-ABA Needs Determination Assessment;
- Social Skills; and
- Challenging Behavior.

ABA is only provided by qualified professionals.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds ABA services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the need for ABA

ABA is used to increase skills deficits and decrease behavior excesses that are an impediment to employment.

ABA is used to treat neurodevelopmental disorders such as:

- Autism Spectrum Disorder (ASD);
- Attention Deficit and Hyperactivity Disorder (ADHD);
- Intellectual developmental disorder;
- Anxiety disorders; and
- Schizoid personality disorder (characteristics displayed are very similar to ASD).

ABA is not recommended for the following:

- Depression (without the presence of a neurodevelopmental disorder);
- Bipolar disorder (without the presence of a neurodevelopmental disorder);
- Schizophrenia Spectrum;
- Personality disorders (except Schizoid personality disorder);
- Sexual deviation; and
- Addiction disorders (such as drugs and alcohol).

ABA may be used for:

- Decreasing maladaptive behavior;
- Increasing social and communication skills;
- Increasing self-regulation and emotional intelligence;
- Increasing problem solving and executive functioning; and
- Increasing vocational and life skills.

ABA must:

- Evaluate and treat the environment in which a behavior and/or a skills deficit is occurring;
- Evaluate and treat the customer, as well as pertinent individuals directly involved in the customer's obtaining and maintaining employment; and
- Generalize learned skills in the employment environment.

B. Applied Behavior Analysis Provider Qualifications

Levels of Providers: There are five levels of approved providers that can provide ABA services to VR customers:

- Board Certified Behavior Analyst (BCBA-D®):doctorate level
- Board Certified Behavior Analyst (BCBA®):master's level
- Board Certified Assistant Behavior Analyst (BCaBA®):bachelor's level
- Registered Behavior Technician (RBT®)
- Graduate student in behavior analysis program

The following services are completed by a BCBA-D® and BCBA®:

- Pre-ABA Determination Assessment;
- Social Skills and Functional Behavior Assessments; and
- Social Skills and Challenging Behavior Intervention.

Board Certified Assistant Behavior Analyst, Registered Behavior Technician, and Graduate Student Requirements: BCaBA®, RBT®, and graduate students must be supervised by a BCBA® and are only permitted to provide individual or group intervention services.

Before providing this service:

- This level of provider must identify the supervisor; and
- The identified supervisor is required to complete all actions under "Special Requirements for Supervisor."

Additional Graduate Student Requirements: Before being linked to provide services, a graduate student must:

- Submit a transcript showing proof of enrollment in a graduate-level behavior analysis program at an accredited university set forth by Behavior Analyst Certification Board (BACB®) or enrolled in a graduate program that contains the acceptable graduate coursework in behavior analysis set forth by BACB®;
- If the graduate program is completed, be actively engaged in their supervised fieldwork hours required for board certification and/or have met all requirements that qualify them to sit for the board exam;
- Continue supervision until board certified if they do not pass the board exam or does not take the board exam; and
- In all scenarios, identify their supervising BCBA®.

Additional Requirements for a Supervisor of a Board-Certified Assistant Behavior Analyst, Registered Behavior Technician, or Graduate Student: The identified supervisor must be a BCBA® or BCBA-D® and meet the following conditions:

- Become a VR provider;
- Hold a current board certification;
- Meet the 2022 BACB® standards for supervision;
- Meet the standards for conducting supervision set forth by BACB®;
- Sign all progress reports verifying that the content of the progress reports are complete and valid; and
- Intervention provided met supervision requirements set forth by the BACB®.

Billing Supervision of Applied Behavior Analysis Providers: Supervision of professionals who are providing ABA is a billable service but only while conducting intervention hours (not for Pre-ABA determination assessment or an assessment).

Supervisors may bill up to three hours a month per customer and are paid at their level of provider rate per the service they are supervising. For example, if a provider supervises a customer in a group intervention, a provider will be paid at their group level of provider rate.

C. ABA Referrals

A customer must meet the following two conditions to be referred to ABA:

- Have a neurodevelopmental disorder diagnosis;
- Display a maladaptive behavior and/or social skills deficit that creates a barrier to obtaining and/or maintaining employment.

The VR Counselor must submit Referral Form for Services for Neurodevelopmental Disorders (VR1879) to the provider to initiate services.

D. Pre-Applied Behavior Analysis Needs Determination Assessment

Pre-ABA Needs Determination Assessment is a service:

- Intended to assist a VR Counselor when they are unsure as to which ABA service, if any, is needed; and
- Designed to triage the customer's needs and determine the appropriate service.

The provider must:

- Observe the customer in person; and
- Provide a brief written report of service recommendations.

The report must include information on, but not limited to:

- Interviews, observations, record reviews;
- Service recommendation; and
- Why, or why not, a service is recommended.

Billable time may include the following, but is not to exceed three hours:

Phone calls, emails, and record reviews;

Observation of the customer and interviews with pertinent individuals;

- Writing and reviewing service recommendations with the VR Counselor.

E. Social Skills Services

Social skills are for customers who:

- Have a social skills deficit and/or display maladaptive behavior; and
- Do not have significant challenging behaviors, such as aggression.

The provider must first conduct either an individual assessment or group assessment (must be for the purpose of attending a social skills group); however, if the VR Counselor is unsure which social skills assessment is needed, purchasing a Pre-ABA Needs Determination Assessment is recommended. This can be purchased using VR1879.

Individual Social Skills Assessment: An Individual Social Skills Assessment is intended to be a comprehensive evaluation of a customer's social skills abilities and is most appropriate when a customer has:

- A social skills deficit that requires individualized intervention; and
- The identified deficit is not appropriate to treat in a group setting.

This assessment is intended to provide a comprehensive evaluation of the following, but is not limited to:

- Basic and advanced social and communication skills;
- Self-regulation and emotional intelligence; and
- Problem solving and executive functioning.

The provider must:

- Observe the customer in at least two environments, such as the provider's office, the customer's home, or the community; and
- Reflect the type of environment in which the suspected social skills deficit occurs.

The report must include, but is not limited to:

- Initial reported concerns;
- Dates, times, and summary of interviews;
- Results of direct and indirect observations, assessments, and data collected;
- Current home life and future living plans;
- Employment goals and any other interests related to postsecondary options;
- Current and past education, pertinent medical conditions, medicines, and therapies;
- Identified skills deficit targeted to increase goals and mastery of criteria;
- Current baseline for targeted skills deficit;
- Any procedures, strategies, and supports needed to master identified goals;

- Method in which progress is monitored; and
- Recommended number of treatment hours and whether treatment is provided individually, in a group setting, or both.

Billable time must not exceed 12 hours and may include the following:

- Activities required to complete the assessment;
- Phone calls, emails, review of records, meeting with VR Counselor;
- Writing and/or reviewing report with VR Counselor, customer, or pertinent others (report must be reviewed either in person or by phone unless otherwise directed by the VR Counselor).

Group Social Skills: A Group Social Skills plan is a broad and brief evaluation for the purpose of attending a social skills group; however, the VR Counselor must ensure that the provider has, or will have, an available social skills group appropriate for the customer before purchasing this service.

Group Social Skills is most appropriate when a customer:

- Is not in need of a comprehensive social skills assessment; and/or
- Has demonstrated that they are able to acquire skills in a group environment and not require more than a 1:6 provider to customer instructional setting.

The plan is intended to be a brief evaluation of, but is not limited to, the following:

- Basic and advanced social and communication skills;
- Self-regulation and emotional intelligence; and
- Problem solving and executive functioning.

The provider must create a social skills plan for each customer participating in the social skills group.

The plan must include brief information on, but not limited to, the following:

- Interviews and informal assessments and their results;
- How progress is monitored and frequency of progress reported;
- Recommended number of treatment hours; and
- Treatment goals and proposed mastery of criteria.

Billable time is paid at the level of the provider's individual rate, and time spent may include the following, but is not to exceed three hours:

- Activities required to complete the assessment;
- Phone calls, emails, review of records, meeting with VR Counselor; and
- Writing and reviewing the plan.

F. Challenging Behavior Services

Challenging Behavior services are for customers:

- Who have significant, persistent maladaptive behaviors that occur in more than one environment; and
- For whom the cause of a maladaptive behavior is unknown.

A provider must first conduct a behavior assessment that is an in-depth evaluation of problem behavior; however, if a VR Counselor is unsure if a behavior assessment is needed, purchasing a Pre-ABA Needs Determination Assessment is recommended.

Functional Behavior Assessment: A Functional Behavior Assessment (FBA) is intended to be a detailed, thorough evaluation of why a problem behavior is occurring.

The provider must:

- Observe the customer in at least two environments, such as in the provider's office, the customer's home, or the community; and
- Reflect the type of environment in which the suspected challenging behavior occurs.
- The FBA section of the report must include the following details, but is not limited to, the following:
    - Initial reported behavior concerns;
    - Targeted behaviors for assessment;
    - Dates, times, and summary of interviews;
    - Results of direct and indirect observations, assessments, and data collected;
    - Current home life and future living plans;
    - Employment goal and any other interests related to postsecondary options;
    - Current and past education, pertinent medical conditions, medicines, and therapies;
    - Preference assessments;
    - Setting events;
    - Precursors;
    - Proposed function of the behavior; and
    - Findings and recommendations.

The results of the FBA section may conclude that treatment is not necessary or that treatment can be provided by another professional (e.g., an Employment Specialist with the Autism Endorsement). If this occurs, completion of the Behavior Intervention Plan (BIP) section is unnecessary. The provider must only submit the FBA section and bill for hours used to complete it.

Behavior Intervention Plan: A BIP uses the findings of the FBA to create a treatment plan.

The BIP section of the report must include, but is not limited to, the following:

- Identified challenging behavior targeted for reduction;
- Replacement behavior goal and mastery of criteria for each challenging behavior;
- Identified skills deficit targeted to increase goals and mastery of criteria;
- Current baseline for targeted challenging behavior and/or skills deficit;
- Any procedures, strategies, supports needed to master identified goals;
- Method in which progress is monitored; and
- Recommended number of treatment hours and whether treatment is provided individually, in a group setting, or both.

Billable time may include the following, but is not to exceed 15 hours:

- Activities required that result in the recommended components of the FBA report and/or BIP report;
- Phone calls, emails, review of records, meeting with the VR Counselor; and
- Writing and/or reviewing the report with the VR Counselor, customer, or others, as applicable (report must be reviewed either in person or by phone, unless otherwise directed by the VR Counselor).

Social Skills/Behavior Intervention: After an assessment is submitted and approved by the VR Counselor, intervention:

- May be provided individually, in a group setting (the ratio between facilitators and customers cannot be greater than one therapist to six customers), or both; and
- Does not ordinarily exceed 60 intervention hours over the lifetime of the case.

If more than 60 intervention hours over the lifetime of the case are required, the VR Counselor must:

- Consult with the state office neurodevelopmental specialist;
- Document the justification in a case note;
- Submit through the RHW Purchase Approval Category; and
- Amend IPE to include additional hours, as applicable.

Hours that are completed for a Pre-ABA Needs Determination Assessment or an Assessment are not included in the 60-hour limit.

Billable direct hours may include direct intervention that is provided either individually, in a group setting, or both. This may not exceed 60 hours.

Billable indirect hours may include the following:

- Meetings, phone calls, and emails exchanged with the VR Counselor;
- Collecting and graphing data and writing progress reports; and

- Group indirect hours paid at the level of provider's individual rate: indirect hours are for an individual in a group (e.g., record review, graphing data, or writing a progress report).

Billable indirect hours are not to exceed three hours per month.

G. Required Provider Documentation

To receive payment for ABA assessment services, the provider completes an assessment report that must be submitted and approved by the VR Counselor prior to payment.

To receive payment for ongoing ABA intervention, the provider must submit a progress report at least once a month that is approved by the VR Counselor.

To receive payment for supervision of ABA providers, the supervisor must submit a brief summary report that includes the following information:

- Dates and times that supervision took place;
- Total hours of supervision that reflect the required 5% set forth by BACB®; and
- Type of supervision conducted (type must meet the standards set forth by BACB®).

H. Applied Behavior Analysis Fees

Fees for all ABA services are as follows:

Level of Provider	Pre-Needs Determination Assessment and Assessments	Individual Intervention	Group Intervention
Level 1: BCBA-D®	$125.00 per hour	$125.00 per hour	$45.00 per hour
Level 2: BCBA®	$79.53 per hour	$79.53 per hour	$33.00 per hour
Level 3: BCaBA®	N/A	$37.50 per hour	$18.75 per hour
Level 4: RBT®	N/A	$37.50 per hour	$18.75 per hour
Level 5: Graduate Student	N/A	$37.50 per hour	$18.75 per hour

If a BCBA® and a BCBA-D® conduct an assessment or provide intervention, the provider must bill at the BCBA® provider rate.

When completing reports and submitting billing, the following descriptions must be used as defined:

- Direct Hours are time spent in person with the customer or actively training a pertinent individual who has direct involvement with the customer for obtaining and maintaining employment.
- Direct Observation of a behavior in the naturally occurring environment and the conditions that occur. Measurement tools such as a scatterplot or ABC chart may be used.
- Indirect Hours are time spent providing services other than in-person support, such as meetings with the VR Counselor, phone calls, emails, collecting and graphing data, and writing progress reports.
- Indirect Observation may include, but is not limited to, interviews with customers or pertinent individuals in their life, informal assessments, or questionnaires.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required to purchase any of the following assessments or services more than once:
    - ABA Evaluation (Social Skills or FBA)
    - ASD Supports Plan
    - Autism Psychological Battery
    - Environmental Work Assessment (EWA)

Consultations

- State Office Neurodevelopmental Program Specialist consultation is required for more than 60 intervention hours of ABA over the lifetime of the case.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 5.3.d: WELLNESS RECOVERY ACTION PLAN (WRAP) SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.3.d	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.44	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Wellness Recovery Action Plans (WRAP) services for TWC-VR customers.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5): Handbook published by American Psychiatric Association (APA) widely used by clinicians and psychiatrists in the United States to diagnose psychiatric illnesses. Covers all categories of mental health disorders for both adults and children.

Dual Diagnosis: Term used to describe the condition of an individual who is diagnosed with both a psychological disorder and a substance use disorder. Often used interchangeably with the terms comorbidities, co-occurring illnesses, concurrent disorders, comorbid disorders, co-occurring disorder, or dual disorders.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing placement services and the providers of those services.

Sobriety: The state of living without substances (i.e., drugs, alcohol); process of transitioning from addiction to recovery (i.e., healing mentally, physically, and emotionally from substance abuse and its causes).

Substance Use Disorders: A pathological pattern of behaviors related to the use of a substance or substances, per the DSM-5.

POLICY

A. General Overview

The Wellness Recovery Action Plan (WRAP) is an evidence-based system that is used worldwide by individuals experiencing mental health and other kinds of wellness challenges. WRAP is a unique form of mental health support in that it is peer-led and self-directed, with elements and strategies trademarked by the Copeland Center for Wellness and Recovery (Copeland Center) to help adults with a mental health disability to identify and learn:

Triggers;

- Early warning signs that their mental health is worsening;
- Wellness tools such as coping strategies; and
- Resources to use when things are breaking down.

Coursework must include wellness tools that allow the customer to move forward in recovery by:

- Developing natural supports;
- Learning appropriate coping skills;
- Developing self-management skills;
- Identifying uncomfortable and distressing feelings and/or behaviors; and
- Developing crisis plans.

B. WRAP Parameters

WRAP is a strategy that helps VR Counselors establish customer stability for possible employment and cannot be provided simultaneously with other therapies.

- WRAP curriculum:
  - Is found in the WRAP Recovery Book;
  - Must be offered in its entirety; and
  - Must be at least 20 hours of services in an individual or group setting.
- WRAP services can be provided remotely when the VR Counselor has indicated approval of remote service delivery on the Referral for Provider Services (VR5000); and

- Is purchased from a bilateral contractor.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 12: Wellness Recovery Action Plan (WRAP).

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on psychological services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for WRAP Services

The VR Counselor and the customer may determine that WRAP services are necessary, for customers who:

- Are at least 18 years of age;
- Have a disability such as schizophrenia, major depression, bipolar disorder, or another severely disabling psychological disorder that meets the diagnostic criteria specified in the DSM-5; or
- Have substance abuse disorders or developmental disorders that co-occur with another diagnosable severe mental illness; and
- Have functional impairments resulting from a mental illness that substantially interferes with or limits two or more major life activities;

- Require crisis resolution, long-term support, and treatment to manage the mental illness; and
- Are adjusting to or considering physical lifestyle changes.

B. WRAP Referral and Service Provision

When the VR Counselor and customer agree to the receipt of WRAP services, it must be included in the Individualized Plan for Employment (IPE), or IPE amendment.

The VR Counselor must:

- Complete the VR5000;
- Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations case notes, vocational testing, housing, and/or employment data collected by VR that prepare the provider to better work with the customer as applicable;
- Determine whether WRAP service will be provided in-person, remotely, or a combination of both;
- Ensure TWC-VR staff send the SA and the VR5000;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve WRAP Report (VR3381), completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor must:

- Document all the information required by the service description on the VR3381, including evidence that:
- The training was provided without exceeding the ratio of eight customers to one WRAP trainer;
- The training was provided in the environments approved by the VR Counselor on the VR5000;
- The attendance record confirms that the customer participated in a minimum of 20 hours of training;
- The training included the eight required elements described in the service description:
    - Wellness: What an individual is like when they are presenting at their "best" by the customer's definition;
    - Wellness Toolbox: A general list of strategies that an individual knows will help keep them well; these strategies might also include negative environments, events, and individuals the customer should avoid;
    - Daily Maintenance: A list of responsibilities that a customer must do daily, weekly, or monthly to stay well, such as:
        - Establishing a consistent routine;
        - Taking medication at the same time each day;

        - Going to bed at the same time each day;
        - Getting out of bed at the same time each day; and
        - Exercising at the same time each day.
    - Triggers: External events or circumstances that make a customer feel less well; a customer writes down their personal triggers and then writes an action plan of what to do if these triggers were to occur;
    - Early Warning Signs: The subtle internal signs of change that indicate to an individual that well-being is becoming compromised; a customer writes a list of these personal signs of change with an action plan of what to do if they occur;
    - When Things Are Breaking Down: Feelings and behaviors that indicate to an individual that their condition is more serious and immediate action is needed to prevent things from worsening; a customer writes a list of signs that things are breaking down and an action plan of what to do if that occurs;
    - Crisis Plan: A comprehensive plan, written when the individual is well, telling others how they would like to be cared for when self-care is no longer possible; there are several sections to this plan and individuals are encouraged to adapt it to their needs in a time of crisis;
    - Post-Crisis Plan: A plan of how others will know when they no longer need to take over the care of the customer; also includes a plan for reducing support as the customer starts to take back responsibilities and recover from the crisis and reintegrate into a productive life within the community setting;
    - All necessary accommodations, compensatory techniques, and special needs were provided, as necessary for the customer, to participate in training;
    - Various instructional approaches were used to meet the customer's learning styles and preferences; and
    - All supplies were provided so that the customer could participate in the training.

C. Customer's Satisfaction

The customer's satisfaction and service delivery are verified by the customer's signature on the VR3381 or by a TWC-VR staff member’s contact with the customer, documented in a case note.

D. WRAP Payment

Payment for WRAP services is made to the contractor when the VR Counselor approves a completed, accurate, signed, and dated:

- VR3381; and
- The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change requirements for WRAP, using VR3472 prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 5.3.e: SUPPORTED RESIDENTIAL SERVICES FOR PEOPLE IN RECOVERY

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 5.3.e	34 CFR §361.5(c)(39), §361.48(b)(5), and TWC Rule §856.44	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Supportive Residential Services for Persons in Recovery (SRSPR) services for TWC-VR customers.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Detoxification: Process used to assist the recovering individual through the acute effects of the substance used. Usually consists of hospitalization, medication, and nutritional assistance.

Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-5): Handbook published by American Psychiatric Association (APA) widely used by clinicians and psychiatrists in the United States to diagnose psychiatric illnesses. Covers all categories of mental health disorders for both adults and children.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing restoration services and the providers of those services.

Methadone Treatment: Daily doses of methadone to replace the drug in order to prevent withdrawal symptoms and relapse. This is usually performed at medically supervised clinics. Methadone treatment does not include AA or NA practices.

Sobriety: The state of living without substances (i.e., drugs, alcohol); process of transitioning from addiction to recovery (i.e., healing mentally, physically, and emotionally from substance abuse and its causes).

Substance Use Disorders: A pathological pattern of behaviors related to the use of a substance or substances, per the DSM-5.

POLICY

A. General Overview

Supportive Residential Services for Person in Recovery (SRSPR) assists customers who are in recovery to maintain stability, control, and abstinence from use of substances so they can gain CIE. This service is intended to provide a supervised, stable living environment, with additional supports to assist the customer in pursuit of a successful CIE outcome in a timely manner.

If an individual is currently in a Supportive Residential Service facility and is seeking services from TWC-VR, they must fully comply with the facility's policies and procedures. The customer must meet, and continue to meet, the substance use disorder eligibility requirements for TWC-VR.

Supportive Residential Services are NOT intended to serve as a medical detox.

Substance Classifications: TWC-VR only supports customers with substance use related to the following classifications:

- Alcohol: Usually composed of ethanol or ethyl liquid that when ingested acts as a psychoactive drug that acts as a depressant on the central nervous system (Caron 2016);
- Cannabis: Dried flowering tops of Cannabis Sativa plant. Smoked or ingested to induce psychotomimetic effects to the central nervous system; usually referred to as marijuana;
- Hallucinogens: Plant or synthetic compounds capable of causing functional disturbances in the form of psychoses, mainly hallucinations;
- Inhalants: Chemical vapors that are inhaled for delusional effects on the central nervous system;
- Phencyclidine: Intravenous antiseptic that causes delusions and hallucinations; usually referred to as PCP or Angel Dust;
- Opioids: A pain-attenuating peptide, synthetic or natural, that triggers the brain to release analgesia;
- Sedatives: Usually combination of drugs used to calm or relax patients;
- Stimulants: A drug or other substance used to accelerate or excite the central nervous system.

Drug Classifications: TWC-VR does not support treatment for the following classifications:

- Caffeine: A stimulant made of a crystalline compound that affects the central nervous system (Farlex);
- Tobacco: Prepared leaves of certain plants; some having narcotic properties, used for chewing, smoking or sniffing.

B. SRSPR Parameters

- SRSPR are purchased from a bilateral contractor.
- SRSPR must include 24 hours per day, seven days per week of a structured therapeutic environment that ensures the health and safety of the customer while they are maintaining abstinence from the use of controlled substances. SRSPR are NOT intended to serve as a medical detox.
- SRSPR direct care staff-to-customer ratio must be at least 1:20 when customers are awake and 1:50 during sleeping hours.
- SRSPR facility must provide and document at least six hours of treatment services per week for each customer, comprised of at least:
    - Three hours of chemical dependency counseling (one hour per month of which shall be individual counseling); and
    - Three hours of additional counseling, chemical dependency education, life skills training, and relapse prevention education.
- TWC-VR may purchase up to 90 days of residential treatment, in 30-day increments, when:
    - The customer demonstrates progress towards established goals and objectives as outlined in the treatment plan and the Supportive Residential Progress Report (VR3384); and
    - The customer participates in a recovery program, abides by residential rules, and is actively working towards mastering work readiness skills or obtaining CIE for additional time to be approved.
- SRSPR facilities may provide Personal Social Adjustment Training (PSAT), Vocational Adjustment Training (VAT), Job Skills Training and Job Placement Services simultaneously when the SRSPR facility has a second contract for Employment Services.
- SRSPR facilities must report, in writing, any use of a controlled substance that is not prescribed by a physician, to the VR Counselor within one business day of discovery.
- TWC-VR will only pay for days the customer is actively in the facility and will not pay for unexcused or excused absences.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor.

For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 11: Supportive Residential Services for Persons in Recovery.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on SRSPR unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for SRSPR

The VR Counselor and the customer may determine that SRSPR are necessary when the customer is in recovery and needs a supervised, stable living environment, with additional supports to maintain stability, control, and abstinence from use of substances so they will be able to gain and maintain CIE.

SRSPR may include the following:

- Room, Board, and Supervised Living: Allows the individual recently in recovery to have a supervised environment in which to maintain sobriety while also saving money earned on a job to obtain a new residence;
- Coping Skills: Helps the individual in recovery learn to deal with work and social difficulties without drugs or alcohol;
- Connecting with Local Resources: Helps the individual become connected with medical and treatment programs to enable continued stability after leaving the facility and after TWC-VR services are completed.

B. Referral and Service Provision

When the VR Counselor and customer agree to the receipt of SRSPR, it must be included in the Individualized Plan for Employment (IPE), or IPE amendment.

The VR Counselor must:

- Complete the Referral for Provider Services (VR5000);
- Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations case notes, vocational testing, housing, and/or employment data collected by TWC-VR that prepares the provider to better work with the customer as applicable;
- Ensure TWC-VR staff send the service authorization (SA) (for up to 30 days) and the VR5000;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve the VR3384 completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor must:

- Document information required by the service description on the VR3384 every 30 days, including evidence that:
    - SRSPR direct care staff-to-customer ratio must be at least 1:20 when customers are awake and 1:50 during sleeping hours;
    - The customer's attendance at the facility without elopement or unauthorized weekend passes outside the scope of recovery was recorded;
    - The customer's attendance in at least the six hours of required treatment services each week was recorded, including:
        - Three hours of chemical dependency counseling (one hour per month of which shall be individual counseling); and
        - Three hours of additional counseling, chemical dependency education, life skills training, and relapse prevention education;
    - The customer is abstaining from any controlled substances and maintaining medication as prescribed;
    - The customer is maintaining adherence to residential rules; and
    - Goals and objectives identified in the treatment plan were addressed and progress documented on the VR3384.

C. Customer's Satisfaction

The customer's satisfaction and service delivery are verified by the customer's signature on VR3384 or by the TWC-VR staff member's contact with the customer, documented in a case note.

D. SRSPR Payment

Payment for SRSPR is made to the contractor when the VR Counselor approves a completed, accurate, signed, and dated:

- VR3384; and
- The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change requirements SRSPR using the Contracted Service Modification Request (VR3472) prior to changes being implemented.
- If there is a need for VR-sponsored residential services for more than 90 days:
    - VR Supervisor review and approval is required in 30-day increments for continued sponsorship to ensure that the customer is continuing to make measurable, predefined progress towards established goals and objectives, and
    - The VR3472 must be submitted and approved prior to services being authorized.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 6: BLIND AND VISUALLY IMPAIRED SPECIALTY SERVICES

PART C, CHAPTER 6.1.a: ASSISTIVE TECHNOLOGY BVI-PROVIDED SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.1.a	34 CFR §361.48(b)(17), §361.5(c)(45), §361.5(c)(6), and TWC Rule §856.56	All TWC-VR staff, particularly BVI VR Counselors	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of assistive technology goods and services for blind and visually impaired customers.

DEFINITIONS

Assistive Technology (AT): Equipment, devices, and software that help individuals who are blind or have visual impairments with everyday tasks, communication, and accessing information.

Assistive Technology Evaluation: A structured process that allows a customer to compare different AT products with the unbiased guidance of an AT evaluator.

Assistive Technology Purchase Plan (ATPP): A template Employment Assistance Services (EAS) uses to organize all the elements on the Individualized Plan for Employment (IPE) related to purchasing AT goods and services, including the consultation reports, AT evaluation report, products, price quotes, and vendors.

Basic Consultation: An interview the Vocational Rehabilitation Teacher (VRT) conducts with the customer to identify the product categories the AT Evaluator will demonstrate in an AT evaluation.

Best Value Purchasing: The purchasing of goods and services meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

BVI Assistive Technology Workbook: EAS staff resource to assist in finding products for blind and visually impaired customers that have been tested by TWC-VR to meet the AT needs of BVI customers.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing AT services and the providers of those services.

Initial Consultation: An interview the EAS conducts with the customer to identify the product categories the AT Evaluator will demonstrate in an AT evaluation.

POLICY

A. General Overview

TWC-VR must ensure that customers who are blind or visually impaired (BVI) can access the AT devices and services they need. This is aimed at improving their independence, productivity, and ability to achieve their employment goals.

The key components of this policy are as follows:

- AT Evaluation: Required for most AT purchases to identify each customer's specific AT needs based on their disabilities, functional capacity, and job-related tasks. These evaluations are provided by TWC-VR (i.e. in-house service) through the Assistive Technology Unit (ATU), or purchased from approved contract providers.
- AT Purchases: AT devices and services necessary to support BVI customers in achieving their educational and vocational goals; purchased by TWC-VR.
- AT Training: TWC-VR purchases AT training from approved contract providers to teach BVI customers how to effectively use AT for education, employment, communication, and daily activities.

By addressing these areas for customers who are blind and visually impaired, TWC-VR fosters a supportive and inclusive environment where BVI customers can access and use AT to pursue fulfilling careers.

B. BVI-Provided Services

- Assistive Technology Unit (ATU) Services: ATU AT Evaluators provide AT evaluations at the ATU lab located in the Criss Cole Rehabilitation Center (CCRC) in Austin.
- Employment Assistance (EA) Services:
    - Employment Assistance Specialists (EAS): EAS provide services including AT planning, computer skills assessment, equipment installation/troubleshooting, job retention, and initial consultations required for AT evaluations for customers who are employed. They also engage in business contacts and technology consultations including in-service training programs.
    - Assistive Technology Support Specialists (ATSS): ATSS services include software compatibility testing, installation and troubleshooting for AT to businesses and customers, pre-employment equipment and AT software testing to assess compatibility with business systems, and on-site support to businesses for agency-provided technology.
- VR Teacher (VRT) Services: VRTs provide independent living and vocational assessment and training services. EAS may refer a customer who is unemployed and not engaged in postsecondary education to a VRT for a basic consultation, in which case, the basic consultation report meets the initial consultation requirement for AT evaluation.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 9: Assistive Technology Services for Customers with Visual Impairments. Communication Access Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: AT services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: AT services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to

policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. AT Evaluations

Employment Assistance Specialist (EAS): The VR Counselor must contact the EAS assigned to their region to discuss the needs of the customer and create a service record.

An initial consultation report is required for an AT evaluation. The EAS provides initial consultations for blind or visually impaired customers who are job-seeking, employed, or pursuing post-secondary education. An initial consultation identifies suitable AT product categories based on the customer's disabilities, functional capacity, and employment/educational goals. The decision to conduct a basic consultation is made by EAS, who may delegate this task to a VRT following discussions with the VR Counselor.

The EAS accepts the service record for the initial consultation and meets with the customer to complete the consultation and consultation report.

- VR Teacher (VRT): A basic consultation report can be substituted for an initial consultation for an AT evaluation when delegated by the EAS. The EAS contacts the VRT assigned to the VR Counselor's region to discuss the needs of the customer and create a service record. The VRT provides basic consultations for blind or visually impaired customers who are job-seeking and not pursuing postsecondary education.

A basic consultation identifies suitable AT product categories based on the customer's disabilities, functional capacity, and employment/educational goals.

The VRT accepts the service record for the basic consultation and meets with the customer to complete the consultation and consultation report. The EAS reviews the basic consultation report and contacts the VR Counselor to discuss the evaluation recommendations.

The VR Counselor must then create the service record for the AT evaluation with the Assistive Technology Unit (ATU) or an approved contract provider. ATU provides AT evaluations based on initial or basic consultation reports. AT evaluations help customers identify suitable AT products that support their educational and vocational goals. During the evaluation process, AT Evaluators demonstrate products only from categories specified in the consultation report.

- ATSS: The EAS contacts the ATSS assigned to the VR Counselor's region to discuss the needs of the customer and create a service record. The EAS sends a complete ATSS Request to the ATSS.

The ATSS accepts the service record for the requested service and meets with the customer to complete the necessary testing and a report.

B. ATPP Request

When the VR Counselor and customer determine that an ATPP is necessary, the VR Counselor must contact the EAS assigned to their region to discuss the needs of the customer and create a service record.

The EAS accepts the service record for the ATPP and meets with the customer to complete the plan and provides it to the VR Counselor.

C. IPE Requirements

BVI services can be provided before and after a customer is receiving services in an IPE. Once the customer has an IPE, all BVI services must be included in the IPE.

D. AT Purchasing

An AT evaluation is required for AT purchases except standard stock equipment and software recommended by the EAS, and AT product replacement or upgrades. The following resources assist in determining the appropriate AT and ensure best value purchasing requirements are met.

- Assistive Technology Purchasing Plan (ATPP): The ATPP assists the VR counselor to ensure that all the required documentation is in place to make purchases.
- Customer Technology Specialist (CTS) Services: The CTS Unit is an in-house service that supports VR Office of Blind Services by purchasing and processing technology stock inventory products for customers who are blind or visually impaired.
- Products Under Contract with Department of Information Resources (DIR): DIR is the State's information technology (IT) and telecommunications agency. DIR leverages the State's buying power for technology.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- Program Specialist for Assistive and Rehabilitation Technology (PSART) consultation is required for AT purchases with a cumulative cost greater than $10,000, except for those recommended in an AT evaluation report from the Assistive Technology Unit (ATU).

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition of Best Value Purchasing

PART C, CHAPTER 6.1.b: ASSISTIVE TECHNOLOGY CONTRACTED SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.1.b	34 CFR §361.48(b)(17), §361.5(c)(45), §361.5(c)(6), and TWC Rule §856.56	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of contracted assistive technology (AT) services for TWC-VR customers who are blind or visually impaired, who need training in safely and effectively navigating different environments.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Evaluation Products List (EPL): A resource developed and maintained by the Assistive Technology Unit (ATU) that lists the products a contracted AT evaluation provider can show a customer during an AT evaluation purchased by TWC-VR; AT products on the EPL are based on product performance, best value, ease of use, availability, and other criteria to help customers make informed choices when selecting AT products to support their educational and vocational goals.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing AT services to meet their needs.

POLICY

A. General Overview

Contracted AT services are for customers with visual impairments and include AT baseline and post-training assessments, AT evaluation, and AT training. These services help a customer who is blind or has a significant visual impairment make informed choices about which AT products meet their needs and how to use them.

AT Baseline and Post-Training Assessments: These assessments provide a customer the opportunity to compare AT products under the unbiased guidance of an AT evaluator. The assessments enable the customer to make informed choices about which products might best help them succeed in work, school, or vocational training.

The results of the baseline assessment help the AT trainer modify training to meet the customer's unique training needs. Combined with the post-training assessment, it provides a point of comparison to measure the customer's progress. An AT evaluator can also use the results of a baseline assessment to recommend training.

AT Evaluations: Much like the AT baseline and post-training assessment, an AT evaluation also provides a VR customer the opportunity to compare AT products, which allows them to make informed choices about which products might best help them succeed.

An AT evaluation must include the following:

- An interview;
- An assessment;
- A post-evaluation discussion, and
- Documentation.

A baseline assessment is not required for an AT evaluation.

AT Training: AT training is a service provided by an AT trainer who teaches a customer how to use AT products, measures the customer's progress, and reports the results of the training to the customer's VR Counselor. AT training teaches a customer how to use specialized equipment, devices, and software designed specifically to mitigate the effects of significant visual impairment.

AT training includes the following:

- A baseline assessment;
- Planning;
- Training sessions with the customer;

- Monthly reporting;
- A post-training assessment; and
- Final training reporting.

B. Contracted AT Services Parameters

- AT services begin with a baseline assessment when purchasing training services.
- Blind or Visually Impaired (BVI) services can be provided before and after a customer is receiving services in an IPE. Once the customer has an IPE, all BVI services must be included in the IPE.
- AT services not provided by TWC-VR staff are purchased from a bilateral contractor.
- AT evaluation and keyboarding must be provided in person. All other AT services may be provided remotely as indicated on the Assistive Technology Services for Customers with visual Impairments Referral (VR1884).
- AT baseline assessments must be purchased when also purchasing training services. However, the baseline assessment can also be purchased as a separate service without purchasing other AT services.
- An AT assessment is an outcome-based service. All topics in the service description and service authorization (SA) must be addressed. A VR Counselor or OIB Worker cannot pay for incomplete services.
- An AT evaluator or AT trainer must maintain a one-to-one ratio of customer to AT trainer/evaluator.
- An AT trainer cannot provide more than eight hours of training per day per customer.
- An AT evaluation is strictly limited to the product categories indicated on the Employment Assistance Specialist (EAS) report or basic consultation report. All product categories shown to a customer must be on the Evaluation Products List (EPL).

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 9: Assistive Technology Services for Customers with Visual Impairments.

D. Additional Policy Considerations

- Comparable Services and Benefits: Contracted AT services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Contracted AT services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customers disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Contracted AT Services

The VR Counselor or Older Individuals who are Blind (OIB) Worker and the customer may determine that AT contracted services are necessary for BVI customers who need help to learn how to use specialized equipment, devices, and software designed specifically to mitigate the effects of significant visual impairment.

B. AT Referral and Service Provision

When the VR Counselor or OIB Worker, and customer agree to the receipt of AT contracted services:

The VR Counselor or OIB Worker must:

- Complete the VR1884;
- Provide an EAS report or basic consultation report;
- Provide the Assistive Technology Evaluation (VR1886) for Assistive Technology Training;
- Ensure TWC-VR staff send the SA, VR1884, and VR1886, as applicable;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve the Assistive Technology Training Baseline Assessment and Post-Training Assessment (VR2902);
- Review and approve the Assistive Technology Training Report (VR2868);
- Review and approve the VR1886; and
- Ensure that the invoices are paid.

The contractor:

- For baseline and post-training assessments, the AT evaluator or AT trainer must:
    - Within 10 business days from the completion date of the assessment, document the required information on the VR2902, verifying:
        - The service was delivered as indicated in VR1884;

        - Training was delivered without exceeding the one-to-one ratio of customer to AT trainer/evaluator;
        - The accommodations and compensatory techniques necessary to enable the customer to participate in the assessment were provided;
        - The customer's performance, skills, and progress were measured and documented; and
    - Complete the VR2868, when completing a post-training assessment.
- For AT evaluations, the evaluator must:
    - Within 10 business days from the completion date of the assessment, document the required information on the VR1886, verifying:
        - The AT evaluation was provided in person at the AT evaluator's facility without exceeding the one-to-one ratio of customer to AT trainer/evaluator;
        - The results of the AT evaluation on the VR1886 were documented; and
        - Which products the customer selected;
    - Limit the AT evaluation to the product categories indicated on the EAS report or basic consultation report and ensure all product categories shown to a customer are on the EPL;
    - Indicate in the AT evaluation report if a customer refused to evaluate a product or product category listed on the EAS report or basic consultation report or if the customer requested to evaluate additional products; and
    - Not show additional categories to the customer without a new SA and revised EAS report or basic consultation report that indicates the additional categories.
- For AT training, the AT trainer must:
    - Document the required information on the VR2902 and VR2868, verifying the AT trainer:
        - Provided training without exceeding the trainer-to-customer ratio indicated in the Assistive Technology Training Guide (ATTG);
        - Provided all necessary accommodations and compensatory techniques to enable the customer to participate in the training;
        - Measured and documented the customer's performance, skills, and progress;
        - Completed a post-training assessment; and
        - Completed the VR2868.

AT training is an outcome-based service. The VR Counselor or OIB Worker cannot approve required documentation that is incomplete. All topics in the service description and SA must be addressed.

If a customer fails to complete the training or fails to meet training objectives, an AT trainer may request payment for the training hours the customer completed by submitting the required training reports and an invoice, explaining why the training was unsuccessful.

C. Customer's Satisfaction

The customer's satisfaction and service delivery are verified by the VR Counselor, OIB Worker, or by a TWC-VR staff member's contact with the customer, documented in a case note.

D. AT Payment

Payment for AT services is made to the contractor when the VR Counselor or OIB Worker approve a complete, accurate, signed, and dated:

- For baseline and post-training assessments:
  - VR2902
  - VR2868, as applicable; and
  - The invoice.
- For Assistive Technology Evaluations:
  - VR1886; and
  - The invoice.
- For Assistive Technology Training:
  - VR2902, as applicable;
  - VR2868; and
  - The invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Director approval is required for any request to change Assistive Technology Contracted Services policy and procedures, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

Consultations

- Program Specialist for Assistive and Rehabilitation Technology (PSART) consultation is required for AT purchases with a cumulative cost greater than $10,000, except for those recommended in an AT evaluation report from the Assistive Technology Unit (ATU).

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 6.2: CRISS COLE REHABILITATION CENTER (CCRC)

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.2	TWC Rule §856 Subchapter G	All TWC-VR staff	04/07/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to partnering with the Criss Cole Rehabilitation Center toward the achievement of a customer's independence and employment.

DEFINITIONS

Career Focus Training Program: Individualized training that prepares the customer for employment by developing, implementing, and applying employment readiness skills and capabilities based on the customer's personal career goals.

DeafBlind Training Services: Provides an array of individually targeted services to students who are DeafBlind/hard of hearing and who may need specialized training in the area of DeafBlind resources, hearing aid management, hearing lost strategies, communication and advocacy. This service is provided as an extension of CCRC training programs.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing to participate in services offered by CCRC.

Non-Visual Training: A training approach which requires the use of blindfolds as a tool for learning alternative techniques.

Proficiency Training Program: Individualized training that builds skills based on the customer's current capabilities and vocational goals. The customer will participate in a variety of classes; the length of training is an average of six to nine months based on the customer's needs.

POLICY

A. General Overview

Located in Austin, Texas, the Criss Cole Rehabilitation Center (CCRC) is a comprehensive VR training facility operated by TWC-VR. Its mission is to work in partnership with blind or visually impaired customers and TWC-VR staff toward the accomplishment of independence and employment. CCRC provides evaluation, training, and related services in residential, classroom, and community settings.

B. Legal Authorization

Although WIOA does not specifically address VR training delivered in a dedicated residential facility, all WIOA regulations related to customer rights, eligibility, and service provision apply to CCRC.

C. CCRC Eligibility

The CCRC has certain eligibility requirements that must be met to access their services:

- To be eligible for CCRC services, customers must:
  - Be legally blind or DeafBlind;
  - Be age 18 or older;
  - Have a permanent address to return to during and after training; and
  - Have an active case (i.e., Individualized Plan for Employment [IPE]) with TWC-VR services.
- To be eligible for acceptance, customers must be able to:
  - Fully participate in an eight-hour training day, five days a week;
  - Manage daily personal care, health, and medication;
  - Attend scheduled classes and demonstrate progress;
  - Transfer skills from one setting to another; and
  - Behave in socially appropriate ways and live cooperatively in an adult residential setting.

D. CCRC Admissions Tours

Individualized tours to provide general information to customers and their families are a required component of the admissions process.

Customers have an opportunity to:

- Participate in a tour of the physical facility;
- Meet with CCRC staff for individual consultations and to get answers to specific questions;
- Participate in CCRC classes; and
- Meet with current CCRC customers.

The referring TWC-VR Counselor is responsible for providing food, lodging and transportation for the customer to participate in the tour, if necessary.

E. Additional Policy Considerations

- Comparable Services and Benefits: CCRC does not have comparable services and benefits; however, any additional TWC-VR services required for a customer must follow their respective policies and procedures.
- Customer Participation in the Cost of Services: CRCC services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Referrals to the CCRC Training Program

The following outlines the steps from the customer's initial referral to their arrival at CCRC. The TWC-VR Counselor must contact the CCRC Admissions Coordinator for assistance or to review individual customer circumstances.

Expectations of CCRC Customers: TWC-VR Counselors are encouraged to share the following with customers when discussing a referral to CCRC:

- Participating in the CCRC training program is similar to attending college. Customers work with their TWC-VR Counselor, CCRC VR Counselor, and CCRC instructors to choose programs or courses to meet their employment goals and individual needs.
- CCRC customers participate in evaluative training activities. These activities give customers opportunities to demonstrate knowledge and functional skills.

- The CCRC VR Counselor compiles the evaluative training recommendations for each customer and schedules the customer for classes.
- Customers, CCRC VR Counselors, and the referring TWC-VR Counselor, or designee, use information gathered during all training activities to develop training goals and progress training meetings are scheduled on a regular basis.
- Customers have the option to complete training programs non-visually using sleep shades. Sleep shades help customers minimize their dependence on vision and overcome their fear of blindness. Instructors discuss program and training options with customers during tours on the first day of classes and throughout the training program.

CCRC Referral Packet: In the CCRC Referral Packet, the following must be provided:

- Documentation of legal blindness with best correction from a medical eye professional, such as an optometrist, ophthalmologist, or low-vision specialist, when referred to the Proficiency or Career Focus Training Program;
- Documentation of hearing loss from an audiologist and documentation of vision loss from a medical eye professional when referred to the DeafBlind Training Program;
- General physical information from a medical professional within the past 12 months;
- Tuberculosis test results within the past 12 months; and
- Psychological evaluation/report, if applicable.

Special Circumstances Referral Information: Additional information is required for customers with special circumstances.

- Parole or Probation: If the customer is on parole or probation, they must submit the following:
  - Name, address, and phone number of the parole or probation officer; and
  - Court documents indicating conditions of parole or probation.
- Substance or Alcohol: If the customer has had a substance or alcohol issue at any time in the past, they must submit the Substance Abuse/Alcohol Abuse Contract.
- Mental Health Diagnosis: If the customer has a mental health diagnosis, the TWC-VR Counselor must submit a mental health stability statement from the customer's mental health provider stating that the customer:
  - Is stable;
  - Can manage their mental health issues independently;
  - Can manage their prescribed medication independently; and
  - Can participate in an intensive rehabilitation training program.
- Bloodborne Pathogen-Related Illness: If the customer has bloodborne pathogen-related illness, the TWC-VR Counselor contacts the CCRC Admissions Coordinator before submitting any referral information to ensure protection of confidential information as mandated by Federal law.

- Diabetes: If a customer has diabetes, the TWC-VR Counselor must submit a diabetes education report documenting that the customer can independently manage their diabetes, to include testing, medication, identifying, and ordering.
- Hearing Loss or Deafness: If a customer has a hearing loss or deafness, a current audiological report must be included.
- Personal Attendant Services: Personal attendant services required by customers must be arranged before the customer's admission date and coordinated with the CCRC Admissions Coordinator.
- If the customer does not have a permanent residence, the TWC-VR Counselor submits written documentation from the residential provider or family member that includes the following:
    - Customer's name;
    - Address;
    - Phone number; and
    - A statement that the customer can return to this residence at any time.
    - If the customer has a guardian assigned by the court, the TWC-VR Counselor submits the following:
    - Legal guardianship papers;
    - CCRC Parent or Guardian Consent form (VR2050); and
- CCRC Medical Authorization form (VR2051).
- If the customer is attending a CCRC summer transition program and is under age 18, the TWC-VR Counselor must submit the VR2051. (The referral process may occur before age 18, but the customer must have reached the age of 18 before starting the program.)

Sending information: The TWC-VR Counselor must send all information to CCRC Admissions by email to ccrc.admissions@twc.texas.gov or by mail to:

CCRC Admissions Office

4800 North Lamar

Austin, Texas 78756

The referring TWC-VR Counselor must update the RHW population indicator to include CCRC and submits a referral through the Referral Services List located in the RHW CCRC menu. Once this referral has been saved, a case action will be generated to CCRC Admissions for their review.

CCRC Admissions acknowledges the referral request and subsequent statuses in RHW by:

- Placing the referral in a Pending status upon receiving initial RHW referral;
- Placing the referral in an Accepted status when all necessary referral information has been received for the CCRC Referral Packet;

- Placing the referral in a Scheduled status when a specific date for the service has been determined (the Admissions Coordinator mails an acceptance packet to the customer); and
- Placing the referral in an Active status for CCRC upon arrival; or
- Placing the referral in a Not Accepted status when the referral does not meet the admissions criteria, or when the referral declines, cancels, or no-shows on admissions date.

Computerized Criminal History Search: CCRC requires that a computerized criminal history (CCH) search be completed on all referrals. Once a customer is determined eligible and referred, CCRC admissions staff run a CCH.

Active Status at the CCRC: When a customer arrives for the CCRC Training Program, admission staff places the customer in Active status for CCRC training. Upon Active status, the customer is assigned a CRCC VR Counselor who manages the case.

The referring TWC-VR Counselor must mail the complete customer paper file to the assigned CCRC VR Counselor within 15 days of the admission date. After the paper case file is delivered to the receiving office at CCRC, the receiving CCRC Counselor must update the paper file location in RHW using the Paper File Transfer option in the Case Management menu.

B. CCRC General Program

The following outlines the sequence of services provided to customers from arrival through completion of training.

Orientation: The purpose of the CCRC orientation is to familiarize customers with the philosophy, guidelines, and procedures of CCRC.

Evaluation: The purpose of the initial evaluation is to provide each customer with an opportunity to demonstrate the skills they already possess and identify additional/new skills that will assist them in reaching their rehabilitation goals.

Program Planning: Program planning occurs following the evaluation. The CCRC Training Team develops recommendations, which are shared with the customer and the CCRC VR Counselor to determine the most appropriate next step for the customer. The referring CCRC VR Counselor is encouraged to participate in the program planning process and is provided with follow-up documentation. The recommended next steps may include the following:

- Further assessment;
- Full-time CCRC training; and
- Alternative training options, other than CCRC training.

Training: Customers participate in visual or nonvisual training in one or more of the following categories:

- Proficiency Training Program;
- Career Focus Training Program; and/or
- DeafBlind Training Program.

Progress Reviews: The customer and the CCRC VR Counselor meet periodically throughout the customer's training program with the referring TWC-VR Counselor to review training progress. Progress reports must be posted in RHW.

Graduation: Upon completion, the customer is recognized for their accomplishments during a graduation ceremony.

C. CCRC Training Services

The following describe the training services provided:

Proficiency Training: The Proficiency Training Program is individualized training that builds skills based on the customer's current capabilities and vocational goals. The customer will participate in a variety of classes; the length of training is an average of six to nine months based on the customer's needs.

- Core Classes: Required for all General Program customers (Adaptive Skills, Orientation and Mobility, Technology, Career Guidance, and Industrial Arts).
- Need/Elective: Available by customer request or to meet individual customer circumstances.

Career Focus Training: The Career Focus Training Program is individualized training that prepares the customer for employment by developing, implementing, and applying employment readiness skills and capabilities based on the customer's personal career goals. This includes self-employment, the Work Experience program, and the Business Enterprise of Texas program. This program focuses on individuals who already have foundational blindness skills.

DeafBlind Training: The DeafBlind Training Program provides training options within CCRC. Customers receive training tailored to meet the specialized needs of individuals who are DeafBlind to obtain skills for independent living and employment.

Outreach Services: CCRC provides outreach services in the TWC-VR regions, including mini-training, career focus training, and college preparation. CCRC works in partnership with the TWC-VR regions to assist customers in making informed choices about whether or not CCRC may serve their rehabilitation, training, and educational needs.

Residential Services: All students are expected to follow the guidelines outlined in the CCRC Student Handbook provided during the admissions process.

All rooms at CCRC accommodate two residents. Customers living in the CCRC residential hall are expected to share a room with another customer of the same sex. Exceptions may be made to sharing

rooms (e.g., customers with a dog guide, customers who require an accessible room). Preference for residential services is given to customers living outside Austin.

CCRC serves meals to customers at no cost. Special dietary arrangements can be made upon request.

CCRC residents and day students are expected to make their own arrangements or work with their TWC-VR Counselor for transportation to and from CCRC for CCRC training.

Post-CCRC Plans: Documentation of the customer's training services, and next step plans must be documented in RHW. The customer's electronic case is transferred from the CCRC VR Counselor to the TWC-VR Counselor via RHW.

The CCRC VR Counselor must mail the complete customer paper file to the assigned TWC-VR Counselor within 15 days of the completion date. After the paper case file is delivered to the receiving TWC-VR office, the receiving TWC-VR VR Counselor, or designee, must update the paper file location in RHW using the Paper File Transfer option in the Case Management menu.

If a customer moves to another region before completing the CCRC program, the case is transferred back to the referring TWC-VR Counselor or Program Coordinator before any decision is made about case transfer.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Changed reference from “gender” to “sex” per Governor’s directive
04/07/2025	Revised	Revised to clarify the customer must be determined eligible before a computerized criminal history (CCH) is completed.

PART C, CHAPTER 6.3: DEAFBLIND SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.3	N/A	All TWC-VR staff, particularly BVI VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of DeafBlind Services for customers who are blind and have a secondary disability of a hearing loss.

DEFINITIONS

Audiological Evaluation: An audiological evaluation is a series of tests administered by an audiologist that is used to determine the type, degree, and configuration of hearing loss.

Blind: A visual acuity with best correction of 20/200 or less in the better eye; a visual field of 20 degrees or less; or a combination of both.

Communication Cards: Low-tech or no-tech tool that helps a person who DeafBlind communicate their needs or ask for assistance.

DeafBlind: A person is DeafBlind if the person has a visual impairment or eye condition that will lead to blindness, and the person's hearing loss is medically documented or suspected, or if the person is functioning as a person who is DeafBlind.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing DeafBlind services and the providers of those services.

Low Vision: A visual acuity with best correction of 20/70 or less in the better eye; a visual field of 30 degrees or less in the better eye; or a combination of both.

Significant Visual Impairment: A disease or condition of the eye that does not meet the definitions of Blind or Low Vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

POLICY

A. General Overview

TWC-VR ensures that customers who are blind or visually impaired (BVI) and have a secondary disability of hearing loss can access evaluations, training, goods, and services customized and accessible to meet their needs. TWC-VR provides services directly (i.e., in-house) and can purchase services and goods from approved contracted providers. DeafBlind services help customers become confident and independent in accessing or improving communication and obtaining information. These services aid integration into work and community.

Key components of DeafBlind services include the following:

- Referral: A VR Counselor must refer BVI customers who have a documented or suspected hearing loss to the Regional DeafBlind Specialist for evaluation before scheduling audiological or hearing-aid evaluations.
- Initial Assessment: The Regional DeafBlind Specialist provides an initial assessment to identify the customer's potential training needs and to make recommendations for audiological and hearing evaluations. The assessment report includes evaluation results and makes recommendations for DeafBlind Services (e.g., community resources, equipment and assistive technology and adaptive technology). A VR Counselor uses the assessment report to develop the Individualized Plan for Employment (IPE) with the customer.
- Training: The Regional DeafBlind Specialist provides training to help the customer use adaptive equipment and identify community resources to help them with self-advocacy, and communication (e.g., ASL interpreters) and helps them create communication cards. The Regional DeafBlind Specialist updates the VR Counselor regularly and at training completion.

B. Additional Policy Considerations

- Comparable Services and Benefits: DeafBlind services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: DeafBlind services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Referrals for DeafBlind Services

- The VR Counselor must contact the DeafBlind Specialist assigned to their region to discuss the needs of the customer and creates a service record.
- Assessment: The DeafBlind Specialist conducts the requested assessments to determine the customer's need, type, and duration of services and goods. Once completed, the DeafBlind Specialist sends a copy of the results to the VR Counselor, which are then included in the case record.
- Secondary Disability Amendment: If the DeafBlind Specialist recommends that the secondary disability coding be amended to reflect the customer's sensory communicative impairment more accurately, the DeafBlind Specialist:
    - Enters a case note to recommend that the VR Counselor change the secondary disability coding and explain the reason a change is needed; and
    - Creates an action and delegates it to the VR Counselor to alert them to the case note which recommends that the secondary disability coding be changed.

B. IPE Requirements

After the VR Counselor and the customer agree that DeafBlind services are needed, the specific services are included in the IPE or IPE amendment. DeafBlind Services includes all DeafBlind services, equipment, and devices recommended by the DeafBlind Specialist.

The case record must include the results of the DeafBlind assessment and recommendations.

C. Completion of DeafBlind Services

The DeafBlind Specialist closes the RHW service record when services are complete or no longer desired, but DeafBlind specialists may provide limited courtesy services to help a customer maintain independence. These services are documented in the case notes, as applicable.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 6.4: DIABETES SELF-MANAGEMENT EDUCATION BVI-Provided Services

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.4.a	N/A	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of diabetes education services for blind and visually impaired (BVI) TWC-VR customers.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Diabetes Educator: Individuals trained in diabetes care and education who collaborate to assist the customer with developing personal strategies to manage their diabetes. They have expert knowledge in diabetes medications, diabetes technologies, and lifestyle behaviors, and provide motivation and support to encourage self-management modifications.

Diabetes Self-Management Education: Provides knowledge and skills training and to help identify barriers, facilitate problem solving, and develop coping skills to achieve effective self-care and behavioral modifications.

Diabetes Skills Training: Provides information, resources, and personalized strategies to help the customer better manage their diabetes.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing diabetes education services and the providers of those services.

Initial Assessment: An evaluation of the customer's current knowledge, resources, and support; education plan is developed and recommendations for adaptive diabetes equipment are provided.

Post-Training Assessment: Reinforces the self-care advice and assistive devices for diabetes management and outlines any challenges in maintaining diabetes self-care; specifically advises on what the customer gained from the final training visit and assesses whether the customer will be able to self-manage at structured training programs.

POLICY

A. General Overview

Diabetes self-management education (DSME) services are designed to empower individuals with diabetes to effectively manage their condition. These services provide patients with the knowledge, skills, and confidence to take control of their diabetes care. The primary goal is to improve health outcomes and quality of life by teaching patients how to manage their diabetes on a day-to-day basis.

TWC-VR ensures that blind or visually impaired (BVI) customers have customized diabetes self-management education services tailored to their unique needs. The Diabetes Program Specialist and/or contracted diabetes education providers specialize in working with people with disabilities in providing techniques, training, and adaptations that are considerate of both their diabetes and their vision loss.

- Key components of DSME services include:
- Individualized assessments;
- Nutritional guidance;
- Diabetes education;
- Medication management;
- Monitoring blood glucose levels
- Physical Activity
- Reducing Risks;
- Behavioral and Psychological Support; and
- Employment supports and accommodation needs.

B. DSME Services Parameters

DSME services begin with an Assessment of Diabetes Self-Management, which:

- Must not exceed two hours;
- Must be held for each customer individually;
- May be conducted before or after eligibility is determined; and
- Is provided in person with the trainer and customer at the same location; and

- May be completed in person, by phone, or by video conferencing.

The following Diabetes Skills Training topics must be provided in person with the trainer and customer at the same location:

- Equipment training (whether purchased by TWC-VR or using comparable benefits);
- The first hour of healthy eating;
- The first hour of discussing patterns and trends;
- The first half hour of being active;
- The first quarter hour of foot care.

Once the initial in-person time on that topic is met, additional teaching for review or reinforcement may be provided, along with other training topics, and may be completed in person, by phone, or by video conference. Diabetes Skills Training may include the following:

- Introduction to diabetes or prediabetes;
- Healthy coping;
- Taking medication;
- Reducing risk;
- Problem solving.

Diabetes educators must use the talking blood-glucose meter recommended by the TWC-VR State Office Diabetes Program Specialist to:

- Assess the customer's glucose (blood sugar) level;
- Assess the customer's understanding of how to check blood sugar properly; and
- Provide skills training to the customer.

If the diabetes educator recommends using a different type of talking meter, the TWC-VR Diabetes Program Specialist must authorize the purchase before the equipment is purchased and skills training occurs.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 7: DSME Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: DMSE services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: DMSE services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Contracted DSME Services

The VR Counselor or OIB Worker and the customer may determine that DSME services are necessary for customers who:

- Are newly diagnosed;
- Need surgery or a medical procedure and are at risk of further complications because of poor diabetes management;
- Are unable to maintain employment because of their diabetes;
- Need additional training about diabetes management after losing their sight;
- Must self-manage diabetes for admittance to training programs and for full participation in training such as that offered by the Criss Cole Rehabilitation Center;
- Cannot benefit from community-based educational programs; and/or
- Have unique needs that cannot be met through medical providers paid through the Maximum Affordable Payment Schedule (MAPS).

B. Adaptive Diabetes Equipment and Supplies

The VR Counselor must obtain written recommendation before purchasing adaptive equipment. The recommendation must also include who is to provide training on the equipment. Examples of equipment and supplies include, but are not limited to, the following:

- Talking Glucose Meters;

- Continuous Glucose Monitors;
- Adaptive Insulin Pens; and
- Insulin Cooling Cases.

TWC-VR does not purchase insulin pumps for the medical management of diabetes.

C. DSME Referral and Service Provision

When the VR Counselor or OIB Worker and customer agree to the receipt of DSME services, the services are included in the Individualized Plan for Employment (IPE) or IPE amendment. The VR Counselor can approve up to 12 hours of training to be provided in-person or virtually by the chosen provider.

The VR Counselor must:

- Complete the Referral for Provider Services (VR5000) indicating why the customer is referred for diabetes education assessment and describe issues and/or questions that are to be addressed in the educator's report;
- Ensure, with the diabetes educator, that the education and support plan on the Diabetes Self-Management Education Assessment (VR2888) is appropriate and based on the customer's:
    - Age;
    - Type of diabetes (1 or 2);
    - History of diabetes;
    - Cultural influences;
    - Learning abilities; and
    - Disability.
- Review the VR2888, approve the purchase of the recommended equipment or supplies, as well as the Diabetes Pre- and Post-Assessment (VR2901);
- Review the Diabetes Self-Management Educator Notes (VR2884) and documentation of what was taught, what the customer gained from the instruction, and any barriers or gaps in knowledge;
- Review the Diabetes Self-Management Education Services Adaptive Diabetes Equipment Receipt (VR2889);
- Review the Diabetes Self-Management Education Post-Training Assessment (VR2900);
- Ensure that the invoices are paid.

The contractor:

- For the Initial Assessment of Diabetes Self-Management, the diabetes educator must:
    - Develop a written education and support plan in the Overall Recommendations section of the VR2888, including a response to the issues and questions communicated by the VR Counselor or OIB Worker;

  - Complete the assessment of the customer's ability to manage diabetes and make recommendations for training equipment, and services using the VR2888, within 35 days of completion of the assessment; and
  - Complete the initial assessment portion of the VR2901.
- For Diabetes Skills Training, the diabetes educator must:
  - Provide all diabetes skills training into one- to two-hour segments; if a segment is less than two hours, document on the VR2884, in the "Observations and Comments" section how this meets the customer's individual needs;
  - Within 35 calendar days of the date the service is provided, including initial assessment, skills training, and post-training assessment, document each two-hour skills training on the VR2884.
- If the DSME services include providing the customer with a talking blood-glucose meter or other diabetes equipment, the diabetes educator must:
  - Coordinate receipt of the equipment with the local field office that purchased the service;
  - Submit the VR2889;
  - Deliver the equipment or supplies to the customer;
  - Have the customer sign the VR2889 to acknowledge receipt of equipment or supplies;
  - Fill out the manufacturer's warranty card by mail or online; and
  - Document on the VR2889 that the warranty card has been submitted.
- For Post-Training Assessment, the diabetes educator must:
  - Conduct post-training assessment no sooner than 30 calendar days after the skills training is complete;
  - Submit within 35 calendar days of completion of the post-training assessment:
    - Diabetes Self-Management Education Post-Training Assessment (VR2900)
  - Document the customer's progress using post-assessment fields on the same VR2901 that was submitted with the initial assessment; and
  - Maintain documentation of all conversations that they have had with the VR Counselor, the OIB Worker, and other TWC-VR staff about customers to whom that provider is serving.

D. Customer's Satisfaction

The customer's satisfaction and service delivery are verified by the VR Counselor, OIB Worker, or by a TWC-VR staff member's contact with the customer, documented in a case note.

E. DSME Payment

Payment for DSME services is made to the contractor when the VR Counselor or OIB Worker approves a complete, accurate, signed, and dated:

For Assessment of Diabetes Self-Management:

- VR2888
- VR2901; and
- The invoice.

For Diabetes Skills Training:

- VR2884;
- VR2889 (when applicable); and
- The invoice.

For Post-Training Assessment:

- VR2900;
- VR2901; and
- The invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- Diabetes Program Specialist approval is required for purchases of a talking meter other than the currently recommended/approved device.
- VR Supervisor approval is required for more than 12 hours of diabetes skills training.
- VR Director approval is required for any request to change Diabetes Self-Management Education Contracted Services policy and procedures, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 6.5.a: ORIENTATION AND MOBILITY (O&M) BVI-PROVIDED SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.5.a	34 CFR §361.48(b)(11), and Human Resources Code §91.002(2)	All TWC-VR staff, particularly BVI VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Orientation and Mobility services for TWC-VR customers who are blind or visually impaired, who need training in safely and effectively navigating different environments.

DEFINITIONS

Blind: An individual with visual acuity with best correction of 20/200 or less in the better eye; a visual field of 20 degrees or less; or a combination of both.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing orientation and mobility services and the providers of those services.

Low Vision: A visual acuity with best correction of 20/70 or less in the better eye; a visual field of 30 degrees or less in the better eye; or a combination of both.

Mobility: Moving in the environment using tools for travel assistance.

Orientation: Using senses to understand one’s position and relationship to the environment.

Significant Visual Impairment: A disease or condition of the eye that does not meet the definitions of Blind or Low Vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

White Cane: A long, rigid, non-folding, fiberglass white cane with a metal tip used in Orientation and Mobility (O&M) services.

POLICY

A. General Overview

O&M services assist blind or visually impaired customers to become confident and independent travelers. These services teach skills for safe travel indoors and outdoors, aiding integration into work and community.

TWC-VR provides (i.e., in-house services) both O&M Instructors and contracted O&M Instructors. O&M services include evaluation and training.

- Evaluation: An O&M evaluation identifies potential training needs.
    - Referral: A VR Counselor refers BVI customers whose ability to travel safely and independently is affected by blindness, low vison, or significant visual impairment. A VR Counselor must:
        - Refer customers with a visual acuity of 20/200 or less in the better eye; a visual field of 20 degrees or less; or a combination of both with best correction (blind) for O&M evaluation; or
        - Document why a customer is not referred (e.g., recent completion of O&M training, experienced cane traveler).
        - Assessment Report: The assessment report includes evaluation results and makes recommendations for O&M services (e.g., recommended training hours, locations for training, techniques).
- Training: O&M training addresses customer travel skill deficits so the customer can travel safely and effectively using a white cane. O&M hours are based on the recommendations in the Assessment Report and can be adjusted during training to meet individual customer needs. The O&M specialist updates the VR Counselor regularly and at training completion with the following reports:
    - Monthly Training Report: The regional in-house O&M Specialist posts regular training updates in ReHabWorks (RHW).
    - Summary Report: The regional in-house O&M specialist posts the customer's completion of O&M training in RHW.

B. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 5: Orientation and Mobility.

C. Additional Policy Considerations

- Comparable Services and Benefits: O&M services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: O&M services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Role of the O&M Instructor

O&M skills are crucial for customers who are blind or visually impaired to succeed in employment. Both the VR Counselor and the O&M Instructor encourage customers who struggle with efficient travel to learn O&M skills.

O&M instructors teach independent travel skills using a white cane, with the customer learning non-visually, developing safe and confident travel skills regardless of visual information. Rarely, an aluminum cane might be needed, justified, and documented in a case note. At the O&M Instructor's discretion, the customer can use remaining vision during training if helpful, usually after the customer learns non-visual skills. O&M instructors teach:

- White cane skills;
- Compass directions;
- Stairs;
- Indoor self-familiarization;

- Auditory skills;
- Travel in various settings such as grocery stores, malls, airports, and rural areas, sidewalks, small business areas, and downtown areas;
- Problem-solving for travel challenges;
- Independent travel and transportation; and
- Nighttime travel.
- O&M Instructors collaborate with customers, their support network, TWC-VR staff, educators, and community providers to ensure effective training and support.

B. IPE Requirements

The VR Counselor must include O&M services on the customer's Individualized Plan for Employment (IPE) or IPE amendment before training starts.

The O&M Instructor works closely with the VR Counselor throughout the VR process, including:

- Sharing emotional and skill-related information with the VR Counselor;
- Assisting with employer contacts and job-travel analysis;
- Training nonvisual skills for job travel; and
- Teaching transferable skills for new environments.

C. O&M Instructor and VR Counselor Staffing Sessions

Staffing sessions are held to:

Develop a team approach for services with each customer;

Provide regular communication between the O&M instructor and VR Counselor during O&M services; and

Ensure comprehensive and timely O&M services.

Staffing sessions focus on:

- Cases chosen by the O&M Instructor and VR Counselor;
- Customer training progress;
- Immediate customer issues; and
- Changes to the O&M instructor's plan or the customer's IPE.

D. O&M Referral Process

If a customer requires O&M services, the VR Counselor must refer the customer to the TWC-VR in-house O&M Instructor or a contracted O&M Instructor.

- Blind: Customers must be referred for assessment, unless there is pending eye surgery, or the customer recently completed training at the Criss Cole Rehabilitation Center (CCRC).
- Visually impaired: Customers with severe functional capacity limitations may also be referred for O&M services.

Customers demonstrating immediate critical needs before surgery may be referred to the O&M Instructor, depending on availability.

The VR Counselor must make a referral to an O&M Instructor by creating a service record in RHW.

E. O&M Assessment Report

The O&M assessment provides critical information to the VR Counselor and customer to develop the customer's IPE or IPE amendment. It helps identify training needs and the potential training duration. A white cane and blindfold may be used for the assessment.

The O&M assessment focuses on skills for independent living and employment.

O&M instructors evaluate all aspects of the customers' ability to travel and navigate their environment.

After the assessment, the in-house O&M Instructor creates a case note to include the assessment report results.

The O&M assessment report must include the following information:

- Customer's current travel-level;
- Specific travel skills needs;
- Summary of independent travel abilities;
- Assessment dates; and
- Recommended training hours.

The O&M instructor, in coordination with the VR Counselor and customer, determines when training should begin, following the completed assessment.

F. Assessment Focus and Employment Outcome

While the O&M Instructor does not determine the customer's employment goal, the O&M instructor's assessment aims for independent functional travel as the ideal goal, critical in various employment settings.

If the assessment occurs before an employment goal is included in the IPE, the assessment focuses on independent functional travel skills applicable to employment.

G. O&M Training Process

Based on the assessment results, the customer's employment goal, and in collaboration with the VR Counselor and customer, the order of training services varies, but must include:

- Training in the use of nonvisual skills;
- Employment assistance for independent functional travel needs;
- Adaptive supplies for travel, such as a white cane and blindfold; and
- Use of problem-solving skills for customers to build confidence in travel and realize an opportunity for independence.

H. O&M Services Monthly Progress Report

O&M instructors must enter monthly progress reports into RHW. The monthly progress report must include, at minimum, the following:

- Customer's progress report;
- Number of hours spent with the customer;
- Training dates;
- Recommendations for next steps; and
- Any issues or concerns with training, or changes in initial recommendations.

I. Additional Services after Service-Record Closure

If additional services are needed after the service record is closed, a new service record is required.

The VR Counselor must specify what O&M skills are needed. If services last more than 30 days, the O&M Instructor must provide a monthly progress report using the "O&M" drop-down and entering "Summary Report" in the Add to Topic line until the additional services are completed.

When the additional services are completed, the O&M Instructor will close the service record when the O&M instructor and VR Counselor agree that no further services are needed.

J. Recommending Purchase of Equipment

The O&M Instructor may recommend the VR Counselor purchase equipment that is not available or recommend a purchase by:

- Creating a service record in RHW for the items; and
- Delegating the purchase to the VR Counselor.

The O&M Instructor must discuss the purchase with the VR Counselor before completing the purchase.

All purchases of equipment must be included in an IPE or IPE amendment.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 6.5.b: ORIENTATION AND MOBILITY (O&M) CONTRACTED SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.5.b	34 CFR §361.48(b)(11), and TWC Rule §91.002(2)	All TWC-VR staff	10/20/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Orientation and Mobility services for TWC-VR customers who are blind or visually impaired, who need training in safely and effectively navigating different environments.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Blind: An individual with visual acuity with best correction of 20/200 or less in the better eye; a visual field of 20 degrees or less; or a combination of both.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing orientation and mobility services and the providers of those services.

Orientation: The process of using the available senses to establish one's position and relationship within the environment.

Mobility: The ability to travel in the environment with the help of an established tool (including white canes, dog guides, and electronic travel aids).

White Cane: A long, rigid, non-folding, fiberglass white cane with a metal tip used in Orientation and Mobility (O&M) services.

POLICY

A. General Overview

Contracted Orientation and Mobility (O&M) services are interrelated services designed to develop independent travel skills in individuals who are blind or visually impaired. O&M specialists offer complex, interrelated services designed to develop independent travel skills in individuals who are blind or visually impaired.

B. Contracted O&M Parameters

O&M services begin with an assessment and can include training held in environments frequently visited by the customer in their home or community. Based on the results of the assessment, the VR Counselor or Older Individuals who are Blind (OIB) Worker determines the training goal and hours to be funded by TWC-VR or OIB.

- O&M services not provided by TWC-VR staff are purchased from a bilateral contractor.
- O&M assessments and training cannot be provided remotely.
- O&M assessments include an evaluation of the customer's O&M skills in multiple situations and may be conducted using the customer's functional vision.
- O&M lessons must be at least two hours long; however, the O&M specialist cannot conduct more than six hours of training in a day, even if multiple customers are served during that day.
- All O&M evaluation and training services for TWC-VR customers are conducted using:
    - Nonvisual (blindfold) techniques; and
    - A rigid (non-folding) white cane with a metal tip.
- All O&M evaluation and training services for OIB customers are conducted using:
    - Either nonvisual (blindfold) or visual training, whichever better addresses the customer's needs and circumstances; and
    - A rigid (non-folding) white cane with a metal tip, unless an alternate cane is needed.
- O&M training with a guide dog must not exceed more than four hours and must be preapproved in writing by the VR Counselor or OIB Worker.
- For customers in the Independent Living Services for Older Individuals Who Are Blind (ILS-OIB) program, the OIB Worker authorizes no more than three hours for the initial O&M assessment to be completed.
- For ILS-OIB program customers, the length of the O&M training lesson will be determined by the customer’s health, stamina, and ability to participate. If less than two hours of O&M training were provided in one session, the trainer must document on Orientation and Mobility Training (VR2896)

in the Brief Description section how the training lesson affected the customer's health, stamina, and ability to participate.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 5: Orientation and Mobility Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: O&M services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: O&M services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customers disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Contracted O&M

The VR Counselor or OIB Worker and the customer may determine that O&M training services are necessary for blind or visually impaired (BVI) customers who do not travel efficiently and effectively.

B. Referral and Service Provision

When the VR Counselor or OIB Worker, and customer agree to the receipt of Contracted O&M services, it must be included in the Individualized Plan for Employment (IPE).

The VR Counselor or OIB Worker must:

- Complete the Orientation and Mobility Referral (VR2897);

- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Ensure TWC-VR staff send the service authorization (SA) and VR2897;
- Review the Orientation and Mobility Assessment (VR2894) with the contractor to determine the O&M specialist's recommendations for training, if any, and approve;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Authorize O&M training for the customer;
- Approve group training in writing, if applicable;
- Purchase one rigid, long white cane with a metal tip and blindfold for each customer who is approved to receive O&M training;
- Review and approve the Customer Services Report: Orientation & Mobility (O&M) Training (VR2896); and
- Ensure that the invoices are paid.

The contractor must:

- For O&M assessment:
    - Document the information required on the VR2894, including:
        - The O&M specialist's observations and comments;
        - Recommendations for O&M skills training;
        - The number of O&M training hours recommended for each area of training and the total number of training hours recommended;
        - The anticipated beginning and ending dates for the recommended training;
        - The customer's response to the O&M training recommendations;
        - The height of the white cane that is most appropriate for the customer (using the measurement between the customer's chin and nose when the customer is standing up); and
        - A description of all travel aids that the customer uses or would benefit from using.
- For O&M training:
    - Document the information required on the VR2896 for each customer's monthly training progress, including:
        - The number of O&M training hours provided in each training area;
        - A detailed narrative on each skill area addressed during the reporting period and the O&M training location for each location;
        - A detailed explanation of anticipated O&M training for upcoming month;
        - An explanation of deviations from assessment recommendations, if any;
        - A detailed narrative of cumulative progress if O&M training is complete.

C. Customer's Satisfaction

The customer's satisfaction and service delivery are verified by the VR Counselor, OIB Worker, or a TWC-VR staff member's contact with the customer and documented in a case note.

D. O&M Payment

Payment for O&M services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- For O&M assessment:
  - VR2894; and
  - The invoice.
- For O&M training:
  - VR2896; and
  - The invoice.

It is best practice that monthly progress reports, along with the invoice and any other required supporting documentation, be submitted within 30 days from the end of each calendar month until the customer's O&M services are completed, or services are no longer authorized by the customer's VR Counselor or OIB Worker.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change Contracted Orientation and Mobility policy and procedures, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

Date	Type	Change Description
10/20/2025	Revised	Revised the 30-day requirement to submit invoices changed from “must” to “best practice.”

PART C, CHAPTER 6.6: VOCATIONAL DIAGNOSTIC UNIT (VDU) SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.6	N/A	All TWC-VR staff, particularly BVI VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of vocational and psychological evaluation for blind and visually impaired customers.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing to participate in VDU services.

POLICY

A. General Overview

TWC-VR ensures that blind or visually impaired (BVI) customers receive tailored vocational evaluations and services that address their specific needs. These specialized services, primarily available through TWC-VR's Vocational Diagnostic Unit (VDU), are designed to meet the unique needs of BVI customers. Standardized test batteries are generally not suitable for the BVI population; therefore, VDU assessments are essential for accurately determining vocational potential. While participation in VDU services is not mandatory, these services significantly contribute to enhancing the independence, productivity, and employment opportunities of BVI customers.

VDU provides tailored assessments based on customer needs, evaluating verbal, cognitive, sensory, motor, independent living, academic, social, and vocational skills, and interests. These assessments utilize standardized instruments, observations, and interviews.

- The Comprehensive Vocational Evaluation System (CVES): Assesses an individual's vocational abilities, interests, and potential employment barriers through standardized tests, situational evaluations, work samples, and interviews. It considers unique factors for BVI individuals, such as assistive technology needs, orientation and mobility (O&M) skills, and job readiness. CVES helps VR Counselors and customers create effective vocational rehabilitation plans and job placement strategies. Use of the CVES requires certification.
- The Vocational Diagnostic Unit Career Assessment (VDU CA): Includes a psychosocial interview and surveys to evaluate personal, educational, and work history, adaptive behaviors, interests, values, skills, learning style, and job compatibility. It recommends jobs from O*NET and provides referrals for counseling and resources for self-learning. The assessment can be conducted in-person or remotely.

B. Mental and Behavioral Health

VDU does not diagnose or treat behavioral or mental health conditions but may recommend referral to outside providers for diagnosis, treatment, or counseling.

C. Additional Policy Considerations

- Comparable Services and Benefits: VDU services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: VDU services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for VDU Services

Customers who have never been evaluated, seek career guidance, are unsure about their skills or vocational goals, or have experienced significant changes in their condition benefit most from VDU services. VR Counselors and customers must agree on the need for VDU services for them to be provided.

B. Referral for VDU Services

VDU provides services in response to service records created by the VR Counselor or Rehabilitation Assistant (RA) and delegated to the VDU diagnostician who covers the customer's region. The VR Counselor can request that VDU provide a psychological evaluation or a vocational assessment separately or they may request both assessments to be provided at the same time. When the evaluation is scheduled to take place at the VR Counselor's office, arrangements must be made to secure a private meeting space for the VDU Diagnostician to provide services to the customer uninterrupted for several hours at a time.

To refer a customer to VDU, the VR Counselor must:

- Contact the VDU Diagnostician assigned to the VR Counselor's region to discuss the customer's needs;
- Create a service record in RehabWorks (RHW);
- Delegate the RHW service record to the VDU diagnostician;
- Coordinate the scheduling with the VDU diagnostician; and
- Notify the customer of the assessment date, time, location, and any other pertinent details.

C. Follow-up

After completing assessments, VDU Diagnosticians provide recommendations to the VR Counselor and customer, which are suggestions rather than requirements. The Diagnostician then summarizes the evaluation and recommendations in a case note in RHW and sends the report to the VR Counselor. The VR Counselor must promptly review the report with the customer, ensuring it does not delay services, and incorporates agreed-upon services into the Individualized Plan for Employment (IPE) or IPE amendment. Additionally, consultation and report interpretation support are available upon request. The VR counselor can contact the VDU Diagnostician for guidance on next steps based on the assessment findings.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 6.7: VOCATIONAL REHABILITATION TEACHER SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 6.7	34 CFR §361.48(b)(11)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of VR Teacher services.

DEFINITIONS

Basic Consultation: An interview the vocational rehabilitation teacher (VRT) conducts with the customer to identify the product categories the AT evaluator will demonstrate in an AT evaluation.

Blind: A visual acuity with best correction of 20/200 or less in the better eye; a visual field of 20 degrees or less; or a combination of both.

Braille: Tactile writing system used by people who are visually impaired.

Criss Cole Rehabilitation Center (CCRC): Vocational training center that serves Texans who are blind and visually impaired. Customers can participate as residential or day students.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing VRT services and the providers of those services.

Low Vision: A visual acuity with best correction of 20/70 or less in the better eye; a visual field of 30 degrees or less in the better eye; or a combination of both.

Orientation and Mobility (O&M) Services: Evaluation and training services delivered by a certified O&M specialist that promotes independent travel skills for individuals who are blind.

Significant Visual Impairment: A disease or condition of the eye that does not meet the definitions of Blind or Low Vision but does create a significant impediment to employment and cannot be corrected with glasses or contact lenses.

White Cane: A long, rigid, non-folding, fiberglass white cane with a metal tip used in Orientation and Mobility (O&M) services.

POLICY

A. General Overview

TWC-VR helps Texans who are blind or visually impaired to live as independently as possible and to acquire and maintain employment. VR Teacher (VRT) services empower BVI customers by teaching them the independent living and vocational skills they need to succeed in their personal and professional lives.

TWC-VR uses the Texas Confidence Builders philosophy with supporting techniques for creating the foundation for how staff members work with blind and visually impaired customers and how to deliver services. This model incorporates the belief that with proper training and a positive attitude, individuals with disabilities can live productive, independent lives and become successfully employed in a field of their choice.

The VRT in partnership with the customer:

- Encourages emotional adjustment to blindness and visual impairments;
- Teaches alternative and nonvisual techniques as well as prevocational and job readiness skills; and
- Demonstrates how to apply these skills to a vocational goal to achieve an employment outcome and live an independent lifestyle.

The VRT may work with:

- Employers;
- VR Counselors and other TWC-VR staff members;
- Families;
- Educators;
- Community providers; and
- Others who are supportive of the customer's work and employment lifestyle goals.

B. VRT Services

Adjustment to Blindness and Visual Impairments: The VRT assists the customer to be:

Able to comfortably advocate to identify themselves as blind or visually impaired;

Able to blend into society and cope with negative stereotypes of blind or visually impaired people; and

Knowledgeable about their specific eye condition and related blindness or visual impairment issues.

Employment Lifestyle Skills for Daily Activities: The VRT helps the customer to master the alternative and nonvisual daily activity skills that they need to function independently at work, in the community, and at home.

Travel Skills: The VRT:

- Provides recommendations for Orientation and Mobility (O&M) services;
- Provides instruction in basic orientation, applying the customer's knowledge of current cane skills;
- Provides training, which may include, but is not limited to:
- Cane storage;
- Protective techniques; and
- Trailing and guiding techniques (in the customer's home environment only); and
- Helps the customer identify employment transportation options and resources.

All other O&M training needs should be addressed by an O&M Specialist. O&M services promote independent travel skills for individuals who are blind or visually impaired. O&M training prepares customers to travel independently with competence and confidence.

Communication Skills: The VRT helps the customer to develop:

- Skills to communicate with others using braille and assistive technology;
- Effective note-taking methods for employment purposes;
- Ability to access and record phone numbers;
- Methods for planning and accessing schedules and appointments;
- Keyboarding skills; and
- Basic computer skills, if the customer has proficient keyboarding skills.

Braille Training: Braille is an essential skill for most customers who are blind. The VRT and VR Counselor are responsible for encouraging customers who cannot access print efficiently and effectively to learn braille. To make an informed choice regarding braille training, customers are given a braille assessment using nonvisual techniques.

Basic Consultation: The basic consultation is an interview the VRT conducts with the customer to identify the product categories the Assistive Technology (AT) Evaluator will demonstrate in an AT evaluation by assessing the customer's potential technology needs based on skills, interests, abilities, and probable work tasks. This is specifically for unemployed customers not pursuing postsecondary education.

Support Systems: The VRT helps the customer gain the knowledge, skills, and confidence to access available and appropriate resources, including advocacy groups, support groups, mentors, and community resources to maintain an employment lifestyle.

Vocational Services: The VRT:

- Shares information with the VR Counselor about the customer's emotional adjustment to blindness and visual impairment; motivation; and problem solving, organizational, and employment lifestyle skills;
- Provides training to help the customer develop and use an ability statement, disclosure strategy, and personal data sheet to complete job applications;
- Provides training to help the customer organize and identify a wardrobe for work and provides alternative techniques related to personal appearance and hygiene, if needed;
- Goes with the VR Counselor to meet employers and/or tour work sites;
- Helps with job analyses;
- Provides alternative skills training based on known or anticipated job duties;
- Provides training, together with the VR Counselor, for interviewing skills, résumé development, and career exploration;
- Role-plays with the customer for job interviews;
- Orients the customer to the workplace, if needed; and
- Helps the customer to develop work site skills and/or to obtain needed modifications.

C. Additional Policy Considerations

- Comparable Services and Benefits: VRT services do not have comparable services and benefits; however, any additional TWC-VR services required for a participant must follow their respective policies and procedures.
- Customer Participation in the Cost of Services: VRT services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to

policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for VRT Services

Determination of TWC-VR Eligibility: VRT services contribute to the determination of eligibility by assisting with assessing the customer's employability and identifying the customer's independent living (IL) and work-related needs. VRT services are only for customers who are blind or visually impaired.

Trial Work Experiences (TWE): VRT services contribute to the determination of eligibility, particularly when there is a question of the customers' ability to benefit from TWC-VR services, in terms of an employment outcome.

When Pre-Eligibility TWE is determined necessary, VRT services include the following:

- Assessment;
- Evaluative training;
- Documentation of difficulties noted during training;
- Follow-up on the ability to learn and use new skills;
- Customer follow-through on assignments; and
- Consideration of the impact of any secondary disabilities on VRT services.

The VRT has the option to:

- Provide all services as an assessment; or
- Complete training recommendations and provide training included in the customer's Trial Work Plan.

A customer's case can be closed due to the severity of the customer's disability only if there is clear and convincing evidence that they are not capable of finding employment, including supported employment. The information documented by the VRT is vital to this process.

VRT Assessment: The VRT's assessment provides recommendations and critical information to the VR Counselor and customer in the development of the customer's IPE. This information can be used to determine:

- An appropriate employment outcome; and
- Training needs to develop skills that support a successful employment outcome.
- The VRT's assessment focuses on the following three primary areas of VRT services:
- The customer's emotional adjustment to blindness and visual impairment;

- The alternative skills the customer needs to live a successful employment lifestyle; and
- The prevocational and job readiness skills the customer needs to obtain or maintain employment.

B. Referrals for VRT Services

VR Counselors must make referrals to a VRT to assess the customer's ability to participate in training and to identify VRT services needed to assist the customer in achieving their employment goal.

- Referrals: Customers who are blind or visually impaired and who have been identified as having significant functional limitations should be referred to the VRT for services. If customers are not referred, all exceptions must be documented in a case note by the VR Counselor.

Customers who plan to receive surgery or treatment that is expected to improve their vision above legal blindness and that is more than 90 days in the future must not be referred to a VRT unless the customer demonstrates critical needs before surgery.

Customers who are unemployed or pursuing postsecondary education are referred by an Employment Assistance Specialist (EAS) for a basic consultation or to a VRT trained to provide basic consultation services.

A service record is created for the referral, reason for the referral, and any special instructions. This can also be discussed during the staffing session.

VRT Assessment Process: The VRT must start the assessment and identification of the customer's needs when the initial contact is made with the customer. The Basic Skills Assessment (BSA) provides information about the customer's:

- Adjustment to blindness or visual impairment, and their acceptance of alternative and nonvisual techniques;
- Current level of employment lifestyle skills;
- Ability to learn skills and benefit from training;
- Specific training needs;
- Employment goal;
- Interest in touring or attending CCRC; and
- Potential benefit from VRT training.

Assessment Focus and Employment Outcome Process: Although the VRT does not determine the customer's employment outcome, the assessment must be focused on an employment outcome. If the assessment occurs before an employment outcome is known, the assessment must focus on the customer's:

- Emotional adjustment to blindness and visual impairment;

- Employment lifestyle skills; and
- Vocational skills such as ability statement, personal data sheet, strategy for disclosure of disability, soft skills, and job search skills.

Consumable rehabilitation VRT supplies may be provided during assessment for evaluative purposes. When VRT supplies are provided during assessment, the documentation should describe in detail what skill or ability is being assessed and how the provided item, device, or equipment aided in the assessment.

Teaching equipment and supplies that must be purchased by the VR Counselor cannot be purchased or provided before included in the customer's IPE and in the Active phase.

Assessment Documentation: The VRT must write an assessment case note for each contact using the six core areas as headings. If no training needs are identified in a core area, the absence of training needs should be stated rather than omitted from the assessment.

The six core areas are as follows:

- Adjustment to Blindness and Visual Impairments;
- Employment Lifestyle Skills;
- Travel Skills;
- Communication Skills;
- Support Systems; and
- Vocational Skills.

Recommending Training Services Before VRT Assessment Completion: If the need becomes apparent, the VRT may recommend VRT services at any time before the VRT assessment is completed. This allows the VR Counselor to move forward in developing the customer's IPE by adding VRT services.

To recommend VRT services before the VRT assessment is complete, the VRT:

- Writes the recommendation in a VRT assessment case note and communicates this action in writing to the VR Counselor through email, at a staffing session, or by other means; and
- Completes the assessment in a timely manner.

VRT Assessment Completion Process: When the assessment is complete, the VRT must write a Blindness Skills Assessment Final Report using the six core areas as headings.

VRT Training Recommendations Documentation: After the BSA Final Report is completed, the VRT must document training recommendations in a case note. The VRT must:

- Write recommendations using all six core areas as headings;

- Write recommendations of training goals that are based on and support the customer's anticipated employment outcome;
- Write a recommendation if the customer expresses an interest in touring or attending CCRC;
- Provide an estimated time frame for completing VRT services; and
- Update the service record from Assessment to Active status if the IPE has been implemented.

C. Staffing Sessions

The VRT and the VR Counselor must work together to:

- Develop a team approach for services with each customer;
- Exchange frequent and regular communication during the provision of VRT services; and
- Ensure that comprehensive VRT services are provided in a timely manner.

Session Focus: The session is focused on mutual cases, including:

- New referrals and training recommendations on new customers;
- The customer's training progress;
- Any customer issues requiring immediate attention;
- Updates regarding customer employment and expected closure date;
- Discussion of VRT service record closure; and
- Changes to the VRT's training recommendations or the customer's IPE.

Frequency: The VR Counselor and the VRT must decide together how often they should meet to review the status of the case.

D. VRT Training Process

Based on individual customer needs and VR Counselor input, the range of VRT training services may include:

- Activities to evaluate the customer's ability to learn skills and benefit from training;
- Supportive guidance on adjusting emotionally to blindness and visual impairments;
- Training in the use of alternative and nonvisual skills to perform employment and lifestyle daily activities;
- Training in communication skills, including braille training, keyboard training, and limited assistive technology training;
- Limited Training in travel and transportation skills;
- VRT employment-assistance training;
- Information, referral, and advocacy; and
- Adaptive supplies and equipment.

E. Providing VRT Training

Once VRT training is included in the IPE, the case is moved to Active phase and the VRT service record is updated to Active.

F. Interruption of VRT Services

When VRT services are interrupted, the VRT:

- Updates the service record status to Interruption;
- Enters a case note titled "VRT Interrupted" status, documenting the reason for the interruption, and when services are expected to resume; and
- Periodically checks on the customer to determine when services should resume. Interruption status must only be used for short-term interruptions in service provision.
- Interruption status is not appropriate if no identified services remain to be provided; instead, the service record should be closed.

G. Completion of VRT Services

VRT services are completed when:

- All goals on the VRT Training Recommendations have been completed;
- The VR Counselor and the VRT agree that all VRT services needed by the customer have been provided;
- The VRT writes a "VRT Blindness Skills Training Summary" case note; and
- The VRT service record is closed as “Services Provided or Successful."

If VRT services were not provided or completed, the service record is closed as "Services Not Provided or Unsuccessful."

H. VRT Case Management Procedures

The VRT must document all customer contacts, including all attempts to contact and other pertinent information in case notes using the six core skill headings as needed to document VRT services provided and customer progress.

Case Note Topics: "VRT" is the title in RHW for VRT case notes. The case note title can be edited by beginning with "VRT" and choosing "Add to Topic" to enter additional information.

Case Transfer Process: For transfers within TWC-VR:

- The VRT service record is closed as either "Services Provided or Successful" or "Services Not Provided or Unsuccessful."
- If VRT services are still needed, the receiving VR Counselor must create a new service record and refer to the appropriate VRT in that area.

Transfers to CCRC: When a customer is transferred to CCRC, the VRT service record may be closed or put into Interruption status by the VRT.

TWC-VR Provided Service Records: The VRT who provided the training updates the service record status regularly to reflect progress in the in-house service. One service record at a time is used for VRT services. Duplicate service records are closed as "Not Accepted."

I. VRT Supplies and Adaptive Equipment

VRT Supplies: VRT supplies are "consumable supplies," including high-usage, low-cost supplies such as braille and voice labelers, bold-line paper, writing guides, and timers. These supplies:

- Are ordered from commercial sources;
- Do not require assignment to a specific customer;
- Exclude items that cost over $100 per single item;
- Are ordered by and shipped to VR offices; and
- Are stored at the local office for distribution to customers for demonstration, assessment or training purposes.

Maintaining Inventory Levels in the Local Office: VRTs must follow the steps below to maintain inventory levels in the local office:

- Order smaller quantities regularly to maintain stock levels rather than ordering large quantities to restock depleted items;
- If large quantities of rehabilitation supplies are needed for such special events as group classes or awareness presentations, a service authorization must be submitted in advance to ensure delivery.

VRT Supply Accountability Procedures: Accountability for adaptive supplies and equipment issued to customers is verified by:

- Documentation in the VRT case notes;
- Review of the case file by the VR Manager; and
- Maintenance of an established inventory level of supplies in the local office.

Adaptive Equipment: Adaptive equipment is defined as durable items or devices ordered for a customer (e.g., braillewriters, PenFriends, Electronic Book Readers).

- Adaptive equipment is Purchased per customer in RHW.
- Adaptive equipment may be recommended by the VRT during training and is documented in case notes.
- All purchases must be coordinated with the VR Counselor. VRT services (including consumable supplies) are not subject to required customer participation in the cost of services. However, some purchases are subject to income criteria, and this determination is made by the VR Counselor.
- The VR Counselor must document the justification for purchase of an item before it is ordered.

Adaptive Demonstration Equipment: Adaptive demonstration equipment is agency-owned equipment lent to customers for demonstration and/or training purposes only (e.g., video magnifiers, electronic book readers, and braillewriters). The equipment is added to the office inventory account, and a State inventory tag is attached.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 7: TRANSITION SERVICES FOR STUDENTS AND YOUTH

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 7	34 CFR §361.48(b)(18), §361.5(c)(55), §361.22, and Labor Code §352.108	All TWC-VR staff, particularly Transition VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of transition services to students and youth with disabilities to promote movement from school to post-school activities.

DEFINITIONS

Admission, Review, and Dismissal (ARD) Process: Meeting held to develop, review, or revise an Individualized Education Program (IEP). Generally involves a child's parent or guardian, the child's teacher, a school administrator, a special education coordinator, a school psychologist, and other professionals as needed.

504 Plan: A way for schools to provide support and accommodations for students with disabilities who do not receive special education services so that they can learn effectively in a regular classroom. The name 504 plan comes from Section 504 of the Rehabilitation Act that provides for nondiscrimination for students with disabilities.

Individualized Education Program (IEP): Plan or program required by the Individuals Disabilities Education Act (IDEA) developed to ensure that a child with an identified disability who is attending an elementary or secondary educational institution receives specialized instruction and related services.

Individualized Plan for Employment (IPE): Outlines the nature and scope of TWC-VR services required to help a customer prepare, gain, maintain, or advance in a specific competitive integrated employment outcome.

Informed Choice: The means by which a customer chooses their rehabilitation path from options based on their needs and circumstances and the TWC-VR rules.

Local Education Agency (LEA): A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary schools or secondary schools.

POLICY

A. General Overview

Transition Services is a term used to describe a set of coordinated services provided by schools and State VR agencies designed to improve post-school outcomes for students and youth with disabilities.

TWC-VR offers transition services to eligible students with disabilities (SWD) (ages14-22) and youth with disabilities (ages 14-24). Transition services aim to prepare students to move from special education and related services or Section 504 accommodations to TWC-VR services and minimize delays in service delivery during the school-to-employment transition. Transition services are provided through a flexible multiyear process tailored to each student's needs. Such services and activities may include postsecondary education, vocational training, competitive integrated employment, supported employment, continuing and adult education, adult services, independent living, or community participation.

Two of the most significant amendments to the Rehabilitation Act of 1973 made by the Workforce Innovation and Opportunity Act (WIOA) were new definitions for the terms "student with a disability" and "youth with a disability." These are shown in the table that follows.

Student with a Disability	Youth with a Disability
Between the ages 14–22 Enrolled in school (public, private, home, or postsecondary) Receiving or has received services through special education programs or is considered eligible for Section 504 services	Between the ages 14–24 For Supported Employment Services only, have a disability with a significance of disability as "most significant disability" (MSD)
Can be potentially eligible or eligible for TWC-VR services.	Youth with disabilities, who are MSD, utilize 50% of the Title VI SE funds.
Able to receive Pre-Employment Transition Services (Pre-ETS) using Pre-ETS funds (15% reserve)	If a youth also meets the definition of a student with a disability, then they are able to receive Pre-ETS using Pre-ETS funds (15% reserve).
Pre-ETS are not SE services.	SE Extended services can be provided to a youth for up to four years, or until the youth's 25th birthday, whichever comes first.

B. Construction Clause

Nothing in this policy will be construed to reduce the obligation under the Individuals with Disabilities Education Act (IDEA) of a local educational agency or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on transition services unless the VR Counselor and the customer have made maximum efforts to secure assistance from other sources to pay for the services.

This does not apply to the five required Pre-Employment Transition Services.

- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Roles of the Transition Services Team

Transition services are student-centered. Success relies on collaboration between the members of the transition team and other support systems. SWD will soon be adults who need jobs, homes, friends and family, and community involvement. Transition services are facilitated by a VR Counselor who coordinates resources so that an independent life and vocational goals can be achieved. The earlier the planning begins, the sooner supports and services can be coordinated to help the student achieve their educational and employment goals.

The key members of the Transition Services Team are as follows:

Student (Transition Services Customer): The responsibility of the student is to actively participate in transition planning and services in order to decide on their postsecondary goals consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Working with the other members of the team will help the student explore and develop the steps to achieve their goals.

Transition VR Counselor: TWC-VR has Transition VR Counselors (TVRC), qualified VR Counselors who work a specialty caseload of transition SWD. SWD may be working with a TVRC or a general VR Counselor.

Through individualized supports and VR counseling and guidance, the TVRA responsibilities include, but are not limited to, the following:

- Facilitating work-based learning opportunities and coordinating employability skill development activities;

- Providing information, guidance, and counseling to transition students, parents, and schools;
- Developing Individualized Plans for Employment (IPE) and promoting the use of Pre-ETS;
- Managing case flow, networking with school and community resources, and arranging consultant services from various VR resources;
- Assisting students in accessing additional resources, such as career development programs and support services, and supporting their transition to postsecondary education or employment; and
- Facilitating interagency cooperation by contacting representatives from other organizations and attending relevant meetings, both in-person and virtually.

These integrated responsibilities ensure effective support for students with disabilities as they transition to adulthood and the workforce.

A student attending the Texas School for the Blind and Visually Impaired (TSBVI) can be served by the TVRC located in the student's home community. The TVRC in the Austin region is available as a courtesy counselor on an as-needed basis.

Family Involvement: Family involvement in the transition process can significantly enhance both successful transition services and a successful outcome. Each family has a unique set of values and cultural influences that affect their concerns, opinions, and requests.

When family support is available, the family's role in the transition team is to:

- Support the student by incorporating rehabilitation training and expectations at home;
- Help the student identify and describe the student's and family's needs;
- Express expectations for services;
- Encourage the student to act as primary coordinator for all services; and
- Help the student become an effective self-advocate.

Local Education Agency: The role of the LEA is to provide a free and appropriate public education (FAPE) for students with disabilities who are receiving special education and related services or Section 504 accommodations as required under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act, respectively.

The LEA:

- Co-advocates with the student and the family to plan and provide educational services to meet individualized educational objectives, which are documented on an IEP;
- Works in partnership with the student, the student's family, and other community resources to coordinate services within the community; and
- Provides ongoing information to the student and the family about the adolescent's educational development.

18+ Programs: When the need is established, some students may stay beyond the initial four-year high school period to receive extra instruction in vocational skills, independent living, and, in some cases, programs like Project SEARCH. These programs are commonly referred to as 18+ programs.

Students participating in 18+ programs have completed their academic requirements to graduate but are still working toward IEP goals established by the Admission, Review, and Dismissal (ARD) Committee. Services in 18+ continue until the student has met their goals and is exited by the ARD committee, chooses to no longer continue, or ages out. Students retain eligibility for these services through the year in which they turn 21. As long as the student is still 21 on September 1, they will be eligible to receive services through that school year.

B. LEA Transition Services Process

Students Receiving Special Education Services: In Texas, special education services are planned through the ARD process or the IEP. The ARD committee plans for and completes the IEP. The committee often consists of the transition student, parents, teachers, other special education staff, and school administration, but members can vary. Transition services provided by TWC-VR are coordinated with the transition services provided by the LEA during the ARD.

TWC-VR plays an important role in planning transition services as an integral partner in the IEP process.

In working with LEA staff and families throughout the IEP process, the TVRC:

- Attends ARD meetings, as invited;
- Provides information on TWC-VR, including the services available;
- Helps the transition student obtain the maximum benefit from educational services by supporting their IEP;
- Coordinates services that align with the student's IEP; and
- Provides services to facilitate a smooth transition to postsecondary education and work environments.

TWC-VR and the Texas Education Agency (TEA) have a Memorandum of Understanding (MOU) in place to help create a framework for schools and TWC-VR in Texas to work together.

Students Receiving Section 504 Services: The TVRC may also work with students who receive services under Section 504 of the Rehabilitation Act instead of an IEP. Section 504 requires schools that receive Federal funding to provide reasonable accommodations to enable students with disabilities to fully participate in the services and programs offered under the general curriculum.

Transition students receiving services under Section 504 do not have an IEP and do not have ARD meetings. They receive accommodations but no curriculum modifications. Their services are documented

on a Section 504 plan. Students on a Section 504 plan who otherwise meet the definition of a student with a disability are eligible for Pre-ETS.

Students Enrolled in Private School or Homeschool Settings: The TVRC may also work with students who are participating in private school or homeschool settings, which are considered recognized education programs. These students may not have special education services available to them in the same way publicly enrolled students do.

TWC-VR does not provide special education services or secondary education services, which are the responsibility of the LEA. If a private or homeschooled student needs a service that would normally be the responsibility of the LEA, TWC-VR may consider the need for that service based on the customer's individual circumstances and determine on a case-by-case basis whether the service is consistent with the student's rehabilitation needs in the IPE.

Questions about these situations may be submitted to a member of the State Office Transition Team or by email to the VR Pre-ETS mailbox at vr.pre-ets@twc.texas.gov.

Transition Services Procedures: The VR Counselor must also:

- Obtain a copy of the most recent IEP or Section 504 plan to help with transition-planning activities;
- Document in RHW whether the student has an IEP or Section 504 plan; and
- Complete the IPE before the eligible student leaves the school setting and no more than 90 days from the time that the student's eligibility for TWC-VR services is determined.

When an IEP or Section 504 plan is not available, the VR Counselor must document that in a case note. This may occur when a student is not receiving services in one of these programs while in public school, has not yet started the process, or is enrolled in an educational setting that does not formally provide them (e.g., homeschool, private school);

TWC-VR IPE: IPE services must:

- Be vocational in nature; and
- Support and lead to achievement of the employment goal identified in the IPE, which specifically for students and youth may be a description of the projected post-school employment outcome;
- Not be the responsibility of the school district under IDEA or Section 504 of the Rehabilitation Act; and
- Must not be readily available from the school district.
- Be based on current information regarding the student's knowledge, skills, interests, and preferences;
- Set timelines with projected beginning and ending dates for all activities leading toward achieving the student's goals; and

- Identify a network of support, such as family, friends, agencies, and community resources, that can help the student achieve the desired goals.

Students who receive transition services are usually in a career exploration stage of development while they are still in secondary school. VR counseling and guidance, along with specific exploration activities and other Pre-ETS activities, is expected as part of the IPE. Multiple IPE amendments may be necessary as the student's rehabilitation needs and employment goals change.

C. Coordination with Education Officials

When working with transition students, coordination with schools is an essential part of planning. The TVRC must provide to the student, parent, and school personnel information that describes the:

- Purpose of the VR program;
- Application processes for TWC-VR services;
- Eligibility criteria for TWC-VR services; and
- Scope of services that may be provided to eligible customers.

Specifically, the TVRC must ensure that families and students with disabilities are informed about their options and opportunities to choose methods and providers for delivery of all needed assessments, as well as decisions related to developing a plan of services. This leads to a foundation of information from which families and students can make informed choices about a coordinated plan of services for students to successfully transition to postsecondary activities and employment outcomes.

D. Child Labor Laws

When making decisions about work-based learning activities that include work experience services, child labor laws must be observed.

Minors 14 and 15 Years of Age: There is no special work permit required for this age range, but there are restrictions on:

- Number of hours that 14- and 15-year-olds may work;
- Times that they may work; and
- Type of work that they may do.

For example:

When school is not in session, minors may not work more than eight hours a day and 40 hours a week;

- When school is in session, minors may not work more than three hours a day on school days or 18 hours a week outside of school hours;

- During the school year, minors may work from 7 a.m. to 7 p.m. only; and
- In the summer (June 1 through Labor Day), minors may work from 7 a.m. to 9 p.m.

Limitations are placed on the work that 14- and 15-year-olds may do when they work in retail, food service, and gasoline service establishments.

Minors 16 and 17 Years of Age: There are no child labor law restrictions on the number of hours and times that 16- and 17-year-olds may work.

However, there are restrictions on working in occupations declared hazardous by the US Department of Labor.

For more detailed information on child labor laws, refer to Texas Child Labor Laws.

E. Assistive Technology

The LEA must provide assistive technology services and assistive devices to meet the educational needs of secondary school students. The student may use the equipment at home to complete homework assignments and school projects.

In accordance with IDEA requirements, if the student's ARD committee determines that an SWD needs home access to telecommunications, sensory devices, or other technological aids to meet the requirements of a FAPE, the LEA must provide the devices for home use in order to implement the student's IEP.

When a SWD is enrolled in postsecondary training services, the TVRC may purchase the assistive technology services and devices only if the items are needed for their postsecondary education or long-term employment.

F. Dual Credit Courses

Dual credit courses offer secondary students at select high schools the opportunity to participate in postsecondary coursework while enrolled in high school. These students can earn up to 60 college credit hours. The list of approved high schools can be found on the Texas Education Agency (TEA) website.

Comparable services and benefits must be considered before dual credit coursework is purchased by TWC-VR, including benefits that may be available through the school.

Because secondary students are concurrently postsecondary training, it is allowable for these students to carry less than a full-time course load.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when utilizing WorkQuest in lieu of a Workforce Development Board (Board) for the wage services for youth with disabilities when they are available.
- VR Supervisor approval is NOT required when the Board does not provide wage services.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 8: PRE-EMPLOYMENT TRANSITION SERVICES

PART C, CHAPTER 8.1: PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 8.1	34 CFR §361.48(a), §361.5(c)(51), §361.65(a)(3), §361.5(c)(2), §361.22, Labor Code §352.108, and Final Interpretation 87 FR 15889	All TWC-VR staff, particularly those who provide Pre-ETS to students with disabilities	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Pre-Employment Transition Services (Pre-ETS) to students with disabilities who are either potentially eligible or eligible for TWC-VR services. Additionally, TWC-VR is required to reserve funding from Basic TWC-VR funds in order to provide and coordinate these services.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing Pre-ETS services and the providers of those services.

POLICY

A. General Overview

Pre-ETS are designed to support students with disabilities as they transition from school to post-school activities, including further education, vocational training, and competitive integrated employment (CIE). These services are the earliest set of services provided by VR agencies to students with disabilities (SWD) for the purpose of beginning employment exploration and identifying career interests.

The overarching purpose of these services is to empower students with disabilities to make informed choices about their careers, develop essential skills for the workplace, and successfully transition into the workforce or higher education settings.

B. 15% Reservation of Funds

WIOA requires TWC-VR to reserve and expend a minimum of 15% of their Federal funding solely for the provision of Pre-ETS.

Pre-ETS activities are provided to individuals who:

- Meet the definition of a student with a disability; and
- Are eligible or potentially eligible for TWC-VR services.

Customer participation in the cost of TWC-VR services cannot be applied to the provision of Pre-ETS required activities.

C. Pre-Employment Transition Services

Pre-ETS are a set of services intended to occur in the earlier phases of the career exploration and work preparation continuum. However, Pre-ETS can be provided or purchased for students with disabilities at any point in the VR process. For students who are eligible for TWC-VR services and have developed an (Individualized Plan for Employment (IPE) (i.e., Active Services Status), Pre-ETS activities must be based on the needs identified and included in that IPE.

The primary focus is on experiences and learning opportunities for students with disabilities. While Pre-ETS' required and coordinated activities can be provided in many phases of the VR process, Pre-ETS funds may not be used to provide services in the employment or post-employment phases of the VR process.

There are three types of Pre-ETS: required, coordinated, and authorized:

Five Required Activities: The five required activities are as follows:

1. Career exploration counseling;
2. Work-based learning experiences which may include in-school or after-school opportunities, or experiences outside the traditional school setting (including internships) that are provided in an integrated environment to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction on self-advocacy, including peer mentoring.

Four Coordinated Activities: The four coordinated Pre-ETS activities are as follows:

1. Attending Individualized Education Plan (IEP) meetings, when invited;
2. Working with the TWC Local Workforce Development Boards (Boards), Workforce Solutions Offices, and employers to develop work opportunities for students with disabilities;
3. Working with schools to coordinate and ensure the provision of Pre-ETS; and
4. Attending, when invited, person-centered planning meetings for students with disabilities who receive services under Medicaid (Title XIX of the Social Security Act).

Nine Authorized Activities: The nine authorized activities are provided primarily by the TWC-VR State Office and regional staff members. These services can only be charged to the 15% reserve (Pre-ETS funds) if TWC-VR has completed a fiscal forecast to determine if funds are available.

The nine authorized Pre-ETS activities are as follows:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and/or significant disabilities to live independently, participate in postsecondary educational experiences, and obtain and retain CIE;
3. Providing instruction to VR Counselors, school transition staff, and others who support students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieving WIOA goals;
5. Coordinating activities with transition services provided by local education agencies (LEAs) under the Individuals with Disabilities Education Act (IDEA);
6. Applying evidence-based findings to improve policy, procedure, practice, and staff preparation to achieve WIOA goals;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships that involve states, LEAs, designated state units, developmental disabilities agencies, private businesses, and other participants to achieve WIOA goals; and

9. Disseminating information and developing strategies to improve the transition to postsecondary activities for individuals who are members of traditionally unserved populations.

D. Student with a Disability (SWD)

In the State of Texas, a student with a disability is defined as an individual between the ages of 14 and 22 who is:

- Enrolled in a recognized educational program, which may include public schools (including charter schools), private schools, home schools, recognized postsecondary programs, or other recognized settings, such as the schooling provided by juvenile justice facilities;
- Receiving services through IDEA (Special Education); or
- Considered eligible for Section 504 services (includes individuals who are receiving TWC-VR services).

Customers who meet the requirements above but who turn 22 years old before September 2 of the current fiscal year no longer meet the definition of an SWD. For example, if a customer is 21 on September 2, they will meet the definition of a student with a disability until August 31 of the following year if they remain enrolled in a recognized educational program as described above.

Educational programming under the definition of a student with a disability would include programs that provide a recognized credential of education, such as a certified nursing assistant (CNA) program.

Individuals who are eligible for TWC-VR but do not meet the definition of a student with a disability can receive individualized transition services and other TWC-VR services; however, they are not eligible to receive Pre-ETS, and the services and goods must be paid for with Basic VR funds, not with Pre-ETS funds.

E. Potentially Eligible SWD

Students are not required to apply for TWC-VR services in order to receive Pre-ETS; however, they must provide documentation to demonstrate they satisfy the definition of a student with a disability as described above, which includes documentation of a disability and enrollment in an educational program prior to beginning those services. Documentation that can be used includes a copy of their IEP, 504 Plan, or other formal documentation.

If a student requires additional VR services outside of Pre-ETS, they must apply and receive an eligibility determination. Those additional services, as well as their Pre-ETS, are provided as part of an approved IPE.

F. Auxiliary Aids and Services

TWC-VR will ensure no SWD is denied Pre-ETS based on their disability. If an SWD requires reasonable accommodation, auxiliary aid, or other service in order to access or participate in Pre-ETS, TWC-VR must provide the required accommodation when no other entity is responsible for its provision.

Auxiliary aids and services for individuals with sensory disabilities include, but are not limited to, the following:

- Qualified interpreters (including sign language);
- Note-takers and readers;
- Assistive listening devices;
- Videophones;
- Audio recordings;
- Braille materials and displays;
- Screen reader software;
- Magnification software;
- Large print materials.

Auxiliary aids and services for Pre-ETS do not include the following:

- Personal devices (e.g., computers, laptops, tablets);
- Prescribed devices (e.g., eyeglasses, hearing aids, wheelchairs);
- Readers for personal use or study;
- Home or vehicle modifications;
- Attendant care or other activities of daily living (ADL) services.

G. Discontinuation of Pre-ETS

Pre-ETS are discontinued for the following reasons:

- The individual no longer meets the definition of a student with a disability due to one or both of the following:
    - The individual is over the age of 22; or
    - They are no longer enrolled in a recognized education program.

H. Outreach and Coordination with Education

VR programs are required to demonstrate coordination between TWC-VR and the Texas Education Agency (TEA), responsible for the public education of students with disabilities. TEA is designed to

facilitate the transition of students with disabilities from the receipt of educational services, including Pre-ETS, in school to the receipt of TWC-VR services.

Coordination must include the following:

- Development and approval of an IPE as early as possible during the transition services process and not later than the time a student with a disability determined to be eligible for TWC-VR services leaves the school setting; and
- A formal interagency agreement that establishes the framework for coordinated transition services, including Pre-ETS.

I. Additional TWC-VR Services for Students with Disabilities in an IPE

In accordance with the Federal Register Final Notice of Interpretation (NOI), 15% reserved funds may be used for costs associated with providing certain TWC-VR services to eligible students with disabilities, in accordance with approved IPEs, who need those services to benefit from Pre-ETS. Those additional VR services include the following:

- Assessment Services;
- VR Counseling and Guidance;
- Information and Referral Services;
- Maintenance;
- Transportation;
- Personal Assistance Services;
- VR Teacher Services & Orientation and Mobility Services;
- Rehabilitation and Assistive Technology;
- Family Services; and
- Job Training/Coaching Services.

J. Construction Clause

Nothing in this policy will be construed to reduce the obligation under the IDEA of an LEA or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities.

K. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor.

For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 15: Pre-Employment Transition Services.

L. Additional Policy Considerations

- Comparable Services and Benefits: Pre-ETS are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Students with disabilities who are in receipt of Pre-ETS, are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Eligible TWC-VR customers who require other VR services are not exempt, and therefore, if their net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Working with Potentially Eligible Students

The purpose of the potentially eligible designation is to provide more SWD the opportunity to participate in Pre-ETS. Once an SWD chooses to apply for TWC-VR services, all requirements of the program are applied at the time they are determined eligible. In order for potentially eligible SWD to continue receiving Pre-ETS without an IPE, they must have begun receiving at least one Pre-ETS prior to application for TWC-VR services.

Potentially eligible SWD are afforded the right to informed choice, confidentiality, and access to the client assistance program (CAP).

Potentially eligible SWD may receive a single Pre-ETS or multiple Pre-ETS according to their need and desire to participate. Providing or purchasing Pre-ETS for potentially eligible SWD is not intended to be an avenue to circumvent the VR process, and, at some point, a potentially eligible SWD may need additional TWC-VR services. The VR Counselor assigned to a potentially eligible SWD case should counsel and provide them with appropriate information related to the following options:

- The SWD may continue receiving Pre-ETS as a potentially eligible SWD;
- The SWD may apply for TWC-VR services to have access to additional services, including, but not limited to, Pre-ETS, transition services, and all other TWC-VR services, as necessary; or
- The SWD case may be closed if the SWD does not wish to access additional Pre-ETS or to apply for TWC-VR services.

As long as the definition of an SWD is met, the individual will continue to be potentially eligible until they no longer meet the definition of an SWD or they apply for TWC-VR services and they are determined eligible. If a potentially eligible SWD has completed the application process and has been determined ineligible, they may no longer receive Pre-ETS.

B. SWD Documentation Requirements

There are specific documentation requirements depending on whether the SWD is receiving Pre-ETS as a potentially eligible SWD or if they have been determined eligible for TWC-VR services.

Potentially Eligible SWD: The data required for a potentially eligible SWD are captured on the Request to Receive Pre-Employment Transition Services (VR1820), which includes fields for entering the SWD's:

- Social Security number (preferable, if available) or another unique identifier such as a student school identification number, a state-issued identification card number, or driver's license number;
- Date of birth;
- Race (required if student is in secondary education);
- Ethnicity (required if student is in secondary education); and
- Student's disability (as indicated in supporting documentation listed below).
- Applicable release forms must also be obtained to allow the exchange of information and establish parental permission to participate in services.
- The VR1820 and release forms paired with verification of disability from the list below completes the requirements to begin providing Pre-ETS.

Supporting documentation that is required to verify the student's disability includes, but is not limited to, the following:

- Case notes documenting VR Counselor observations, review of school records, and statements of education staff;
- A signed statement from a school professional with the identification of a student's disability and school enrollment status (A template of the VR Disability Verification Letter is available to capture this information.);
- A copy of an IEP, Social Security Administration (SSA) beneficiary award letter, school psychological assessment, documentation of a diagnosis or disability determination, or documentation relating to Section 504 accommodations.

When a potentially eligible SWD is participating in a work placement as part of work-based learning, whether paid or unpaid, the requirements for documentation of legal status to work in the United States must be met. However, for all other Pre-ETS activities, only the information listed above and found on the VR1820 are required.

TWC-VR Eligible SWD: When an individual applies for TWC-VR services, whether they are a potentially eligible SWD or not, all documentation and program requirements apply. In order for an SWD to begin receiving Pre-ETS after being determined eligible for TWC-VR services, they must demonstrate a need and included Pre-ETS in the IPE.

The VR Counselor must follow all TWC-VR policies and procedures to effectively move these SWD through the VR process, including assessing their need for Pre-ETS as a service in their IPE.

C. Work Placement

An activity is considered a work placement when it is treated as an employment relationship and when paperwork (e.g., Employment Eligibility Verification [I-9]) becomes part of the process.

Examples of work placement include the following:

- Internships;
- Apprenticeships;
- Volunteer opportunities where the employer requires paperwork; and
- Placements through Paid Work Experience or Work Experience.

Other work-based learning activities that do not require that an employment relationship be established are allowable for potentially eligible SWD who do not have employment authorization documents. Examples include the following:

- Job shadowing;
- Informational interviews; and
- Tours of businesses.

D. Pre-ETS Funding

Pre-ETS can be provided by TWC-VR staff (in-house) or by purchase (SA or contract), using Pre-ETS funds. For SWD receiving services in an IPE, additional TWC-VR services can be provided using either Basic VR or Pre-ETS funds, depending on the service.

TWC-VR Staff (in-house) Pre-ETS: TWC-VR uses the TWC Time Tracking System (TTS) to track TWC-VR staff time, when providing Pre-ETS to SWD. The TTS is used to allocate TWC-VR staff salaries to the Pre-ETS funds (i.e., 15% reserve).

When TWC-VR staff are providing required and/or coordinated services to SWD, this time (including travel time) would be allocated to the Pre-ETS funds.

When TWC-VR staff participates in an authorized activity, this time is allocated to Pre-ETS funds; however, other expenses are not included and are allocated to VR Basic funds (e.g., travel time).

Purchased Pre-ETS: TWC-VR also provides Pre-ETS through third party providers through a contract or by issuing an SA. When providing TWC-VR services to eligible SWD, it may be necessary to access both Basic VR and Pre-ETS funds. TWC-VR staff are encouraged to use both types of funding to help assist the SWD achieve their employment goal. Whether the services are Pre-ETS or other TWC-VR services will determine which fund should be used.

Additional TWC-VR Services Allowable Using Pre-ETS Funds: For SWD that are receiving TWC-VR services on their IPE (i.e., excludes potentially eligible SWD), there are specific services, in addition to Pre-ETS, which can be provided using Pre-ETS funds. Pre-ETS funds can ONLY be used for these services when they are required for the SWD to participate in one or more of the Pre-ETS services included in their IPE.

Examples of these services include:

- Auxiliary Aids and Services;
- Transportation;
- Maintenance;
- Assistive technology;
- Job skills training;
- Personal attendant services;
- Assessments;
- Food and lodging when it supports participation in a residential Pre-ETS program;
- Referral Services;
- Family Services; and
- Job Skills Training (i.e., coaching services).

For additional information and guidance, see the Pre-ETS Desk Aid: Pre-ETS Time Tracking Guidance.

E. Optional Pre-ETS Provision

Pre-ETS can also be provided through temporary learning experiences, Camps, Workshops/Seminars, contracts and more.

Temporary Learning Experience: Temporary learning experiences include Pre-ETS-funded activities such as camps, seminars, workshops, and conferences. A contract will be required with the provider if the costs related to an approved Temporary Learning Experience exceed $10,000.

TWC-VR staff must submit information about the activity to vr.pre-ets@twc.texas.gov for verification that the activity does meet the requirements for a Pre-ETS and to be guided through the rest of the process by the State Office Program Specialist for Transition.

Camps: Camps can increase an SWD's self-confidence by providing opportunities to participate in challenging activities. Camps generally focus on career exploration activities or increasing the SWD work readiness skills. Each camp must have clear vocational goals with associated objectives to demonstrate how the activity will meet the goals. A camp must not be a solely or predominantly social or recreational event.

Camp-related expenses can include costs that are considered Pre-ETS (e.g., career exploration) as well as related costs that are also considered Pre-ETS (e.g., travel, room, and board) for TWC-VR eligible students.

TWC-VR staff must submit information about the activity to vr.pre-ets@twc.texas.gov for verification that the activity does meet the requirements for a Pre-ETS and to be guided through the rest of the process by the State Office Program Specialist for Transition.

Workshops and Seminars: Workshops and Seminars may be held for a few hours or a few days. Topics may include focus areas such as making the transition from school to work, driving with low-vision aids, succeeding in college, and the services provided by guide dogs. Topics may or may not be considered Pre-ETS. The TWC-VR staff is expected to determine the type of service being provided and provide it under its respective policy and procedures.

TWC-VR staff must submit information about the activity to vr.pre-ets@twc.texas.gov for verification that the activity does meet the requirements for a Pre-ETS and to be guided through the rest of the process by the State Office Program Specialist for Transition.

F. Gap Year Documentation

Graduating seniors in high school who will not be pursuing postsecondary training, or any other type of recognized educational program after high school, cease to meet the definition of an SWD upon graduation from high school; therefore, these individuals are not eligible for additional Pre-ETS. Graduating high school seniors who are attending postsecondary training or another recognized educational program in the subsequent fall term are still considered students with disabilities and remain eligible for Pre-ETS during the gap months of the summer, as long as they continue to meet the age requirement for a student with a disability.

The following documentation should be used to document enrollment in a postsecondary program:

- Documentation that the individual with a disability graduated from secondary education;

- Documentation that the individual with a disability has been accepted into a postsecondary educational institution or program;
- Documentation of the individual's intention to enter the postsecondary institution or program or confirmation that they accepted the invitation to enter the postsecondary institution or program; and
- Documentation that the individual with a disability has been informed by the institution or program that a place is being held for them.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Supervisor approval is required when utilizing WorkQuest in lieu of a Workforce Development Board (WDB) for the wage services for SWD when they are available.
- VR Supervisor approval is NOT required when the WDB does not provide wage services.

Consultations

- Regional Specialist for Transition Services consultation is required when assistive technology purchases are made before the completion of the student's senior year of high school to ensure that the school is unable to provide the assistive technology and that the appropriate funding is used.
- VR Supervisor consultation is required when uncertainty exists regarding if TWC-VR staff services should be entered into TTS as a required activity or coordinated activity. Additionally, an inquiry may be submitted to the VR Pre-ETS mailbox at vr.pre-ets@twc.texas.gov.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 8.2: PRE-EMPLOYMENT TRANSITION SERVICES GROUP SKILLS TRAINING (GST)

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 8.2	34 CFR §361.48(a), §361.5(c)(51), §361.65(a)(3), §361.5(c)(2), §361.22, Labor Code §352.108, and Final Interpretation 87 FR 15889	All TWC-VR staff, particularly those who provide Pre-Employment Transition Services to students with disabilities	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to TWC-VR rules when developing and providing Group Skills Training, primarily as Pre-Employment Transition Services (Pre-ETS) to students with disabilities (SWD).

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing Pre-ETS services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

POLICY

A. General Overview

Group Skills Training (GST) involves bringing together students with disabilities (SWD) to collectively learn pre-vocational skills (e.g., career exploration), which can often be more effective and efficient than individualized instruction. GST sessions have a structured agenda, designated start and end dates, and clear learning objectives tailored to the needs of the students. These training sessions aim to equip SWD with practical skills that enhance their employability. TWC-VR staff overseeing and/or providing GST activities must ensure that the learning objectives are clearly defined, articulating what SWD will learn and achieve by the end of the program.

GST sessions focus exclusively or primarily on providing one or more of the five required Pre-ETS activities:

1. Job exploration counseling;
2. Work-based learning experiences, such as in-school or after-school opportunities, or experiences offered outside of traditional school settings (including internships), in an integrated environment to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs;
4. Workplace readiness training to develop social and independent living skills;
5. Instruction in self-advocacy, which may include peer mentoring.

B. Provision of Group Skills Training

GST sessions are designed and provided by TWC-VR staff. When needed, GSTs may include other providers, such as an employment services provider (ESP). GSTs typically require multiple types of purchased Pre-ETS and/or other TWC-VR services, requiring that TWC-VR staff follow all applicable policies and procedures.

When purchasing Work Experience Services through an ESP, Transition Educator, or a Nontraditional Provider for an SWD participating in a GST, the Work Experience Plan and Placement Report (VR1601) does not have to be completed.

SWD who are eligible for TWC-VR services must have associated needs and goals included in their Individualized Plan for Employment (IPE) that make participation in a specific GST a necessity. If purchased TWC-VR goods and services (e.g., food, transportation, lodging, clothing, backpacks) are required to participate in GSTs, Pre-ETS funds can be used when those purchases are:

- Documented in the student's IPE;
- Necessary to perform the actual activity or task, or to achieve the goal of the GST; and

- Reasonable, meaning that the cost does not exceed fair or market cost for purchases made under the same or similar circumstances.

For example, if a particular activity requires SWDs to wear a shirt that identifies them with a TWC-VR group when participating in a public setting, those shirts must be simple and reasonably priced, as the additional cost of printing on the shirts is not permitted. The purchase of shirts must follow all applicable procurement and purchasing requirements, and documentation must be retained to justify the purchase.

C. GST Funding

To the greatest extent possible, each GST must be designed to maximize use of Pre-ETS funds and minimize the need for Basic VR funds. It is allowable for a combination of potentially eligible and TWC-VR eligible SWD to participate in GSTs. However, when potentially eligible students are participating, purchases for those students are limited to those allowed under the five required Pre-ETS. For TWC-VR-eligible SWD, additional TWC-VR services may be needed in their IPE to support participation in Pre-ETS (i.e., flexibilities) or in addition to Pre-ETS. The VR Counselor must allocate to the correct fund source (i.e., Basic VR, Pre-ETS VR) depending on the type of service.

Contracts may also be required for some GST activities, requiring staff to plan for GST sessions several months in advance to allow sufficient time for procurement, planning, and obtaining required approval. Partners may include education service centers, local colleges, Workforce Solutions Offices, Boards, the Texas School for the Blind and Visually Impaired, the Blind Children's Program under HHSC, Texas School for the Deaf, and other entities.

D. Social and Recreational Activities

Predominantly social or recreational activities are not GST. However, the following training activities may be part of a GST but are not GSTs when provided as stand-alone trainings:

- A mini-immersion training conducted by the Criss Cole Rehabilitation Center (CCRC);
- Classes provided by VR teachers; and
- Training activities provided by an ESP, such as Project Search, Vocational Adjustment Training (VAT), Personal Social Adjustment Training (PSAT), or those provided through a Pre-ETS contract.

When a GST is conducted over several days or weeks, periodic recreational activities may be proposed to facilitate SWD interaction and further prepare them for the workplace (e.g., social interaction, gaining comfort in new environments and situations, promoting leadership and problem-solving skills, team-building exercises, the importance of collaboration).

To the maximum extent possible, recreational activities for SWD who are blind or visually impaired may be designed using the approach known as Structured Discovery Cane Travel (SDCT), as well as other

methods that challenge the students. SDCT instruction includes nonvisual techniques, problem-solving strategies, experiential learning, and confidence-building experiences.

E. Construction Clause

Nothing in this policy will be construed to reduce the obligation under the Individuals with Disabilities Education Act (IDEA) of a local educational agency (LEA) or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities.

F. Additional Policy Considerations

- Comparable Services and Benefits: Pre-ETS are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Students with disabilities who are in receipt of Pre-ETS, are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.

Eligible TWC-VR customers who require other VR services are not exempt, and therefore, if their net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Planning and Developing GST

Planning is essential for developing and providing a high-quality GST for SWD. The Pre-ETS GST Template for proposals is available to assist TWC-VR staff and to facilitate the management approval process.

While it is expected that most GSTs proposed by TWC-VR staff will be accompanied by the GST template, TWC-VR staff may alter the GST template to propose other types of training if:

- The proposed GSTs meet all requirements established in policy; and
- All required elements of the GST template remain.

B. GST Application, Review, and Contract Processes

The GST application, review, and contract processes are as follows:

- Each August, the TWC-VR State Office provides to TWC-VR staff a list of the approved GSTs from earlier in the fiscal year (i.e., Oct. 1 – Sept. 30). TWC-VR staff must review the list, discuss with the relevant VR Manager the GST proposals that are being submitted for consideration in the upcoming fiscal year, and provide an initial response with Regional Director (RD) approval to the State Office Transition Team by September 15. If more than one region is involved, all RDs should provide approval.
- For new and repeating GST activities, designated VR State Office staff review the proposal to ensure compliance with policy and submit the GST template and supporting documentation to the VR Deputy Division Director for Field Services Delivery and the VR Director.
- The VR Deputy Division Director For Field Services Delivery and the VR Director review the proposed GST. When necessary, the VR Director consults with executive management before approving the GST.
- The VR Deputy Division Director for Field Services Delivery notifies the RD as to whether the GST proposal has been approved.
- The Regional Director notifies the VR Manager.
- The VR Manager must ensure that designated TWC-VR staff implement the GST as approved and follow all required policies and procurement processes.
- TWC-VR staff must have approval for a GST before goods and services are procured, before contracts are developed, and before commitments are made to students, families, and potential partners.
- If a student from one unit or region can benefit from participating in a GST that is planned by another unit or region, the SWD's VR Counselor must hold a meeting with the other appropriate unit or regional staff to discuss the activity and coordinate participation for the SWD. In some cases, the requesting VR Counselor’s participation in the GST may be necessary; this participation is contingent on approval from the RD if travel is required outside the region.
- After a GST is conducted, the VR Manager is also responsible for reviewing the GST budget and planned activities to evaluate whether the activities were effective and well executed, whether the SWD achieved the learning objectives, and to compare budgeted versus actual costs. The VR Manager must document the results of the review, retain them for future GST planning, and provide them to TWC State and Regional Management upon request.

C. Expected Time Frames

If all required information is included in the initial submission, a GST may be approved by the VR Division Director for Field Services Delivery within two weeks of submission to the vr.pre-ets@twc.texas.gov mailbox. If information is incomplete, inaccurate, or not compliant with policy, the approval process will be delayed until the proposal is revised to meet all requirements.

TWC-VR staff must submit GST proposals as far in advance of the proposed GST as possible. Where contracts must be executed, the contracting process must follow approval of the GST by executive management. TWC-VR staff must allow at least four months for the contract development and execution process.

D. Family Member Participation

Depending on the goals of the GST, participation by parents or guardians may be essential for the SWD to receive the benefit of the training activities.

Family members may participate in GSTs when:

- The GST activities are designed to include the parents or guardians as part of the skill attainment process during the GST and thereafter;
- The primary purpose of the GST is to provide education, training, and resources to the student and parents and/or guardians; or
- The parent must attend to provide attendant care for a student who requires such care to participate.
- If a parent's and/or guardian's participation is necessary for a GST, the VR Counselor and VR Supervisor must:
- Consider whether more than one parent or guardian is needed to participate; and
- Justify the need in the program description.

Another family member or caregiver may participate in the GST in place of the parent or guardian.

E. Budget

The VR Manager must consider the anticipated costs associated with a GST and develop a proposed budget. Most of the proposed costs would be attributed to Pre-ETS. When necessary, the budget may contain supporting costs attributed to either Pre-ETS or Basic VR. The proposed budget on the GST template identifies which costs are attributed to Pre-ETS and Basic VR.

F. GST Site

Facility and room rentals, as standalone purchases, are typically not allowable Pre-ETS funds. All GST sites must be accessible, according to the standards established by the Americans with Disabilities Act (ADA). When a contract or written agreement is required to rent a room or facility, all approval and procurement processes must be followed.

G. Contracts

Contracts that are necessary for one or more GST activities must:

- Be developed with and approved by TWC Procurement and Contract Services; and
- Comply with TWC policy and State and Federal law.

The VR Manager must ensure that at least four months are allowed for the contract development and execution process.

H. Lodging

Lodging costs are only an allowable cost using Pre-ETS funds for VR-eligible students, so GST activities should be planned only when lodging is reasonable and necessary for participation.

When lodging is necessary for the GST, and family member participation is also proposed, the VR Manager must carefully consider whether it is necessary for more than one family member to participate.

If the lodging is in a hotel with more than 10 hotel rooms needed, the VR Manager must first obtain approval from the VR Division Director for Field Services Delivery and then coordinate with TWC Conference Planning at ConferencePlanning.Media@twc.texas.gov.

I. Materials

The VR Manager must allow sufficient time for the approval, printing, and mailing of outreach and other materials necessary for the GST. Materials such as brochures and flyers must provide all essential information. Applications must include mandatory signatures. All printed materials must be provided in an accessible format.

J. External Presenters and Contributors

When external presenters and contributors of in-kind resources (e.g., free lodging or meeting space) are an option, presenters or vendors must be approved through TWC Conference Planning at ConferencePlanning.Media@twc.texas.gov.

Gifts or donations valued at $500 or more must follow TWC's procedures for the acceptance of gifts.

K. Partners

The VR Manager must allow sufficient time to work with partners who may be part of the GST. Regardless of who the partners are, the GST must meet the requirements of this policy and must focus predominantly on required Pre-ETS activities.

L. Consent Forms

For SWD applying to participate in a GST, the Medical Information and Consent for Participation in TWC-VR Activity (VR1827) should be used to capture the following with their application:

- Permission to participate signed by a parent or legal guardian;
- A signed emergency medical release;
- Emergency contact information; and
- Written permission for transporting the student, if relevant.

Providing a photograph of the student is optional.

If the GST is to be held overnight, students must include the following information on the VR1827, when applicable:

- A list of the student's medications:
- A statement from the student, parent, guardian, or a doctor indicating whether the student can monitor their own medication;
- Information about the student's medical conditions;
- A list of the student's allergies (medication- or food-related); and
- A statement that explains the relevance of the GST to the SWD's IPE.

M. SWD Safety and Supervision

The VR Manager must ensure that there is a safety system to ensure that all students are accounted for and are transported safely. For example, the VR Manager may:

- Hire a security guard, nurse (e.g., medication assistance), certified lifeguard, or licensed commercial driver, if a VR Counselor determines that there is a need; or
- Make phones available in vehicles that transport SWDs.

The amount of adult supervision needed varies depending on the type of event and the needs of the SWDs. When a training activity does not include parents, at least one adult must be in attendance for

every six adolescent SWD. In some circumstances, there may be a need for a higher staff-to-participant ratio.

N. Post-GST Follow-Up

Once the training is completed:

The VR Counselor documents the SWD participation and the GST training activities in a case note and explains how the GST is meeting their needs.

- The VR Manager reviews the GST to:
  - Evaluate whether the activities were effective and well-executed;
  - Evaluate whether the participants achieved the learning objectives; and
  - Compare budgeted versus actual costs.

The VR Manager must document the results of the review, retain them for future GST planning, and provide them to VR Regional Management upon request.

- The VR State Office may request from VR Regional Management a summary of activities in their region annually.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- State Office Program Specialist for Transition and Pre-ETS approval is required for any GST.
- VR Manager, Regional Director, and VR Director approval is required to ensure that GST proposals are complete, accurate, and fully compliant with associated policy and procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 8.3: PRE-EMPLOYMENT TRANSITION SERVICES PATHWAYS TO CAREER INITIATIVES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 8.3	34 CFR §361.48(a), §361.5(c)(51), §361.65(a)(3), §361.5(c)(2), §361.22, Labor Code §352.108, and Final Interpretation 87 FR 15889	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to TWC-VR rules when developing and providing Pathways to Careers Initiatives (PCI), primarily as Pre-Employment Transition Services (Pre-ETS) to students with disabilities (SWD).

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing Pre-ETS services and the providers of those services.

POLICY

A. General Overview

PCI aims to support students with disabilities (SWD) in their transition from school to employment. These initiatives include the following:

- Summer Earn and Learn (SEAL): This program provides SWD the opportunity to gain paid work experience during the summer. It pairs students with employers for on-the-job training and workplace readiness skills development.
- Student HireAbility Navigator Program: This initiative places navigators in Workforce Solutions offices to help SWD and their families access resources, services, and information about career and educational opportunities. The navigators also work with employers to facilitate inclusive hiring practices.
- Explore STEM!:This program encourages SWD to explore careers in Science, Technology, Engineering, and Mathematics (STEM). It offers hands-on activities, workshops, and mentorship opportunities to build interest and skills in these fields.
- Paid Work Experience: This program offers students with disabilities the chance to gain practical work experience in a real-world setting. It provides opportunities for them to develop job skills, build a work history, and improve their employability through paid employment.

Together, these programs aim to enhance the employability and career readiness of SWD, preparing them for successful transitions to the workforce.

PCI focuses exclusively or primarily on providing one or more of the five Pre-ETS activities:

1. Job exploration counseling;
2. Work-based learning experiences, such as in-school or after-school opportunities, or experiences offered outside of traditional school settings (including internships), in an integrated environment to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs;
4. Workplace readiness training to develop social and independent living skills; and
5. Instruction in self-advocacy, which may include peer mentoring.

B. Construction Clause

Nothing in this policy will be construed to reduce the obligation under the Individuals with Disabilities Education Act (IDEA) of a local educational agency (LEA) or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities.

C. Additional Policy Considerations

- Comparable Services and Benefits: Pre-ETS are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.

- Customer Participation in the Cost of Services: Students with disabilities who are in receipt of Pre-ETS, are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Eligible TWC-VR customers who require other VR services are not exempt, and therefore, if their net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Summer Earn and Learn

Summer Earn and Learn (SEAL) is a statewide strategy that includes employability skills training and paid work experience for SWD. It is offered in each of the 28 local workforce development areas (workforce areas) during the summer, when students are out of school.

Participants in SEAL must meet the definition of an SWD, including current customers and those who may be potentially eligible for TWC-VR services. Most employers prefer students to be at least 16 years old to participate in work experience; however, some employers, particularly those in the public sector, may be willing to offer work experiences for younger students.

Additionally, students must meet the following conditions:

- Exhibit behavior that is appropriate for a work setting. If the student has, at times, displayed behaviors that are not work-appropriate, the student should be able to be redirected with minimal intervention;
- Be receptive to counseling and guidance about the importance of appropriate workplace behavior; and
- Be motivated to participate in the work-based learning program.

If a participant in SEAL needs services to access the program or support successful participation, such as sign language interpreting or Work Experience Training or transportation, these support services can be purchased with Pre-ETS funding, when provided in an IPE.

Social Security Beneficiaries in SEAL: VR Counselors must consider the effects of SEAL wages on students' Social Security benefits and provide information, as appropriate, to increase student understanding of and compliance with SSA reporting requirements.

Roles and Responsibilities: TWC-VR enters into contracts with each Workforce Development Board (Board) to:

- Purchase work readiness (employability skills) training;
- Identify work sites;
- Arrange placement and monitoring; and
- Pay student wages and associated costs for SEAL students.

Requisitions are generated in TWC's Workforce Reporting Accounting and Procurement System (WRAPS), and invoices are submitted by the Boards to the Accounts Payable mailbox at appo@twc.texas.gov. Processing of invoices for payment will be handled by Accounts Payable staff. As mentioned earlier in this subsection, if additional supports on the work site are needed, including transportation, local TWC-VR staff are responsible for service authorizations (SA) for those services.

TWC-VR staff work in partnership with each Board via a joint planning committee to:

- Identify students who might benefit from the program;
- Conduct outreach and recruitment activities;
- Identify worksites; and
- Provide additional services that are necessary for the students to complete the program.

Although Boards are responsible for certain components and contract deliverables of SEAL, TWC-VR staff members are fully responsible for performing certain functions to support the program and ensure its success for participating students.

The VR Counselor's primary role is to provide support. If an issue arises, the VR Counselor is consulted to address and resolve the issue.

B. Student HireAbility Navigator Program

The Student HireAbility Navigator program is a part of the expansion of PCI. The role of the Student HireAbility Navigator is to create strong partnerships between TWC-VR, Workforce Solutions Offices, independent school districts, community organizations, employers, and others to expand and improve access to employment and training services and to increase employment opportunities for students with disabilities.

Student HireAbility Navigators are employees of the Board or Board contractor. There is one Student HireAbility Navigator in each of the 22 small and midsize workforce areas and two Student HireAbility Navigators for each of the six large workforce areas.

The six large workforce areas are:

1. Alamo;
2. Greater Dallas;
3. Gulf Coast;
4. Lower Rio Grande Valley;
5. North Central Texas; and
6. Tarrant County.

Additionally, each Student HireAbility Navigator serves as a resource in the workforce area to support, expand, and enhance the provision of Pre-ETS.

The Student HireAbility Navigators perform duties and provide deliverables in the following three areas:

1. Capacity building and systems development;
2. Partnering and collaboration; and
3. Informing and engaging employers.

The goal of the activities within the three areas is to increase the likelihood that SWD achieve independence and inclusion in communities and competitive integrated workplaces, as well as successful participation in postsecondary education experiences.

C. Explore STEM!

The Explore STEM! program is a partnership between TWC-VR and higher education institutions that provides week-long, nonresidential camps for students with disabilities during the summer months. The camps provide students exposure to the fields of science, technology, engineering, and math (STEM). During the camps, students interact with professionals who work in various STEM fields and participate in hands-on, interactive, and accessible activities. Explore STEM! participants learn about postsecondary training opportunities in the areas of STEM and necessary work-readiness skills.

The roles of TWC-VR staff are as follows:

- Work in partnership with higher education institutions to plan for and conduct outreach for the Explore STEM! Program;
- Identify and refer participants to the Explore STEM! program using Referral Form to Explore STEM! (VR1828) and review referrals received from institutions;
- Provide disability awareness information to participating institution staff, if requested;

- Provide counseling and guidance to participants regarding Explore STEM! Participation; and
- Ensure that the service authorization is in place before the camp starts and that the invoice and report are received afterward for payment.

D. Paid Work Experience

Paid Work Experience (PWE) is intended to increase work-based learning opportunities through Texas' integrated workforce system for TWC-VR customers who are students with disabilities.

TWC has executed fee-for-service contracts with the Boards to purchase wage payment services for students in PWE. PWE placements are for eligible or potentially eligible individuals who are students with disabilities. If the customer has been determined eligible, PWE is an identified service on the IPE. PWE is available throughout the year and is authorized by VR Counselors on an individual basis.

Through PWE services, Boards pay students' wages for time worked, thereby enabling students to be paid as they develop work skills that improve their career preparation and increase their employability.

Students are placed at the work site by TWC-VR, which is responsible for monitoring each work site, providing case management, and providing counseling and guidance, as needed. TWC-VR staff are responsible for ensuring completion of a work site agreement before the start of all PWE assignments.

PWE assignments may not exceed 12 weeks per student per work site assignment. Paid work-experience assignments may not exceed 20 hours per week per student. If the VR Counselor determines that additional assignments will help a student with career exploration and development of work readiness skills, the student may participate in more than one PWE assignments.

Participation in both PWE and WIOA Title 1 programs (e.g., WIOA youth program work experiences) is permitted. TWC-VR and Workforce Solutions Office staff must ensure that the services that are provided are complementary and not duplicative, and that both sets of services are documented in the student's RHW case, indicating which are purchased and which are arranged.

Staff Roles and Responsibilities for Paid Work Experience: TWC-VR staff are responsible for:

- Developing paid work-experience opportunities, placements, and work sites in the public and private sectors. TWC-VR complies with the Board's exclusions and exceptions to the type of work sites or businesses. TWC-VR staff are permitted to coordinate with each Board or contractor staff to identify work sites with which the Board has existing relationships;
- Participating in an initial orientation and coordination meeting with the Board and/or, as applicable, the Board's contractor, before initiating work experience services. TWC-VR staff participation in the orientation meeting is determined by VR regional management;

- Purchasing work experience services from a TWC-VR contracted Employment Services Provider (ESP) based on the significance of a student's impediments to employment and associated support needs;
- Assisting the student with preparing any required I-9 paperwork. TWC-VR staff may sign the I-9 as a preparer or translator; however, staff must be aware that they are attesting under oath that they have assisted in the completion of the form and that to the best of their knowledge the information is true and correct;
- Notifying Board staff or designated Board contractor staff of worksite incidents involving injury, property damage, or behavioral concerns that result in termination of the student's placement at the worksite as soon as possible and not later than 48 hours after the incident;
- Issuing an SA to the Board or designated Board contractor, authorizing Board payment of wages for a SWD. With the SA, TWC-VR staff include a Paid Work Experience Worksite Agreement (VR1990). The form includes:
    - Student's name;
    - RHW Case ID;
    - Name and physical address of the work site;
    - Name of designated work site supervisor or contact person who will be responsible for signing or certifying the student's timesheets;
    - Contact information for the designated work site supervisor or contact person;
    - Work experience begin and end dates; and
    - The student's projected work experience schedule;
- Providing additional documentation or information as agreed and documented in the local coordination and referral procedures. TWC-VR staff must ensure that releases are completed before releasing confidential information;
- Timely processing of SA and invoices from Boards. Payment is made to Boards for wages paid for actual time worked at the work site and for the other costs associated with payroll, including Federal income tax withholding, Federal Insurance Contributions Act (FICA) expenses, workers' compensation insurance, and fees associated with payroll processing;
- Determining eligibility for participation in PWE services;
- Obtaining documentation and verifying that potentially eligible individuals meet the SWD definition;
- Providing case management services;
- Tracking the PWE to ensure that it does not exceed 20 hours per week and is not more than 12 weeks in duration.

Boards: Boards are responsible for the following:

- Setting an hourly wage rate for the PWE component that is consistent with or based on the hourly wage the Board uses for PWE under the WIOA Title 1 Formula Youth Program. Wages must be paid in a timely manner and include the other costs associated with payroll processing;

- Notifying TWC-VR of the hourly wage rate that will be paid to students in PWE within 30 days of contract execution. They must include in their notification a description and breakdown of the other costs associated with payroll;
- Notifying TWC-VR of the name and contact information of the contractor when contracting with another entity to perform all or part of the PWE services deliverables;
- Notifying TWC-VR of exceptions or exclusions to the type of work sites or businesses that may serve as a work site;
- Notifying TWC-VR 30 days in advance of changes in the Board's contractor, hourly wage rate, or other payroll costs, and of exceptions or exclusions to the type of work sites or businesses. If such changes are made, the hourly wage rate for a student may not be reduced during the student's PWE assignment;
- Conducting an orientation meeting with VR regional management before initiating PWE services. The orientation meeting must include the Board's contractors if such contractors will perform functions. The purpose of the meeting is to:
    - Identify points of contact for the Board, Board contractors, and TWC-VR;
    - Review the Board's hourly rate and associated payroll costs;
    - Review the Board's exceptions and exclusions to the types of businesses or work site, if applicable; and
    - Establish procedures to facilitate local coordination and referral, including the information and documentation (I-9 and W-2 forms) that are necessary to permit a customer to receive wages (Board must document the procedures and provide a copy to TWC-VR);
- Maintaining records for the participants, wages paid, and associated fees for PWE services;
- Submitting a complete invoice for payment, along with supporting documentation. Boards may invoice TWC-VR weekly, biweekly, or monthly based on the Board or Board contractor's payroll cycle or other billing cycle. TWC-VR will make payment by direct deposit to each Board's account; and
- Boards may refer potential students to TWC-VR and should provide appropriate referral documentation when doing so.

Purchasing Paid Work Experience: The unit cost for student wages is the hourly wage rate paid to the participant plus required taxes and insurance, plus processing and invoice fees. The wage service rates for each Board have been set up in RHW. For the payroll processing fee, setup fee, or invoice fee, TWC-VR staff must enter this information into RHW manually when building the service record. TWC-VR staff must know the number of pay periods that will take place during the service to enter the accurate fees for payroll processing.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- State Office Program Specialist for Transition and Pre-ETS approval is required for any PCI.
- VR Manager, Regional Director, and VR Director approval is required to ensure that PCI proposals are complete, accurate, and fully compliant with associated policy and procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 8.4: CONTRACTED PRE-EMPLOYMENT TRANSITION SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 8.4	34CFR §361.48(a), §361.5(c)(51), §361.65(a)(3), §361.5(c)(2), §361.22, Labor Code §352.108, and Final Interpretation 87 FR 15889	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Pre-ETS services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing as it relates to choosing Pre-ETS services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator Provider: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

POLICY

A. General Overview

Pre-Employment Transition Services (Pre-ETS) are designed to support students with disabilities, ages 14-22, as they transition from school to post-school activities, including further education, vocational training, and CIE. These services are the earliest set of services provided by VR agencies to students with disabilities (SWD) for the purpose of beginning employment exploration and identifying career interests.

The five required Pre-ETS categories are as follows:

1. Career Exploration Counseling;
2. Work-based learning experiences, which may include in-school or after-school opportunities, or experiences outside the traditional school setting (including internships) that are provided in an integrated environment to the maximum extent possible;
   For information about services that allow a student to be placed in paid or unpaid short-term experience.
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction on self-advocacy, including peer mentoring.

B. Pre-ETS Parameters

- Pre-ETS are purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider.
- Pre-ETS must be provided as prescribed on the approved Pre-ETS Curriculum Checklist (VR1825) and cannot include the curriculum outlined as a Vocational Adjustment Training.
- Pre-ETS allow no more than 30 hours each of the five required categories per State fiscal year when authorized with a service authorization (SA) approved by the VR Counselor.
- Pre-ETS students-to-trainer ratio must not be greater than six students to one trainer.
- Pre-ETS can be provided remotely, in a setting where the trainer and student are in the same location, or a combination of both.
- Pre-ETS can be purchased for potentially eligible students and customers in IPE.
- Pre-ETS provided to students who have been determined to be eligible for TWC-VR services can have concurrent items purchased to support the student's engagement in Pre-ETS when approved by the VR Counselor on an item-by-item basis; items cannot be purchased for potentially eligible students.
- When supported by the IPE and authorized by the VR Counselor, items such as uniforms, transportation, and required tools may be purchased on an item-by-item basis for students who

have been determined eligible for TWC-VR services; items cannot be purchased for potentially eligible students.
- TWC-VR funds cannot be used to purchase items as an incentive for individuals to attend Pre-ETS programs or trainings, such as tablets, gift cards, or other prizes, including food.
- Per SFP Chapters 13 and 14, a contractor must have an Employment Services Contract.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, refer to SFP Chapter 15: Pre-Employment Transition Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: Pre-ETS are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Students with disabilities who are in receipt of Pre-ETS, are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.

Eligible TWC-VR customers who require other VR services are not exempt, and therefore, if their net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Pre-ETS

The VR Counselor must consider a student’s cognitive ability, reading level, and specific disability when determining which Pre-ETS are necessary, when:

- The customer needs more training and support than provided by VR Counselor or school;
- The customer needs to address goals related to the five Pre-ETS categories.

B. Pre-ETS Referral and Service Provision

When the VR Counselor and customer agree to the receipt of Pre-ETS, it must be included in the IPE, Trial Work Experience (TWE) plan, IPE amendment, or a Service Justification for potentially eligible students with disabilities.

The VR Counselor must:

- Complete the Referral for Contracted Pre-ETS Services (VR1824);
- Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations to prepare the trainer to work with the customer;
- Determine whether the Pre-ETS will be provided in-person, remotely, or a combination of both.
- Ensure TWC-VR staff send the SA and the VR1824;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve the Pre-ETS Progress Report (VR1823), completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor must:

- Complete the VR1823, which must include evidence that:
    - The training was provided without exceeding the ratio of one trainer to six students;
    - The training was provided in the environment(s) approved by the VR Counselor on the VR1824;
    - The training was provided without exceeding the approved number of hours on the SA;
    - The student's training included only Pre-ETS categories included in the contract;
- Be paid only for time attended by students. For under one hour, payment is rounded to the nearest quarter-hour and prorated accordingly; and
- Submit a VR1823 for each student when multiple students attend.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the VR1823 or by a TWC-VR staff member’s contact with the customer, documented in a case note.

D. Pre-ETS Payment

Payment for Pre-ETS is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- VR1823; and
- Invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change a Pre-ETS policy and procedures, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 9: SELF-EMPLOYMENT AND SMALL BUSINESS SERVICES

PART C, CHAPTER 9.1: SELF-EMPLOYMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 9.1	34 CFR §361.48(b)(19)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of self-employment services, including TWC-VR technical assistance, and supporting customers with a self-employment goal in their Individualized Plan for Employment (IPE).

DEFINITIONS

Certified Business Technical Assistance Consultant (CBTAC): A proprietary training and consultative system developed and implemented by Griffin-Hammis Associates (GHA) to address the needs of state TWC-VR and other disability agencies as they increase their use of self-employment and microenterprise to meet the needs of their customers.

Community Work Incentives Coordinator (CWIC): Trained and certified by the Social Security Administration (SSA) to provide accurate and comprehensive information about Social Security work incentives, benefits, and employment support programs to beneficiaries with disabilities.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing Self-Employment as an employment goal and services and the providers of those services.

Self-Employment: When a customer solely owns a business and is responsible for all business operations, including management (even if the customer hires, contracts out, or has natural supports to perform some business functions).

Single Member LLCs: A single-member limited liability company considered a "disregarded entity," meaning there is no separation between the business and its owner.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

POLICY

A. General Overview

TWC-VR can support a customer interested in starting their own business or assisting them to maintain or expand their existing business. Self-employment is employment in which an individual works for profit whether it is in their solely owned business or located within an existing business, such as a barbershop or nail salon.

Under TWC-VR, self-employment:

- Means the customer solely owns, manages, and operates the business and is not considered an employee of another individual, business, or organization;
- Exists when the service or product is actively marketed to potential customers;
- Includes home-based businesses and telecommuting businesses (if no taxes are withheld by an employer); and
- Includes sole-proprietorships or limited liability companies.

Physical and Mental Restoration Services and Rehabilitation/Assistive Technology Services are not included in a self-employment plan but can be added to the IPE as separate services as needed.

B. What is Self-Employment?

Self-employment is when a customer solely owns a business and is responsible for all business operations, including management (even if the customer hires, contracts out, or has natural supports to perform some business functions).

TWC-VR can support only businesses structured as sole proprietorships or as "single-member" LLCs. TWC-VR cannot support the following business structures:

- Corporations;
- General partnerships;
- Limited partnerships;
- Limited liability partnerships; or
- Businesses involving stocks and/or shares.

Forming an LLC can negatively impact eligibility for Supplemental Security Income (SSI) and Medicaid benefits. VR Counselors must refer any SSI recipients pursuing self-employment to a community work incentives coordinator (CWIC) for additional guidance.

Additionally, TWC-VR does not support the following:

- Hobbies that periodically produce income;
- Enterprises prohibited by law, or those that sell products prohibited by law;
- Franchises;
- Nonprofit businesses; or
- Income based solely or primarily on recruiting salespeople to continue building the enterprise (commonly known as "pyramid schemes" or multilevel marketing).

Customers are encouraged to think through how a business idea fits with their interests, skills, and conditions of employment.

VR Counselors may seek guidance on any case from:

- VR Supervisors;
- VR Managers;
- Employment Assistance Specialists;
- Regional Specialists assigned to self-employment; and
- State Program Specialists assigned to specialized employment strategies.

All self-employment strategies require a business plan, regardless of whether the strategy is for an independent contractor or subcontractor or for a solely owned business.

Independent contractors and subcontractors are self-employed, but can differ in that:

- They rent space from a larger existing company that provides the same services;
- Some business management tasks are likely included in rent (e.g., advertising, financials); and/or
- The feasibility of the business concept is already established by the host company.
- Some examples of independent contractors and subcontractors include the following:

- Hairdressers or barbers who rent a chair or space in a salon or barbershop;
- Cab or rideshare drivers who contract with a cab company or a rideshare company;
- Massage therapists who rent a table or space in a spa; and
- Real estate agents who work in an existing realty office but are not employees.

C. Types of Self-Employment

The following are the three levels of self-employment:

1. Simple Self-Employment: Simple self-employment is for an independent contractor or subcontractor.
   If the VR Counselor believes the customer's business plan for self-employment (other than independent contractor or subcontractor) would require only a simple business plan, the VR Counselor can consult with the State Program Specialist assigned to specialized employment strategies for review and determination of the type of business plan required. Any exception to the policy must be entered into ReHabWorks (RHW) by the State Program Specialist assigned to specialized employment strategies.
2. Comprehensive Self-Employment: Comprehensive self-employment includes any self-employment in which the customer is not an independent contractor or subcontractor and covers customers who do not meet the criteria for supported employment.
3. Supported Self-Employment: Supported self-employment is self-employment for customers who meet the criteria for supported employment.

D. When to Consider Self-Employment

A VR Counselor must evaluate a customer's suitability for self-employment services when:

- The customer makes an informed choice to explore self-employment;
- The conditions of employment indicate that self-employment can be a suitable choice for the customer;
- A customer wants to start a business and has a business concept; or
- A customer is already self-employed and is in danger of losing their business due to:
  - Lacking necessary training, tools, and/or equipment; and/or
  - Needing support in modifying the business because of changes in the impact of their disability.

A customer does not meet the criteria for self-employment if the customer is:

- Requesting financial support for tools or equipment for an existing business venture that can be reasonably expected to succeed without assistance; and/or

- Unable to provide profit and loss statements for the last three years to show that the existing business is profitable and solvent.

When a customer meets the criteria for supported employment, the only type of self-employment service that may be provided is supported self-employment, which recognizes the need for ongoing support to ensure sustainability.

- When considering self-employment, VR Counselors must conduct a thorough exploration of self-employment as an employment strategy, particularly assessing the customer, their support systems, and the availability of resources for:
- Planning and organizing;
- Supporting the customer and any dependents until the business becomes profitable;
- Acquiring the academic knowledge required for the business;
- Self-motivation;
- Operating a business that might require working extra hours or weekends;
- Using rehabilitation technology, as needed;
- Maintaining the physical and mental stamina necessary for the proposed business;
- Acquiring assistance with duties that the customer is unable to perform such as bookkeeping, accounting, or marketing; and
- Acquiring the skills necessary for the proposed business, and willingness to acquire additional skills.

If a VR Counselor has determined through comprehensive assessment that a self-employment strategy is an appropriate option, the VR Counselor may also advise customers of the possible benefits of self-employment. Although the benefits vary from individual to individual, they may include the following:

- Setting their own hours;
- Being their own boss;
- Determining the vision and plan for the business;
- Making decisions;
- Keeping profits (after debts are paid) generated from the business;
- Capitalizing on skills and interests; and
- Working around disability-related barriers to employment, such as scheduling around medical appointments.

VR Counselors must inform the customer about the need for and availability of worker benefits such as:

- Health insurance;
- Workers' compensation insurance;
- Employee Social Security participation;
- Social Security benefits, including referral to a CWIC;

- Filing taxes;
- Paid vacations; and
- Retirement plans.

Supported Self-Employment can be an alternative in circumstances in which the customer meets the definition of "customer with most significant disabilities" and requires additional assistance and the arrangement of long-term supports such as those found in supported employment.

E. Suitability Considerations

The choice of self-employment as an employment strategy, as with any vocational goal, is customer driven. The decision to pursue such a goal must not be limited by or based on the significance or impact of a disability.

The VR Counselor must ensure that the customer is aware of the amount of wages the business will potentially provide, as well as any effect that earning wages will have on Social Security or other benefits. The VR Counselor also must inform the customer of the requirement for participation in services, including financial participation, if appropriate.

The SSA has complex rules used to determine which form of self-employment an SSI or Social Security Disability Insurance (SSDI) beneficiary is participating in and how wages will impact their benefits. All SSI/SSDI beneficiaries must consult with a CWIC before developing a formal business plan or finalizing an IPE that includes self-employment as an outcome.

F. Risks

VR Counselors must advise customers interested in establishing a small business that, per the Small Business Association (SBA), about half of all new business establishments survive five years or more and about one-third survive 10 years or more. Small business ventures are much more likely to succeed when the business owner:

- Contributes substantial capital (either personal capital or in-kind contributions); and
- Provides a strong business plan.

Self-employment, as with other more common forms of employment, is intended to result in an individual's financial independence. Therefore, agency decisions to support self-employment ventures must be based on a reasonable expectation that the venture will be sufficiently profitable to support the individual going forward. VR Counselors must provide a detailed overview of the TWC-VR self-employment process and expectations to any customer interested in exploring self-employment. The VR Counselor must make the customer aware that they are expected to make a substantial contribution to the start-up costs of the business either through personal capital or in-kind contributions. TWC-VR can support customers directly, or by providing a referral to a Certified Business Technical Assistance Consultant (CBTAC), in initiating

and completing comprehensive feasibility studies to determine if a business concept is financially viable. The VR Counselor must make the customer aware that any business concepts that do not demonstrate financial viability may not receive funding through VR.

G. Assessments

The vocational goal of self-employment requires the customer to function independently with confidence and to be able to make decisions, or to have sufficient support in place to meet these requirements.

To determine the viability of a business venture and the potential fit for the customer, the VR Counselor must assess the customer's:

- Interests;
- Interpersonal skills;
- Related functional capacities;
- Educational achievements;
- Work experience;
- Vocational aptitudes;
- Available community and business supports; and
- Criminal history, as it pertains to the type of business.

VR Counselors must discuss these factors with customers as part of informed choice and must provide the customer with Concept Development and Feasibility Study (VR1802). The customer must complete the VR1802 with or without assistance from the VR Counselor or a CBTAC.

H. VR Counselor Role

The VR Counselor plays an integral role in assisting the customer with self-employment, providing counseling, guidance, and necessary assistance to the customer throughout the process. The VR Counselor must:

- Provide customers with information about self-employment to assist in making an informed choice;
- Provide customers receiving any type of assistance, such as SSI/SSDI, referral to a CWIC;
- Provide guidance and assistance with identifying an appropriate self-employment strategy;
- Provide customers with information and referral to available resources;
- Provide customers with information and necessary assistance from resources to develop feasibility studies, including contracting with a CBTAC who can guide customers through the process;
- Review feasibility studies and consult with the Regional Specialist assigned to self-employment and State program specialist assigned to specialized employment strategies (if applicable) to determine whether ventures are appropriate for self-employment;
- Provide customers with information and referral to assist in the development of business plans;

- Review business plans;
- Provide the Regional Specialist assigned to self-employment and State program specialist assigned to specialized employment strategies (if applicable) with business plans for review and comment;
- Obtain all necessary approvals from program specialists (regional and/or State), VR managers or VR supervisors, and/or regional directors before developing IPEs for self-employment;
- Assist customers in developing IPEs with:
    - A wage employment goal: if the IPE for self-employment cannot be developed before 90 days after eligibility determination; or
    - A self-employment goal: if all approvals have been received before the 90 days from eligibility determination;
    - Assist customers in amending IPEs when necessary;
    - Assist customers with purchasing any approved goods and/or services;
    - Assist customers in developing any necessary IPE amendments;
    - Provide vocational counseling and guidance to customers throughout the process; and
    - Obtain all information and documentation necessary for case closure.

I. Regional Specialist Assigned to Self-Employment Role

The Regional Specialist assigned to self-employment is consulted for all proposed self-employment plans. The Regional Specialist provides information, counseling, guidance, and assistance to the VR Counselor, customer, management, and others. The Regional Specialist may:

- Provide guidance and assistance with identifying an appropriate self-employment goal;
- Provide information and referral to available resources;
- Provide information and assistance to develop the feasibility studies;
- Provide the VR Counselor with information and referral to resources to assist the customer in the development of a business plan;
- Assist the counselor in developing an IPE with:
    - A wage employment goal: if the IPE for self-employment cannot be developed before 90 days after eligibility determination; or
    - A self-employment goal: if all approvals are received before 90 days from eligibility determination; and
    - Assist the VR Counselor in developing any needed IPE amendments.

The Regional Specialist assigned to self-employment must:

- Review feasibility studies and consult with state program specialists assigned to specialized employment strategies (if applicable) to determine whether a venture is appropriate for self-employment;
- Review the business plan;

- Provide State program specialists assigned to specialized employment strategies (if applicable) with business plans for review and recommendations;
- Provide required consultation for feasibility studies and business plans;
- Provide assistance to VR Counselors as necessary throughout the process; and
- Conduct a review of progress made toward the income agreed upon in the IPE within three months from the opening of a business (if applicable) and every three months until service closure.

J. State Program Specialist Role

- State Program Specialists assigned to specialized employment strategies may:
- Provide guidance and assistance with identifying an appropriate self-employment goal;
- Provide information and referral to available resources;
- Provide information and necessary assistance from resources to develop the feasibility studies;
- Provide the VR Counselor or the Regional Specialist assigned to self-employment with information and referral to assist in the development of a business plan;
- Assist the counselor in developing an IPE with:
    - A wage employment goal, if the IPE for self-employment cannot be developed prior to 90 days after eligibility determination; or
    - A self-employment goal, if all approvals have been received prior to 90 days from eligibility determination; or
    - Assist the VR Counselor in developing any needed IPE amendments.

State Program Specialists assigned to specialized employment strategies must:

- Arrange for outside consultants to review business plans and financials; and
- Provide assistance to the Regional Specialist assigned to self-employment, VR Counselors, management, or others throughout the process, as necessary and requested.

K. Self-Employment Resources

Customers who are interested in developing an IPE for self-employment or supported self-employment have additional resources available to them other than TWC-VR. Those resources include the following:

- CBTAC (if counselor approves purchase of the service);
- Local resources such as city or county programs, chambers of commerce, community colleges, adult education services, or other educational institutions;
- Service Corp of Retired Executives (SCORE) is a nonprofit association dedicated to providing free small business advice, educating entrepreneurs, and helping small businesses start, grow, and maintain viability;
- Small Business Administration (SBA) is an independent agency of the Federal government that assists small businesses in starting, building, and growing businesses;

- Small Business Development Centers (SBDCs) are advisors that provide aspiring and current small business owners a variety of free business consulting and low-cost training services including business plan development, manufacturing assistance, financial packaging and lending assistance, exporting and importing support, disaster recovery assistance, procurement and contracting aid, market research help, program support, and health care guidance;
- Texas Workforce Commission Start & Expand Your Business assists Texans in finding information and assistance to start or expand a business in Texas;
- Texas Secretary of State offers list of guides and resources available for small businesses;
- Women's Business Centers (WBCs), a national network of nearly 100 educational centers throughout the United States and its territories, are designed to assist women in starting and growing small businesses. WBCs seek to "level the playing field" for women entrepreneurs, who still face unique obstacles in the business world;
- SBA's Office of Women's Business Ownership oversees the WBC network, which provides entrepreneurs (especially economically or socially disadvantaged women) comprehensive training and counseling on a variety of topics in several languages;
- Veterans Business Outreach Center (VBOC) program provides entrepreneurial development services such as business training, counseling and mentoring, and referrals for eligible veterans owning or considering starting a small business. The SBA has 15 organizations participating in this cooperative agreement and serving as VBOPs; and
- TWC's Labor Market and Career Information Department.

L. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 19: Self-Employment Services.

M. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on self-employment services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.

- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Process for Pursuing Self-Employment

The self-employment process is progressive and begins with assessing the customer. The process involves any or all of the following:

- The customer performing through self-direction;
- The assessment of a customer by a CBTAC referred by the VR Counselor;
- The VR Counselor providing assistance directly;
- If self-employment is indicated as a strategy for obtaining employment, the VR Counselor, customer, and/or the CBTAC:
    - Counsels the customer about self-employment, its definition, responsibilities, amount of effort involved, and earnings;
    - Completes the discovery of customer interests, skills, abilities, and any requirement for supports or resources to effectively operate a business;
    - Determines whether the customer will pursue self-employment, supported self-employment, or Business Enterprises of Texas;
    - Researches each business idea to determine whether it will support the desired outcome;
    - Narrows business ideas down to one and conducts a feasibility study;
    - Gains access to any resources that are needed for the customer to be successful in the business pursuit, including support systems such as a business coach and accountants;
    - Gains approvals for the support of the business idea before the business plan is developed;
    - Determines if a simple or comprehensive business plan is warranted;
    - Develops the business plan;
    - Obtains necessary approvals;
    - Develops the IPE for self-employment (The IPE can be developed before this point for wage employment only.);
    - Amends the IPE as necessary for self-employment after the business plan is reviewed and recommended by the Regional Specialist assigned to self-employment and others as required;
    - Purchases needed and approved items and services;
    - Monitors the case and provides additional services as necessary and approved;

- Reviews actual financials of the business to evaluate business success; and
- Closes the case successfully.

The customer must take the lead in identifying business ideas.

B. Self-Employment Goods and Services

The services listed in the table below may be provided, purchased, or arranged for customers to support VR goals; all TWC-VR assistance is based on individual customer and business needs.

Self-Employment Goods and Services

Service	Description and Procedure
Advertising	For a business start-up: • Assistance in planning advertising, including identifying free local outlets and online options • If appropriate, purchasing advertising
Business plan evaluation	If needed, consultation with the State Program Specialist assigned to specialized employment strategies, who arranges and/or purchases from individuals or organizations an evaluation of the business plan that documents: • Whether a feasibility study demonstrates that the business is going to produce income resulting in a level of support able to sustain the customer and solvency on a continuing basis; • The likelihood of the customer achieving the projected net income stated in the plan; and • Weaknesses that must be addressed.

Service	Description and Procedure
Business planning assistance	The VR Counselor and customer determine whether assistance from a CBTAC is required for exploring and developing self-employment plans, feasibility studies, and/or business plans. A CBTAC is required for all supported self-employment. CBTAC assistance is not a service for customers in the Business Enterprises of Texas program. If there is no CBTAC available in the local workforce development area, the VR Counselor contacts the State program specialist assigned to specialized employment strategies for approval to use another outside resource; however, all comparable benefits and resources must be used before approval of any additional assistance.
Initial inventory and supplies	Initial inventory and supplies include the following: • Office supplies; and/or • An inventory of salable merchandise or goods needed to start the business.
Legal fees	Consistent with the business plan, the VR Counselor: • Identifies any filing and/or legal document review and/or preparation, as appropriate, for example, LLC paperwork; • Locates available online templates for customer; • Identifies local resources for free legal services, for example, Volunteer Legal Services (VLS), as appropriate; and • If necessary, after consideration of free resources, considers paid legal services.* **The customer is the lawyer's client, not VR's. Payment for necessary legal services must be preapproved, at rates consistent with local norms. Payment is limited to legal services directly necessitated by customer's self-employment goal and may not be made for personal legal matters such as divorce, child custody, wills, or IRS matters. Requests for payment of any legal fees require consultation with the TWC Office of General Counsel.*

Service	Description and Procedure
Maintenance	Maintenance is only available for a business start-up: • When no other resources are available; or • Until adequate cash flow develops.
Rent or lease payments	Assistance may be provided for payment of rent or lease payments on a commercial (nonresidential) property for up to a maximum of six months and must be clearly justified. Consultation with the Regional Specialist assigned to self-employment is required for any rent or lease payment for self-employment. Any rent or lease payment must be in line with projected income and there must be documentation of the rental agreement in the case file. The VR Counselor advises the customer to consider location and zoning ordinances. Location and proximity to public transportation are two important factors in a successful retail business. Each service authorization paid directly to a landlord for customer rent or lease of commercial space must include the following: • Name of the building owner; • Building location; • Amount of space to be rented or leased; • Amount of rent or lease payment; and • Period of rent or lease. If utilities are included in the payment, separate service authorizations for rent and utilities may be issued. TWC-VR staff must not sign or cosign any leases or other agreements on behalf of the customer.

Service	Description and Procedure
Tools and equipment	Tools and equipment customarily used in similar businesses may be purchased. The VR Counselor advises the customer that: • Tools and equipment are the property of the State of Texas; and • The customer must not attempt to sell, pawn, loan or use as loan collateral, or exercise other unlawful control over the property, or prosecution will result. If TWC-VR has purchased tools and equipment for the customer during training or previously, these items cannot be purchased again unless the item is no longer operable, and the VR Counselor justifies and approves the purchase.
Security Deposits and Utilities	Initial one-time costs may be paid, such as a security deposit or charges for the initiation of utilities. Utilities costs may be paid for a maximum of six months during the first phase of the new business, for the business property only. Utility payments must be made directly to the provider of the utility service.

C. Goods and Services Not Provided

Self-employment services must not include the purchase of:

- Buildings or other structures requiring a fixed foundation that cannot be moved for use by another customer;
- Bonding fees;
- Criminal or civil fines including traffic tickets;
- Dues to professional associations or trade unions unless justified as critical;
- Fees for registration of inventions, patents, trademarks, or copyrights;
- Fees for use of franchise names;
- Fees and membership fees for pyramid or multilevel marketing ventures;
- Firearms of any kind, or components of a firearm;
- Franchise rights e.g., Pizza Hut, McDonald's);
- Insurance;
- Operating capital;

- Municipal or state tax assessments on occupations;
- Real estate;
- Sales tax security deposit; or
- Vehicles, boats, aircraft, or trailers that require a certificate of title or registration to be used on public roads, highways, or waterways.

The cost of any of these items is included in the total cost of the venture reported in the business plan and considered part of the customer's contribution. However, even if the customer were to contribute fees associated with franchises, pyramid ventures, or other activities for which TWC-VR does not provide support, TWC-VR funds cannot be used for associated supports.

TWC-VR may not participate in the cost of renovating or remodeling permanent structures.

All modifications to facilities used for the business venture that are sponsored with any TWC-VR funds must:

- Be removable and transportable; and
- Adhere to local building zones and codes.

Funds for such modifications are limited to those that are essential to start the business and when the business cannot be conducted without the requested modifications.

The customer is responsible for identifying a business location. VR Counselors are never authorized to sign lease or rental agreements. The lease is between the customer and property owner or property manager.

The customer is responsible for obtaining and completing applications for all required certificates, licenses, and permits needed to operate the business. VR Counselors may provide assistance with these applications when necessary. The customer is responsible for ensuring compliance with all zoning laws.

An amendment to the original business plan is required when further funding is requested after the initial approval of a business venture. The amendment must contain justification for the additional funding. The VR supervisor or VR manager and regional director must approve any requests for additional funding for the business.

D. Traditional Self-Employment

TWC-VR recognizes the difference between self-employment in occupations such as a barber or cosmetologist who rents a chair or space in an existing business, independent real estate agents operating in an existing office, or a subcontractor who has a limited number of major clients, and self-employment in a business that is owned, operated, and managed by an individual. A customer interested in assistance with self-employment in occupations such as those listed above is required to complete a

Simple Business Plan. A customer interested in assistance with self-employment for a business owned, operated, and managed by the individual is required to complete a Comprehensive Business Plan.

A Simple Business Plan request for assistance cannot exceed $4,999.99. A request for assistance can be less than $4,999.99 and still require a Comprehensive Business Plan, depending on the complexity and ownership of the business.

TWC-VR may purchase technical assistance for the customer, such as:

- Self-employment exploration;
- Concept development and feasibility study; and
- Business plan development.

E. VR Counselor Responsibilities

After determining customer eligibility, the VR Counselor must assist with a self-employment strategy by helping the customer to:

- Understand the definition of self-employment and the process required for the service;
- Make an informed choice by providing specific information about self-employment;
- Ensure completion of the Customer Profile and Self-Employment Exploration form, including purchase of the service from a CBTAC;
- Determine and obtain any training necessary to operate a successful business venture, including any basic skills needed to be independent, such as blindness skills, transportation skills, or communication skills;
- Arrange a referral to a CWIC for customers receiving any type of assistance such as SSI/SSDI benefits;
- Locate financial resources, other than TWC-VR funds, to support the venture;
- Arrange necessary assistance from resources to develop feasibility studies;
- Develop a business plan that includes purchase of the service from a CBTAC;
- Develop an IPE with:
    - A wage employment goal: if the IPE for self-employment cannot be developed before 90 days after eligibility determination; or
    - A self-employment goal: if all approvals have been received prior to 90 days from eligibility determination.

The VR Counselor must:

- Review feasibility studies and consult with the Regional Specialist assigned to self-employment and state program specialist assigned to specialized employment strategies (if applicable) to determine if a venture is appropriate for self-employment;

- Review business plans;
- Provide the Regional Specialist assigned to self-employment and state program specialist assigned to specialized employment strategies (if applicable) with the business plan for review and recommendations;
- Approve or disapprove the self-employment business plan and document the decision in the case notes;
- Obtain all necessary recommendations from program specialists, and approvals from VR supervisor or VR manager, and/or regional director, before developing an IPE for self-employment;
- Request the Regional Specialist assigned to self-employment review within three and six months from the opening of the business;
- Provide vocational counseling and guidance to the customer throughout the process;
- Encourage the customer to seek opportunities that will result in a living wage; and
- Obtain all necessary information and documentation necessary for case closure.

The VR Counselor may solicit input from the:

- EAS;
- Vocational Diagnostic Unit for customers who are blind or visually impaired;
- Deafblind specialists for customers who are deafblind; and
- Others as needed.

After obtaining approvals, the VR Counselor must send a copy of the following to the Regional Specialist assigned to self-employment for inclusion in the self-employment plan file:

- The IPE for self-employment;
- The final business plan;
- A complete list of approved tools and/or equipment.

VR Counselors must ensure that the forms below are submitted to them by the provider and reviewed by the Regional Specialist assigned to self-employment and others as applicable:

- Customer Profile and Self-Employment Exploration (VR1801)
- Concept Development and Feasibility Study (VR1802)
- Self-Employment Simple Business Plan (VR1803) (if applicable)
- Self-Employment Comprehensive Business Plan (VR1804) (if applicable)
- Self-Employment Financial Projections Spreadsheet (Statutory Blindness)
- (VR1805-1) or Self-Employment Financial Projections Spreadsheet (VR1805-2)
- Self-Employment Financial Actual Spreadsheet (VR1806)
- Certified Business Technical Assistance Consultant (CBTAC) Support Summary Report (VR1815)

F. Customer Responsibilities

Exercising informed choice and responsibility in the VR process requires the customer to determine their self-employment goal. Full engagement in the VR process requires the customer to:

- Gather and use information (to the extent possible);
- Participate in planning and problem solving (including the development of the IPE);
- Make and implement decisions;
- Identify needed resources; and
- Expect to work full time (or part time, if appropriate).

It is the customer's responsibility, with assistance from the VR Counselor or any other team members, including a CBTAC, to solve problems related to the employment goal. To help determine a self-employment strategy, a customer must (with or without assistance):

- Complete the Customer Profile and Self-Employment Exploration;
- Complete a feasibility study (see Concept Development and Feasibility Study);
- Research the information needed for a business plan;
- Identify potential market and estimate revenue;
- Contact individuals who are engaged in the same area of employment to determine viability of the goal;
- Identify potential problems;
- Determine any potential training needs;
- Determine what resources and supports are available;
- Develop a contingency strategy to negate any losses if the business is not successful; and
- Make a concerted effort to secure funding from sources other than VR.

G. Provider Responsibilities

The provider must have a bilateral contract with TWC-VR and be a CBTAC with a current certification through The Center for Social Capital. For supported self-employment services, TWC-VR staff is encouraged to use a CBTAC who also has a Supported Employment Specialist credential from the University of North Texas' Workplace Inclusion and Sustainable Employment (UNTWISE).

The CBTAC provides technical assistance to the customer and VR Counselor regarding self-employment, including the following:

- Technical Assistance for Self-Employment Exploration;
- Technical Assistance for Concept Development and Feasibility Study;
- Technical Assistance for Business Plan Development; and
- Technical Assistance for Supported Self-Employment.

H. Feasibility Study

After the Customer Profile and Self-Employment Exploration have been completed, a feasibility study is required. A business feasibility study assesses the probability of a business's success using research tools such as surveys or statistical analyses. The feasibility study demonstrates whether the business will produce income resulting in a level of support able to sustain the customer and solvency on a continuing basis. The VR1802 must be completed to determine the feasibility of the customer's proposed business. If the customer is unable to complete the form on their own or with assistance from other resources, the VR Counselor can arrange for a CBTAC to assist in completing it.

I. Developing the Business Plan and Individualized Plan for Employment

A business plan is required in every case except when:

- TWC-VR does not pay the costs of maintaining a business; and
- The customer returns to or continues in their own existing business that has a history of being successful. In these instances, the customer must provide copies of income tax returns or other financial documents for the previous three years that indicate the existence of a viable business.

IPEs for self-employment retention must include:

- A check on the "self-employment" option in RHW;
- Any comparable benefits to be used first;
- The specific employment or job title goal of the customer's current self-employment;
- The approved services necessary for the customer to maintain their current self-employment
- The customer's contribution of resources to help manage their disability (for example, use of private insurance or community resources), as listed under the customer's responsibilities;
- The customer's participation in the cost of the self-employment if income and/or liquid assets exceed BLR, as listed under customer contributions; and
- Vocational counseling and guidance.

Developing the Business Plan: Before the IPE is developed, the customer must complete a business plan that describes:

- The business owner;
- The business, including structure;
- The business' product and/or service;
- The marketing analysis and plan;
- Operations and legal considerations;
- An outline of the feasibility of the planned enterprise;
- A financial plan; and

- Extended supports.

The VR Counselor, the designated Regional Specialist assigned to self-employment, the VR supervisor, and the state program specialist assigned to specialized employment strategies, as well as any others, review the business plan.

The VR Counselor provides the customer with Simple Business Plan (VR1803) or Comprehensive Business Plan (VR1804) to use for developing the business plan.

The business plan:

- Guides the customer toward a successful business; and
- Helps the VR Counselor and the customer determine which TWC-VR services are reasonable and necessary to support the plan.
- As part of the business plan, in a separate attachment, a list must include:
- Items that the customer requests be paid by TWC-VR and the costs; and
- Items and resources that the customer will contribute to the plan.

Types of Business Plans

Simple self-employment business plan requires the following sections, concisely written:

- Business Executive Summary;
- Business Description;
- Products and Services;
- Marketing Analysis and Plan;
- Operational and Legal Considerations;
- Financial Plans;
- Extended Business Supports; and
- Appendices.

Comprehensive self-employment business plan requires the following detailed sections:

- Business Executive Summary;
- Business Description;
- Products and Services;
- Marketing Analysis;
- Marketing Plan;
- Operational and Legal Considerations;
- Financial Plans;
- Extended Business Supports; and
- Appendices.

For experienced help in developing a business plan, customers may use comparable benefits available through:

- Some Workforce Solutions Offices;
- The SBA;
- City and county organizations for business development;
- Chambers of commerce;
- Community colleges, adult education programs, and educational institutions; and/or
- SBDCs.

Computers with speech and large-print access are available in many Workforce Solutions Offices. A customer may use these computers to access the Internet for research and to create the business plan.

Developing the Individualized Plan for Employment: An IPE for a specific employment or job title goal may be developed for wage employment before an IPE is developed for self-employment and must include:

- A specific employment or job title goal;
- Vocational counseling and guidance;
- Business exploration activities, such as:
    - Customer profile and self-employment exploration;
    - Concept development; or
    - Feasibility study;
- Any technical assistance services to assist in the development of a business plan;
- A plan for any necessary training services, such as how to start a business; and
- Any comparable benefits to be used.

The TWC-VR staff member must not check the "self-employment" option in RHW.

Once the business plan has received all required approvals, the VR Counselor must either develop the IPE for self-employment or amend an existing IPE from wage employment to self-employment.

IPEs for self-employment must include the following:

- A check on the "self-employment" option in RHW;
- The name of a support organization or business coach for continuing the business after the end of TWC-VR funding and case closure;
- Any comparable benefits to be used first;
- A specific employment or job title goal;
- The agreed-upon:
    - Criteria for business stability;
    - Period from business stability to case closure; and
    - Method used to periodically report net income.

- Plan for any necessary training services, such as:
  - How to start a business;
  - Bookkeeping; or
  - Tax preparation and reporting;
- Any technical assistance services;
- The approved goods and services, as listed in the business plan attachment, to be purchased;
- The customer's contribution of resources to help establish and maintain the business (for example, use of a vehicle, labor, a building, tools), as listed under customer's responsibilities;
- The customer's participation in the cost of the self-employment if income and/or liquid assets exceed BLR, as listed under customer contributions;
- Any extended business support necessary to assist the customer in operating the business; and
- Vocational counseling and guidance.

J. Closing a Self-Employment Case as Rehabilitated

Before closing a case in self-employment as successful, the VR Counselor must ensure that it meets the following criteria for closing a case as rehabilitated:

- Business has achieved stability, based on business stability measures identified in the IPE;
- Business has been in operation for at least 90 days;
- Customer and VR Counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.

In the IPE, the VR Counselor and customer must agree on business stability measures, such as when the business revenue:

- Equals or exceeds operating costs, as shown on a financial statement, and provides minimum wage for the business owner; or
- In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills (the VR Counselor can use labor market information to compare income).

Required Documentation for Closing as Self-Employed: The VR Counselor must document the length of business operation through one or more of the following means:

- Appropriate combination of the income documents that demonstrate at least 90 days of business operation;
- Detailed description of the VR Counselor's observation of the customer on the job at the beginning and end of 90 days;
- Other objective or verifiable information.

The VR Counselor must document the income level by obtaining and filing in the case record one or more of the following documents for income verification:

- A recent financial statement verifying revenue and expenses;
- Recent copies of the contractor's invoices and proof of payment to the contractor for sole proprietorship or single member LLC where work is performed strictly on a contract basis;
- Copies of business bank statements covering at least 90 days of operation.

K. Supported Self-Employment

Supported self-employment is competitive integrated employment in which the customer solely owns, manages, and operates a business and is not considered an employee of another individual, business, or organization; and the business is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Supported self-employment enables customers with the most significant disabilities to demonstrate:

- Choice and control;
- Use of natural skills and talents;
- Expanded work opportunities;
- Accumulation of wealth; and
- Independent and creative freedom.

Supported self-employment is similar to self-employment but incorporates many of the concepts of supported employment, including the customer receiving ongoing support throughout their case and then transitioning to extended services and support not funded by TWC-VR after case closure. Extended support may include long-term:

- On-the-job support;
- Ongoing case management;
- Peer support;
- Natural support;
- Family support; or
- Ongoing paid professional services for the business.

Supported self-employment businesses are typically small and require a team approach for planning and support. The team helps explore and determine the feasibility of the proposed business, assists in the development of the business plan, launches the business, and addresses the customer's extended business support needs, including long-term support.

The supported self-employment process combines person-centered planning strategies with the development of a business plan. The goal of the planning process is to develop an individualized,

profitable, and sustainable microenterprise. This process focuses on the talents, interests, and assets of the customer. For many customers with disabilities, including customers who need ongoing support throughout individual careers, supported self-employment is a viable option to meet the customer's employment needs.

L. Eligibility for Supported Self-Employment

A customer is eligible for supported self-employment services when:

- They are eligible for TWC-VR services;
- The customer's disability has been determined to be a most significant disability and extended services and supports are necessary to maintain the self-employment outcome once TWC-VR closes the case;
- The VR Counselor and the customer have identified supported self-employment as the appropriate employment strategy;
- A considerable amount of assistance is needed in developing an individualized, profitable, and sustainable microenterprise;
- A self-employment outcome can be maintained with necessary supports in place; and
- Another individual, organization, or other resource agrees to provide the extended services and support after VR-funded services are complete.

M. Time Limits for Supported Self-Employment Services

Supported self-employment services are provided for a period generally not longer than 24 months. Under some circumstances, a longer period of supported self-employment services may be necessary for an individual to achieve the employment outcome. Additional time in supported self-employment services must be established in the customer's IPE and justified in the case notes.

N. Supported Self-Employment Services

Technical assistance for supported self-employment includes the following:

- Supported Self-Employment Assessment
- Supported Self-Employment Concept Development
- Supported Self-Employment Feasibility Study
- Supported Self-Employment Business Plan
- Supported Self-Employment Financials Development
- Supported self-employment services include the following benchmarks:
    - Benchmark 1: Supported Self-Employment Services Plan
    - Benchmark 2: Supported Self-Employment Start-Up
    - Benchmark 3: Supported Self-Employment Maintenance

- Benchmark 4: Supported Self-Employment Stability
- Benchmark 5: Supported Self-Employment Service Closure

O. Supported Employment Funds

Supported employment funds must only be used for supported self-employment.

The VR Counselor uses supported employment funds to purchase services from a supported self-employment provider (i.e., CBTAC) when there is:

- An IPE with a supported self-employment goal; and
- A customer identified as an active supported employment customer.

During the 90-day transition period between stability and closure completion, supported employment funds must be used only to purchase those services necessary to maintain a customer's ability to ensure the stability of the business. Funds must not be spent on services directly related to the business.

Examples of items that can be purchased include the following:

- Replacement of prosthetic and orthotic devices;
- Maintenance of prosthetic and orthotic equipment; and
- Counseling and guidance to family members to support the customer's job stability.

P. Supported Self-Employment VR Counselor Responsibilities

The VR Counselor is responsible for overseeing the services provided to the customer by the supported self-employment provider. After determining a customer's eligibility and need for supported self-employment, the VR Counselor assists the customer to:

- Understand the definition of supported self-employment and the process required for the service;
- Make an informed choice by providing specific information about supported self-employment;
- Determine whether the customer has the required extended business support, long-term extended support, and circle of support;
- Identify a CBTAC to provide supported self-employment;
- Determine and obtain any training necessary for the customer to operate a successful business venture, including any basic skills needed to be independent, such as blindness skills, transportation skills, or communication skills;
- Arrange referral to a CWIC for customers receiving any type of assistance, such as SSI/SSDI benefits;
- Locate financial resources, other than TWC-VR funds, to support the venture;
- Arrange necessary assistance to develop feasibility studies; and

- Develop an IPE with a supported employment wage employment goal (if the IPE for supported self-employment cannot be developed before 90 days after eligibility determination) or a supported self-employment goal (if all approvals have been received prior to the 90 days from eligibility determination).

The VR Counselor must:

- Review feasibility studies and consult with the Regional Specialist assigned to self-employment and state program specialist assigned to specialized employment strategies to determine whether the venture is appropriate for self-employment;
- Assist the customer and CBTAC with the availability of required extended business support, including long-term extended support;
- Review the business plan;
- Provide the Regional Specialist assigned to self-employment and state program specialist assigned to specialized employment strategies with the business plan for review and recommendations;
- Approve or disapprove the self-employment business plan and document the decision in the case notes;
- Obtain all necessary recommendations from program specialists and approvals from VR manager or VR supervisor, and/or regional director before developing an IPE for supported self-employment;
- Request the Regional Specialist assigned to self-employment review within three months from the opening of the business and every three months following until service closure, and provide the VR Counselor and state program specialist assigned to specialized employment strategies with the information;
- Provide vocational counseling and guidance to the customer throughout the process;
- Encourage the customer to seek opportunities that will result in a living wage; and
- Obtain all information and documentation necessary for case closure.

VR Counselors must ensure that the following forms are submitted to them by the provider and reviewed by the Regional Specialist assigned to self-employment and others as required:

- Customer Profile and Self-Employment Exploration (VR1801)
- Concept Development and Feasibility Study (VR1802)
- Self-Employment Financial Projections Spreadsheet (Statutory Blindness) (VR1805-1) or Self-Employment Financial Projections Spreadsheet (VR1805-2)
- Self-Employment Financial Actual Spreadsheet (VR1806)
- Supported Self-Employment Assessment (VR1808)
- Supported Self-Employment Concept Development (VR1809)
- Supported Self-Employment Feasibility Study (VR1810)

- Supported Self-Employment Services Plan (SSESP) and Benchmark Report (VR1811)
- Supported Self-Employment Business Plan Support Summary Report (VR1812)
- Supported Self-Employment Business Plan (VR1813)
- Supported Self-Employment Support Summary (SSE-SS) (VR1814)
- Certified Business Technical Assistance Consultant (CBTAC) Support Summary Report (VR1815)

Q. Supported Self-Employment Customer Responsibilities

Customer responsibilities regarding supported self-employment are the same responsibilities for self-employment.

R. Supported Self-Employment Provider Responsibilities

The VR Counselor is responsible for overseeing the services provided to the customer by the supported self-employment provider. The provider must have a bilateral contract with TWC-VR and be a CBTAC with a current certification from The Center for Social Capital. CBTACs who also have earned the Supported Employment Specialist credential from UNTWISE are preferred. The CBTAC provides technical assistance on the following to the customer, VR Counselor, circle of support, business team members, and others:

- Supported Self-Employment Assessment
- Supported Self-Employment Concept Development
- Supported Self-Employment Feasibility Study
- Supported Self-Employment Business Plan
- Supported Self-Employment Financials Development
- Supported Self-Employment Services Plan
- Supported Self-Employment assistance in business start-up
- Supported Self-Employment assistance in business maintenance
- Supported Self-Employment assistance in business stability
- Supported Self-Employment service closure

S. Extended Services and Circle of Support

Support for the customer also includes the following:

- The business team;
- Extended services and supports; and/or
- The customer's circle of support.

A business team is a working collection of friends, colleagues, and experienced businesspeople assembled to help the customer formulate an enterprise idea, launch the business, and support the

venture's growth. Typically, the business team includes four to eight people. TWC-VR requires that at least two business team members be current or past business owners, excluding the self-employment specialist. The VR Counselor must be invited to all business team meetings.

Extended services and support are the ongoing support services, following TWC-VR case closure, that are necessary to support and maintain a self-employment outcome, and which:

- Are provided or funded by sources other than VR; and
- Involve either on-site or off-site monitoring (as requested by the customer or legal representative) for as long as necessary to ensure the customer's job stability.

Necessary extended services and support are identified in the VR1811 and updated as needed throughout the TWC-VR case.

Extended services and support begin at Benchmark 2: Supported Self-Employment Business Start-Up and continue for as long as the customer needs them.

Examples of extended services and support provided by natural supports or service providers not funded by TWC-VR include the following:

- Consulting with the customer and the business team about problem areas or training needs such as:
    - Training the customer in new job skills or routines;
    - Monitoring the customer's work performance; and
    - Implementing support or strategies to improve the customer's work performance;
- Identifying and obtaining the help of natural supports on and off the work site;
- Reporting earned income to Social Security;
- Mentoring;
- Accommodations;
- Transportation; and
- Providing other services the customer needs, such as:
    - Medication management;
    - Hygiene assistance;
    - Dress assistance; and
    - Social needs at work sites.

The circle of support is a group of individuals that help a customer meet objectives. The group functions as a community for the individual who cannot achieve those objectives on their own. A circle of support is a strategy used in person-centered planning.

T. Concept Development

The CBTAC helps the customer collect the data necessary to complete the VR1809. The CBTAC works with the customer in establishing the business team. TWC-VR prefers that at least two business team members be current or past business owners, excluding the self-employment specialist. The CBTAC ensures that all team members understand the purpose and commits to helping the customer research, establish, and maintain a business within the customer's community. Team members must exhibit commitment, solidarity, and innovation to support the customer in this venture.

U. Feasibility Study

A business feasibility study assesses the likelihood that a business will succeed by using research tools such as surveys or statistical analyses. VR1802 must be completed to determine the feasibility of a customer's proposed business. The VR Counselor must arrange for a CBTAC to assist customers who propose a supported self-employment strategy in completing the feasibility study and market analysis.

V. Developing the Business Plan and IPE

Before development of the IPE, the customer, circle of support, business team, and CBTAC complete a business plan that describes:

- Business owner;
- Business, including structure;
- Business's product and/or service;
- Marketing analysis and plan;
- Operations and legal considerations;
- Outline of the feasibility of the planned enterprise;
- Financial plan; and
- Extended support.

The business plan is reviewed by the VR Counselor, the Regional Specialist assigned to self-employment, the VR supervisor or VR Manager, the State Program Specialist assigned to specialized employment strategies, and others, as required.

The VR Counselor must provide the customer with the VR1813 to use for developing the business plan.

A business plan is required for every case of supported self-employment.

The business plan:

- Guides the customer toward a successful business; and

- Helps the VR Counselor and the customer determine which TWC-VR services are reasonable and necessary to support the plan.

As part of the business plan, a separate attachment must list the:

- Items that the customer requests to be paid by TWC-VR and the costs; and
- Items and resources that the customer will contribute to the plan.

A supported self-employment business plan requires the following detailed sections:

- Business Executive Summary;
- Business Description;
- Products and Services;
- Marketing Analysis;
- Marketing Plan;
- Operational and Legal Considerations;
- Financial Plans;
- Extended Business Supports;
- Extended Long-Term Supports; and
- Appendices.

TWC-VR purchases technical assistance in the following for customers who propose a supported self-employment strategy:

- Self-employment exploration;
- Concept development and feasibility study;
- Market analyses; and
- Business plan, including financials.

For experienced help in developing a business plan, customers can use comparable benefits, with or without the assistance of a CBTAC, which are available from:

- Some Workforce Solutions Offices;
- The SBA;
- City and county organizations for business development;
- Chambers of commerce;
- Community colleges, adult education, and educational institutions; and
- SBCDs.

Payment information for technical assistance for self-employment is listed in RHW specifications for the following:

- Self-Employment Services; and
- Technical Assistance Services.

The cost of technical assistance is not considered part of the cost of the self-employment plan.

Computers with speech and large-print access are available in many Workforce Solutions Offices. Customers may use these computers to access the Internet for research and to create business plans.

Developing the Individualized Plan for Employment: An IPE for a specific employment or job title goal can be developed for wage employment before an IPE is developed for supported self-employment. The IPE for wage employment must include supported employment services. A supported self-employment IPE cannot be developed until a Supported Self-Employment Assessment, Supported Self-Employment Concept Development, Supported Self-Employment Feasibility Study, Supported Self-Employment Business Plan, and Supported Self-Employment Financials have all been completed.

Once the business plan has received all required approvals, an IPE for supported self-employment can be developed or can be amended from a wage employment IPE to a supported self-employment IPE.

The IPE for supported self-employment must designate supported employment and include the following:

- A check on the "self-employment" and "supported employment" options in RHW;
- The name of a support organization or business coach for continuing the business after the end of TWC-VR funding and case closure;
- Any comparable benefits to be used;
- A specific employment or job title goal;
- Supported self-employment services from a CBTAC;
- The agreed-upon:
    - Criteria for business stability;
    - Period from business stability to case closure; and
- Method used to periodically report net income;
- Any training services, such as:
    - How to start a business;
    - Bookkeeping; or
    - Tax preparation and reporting;
- Technical assistance services;
- The approved goods and services, as listed in the business plan attachment, to be purchased;
- The customer's contribution of resources to help establish and maintain the business (for example, use of a vehicle, labor, a building, tools), as listed under customer's responsibilities;
- The customer's participation in the cost of the supported self-employment if income and/or liquid assets exceed BLR, as listed under customer contributions;
- All extended business support necessary to assist the customer in operating the business;

- All extended long-term support and services to assist the customer in maintaining the business; and
- Vocational counseling and guidance.

W. Closing a Supported Self-Employment Case as Rehabilitated

Before closing a case in supported self-employment as successful, the VR Counselor ensures that it meets the following criteria for closing a case as rehabilitated:

- The business has achieved stability as defined in the IPE, such as when the business revenue:
    - Equals or exceeds operating costs, as shown on a financial statement, and minimum wage for the business owner; or
    - In the case of an individual who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills.
- The business has been in operation for at least 90 days after stability;
- The customer has maintained a business that meets all nonnegotiable employment conditions and meets 50 percent or more of the negotiable employment conditions;
- All extended long-term support and services are in place and working;
- The customer and VR Counselor consider the employment outcome to be satisfactory and agree that the individual is performing well in the employment.
- The VR Counselor must do the following before closing a supported self-employment case:
- Document that the business continues to operate for 90 days from stability (Benchmark 4);
- Document the length of business operation through one or more of the following means:
    - Appropriate combination of the income documents that demonstrate at least 90 days of business operation;
    - A detailed description of the VR Counselor's observation of the customer on the job at the beginning and end of 90 days;
    - Other objective or verifiable information.
- Document the income level by obtaining and filing in the case record one or more of the following documents for income verification:
    - A recent financial statement verifying revenue and expenses;
    - Recent copies of contractor's invoices and proof of payment to the contractor for sole proprietorships in which work is performed strictly on a contract basis; or
    - Copies of business bank statements covering at least 90 days of operation.
- Document all extended long-term supports and services.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Stage	Consultation and Recommendation	Approval
IPE	Regional Specialist assigned to self-employment	VR Counselor
Using a Simple Business plan for self-employment when the customer is not an independent contractor or subcontractor	Regional Specialist assigned to self-employment	VR Counselor
Before developing a formal business plan or IPE that includes self-employment as an outcome for SSI/SSDI beneficiaries	Community Work Incentives Coordinator (CWIC)	VR Counselor
Using a resource other than a CBTAC for self-employment services	Regional Specialist assigned to self-employment	VR Counselor
Customer Profile & Self-Employment Exploration	Regional Specialist assigned to self-employment	VR Counselor
Concept Development and Feasibility Study	Regional Specialist assigned to self-employment	VR Counselor
Any required certificates, permits, or licenses	Regional Specialist assigned to self-employment	VR Counselor

Stage	Consultation and Recommendation	Approval
Paying Legal Fees for Self-Employment	Consultation with TWC Office of General Counsel	VR Counselor
Simple or Comprehensive Business Plan up to $5000	Regional Specialist assigned to self-employment	VR Counselor
Comprehensive Business Plan $5,000.01 to $15,000	Regional Specialist assigned to self-employment	VR Manager
Comprehensive Business Plan $15,000.01 to $25,000	Regional Specialist assigned to self-employment	Regional Director/Deputy Regional Director
Comprehensive Business Plan over $25,000	Regional Specialist assigned to self-employment	VR Division Director, or designee

Purchasing Approval

Amount	Required	Recommended
$1–$5,000	• Written business plan: Simple Business Plan or Comprehensive Business Plan, as applicable • Employment assistance specialist (EAS) consultation for those customers who are blind/visually impaired or deafblind has been completed • Consultation and recommendations from the Regional Specialist assigned to self-employment	• The customer obtains a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and shares any information with the VR Counselor
$5,000.01–$15,000	EAS consultation for customers who are blind/visually impaired or deafblind Written business plan: • Comprehensive Business Plan; and • Required items submitted to the EAS (if blind/visually impaired or deafblind) Customer must obtain a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and share any information with the VR Counselor for blind/visually impaired or deafblind Consultation and recommendations from the Regional Specialist assigned to self-employment VR manager approval	• The customer obtains a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and shares any information with the VR Counselor

Amount	Required	Recommended
$15,000.01–$25,000	EAS consultation for customers who are blind/visually impaired or deafblind Written business plan: • Comprehensive Business Plan or supported self-employment business plan • Required items submitted to the EAS (if blind/visually impaired or deafblind) Customer must obtain a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and share any information with the VR Counselor Consultation and recommendations from the Regional Specialist assigned to self-employment Regional director or deputy regional director approval	

Amount	Required	Recommended
Over $25,000	EAS consultation for customers who are blind/visually impaired or deafblind Written business plan: • Comprehensive Business Plan or supported self-employment business plan • Required items submitted to the EAS (if blind/visually impaired or deafblind) Customer must obtain a mentor (someone in a similar business, SCORE member, SBDC network member, family, or friend with business experience) and share any information with the VR Counselor Consultation and recommendations from the Regional Specialist assigned to self-employment TWC-VR Division Director approval	

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 9.2: BUSINESS ENTERPRISE OF TEXAS

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 9.2	The Randolph-Sheppard Act, 34 CFR Part 395, Texas Labor Code, Chapter 355, and 34 CFR §361.48(b)(16)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the management of the Randolph Sheppard Act and provision of the Business Enterprises of Texas (BET) program.

DEFINITIONS

Legally Blind: Having not more than 20/200 visual acuity in the better eye with best possible correction or visual acuity greater than 20/200 but with a limitation in the field of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing to be self-employed and to receive BET services and the providers of those services.

POLICY

A. General Overview

The Randolph-Sheppard Act, also known as the Business Enterprise Program (BEP), is a landmark piece of legislation in the United States, enacted in 1936, that aims to empower blind customers through entrepreneurship and self-sufficiency.

The Business Enterprises of Texas (BET) program provides opportunities for TWC-VR customers who are legally blind to manage food service and vending facilities on Federal, State, and private properties throughout Texas. BET is Federally sponsored and State-administered. BET supports TWC's VR goals of independent living and employment.

B. Mandatory Requirements

The VR Counselor and BET staff must verify that a customer is qualified to operate a vending facility.

To fulfill the mandatory prerequisites for BET certification, a customer must:

- Be legally blind;
- Reside or be physically present in Texas;
- Be a U.S. citizen;
- Successfully complete all BET assessment and training requirements to become a licensed BET manager;
- Have a High School diploma or GED; and
- Be at least 18 years of age.

C. Curriculum

The BET curriculum includes coursework on college-level business practices, BET standard accounting procedures and forms, cost management practices, customer service practices, BET operations and procedures, and other business management training.

D. Training

BET training for TWC-VR customers is provided by a BET Training Specialist at a training site in Austin.

E. On-Site Training

On-site training to work at a BET facility is provided by the licensed manager of the BET facility.

F. Recognized Credentials and Measurable Skill Gains (MSG)

BET includes training that results in MSGs (e.g., training progress) and a recognized credential (e.g., BET license). All credentials and MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

G. Additional Policy Considerations

- Comparable Services and Benefits: BET does not have comparable services and benefits; however, any additional TWC-VR services required for a customer must follow their respective policies and procedures.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Role of the VR Counselor in the BET Process

Determining Appropriate Candidates for BET: The food service and vending industry is a challenging environment. It is not a fitting occupation for every TWC-VR customer. Successful BET candidates will operate their own businesses, which can be much more challenging than other forms of employment.

BET candidates must demonstrate that they are:

- Self-starters;
- Self-disciplined;
- Willing and capable of working at least 60 hours per week;
- Organized;
- Confident in their basic skills, as related to their blindness;
- Emotionally adjusted to blindness; and
- Able to be flexible and adapt to change, as needed.

BET candidates also must have:

- Excellent problem-solving skills;
- Independent orientation and mobility skills;
- Demonstrated independent living skills;

- High school-level math and accounting skills (completed coursework);
- Effective money management skills;
- Demonstrated use of adaptive technology;
- Good oral communication skills;
- Good print or braille communication skills; and
- A general knowledge of customer service techniques.

Diagnostics: The VR Counselor must obtain comprehensive diagnostics before referring a customer to the Criss Cole Rehabilitation Center's (CCRC) general training program with a BET focus. All diagnostic findings must indicate that the customer is capable of participating in the BET program.

The required diagnostics are as follows:

- A consultation with an employment assistance specialist;
- An assessment made by the Vocational Diagnostic Unit (VDU);
- A minimum of two informational interviews with successful, licensed BET managers (The VR counselor contacts the BET Training Specialist in Austin for a list of BET managers available for interviewing in the VR Counselor's area.); and
- An orientation and mobility (O&M) assessment.

All VDU recommendations must be addressed before BET training begins.

In addition to the comprehensive diagnostics listed above, the following assessments are recommended:

- An assessment by the Assistive Technology Unit (ATU);
- An assessment by a VR Teacher;
- A low-vision evaluation, if applicable; and
- An assessment of the customer's physical capability.

If these assessments cannot be completed in the field, the VR Counselor must make appropriate arrangements to have the assessments completed at CCRC.

Referring the Customer to CCRC: If the VR Counselor and the customer agree that the individual has the potential to be an appropriate BET candidate, but the customer requires comprehensive blindness training, the TWC-VR Counselor must refer the customer to CCRC for evaluation and training through CCRC's Basic Blindness Skills program, a general training program with a BET focus.

B. Role of the CCRC VR Counselor in the BET Process

The first benchmark of the BET program is to pass the BET math test with a score of 80% or higher.

The BET candidate must attend orientation and work as a trainee in the CCRC cafeteria for at least two weeks, depending on the customer's training needs.

After the customer completes the orientation and training, the CCRC VR Counselor arranges for the customer to attend a two-week work evaluation at a BET facility with a licensed BET manager.

BET Facility Evaluation: The CCRC VR Counselor must ensure that the customer's general training program with a BET focus includes a two-week work experience at a BET facility. The facility evaluation allows the customer to experience the work environment of a licensed manager and decide whether to participate in the program.

The licensed BET manager selected to conduct the customer's evaluation:

- Instructs, assists, and observes the customer in all phases of the facility's operation;
- Forwards an assessment of the customer's performance to the CCRC VR counselor; and
- Reviews with the customer the results of the two-week assessment.

The BET manager is paid for providing the instruction and evaluation after:

- The CCRC VR Counselor encumbers the funds; and
- The BET manager submits the assessment to the CCRC VR counselor.

If necessary, more than one location and more than one licensed manager is used for the customer's evaluation at the BET facility.

The evaluation may be terminated or extended after consultation with the CCRC VR Counselor and approval from the BET Training Specialist.

It is the responsibility of the CCRC VR Counselor to review the application and determine if the applicant should be recommended for the BET program.

Once the customer has passed the final BET assessment and has successfully passed the selection panel interview, the CCRC VR Counselor must ensure that the BET candidate has the appropriate equipment to participate in the BET training program prior to the training start date.

C. Applying for the BET Program

The determination to allow a customer to apply for the BET program is based on the following:

- The customer's successful completion of BET-focused training at CCRC;
- The customer's evaluation score, earned over the course of the BET-facility evaluation (a score of three or better on a scale of five is required); and
- The recommendation of the CCRC VR counselor for BET training.

The CCRC VR Counselor helps qualified candidates who are participating in BET-focused training complete a Business Enterprises of Texas Application for Training (VR2201).

The following must be attached to each customer's application:

- The results of an ophthalmologic exam (Interagency Eye Examination Report), completed by a medical doctor no later than 12 months before the application deadline;
- The results of a physical exam (General Physical Examination Report), completed by a medical doctor no later than 12 months before the application deadline;
- The results of a facility BET assessment;
- Proof of successful completion of BET skills training at CCRC;
- A birth certificate or other appropriate proof of U.S. citizenship;
- Information on the customer's work experience and goals;
- A high school diploma, General Educational Development (GED) credential, or college transcript; and
- The results of a VDU evaluation completed no later than 12 months before the application deadline.

The CCRC VR Counselor delivers the customer's application packet to the BET Training Specialist in Austin.

Based on the customer's individualized needs, the equipment listed below may be required. The CCRC VR Counselor should note that some customers will already have some of the listed items. The CCRC VR Counselor carefully reviews the following list with each BET candidate to be sure that the customer has the equipment and supplies needed to successfully complete the BET training:

- A TWC-VR standard computer with adaptive software and a removable USB drive, as recommended based on the customer's evaluation by the ATU;
- Closed-circuit television, if applicable;
- Low-vision devices appropriate to the customer's needs, such as reading glasses, low-vision aids, and magnifiers;
- An accessible calculator (large-print display or talking), with an ear piece;
- An accessible thermometer;
- Note-taking equipment and supplies appropriate to the customer's needs, such as a Perkins brailler, a slate and stylus, electronic notetaking device, paper for a Perkins brailler or large-line paper, and 20/20 bold-writing pens;
- Appropriate training attire (The required uniform for the customer's on-site training is black pants, a white shirt, and black nonslip shoes.); and
- Other items needed by the customer for training, mobility, or health maintenance while participating in BET training, such as a bill reader, a white cane, or talking scales.

D. Other Required Training

In addition to the BET-facility evaluation, the CCRC VR Counselor must ensure that the customer successfully completes the following training:

- BET-focused technology training, including training in Microsoft's Windows operating system, Microsoft Word, and Microsoft Excel;
- A course in BET-preparatory career guidance, including training in budgeting assessments, finance, interviewing, business plan writing, résumé development, and related business skills;
- Additional training in notetaking; and
- Calculation.

E. BET Panel Interview

Upon receiving a complete application packet and proof of completed CCRC training, a BET staff member schedules and conducts an assessment to determine the skill level of the applicant.

The assessment may include computer navigation, math proficiency, note-taking, reading and comprehension, and/or assessments of other skills necessary for successful participation in the BET program.

- All skills assessments are timed.
- Candidates must score 80% or higher on each assessment to proceed.

If the customer successfully completes the skills assessment, the VR Counselor schedules a panel interview to assess the customer's personal interview skills, appearance, interests, and applicable business knowledge.

The CCRC VR Counselor must arrange the customer's round-trip transportation to the panel interview.

F. Acceptance into the BET Program

The BET Training Specialist closely monitors all aspects of the customer's training and considers all recommendations from the CCRC VR Counselor to confirm that the customer has met all criteria to enter the BET program.

If the customer meets the criteria to enter the program, the customer participates in the BET assessment process.

If the customer passes all sections of the assessment, the customer proceeds to the selection part of the process.

G. When a Customer Is Accepted

Once a customer is accepted into the BET Training Program, the customer's VR Counselor must arrange transportation, with the exception of Austin residents.

For customers who live outside of Austin, the CCRC VR Counselor must schedule transportation:

- To and from BET training; and
- For incidental needs relating to the customer's BET training.

The Regional VR Counselor then encumbers funds for:

- Transportation to and from BET training sites;
- Fees for BET on-site training; and
- Incidental needs relating to the customer's BET training.

H. When a Customer Is Not Accepted

If a customer is not accepted into BET training, the customer, the CCRC VR Counselor, and the VR Counselor must discuss other employment opportunities.

I. Upon Completion of Training

After a customer completes BET training, the CCRC VR Counselor will assist the customer with transportation arrangements back to the customer's region.

J. Once the Applicant Has Been Licensed

Customers who successfully complete the BET training program and receive a BET license remain on the TWC-VR rolls until 90 days after the customer has been assigned a BET facility to manage.

VR Counselors and customers must be aware that immediate assignment to a BET facility is not always possible.

K. Reasons for Justifiable Termination of BET Training

A customer's participation in BET training may be terminated because of the following:

- Medical reason, if it is deemed in the best interest of the trainees to terminate training because of health concerns;

- Behavior deemed inappropriate for training, such as but not limited to belligerent behavior, shouting, use of foul language, dishonesty, fighting, rudeness toward the instruction or training manager, etc.;
- Failing to attain a score of 3.0 or higher on any one On-site Training (OST) performance review;
- Refusal to acknowledge (sign) an OST evaluation;
- Inability to comprehend and/or show proficiency of materials, or skills required for the training;
- Inability to remain actively involved either in the classroom or in the facility during OST (e.g., sleeping in class, not being able to work a full day's schedule);
- Rudeness, refusal to cooperate or refusal or inability to complete assignments;
- Missing five or more days of training, from either class or OST;
- Consumption of alcohol or illegal controlled substances on State property, during a class function, or while on OST;
- Failing to inform the training manager and the BET Training Specialist about missing assigned training;
- Failing to maintain a Grade Point Average (GPA) of 85.0 or higher after the first four weeks of class; and/or
- Any other behavior deemed harmful or potentially harmful, either physically or otherwise, to the trainee, other trainees, the instructor, TWC-VR staff, or to the program in general.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 10: EDUCATION AND TRAINING

SERVICES PART C, CHAPTER 10.1: EDUCATION AND TRAINING SERVICES OVERVIEW

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 10.1	34 CFR §361.48(b)(6), and TWC Rule §856.45	All TWC-VR staff	10/20/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of education and training services provided or purchased by TWC-VR, including factors that affect all education and training programs.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Computerized Criminal History (CCH): Statewide repository of criminal history information reported to the Department of Public Safety (DPS) by local criminal justice agencies in Texas, as defined by the Code of Criminal Procedure.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing education and training services and the providers of those services.

Normal Living Expenses: Items such as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

POLICY

A. General Overview

Education and training services are diverse and address various needs and abilities of TWC-VR customers. These services include academic training, career and technical training, credential-specific training, work readiness training programs, registered apprenticeships, on-the-job training (OJT), Project SEARCH, and more.

Training environments encompass community colleges, technical colleges, public universities, health-related institutions, private postsecondary institutions, employment settings, specialized training providers, and the Criss Cole Rehabilitation Center (CCRC).

Furthermore, TWC-VR supports training at different levels, including secondary school diploma, secondary school equivalency, completion of an individualized education program (IEP), vocational adjustment, skill-specific training, training-specific credentials, certificates, associate degrees, bachelor's degrees, master's degrees, and doctorates.

B. STEM/Advanced Training

TWC-VR supports advanced training in STEM (science, technology, engineering, mathematics), medicine, law, or business as well as other fields in which there is a specific employment outcome that requires an advanced degree when the customer can meet minimum standards to be accepted in the program. The VR Counselor provides ongoing support through regular VR counseling, guidance, and help with coordinating access to necessary support throughout the customer's VR path.

C. Computerized Criminal History

When a customer is participating in education or training services or eligibility for a license and/or employment in an occupation that requires the customer pass a CCH search, the CCH must be performed before including the service in the customer's Individualized Plan for Employment (IPE).

TWC-VR cannot support an IPE goal or related services when the customer does not meet the legal requirements of the associated employment outcome.

D. Credential Attainment and Measurable Skill Gains (MSG)

Education and training services may result in MSGs (e.g., report card, training progress) and a recognized credential (e.g., bachelor's degree, vocational license). All credentials and MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

E. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on education and training services unless the VR Counselor and the customer have made maximum efforts to secure assistance from other sources to pay for the services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Education or Training Services

VR Counselors play a crucial role in assessing the need for education and training services for their customers. To ensure effective decision-making, VR Counselors should consider the following, as applicable:

- Conduct the Necessary Assessments: Begin by assessing the customer's skills, abilities, interests, and employment goals through standardized assessments, interviews, and vocational evaluations, as needed.
- Utilize Labor Market Information: Research current labor market trends, job demand, and growth projections in relevant industries to identify viable career pathways and training opportunities.
- Explore Educational Options: Research and recommend appropriate educational or training programs based on the customers career goals, considering factors such as program accreditation, reputation, best value purchasing, and potential for employment upon completion.
- Provide Support Services: Assist the customer in exploring the need for support services such as transportation, childcare, disability accommodations, and financial aid resources to address barriers to education and training participation.
- Consider Individual Circumstances: Take into account the customer's personal circumstances, including disabilities, health conditions, family responsibilities, and financial constraints, when determining the feasibility and appropriateness of education or training services.
- Collaborate with Other Professionals: Work collaboratively with other professionals, such as educators, employers, medical professionals, and community agencies, to develop comprehensive plans and support networks for customers pursuing education or training goals.

When it is determined that education or training services are necessary to achieve the customer's employment goal, the services, including any support services, are included in the IPE, or IPE amendment, and signed by both the customer and the VR Counselor.

B. Customer Responsibilities

When making the informed choice to participate in education and training services, and those services are included in the IPE, the customer agrees to make all attempts to successfully complete the program. This requires active involvement by the customer and the VR Counselor in all aspects of education and training.

Customers must fulfill several requirements to participate in TWC-VR services, including providing all necessary documentation, completing admission and registration processes, maintaining satisfactory progress in training and TWC-VR services, applying for available financial assistance, and understanding that service authorization (SA) is required for TWC-VR services.

Required Documents: A customer who is participating in training must provide the VR Counselor with the following documentation, which is kept in their case record:

- Verification of application for available financial aid and/or verification of financial aid award;
- A copy of the educational track/plan provided by the training institution;
- A course schedule for each training period;

- Documentation that shows progress for each training period, such as a report card, grade report, or transcript;
- Written documentation of added and dropped courses;
- Written documentation (e.g., new degree plan) for a change in the major course study; and
- Documentation of the appropriate certificate of completion.

Participation in Education and Training Services: Unless otherwise specified, there are no exceptions to the following expectations. To demonstrate customer participation in TWC-VR services, the customer must:

- Enroll in courses and electives that are included in the institution-approved degree or training plan;
- Contact the VR Counselor before adding or dropping classes. This includes taking an incomplete for a course. If the course schedule is changed, then payments for reader services, books, tools, supplies, transportation, room and board, and other supports must be recalculated;
- Maintain and complete a full-time course load as defined by the training institution, unless the customer is:
    - A graduating senior (from a college or university);
    - An incoming freshman (first two semesters or quarters);
    - A returning adult student (first academic year only);
    - Attending summer school, mini-semester; or
    - Subject to other documented extenuating circumstances, such as disability-specific limitations, that prevent the customer from participating in a full-time course load;
- Communicate with the VR Counselor, teachers, and the training provider's disability office about problems or accommodation needs;
- Use the services and supports that are available through the training provider's disability office, as needed;
- Maintain consistent enrollment and attendance in all coursework, consistent with the training commitments made in the IPE; and
- Maintain satisfactory progress.

Satisfactory Training Progress: Satisfactory training progress is defined by the training provider and included in the customer's IPE. The customer must meet satisfactory training progress requirements for each semester or grading period to receive TWC-VR funding for subsequent semesters or grading periods, and to document MSGs and recognized credentials.

The VR Counselor can make exceptions to this requirement for no more than one semester or grading period and on a case-by-case basis if justification for the exception is documented clearly in a case note.

C. VR Counselor Responsibilities

- The VR Counselor provides ongoing support through regular counseling, guidance, and help with coordinating access to necessary support throughout the life of the case. This can include assisting the customer in applying for other types of assistance such as Federal aid.
- Informed Choice: When there is an expressed desire or need for the customer to participate in training services to reach an identified employment goal, the VR Counselor works with the customer through the process of informed choice to explore a variety of options. This must be documented clearly in a case note or series of case notes as part of the assessing and planning process to complete the comprehensive assessment and IPE or IPE amendment.

VR Counseling and Guidance: The VR Counselor must provide VR counseling and guidance that emphasizes the importance of the customer's informed choice, participation in, and commitment to successful completion of training and the achievement of the employment outcome.

VR counseling and guidance is provided, at a minimum:

- Before the beginning of any training period;
- Once, at a minimum, during each semester or training period (to check the customer's progress); and
- At the end of each semester or training period (to access grades and to plan for the next semester or training period).

When appropriate, VR Counselors provide VR counseling and guidance on opportunities for advanced training in STEM occupations and other occupations requiring advanced training so the customer can make informed decisions about their career and training choices.

- Evaluating Training Progress: Each semester or training period, the VR Counselor ensures that the customer is maintaining satisfactory progress by reviewing the following, as appropriate:
    - The customer's grades or progress report, but does not delay services when grades cannot be obtained before registration for the next semester or grading period;
    - The customer's degree plan and the progress made to reach the training goal;
    - Financial aid and tuition bill;
    - All courses the customer plans to take during the next semester or training period to ensure they are a part of the customer's required coursework; and
    - The attainment of MSGs and/or recognized credentials.

If the customer struggles to maintain satisfactory training progress, the VR Counselor reviews the customer's use of available resources and supports, such as tutoring, accommodations, and assistive technology, to see if the customer could improve the use of available resources and supports or needs additional supports from TWC-VR.

When a customer withdraws from a course or TWC-VR terminates services before the customer completes the course, the VR Counselor pursues a refund per the school's policy.

D. Comparable Services and Benefits Types

Comparable services and benefits and required customer financial participation in the cost of services must be applied to the cost of all training services before TWC-VR funds are used, because TWC-VR is the payer of last resort. The VR Counselor must provide as much support as the customer requires to complete any required activities to access these benefits.

The following comparable benefits options can be selected to document the use of comparable benefits when service records, IPEs, and Closure Services pages are developed in RHW:

- Disability services offices on college and university campuses;
- Educational service center;
- Federal student aid (such as Pell Grants, Supplemental Educational Opportunity Grant [SEOP], and work-study);
- Intellectual and developmental disabilities agencies;
- Other State agencies;
- Other VR State agencies;
- Tuition waiver (non-blind, non-deaf);
- Tuition waiver–Blind;
- Tuition waiver–Deaf;
- Tuition waiver–Foster Care;
- Veteran's Administration;
- Waiver programs: MDCP In-Home, CLASS & Family Support Class; and
- Other entitlement programs.
- Comparable services and benefits do not include merit scholarships and awards.

E. Free Application for Federal Student Aid (FAFSA)

The customer must apply for financial aid. No TWC-VR funds can be used to pay for training until the VR Counselor and the customer have made maximum efforts to secure grants and/or other assistance to pay for the training. Verification of application for available financial aid and/or verification of financial aid award must be included in the customer's case file.

The Free Application for Federal Student Aid (FAFSA) is a form that can be prepared annually by current and prospective students (undergraduate and graduate) in the United States to determine eligibility for student financial aid. All customers must complete the FAFSA. If the institution does not accept Federal financial aid, the customer must complete the institutions financial aid application to receive TWC-VR funds for training and related expenses.

- Pell Grant: The Pell Grant and other comparable benefits are applied to the cost of tuition, fees, and other educational expenses before any VR funds can be used. No exceptions are permitted to the use of the Pell Grant. If the Pell Grant is greater than the tuition and fees owed by the customer, the remaining funds should be applied to the cost of other educational expenses, such as books, supplies, room and board, and transportation, under the terms of the grant.
- Student financial assistance, such as a loan that requires repayment or scholarships that are not based on student income, are excluded from the financial aid requirement.
- Defaulted Student Loans: If the student has defaulted on a Guaranteed Student Loan, the student is denied a Pell Grant and other forms of financial aid. Before receiving TWC-VR funds for training, the customer must:
    - Initiate the process of getting the loan out of default; and
    - Provide written documentation, such as copies of correspondence, to confirm that they have initiated this process.
    - For more information, refer to The Federal Student Aid website for Getting Out of Default.
- Tuition and Fee Waivers: Students who are eligible for a tuition waiver are exempt from paying tuition and fees for any State-supported college or university in Texas. A waiver includes exemption from all required fees and charges, with the exception of:
    - Fees or charges for lodging;
    - Costs of boarding and/or clothing; and
    - Refundable deposits.

For more information about these tuition waivers, refer to College for All Texans: Financial Aid.

- Deafness Tuition and Fee Exemption: Customers who are deaf or hard of hearing who request academic training must:
    - Be referred to the Health and Human Services Commission (HHSC) Office for Deaf and Hard of Hearing Services (DHHS); and
    - Complete Application for Certificate of Deafness for Tuition Waiver (HHSC 3900).

For more information, go to Texas Health and Human Services Deaf and Hard of Hearing.

- Blindness Tuition and Fee Exemption: Individuals who are legally or totally blind and meet residency requirements for the college or university are exempt from paying tuition and fees for State-supported colleges and universities in Texas.

The VR Counselor provides the customer with a copy of the Certification of Blindness (VR3119), certifying that the individual is legally or totally blind. The VR3119 is distributed as follows:

- The original is given to the customer; and
- A copy is placed in the customer's case.

It is the responsibility of the customer requesting the waiver to:

- Submit documentation of blindness to VR;
- Submit a Certificate of Blindness to the educational institution;
- Provide proof that they meet the institution's entrance requirements; and
- Follow the institution's procedures regarding tuition exemption.

To meet the eligibility for tuition exemption, the customer must:

- Be a resident of Texas as defined by the Texas Higher Education Coordinating Board;
- Be a high school graduate or have received a GED;
- Present a letter of recommendation from the principal of the high school attended, from a public official, or from another responsible person who knows the blind individual; and
- Present a self-written statement that:
    - Explains their purpose in pursuing higher education; and
    - Indicates the certificate or degree program to be pursued, or the professional enhancement anticipated from the course of study for that certificate or degree program.

If a VR customer is legally or totally blind but is not eligible for tuition exemption because they do not meet the State-supported school's residency requirements, TWC-VR can pay for tuition and fees at a public in-State college or university, not to exceed the Texas-resident tuition rate.

F. Social Security Recipients

Customers who are eligible for SSI or SSDI because of a disability are exempt from required participation in the cost of training services that are:

- Associated with basic living requirements (BLR) calculations; and
- Associated with payment limitations for universities, colleges, or technical institutions for tuition, fees, and other training-related expenses.

Exceeding the maximum tuition and fees amounts set by policy does not require VR Management approval if the customer is a SSI or SSDI recipient.

SSI and SSDI recipients are not exempt from the requirement to seek comparable services and benefits for all services, such as tuition exemptions, Federal financial aid that does not require repayment, or other free or low-cost services that are readily available to the customer.

G. Repeating Courses

Typically, TWC-VR does not pay for courses that must be repeated. If TWC-VR funds are used to pay for a course more than twice, the VR Counselor must consult with the VR Supervisor, and the justification for TWC-VR support of the repeated course must be clearly documented by the VR Counselor in a case note.

Counseling and guidance should be provided to ensure that the customer is using available supports and is complying with customer responsibilities as defined on the IPE or IPE amendment.

H. Purchasing Training Services

An SA is the only valid means by which TWC-VR can authorize the purchase of goods and services on behalf of VR customers, including education and training services.

- Encumbrance Period: TWC-VR limits the number of encumbrance periods for training and related services to two semesters, trimesters, quarters, or other school registration periods. For example, the VR Counselor might have issued SAs for the fall semester and must issue SAs for the spring semester when the customer needs to register for the spring semester before the end of fall semester. However, the IPE must include the entire time frame that is required for the customer to complete the approved training that is needed to reach the vocational goal.

I. Goods and Services that Support Training Services

In addition to providing education and training services (i.e., tuition and fees), additional goods and services can be included in the customer's IPE or IPE amendment as appropriate, if they are required for the customer to participate in training.

The additional goods and services include the following:

- Textbooks and supplies;
- Reader services;
- Assistive technology equipment and/or software;
- Low-vision devices;
- VR teacher services;
- Employment assistance specialists;
- Training-related supplies);
- Transportation;
- Interpreters;
- Personal assistant;
- Room and board;
- Occupational licenses;
- Computers;
- Orientation and mobility training; and
- Referral to community resources.

When it is determined that additional support goods or service are necessary, the VR Counselor must include them in the IPE or IPE amendment, in accordance with the services policies and procedures, prior to authorizing such services.

J. Textbooks and Supplies

TWC-VR may purchase required textbooks and course-related supplies if they are not already included in the cost of tuition and fees. TWC-VR pays the entire amount for required books and supplies.

- TWC-VR must consider the most cost-effective option when purchasing textbooks and supplies.
- Options for purchasing textbooks include traditional hardcopy textbooks (new or used) and other formats of textbooks, such as audiobooks, electronic books, and/or e-books.
  Tools and Equipment required for training but that will be kept and used by the customer for employment after completing training are not considered supplies under this policy.
- Service Authorization: The SA for textbooks or supplies must be itemized with the description of the quoted amount.
- Reselling Textbooks: If a hardcopy of a textbook is purchased but is not needed for a class, for reference, or for the customer's major or minor field of study, the customer can sell the textbook back to the bookstore. When a textbook is sold back to the bookstore, the customer must provide to the VR Counselor a copy of the receipt of sale, which is kept in the case file. The amount that was received from the sale of the book must be applied to the cost of books next semester. The amount on the receipt for that textbook is subtracted from the amount needed for the following semester's required textbooks.

If textbooks are sold back to the bookstore and the customer will no longer be participating in training the following semester, the funds, along with the receipt of sale, must be returned to TWC-VR in person or by mail.

K. Tutoring Services

Tutoring services might be needed to support the customer's success in approved training programs. When tutoring services are available through the institution at no cost, these resources must be used as a comparable benefit before using TWC-VR funds.

If the available resources through the training institution do not meet the customer's needs, TWC-VR may purchase tutoring services.

- Purchasing Tutoring Services: Before authorizing the purchase of tutoring services, the VR Counselor must ensure that the tutor has the necessary experience or skills to teach the customer. The VR Counselor must document the tutor's relevant experience and/or skills in a case note and ensures that the provider is set up to receive direct payments for TWC-VR services.
  The VR Counselor may authorize:

- A payment rate up to $20 an hour for tutorial services; and
- The purchase of tutoring supplies as needed.

Maintenance services cannot be used to pay for tutoring services.

L. Supplemental Specialized Academic Support Services

Supplemental specialized academic support services may be needed to support the customer's success in approved training programs. The intent of these services is to provide specialized services focused on specific disabilities (e.g., Autism) to meet the customer's academic needs. The services must be provided by the college or university that the customer is currently attending. The VR Counselor must justify and document the vocational need for the specialized support service and include the service in an IPE or IPE amendment.

To find out whether a supplemental specialized academic support service is under contract, TWC-VR staff consults with the appropriate State Office Program Specialist before completing an SA.

M. Room and Board Services

Room and board is a TWC-VR service that can be provided to customers who are participating in college or university classes or other career and technical training.

Purchasing Room and Board Services: The VR Counselor may approve VR funds to support room and board when:

- The cost is in excess of the customer's normal living expenses;
- The funds are required to support the customer's participation in training; and
- The customer is attending training in person.

If the above requirements are met, VR Manager approval is not required if:

- The training is not available in the customer's local community (i.e., in the same city as the customer's residence or within a 50-mile radius of the customer's residence);
- The customer’s disability-related needs justify the purchase of room and board regardless of the training being in the customer’s local community; or
- The amount is the best-value decision to support the customer’s participation in training regardless of the training being in the customer’s local community (e.g., cost of room and board is lower than the cost of paying for transportation to and from the training location).

Additionally, before an SA for room and board is issued, the VR Counselor must document in RHW the details from bids obtained for room and board. Bids are required only if the cost is greater than $10,000 per grading period.

TWC-VR does not pay refundable deposits associated with room and board.

The case record must contain the following:

- Documentation confirming that the customer is enrolled in training; and
- A copy of the lease or housing agreement that:
    - Must be in the case file prior to authorizing a payment; and
    - May be used in lieu of an invoice to authorize payments.

Room and board services must be included on the customer's IPE or IPE amendment.

- Room and Board Payments and Prorating: It is preferred that room and board that is paid to an entity other than a public in-State training institution be issued on one SA for the entire grading period and paid monthly. When paying a public in-State training institution, a single (properly pro-rated, when applicable) payment can be made for the entire grading period.

Room and board must be paid directly to the provider. However, short-term housing maintenance may be used while a provider is initially being established.

Room and board can be paid in advance based on the conditions of the lease or rental agreement.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

VR Supervisor approval is required when a course of study is changed more than twice, prior to continuation of TWC-VR purchasing further training and related services and supports.

VR Supervisor approval is required when a customer fails to meet satisfactory training progress for two or more consecutive semesters or grading periods, prior to continuation of TWC-VR purchasing further training and related services and supports.

VR Supervisor approval is required when there is a documented need to pay a rate higher than $20 per hour or pay by semester for tutorial services.

- VR Manager approval is required for any exception to Room and Board policy and procedures.
- VR Manager approval is required to use short-term housing maintenance for these payments for room and board.
- VR Manager approval is required for Room and Board purchases if any of the following are not met:
    - The cost is in excess of the customer's normal living expenses;

- The amount is required to support the customer's participation in training;
- The customer is attending training in person;
- The training is available in the customer's local community (i.e., the same town as the customer's residence or within a 50-mile radius of the customer's residence) and there is not a disability-related or best-value justification.

Consultations

- VR Supervisor consultation is required when paying for an academic or vocational course more than twice.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Updated the definition to Best Value Purchasing
10/20/2025	Revised	Updated to remove the verbiage of ‘services justification’ from procedures to clarify purchases made after IPE.

PART C, CHAPTER 10.2: POSTSECONDARY: COLLEGE AND UNIVERSITY TRAINING

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 10.2	34 CFR §361.48(b)(6) and TWC Rule §856.45	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of education and training services purchased or arranged by TWC-VR at colleges or universities.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing education and training services and the providers of those services.

POLICY

A. General Overview

Education and Training at a College or University offers a wide range of educational and training opportunities to students seeking to further their academic and vocational goals. These institutions include public college and universities, community and technical colleges, and private universities, each offering diverse programs and pathways tailored to meet the needs of students at various stages of their educational journey. These colleges and universities also often conduct research and offer opportunities for student engagement in academic and extracurricular activities.

The majority of colleges and universities in Texas are accredited institutions that offer programs leading to various credentials, including degrees, certificates, and vocational qualifications, that are recognized and respected by employers, professional organizations, and other institutions of higher education.

B. Credential Attainment and Measurable Skill Gains (MSG)

Education and training services may result in MSGs (e.g., transcript, training progress) and a recognized credential (e.g., bachelor's degree, vocational license). All credentials and MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on education and training services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Assessment for Training at a College or University

Customers must meet the minimum standards for acceptance to a college or university that is provided and purchased by TWC-VR; the college or university must be identified as the provider for the service in the customer's Individualized Plan for Employment (IPE) or IPE amendment.

Before completing the IPE, the VR Counselor assesses the customer's potential to benefit from and successfully complete academic training. The assessment includes a review of the customer's:

- Previous academic achievements (grades, degrees, and certificates);
- Existing or new cognitive evaluations;

- Need for, or history of, remedial classes;
- Independent living skills;
- Ability to manage the related time demands;
- Need for assistive technology or accommodations in a training environment; and
- Need for non-VR supports for participation.

Private or Out-of-State Colleges or Universities: Training must be provided through public colleges and universities in Texas unless:

- A specific curriculum related to the customer's course of study is not available at a Texas public institution;
- Academic training elsewhere is determined to be more economical, after all costs are considered; or
- Academic training elsewhere provides specialized services needed by the customer to address disability-related concerns that are not available at a Texas public institution.

Evaluating Previous Training Performance: If the customer's history includes a record of marginal or poor performance in previous training, before committing to a full training program in the customer's IPE, the VR Counselor should consider obtaining additional diagnostic evaluations or other types of assessments, if comparable documentation is not available, to develop a remedial plan and determine whether the customer is likely to be successful (with supports).

Examples of poor training performance include:

- Excessive and/or repetitive class withdrawals or drops;
- Poor attendance; and
- Failing grades.

B. IPE Requirements

In addition to the general requirements for developing an IPE, an IPE that includes training services must also include:

- An employment goal that is directly associated with the sponsored training;
- The specific definition of satisfactory progress, such as minimum grades requirements and attendance;
- The credit hours required for each semester or grading period;
- Statements of specific customer and VR responsibilities; and
- A statement about the requirement to apply available Federal financial aid (e.g., the Pell Grant and other funding that does not require repayment) to the cost of training before TWC-VR funds are authorized.

The IPE must be written for the entire length of the agreed-upon training at the college or university and can be amended throughout the life of the case.

When completing the IPE, the VR Counselor must not include specific rates of tuition and fees. Rather, the VR Counselor should refer to the rates as "will pay amounts per policy."

C. Admission and Registration

The customer must complete all admission and registration procedures required by the college or university. Ideally, the customer learns to complete these requirements on their own, but until they are able, the VR Counselor works with the customer on self-advocacy, independence, and any other related issues that arise. The level of coaching regarding the completion of the admission and registration procedures should be individualized, based on the customer's unique needs and circumstances.

D. Required Time Frames for Completion at a College or University

Customers are expected to complete TWC-VR purchased training within a reasonable time and in accordance with their college or university degree plan.

Academic Time Frames: TWC-VR funds used for academic training should not exceed the following time frames:

- An associate degree (generally 60 credit hours) must be completed within three years.
- A bachelor's degree (generally 120 credit hours) must be completed within six years (including credit hours from a junior college or community college).
- A master's degree must be completed within three years. (This does not include time to complete bachelor's degree before beginning the master's degree program.)
- Time frames for doctoral degree level training vary. Documentation must show that the customer is participating at a full-time status.

Prorated Time Frames: When a customer has spent time in a college or university before TWC-VR funds were used to purchase the training, the VR Counselor must consider the credit hours already earned that apply to the current degree plan. The required time frames for completion are then based on the institution degree plan, which must be based on full-time enrollment, unless the full-time enrollment requirement is justified in a case note and approved.

The VR Counselor documents the justification for the prorated time frame in a case note and includes the agreed-upon time frame in the customer's IPE or IPE amendment.

E. Maximum Payment for College or University

TWC-VR may pay for training when the customer is enrolled in a public, private, or out-of-state institution. To determine the institution's classification, refer to the Texas Higher Education Coordinating Board-Program Search website. The VR Counselor must verify the institution is one of the following:

- Two-Year Community College;
- Four-Year College or University;
- Technical College;
- State College; or
- Health-Related Institution.

TWC-VR reviews rates for College and Universities annually, each July.

Public Training Institutions: TWC-VR pays the entire amount for in-state tuition and required fees at public training institutions in Texas for eligible customers after the Pell Grant, needs-based financial aid, and any required customer financial participation costs are applied.

TWC-VR pays the Texas resident tuition rate.

Private or Out-of-State Training Institutions: When a customer chooses to attend a private or out-of-state college, even though a comparable public training institution is available in Texas, the VR Counselor:

- Documents in a detailed case note why the customer chose a private or out-of-state institution instead of a public institution; and
- Follows payment procedures to determine the maximum amount that TWC-VR may pay to the private or out-of-state institution.

To calculate the amount that TWC-VR may pay toward the cost of the customer's tuition and required fees at a private or out-of-state college, university, and training institution, the VR Counselor uses the following procedure:

1. Multiplies the number of credit hours the customer is taking per semester or grading period by the maximum payment amount listed for the type of training institution;
2. Calculates the amount of tuition and required fees and deducts the Pell Grant amount and the amount of needs-based financial aid that does not require repayment;
3. From this amount, if the customer is over the basic living requirement (BLR), deducts BLR;
4. If the amount in number two is less than the maximum that TWC-VR may pay in number one, issues the service authorization (SA) for the amount determined in number two; and
5. If the amount in number two is more than the maximum that TWC-VR may pay in number one, issues the SA for the maximum amount determined in number one.
6. If the amount in number two is zero, TWC-VR does not issue an SA.

TWC-VR staff must provide to the customer in writing the amount that TWC-VR will pay and the amount that is still owed to the institution. The Tuition Payment Calculation Worksheet for Private or Out-of-State Training (VR3405) may be used to calculate the amount that TWC-VR may pay toward the cost of the customer's tuition and required fees.

Private or Out-of-State Training Institutions Rates: TWC-VR staff verify that the private or out-of-state training institution is an established college or university, technical or State college or public health institution by finding its classification on the Texas Higher Education Coordinating Board-Program Search website.

These rates are based on one standard deviation above the average annual college costs of tuition and fees in Texas.

Two-Year College: TWC-VR pays:

- The maximum rate of $138 per semester hour, which includes the amount of tuition and fees at a two-year private or out-of-state college;
- The maximum of $4,140 per year for certificate training at a two-year college that is not on a semester hour schedule.

Four-Year College or University: TWC-VR pays:

- The maximum amount of $394 per semester hour, which includes the amount of tuition and fees at a four-year private or out-of-state university;
- The maximum of $11,820 per year for certificate training at a four-year college or university that is not on a semester hour schedule.

State College: TWC-VR pays:

- The maximum rate of $118 per semester hour, which includes the amount of tuition and fees at a state college;
- The maximum of $3,540 per year for certificate training at a state college that is not on a semester hour schedule.

Technical College: TWC-VR pays:

- The maximum rate of $285 per semester hour, which includes the amount of tuition and fees at a technical college;
- The maximum of $8,550 per year for certificate training at a technical college that is not on a semester hour schedule.

Health-Related Institutions: TWC-VR pays:

- The maximum amount of $463 per semester hour, which includes the amount of tuition and fees at a private or out-of-state health-related institution;
- The maximum amount of $13,890 per year for certificate training at a private or out-of-state health-related institution that is not on a semester hour schedule.

The maximum amount for certificate programs through a college or university (two-year college, four-year college or university, State college, technical college, and health-related institutions) is based on established tuition and fee rates for enrollment in 15 credit hours for both the fall and spring semesters.

F. Dual Credit Courses

Dual credit offers secondary students at select high schools the opportunity to participate in postsecondary coursework while enrolled in high school. These students can earn up to 60 college credit hours. The list of approved high schools can be found on the Texas Education Agency (TEA) website.

Comparable services and benefits must be considered before dual credit coursework is purchased by TWC-VR, including benefits that may be available through the school.

Because secondary students are concurrently in postsecondary training, it is allowable for these students to carry less than a full-time course load.

G. Graduate and other Post-University Training

When a customer attends graduate and/or other post-university training, TWC-VR staff verify the institution's classification on the Texas Higher Education Coordinating Board-Program Search website. Staff must verify private or out-of-state institutions by finding the school's classification through the school's website.

Public Texas training institutions are exempt from the maximum rate limitation. TWC-VR may pay for the entirety of tuition and required fees at public Texas institutions for eligible customers.

The maximum amounts TWC-VR pays to a private or out-of-state graduate or other post-university training institution are determined based on the type of institution the customer is attending.

H. Developmental Courses at a College or University

If a customer requires developmental courses (sometimes called remedial courses) to strengthen academic skills, the VR Counselor must consider best value purchasing and other comparable benefits to provide this training, including:

- Adult basic education programs;
- Special training;

- Tutorial programs; and/or
- Developmental courses provided at no cost.

If comparable services and benefits are unavailable or impractical, VR Counselors can pay for developmental courses for a maximum of two semesters or grading periods.

I. Study Abroad

If study abroad is required at an in-state public college or university and there is not an option to take virtual or on-campus classes, TWC-VR pays for the entire amount of tuition and required fees.

If study abroad is required at a private or out-of-state college or university and there is not an option to take virtual or on-campus classes, TWC-VR pays up the maximum amounts as stated in policy.

TWC-VR must approve the eligible study abroad location, which can be based on cost-effectiveness, best value, and value added to the customer's training program.

J. Distance Learning Courses

Customers taking online, correspondence, or distance-learning courses from a college, university, or proprietary institution must meet the same requirements established for classroom courses at that institution.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when there is justification for exceptions to the limitations for tuitions and fees.
- VR Supervisor approval is required when there is justification for exceptions to exceed the Texas resident tuition rate.
- VR Supervisor approval is required when there is justification for exceptions to the requirements for study abroad.
- VR Supervisor approval is required when TWC-VR funds will be used for academic training that exceeds the time frames allotted for the specific degree type. The approval should be requested as soon as it is apparent that the time frames will be exceeded.
- VR Manager approval is required for a customer who is attending training or related support services out of state.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
04/01/2025	Revised	Updated the Texas Higher Education Coordinating Board's website link used to verify an institution's classification.
07/01/2025	Revised	Revised to update the training rates

PART C, CHAPTER 10.3: POSTSECONDARY: PROPRIETARY SCHOOLS

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 10.3	34 CFR §361.48(b)(6), TWC Rule §856.45, and TEC §132	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of education and training services purchased or arranged by TWC-VR at Proprietary Schools.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing education and training services and the providers of those services.

POLICY

A. General Overview

Career and Technical Schools, also known as proprietary or for-profit schools, offer a variety of education and training programs designed to prepare students for specific careers or industries. These schools provide vocational and technical training in fields such as healthcare, cosmetology, culinary arts, automotive technology, and information technology, among others.

These schools play a vital role in meeting the demand for skilled workers in various industries and contribute to economic growth and workforce development in Texas.

Proprietary Schools may not always be regionally accredited like traditional colleges and universities. Many programs within these schools may hold programmatic accreditation from industry-specific accrediting bodies. This accreditation ensures that programs meet established standards of quality and rigor and may lead to recognized credentials. All vocational or career-specific training providers who charge tuition and fees, including individuals that provide training, are defined as "schools."

B. Licensure or Certificate of Approval

Proprietary schools must:

- Have been reviewed by the appropriate regulatory entity;
- Offer approved curricula; and
- Hold a license to operate a career school or college.

In order for TWC-VR to purchase training from proprietary schools, they need to be set up as TWC-VR training providers.

Proprietary schools must be licensed or certified by TWC or another regulatory agency such as the Texas Department of Licensing and Regulation. For a list of TWC licensed schools, refer to Licensed Career Schools and Colleges Directory Search. For a list of certified schools, refer to the Eligible Training Provider System.

C. Recognized Credentials and Measurable Skill Gains (MSG)

Education and training services may result in MSGs (e.g., transcript, training progress) and a recognized credential (e.g., bachelor's degree, vocational license). All credentials and MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on education and training services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management

up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Assessment for Training at a Proprietary School

Customers must meet the minimum standards for acceptance to any school that is sponsored by TWC-VR; the proprietary schools must be identified as the provider for the service in the customer's Individualized Plan for Employment (IPE) or IPE amendment.

Before completing the IPE, the VR Counselor assesses the customer's potential to benefit from and successfully complete training. The assessment includes a review of the customer's:

- Previous academic achievements (grades, degrees, and certificates);
- Existing or new cognitive evaluations;
- Need for, or history of, remedial classes;
- Independent living skills;
- Ability to manage the related time demands;
- Need for assistive technology or accommodations in a training environment; and
- Need for non-VR supports for participation.

It is critical for VR Counselors and customers considering proprietary schools to research the accreditation status of the programs in which they are interested and to verify that they lead to recognized credentials accepted by employers and industry organizations. Additionally, students should consider factors such as program outcomes, job placement rates, and alumni satisfaction when evaluating the quality and reputation of proprietary schools.

B. IPE Requirements

In addition to the general requirements for developing an IPE, an IPE that includes training services must also include the following:

- An employment goal that is directly associated with the sponsored training;
- The specific definition of satisfactory progress such as minimum grades requirements and attendance;
- The credit hours required for each semester or grading period;
- Statements of specific customer and VR responsibilities; and

- A statement about the requirement to apply available Federal financial aid (e.g., the Pell Grant and other funding that does not require repayment) to the cost of training before TWC-VR funds are authorized.

The IPE must be written for the entire length of the agreed-upon training at the proprietary institution and can be amended throughout the life of the case. Customers must meet the institution's requirements for attendance, progress, and grades for each grading period.

When completing the IPE, the VR Counselor must not include specific rates of tuition and fees. Rather, the VR Counselor should refer to the rates as "will pay amounts per policy."

C. Admission and Registration

The customer must complete all admission and registration procedures required by the proprietary school. Ideally, the customer learns to complete these requirements on their own, but until they are able, the VR Counselor works with the customer on self-advocacy, independence, and any other related issues that arise. The level of coaching regarding the completion of the admission and registration procedures should be individualized, based on the customer's unique needs and circumstances.

D. Required Time Frames for Completion at Proprietary Schools

VR customers are expected to complete TWC-VR purchased training within a reasonable time and in accordance with their training plan.

- Training Time Frames: When a student is enrolled full time, VR sponsorship of training through a proprietary school must be completed within the time frames established by the school for full-time enrollment.
- Prorated Time Frames: When a customer has spent time in a proprietary school before TWC-VR funds were used to purchase the training, the VR Counselor must consider the credit hours already earned that apply to the current training plan. The required timeframes for completion are then based on the school’s training plan, which must be based on full-time enrollment, unless the full-time enrollment requirement is justified in a case note and approved.

The VR Counselor documents the justification for the prorated time frame in a case note and includes the agreed-upon time frame in the customer's IPE or IPE amendment.

E. Maximum Payment for Proprietary Schools

The maximum amount TWC-VR can pay for tuition and fees combined for full-time enrollment at a proprietary school, after comparable benefits and BLR is applied, is the lesser of:

- $138 per semester hour; or

- $4,140 per year.

These rates are based on one standard deviation above the average annual college costs of tuition and fees in Texas.

F. Out-of-State Proprietary Schools

Out-of-state proprietary schools that provide training to a customer must meet all the following criteria:

- The school must be legally authorized by the State of its physical location to offer postsecondary education and award degrees;
- The school must be accredited by a regional or national accrediting organization recognized by the U.S. Secretary of Education under the Higher Education Act of 1965; and
- The school must offer in Texas only postsecondary distance or correspondence programs of instruction (i.e., no physical location in Texas).

If the school meets the criteria listed above, it must take the actions listed on the TWC Out-of-State Distance Education Institutions website.

If the school does not meet all the criteria, an explanation of both TWC's licensing and exemption processes is contained on the TWC Career Schools and Colleges Resources website.

G. Out-of-State Training at a Proprietary School

When a customer chooses to attend an out-of-state proprietary school, even though a comparable training school is available in Texas, the VR Counselor:

- Documents in a detailed case note why the customer chose an out-of-state school; and
- Follows payment procedures to determine the maximum amount that TWC-VR may pay to the out-of-state school.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Supervisor Approval is required when there is justification for exceptions to the limitations for tuition and fees.
- VR Supervisor Approval is required when TWC-VR funds will be used for training that exceeds the time frame for completion. The approval should be requested as soon as it is apparent that the timeframes will be exceeded.

Consultations

- State Office Program Specialist(s) for Proprietary Training consultation is required to verify that the school in question has the necessary licenses and accreditations and is properly linked in RHW when exceptions to the limitations for tuition and fees are being considered.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Revised to update the training rates.

PART C, CHAPTER 10.4: ON-THE-JOB TRAINING

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 10.4	34 CFR §361.48(b)(6)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to using On-the-Job training (OJT) services necessary to reach the employment goal of a customer.

DEFINITIONS

1099 Employee: Freelancer, independent contractor, or other self-employed worker who completes particular jobs or assignments; not employees of the company.

Essential Job Duties: Basic job tasks that an employee must be capable of performing, with or without reasonable accommodation.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing the training services and the providers of those services.

Non-Essential Job Duties: Tasks that are not necessary to perform the job and can be reassigned to another employee or performed by someone else.

On-the-Job Training (OJT): Vocational training service for which VR compensates an employer to train a VR customer, who has been hired by the business in a competitive integrated position and receives equal pay and benefits as other non-disabled employees in the same or similar roles. The employer trains the customer in both essential and non-essential job tasks required for the position.

On-the-Job Training Employee: Paid employee on the payroll of the OJT employer; is not a 1099 employee. The employer or its representative provides on-the-job training for essential and nonessential job duties. In this policy, an OJT employee is an eligible VR customer.

On-the-Job Training Employer: Company or organization that hires and provides OJT to its OJT employees. This training equips workers with the knowledge and skills necessary to perform their jobs effectively.

POLICY

A. General Overview

OJT is a service offered by TWC-VR to assist individuals with disabilities who have limited skills or work experience in gaining employment. It is also beneficial for those facing challenges like unemployment, legal issues, or prior incarceration. With OJT, TWC-VR pays an employer to train a VR customer. The employer takes on the responsibility to train the customer in the essential and non-essential duties required for the position, ensuring they acquire the necessary skills for successful job performance to meet the employer's expectations.

OJT provides two key advantages:

1. For OJT Employers: Serves as an incentive for hiring by compensating some of the training costs.
2. For OJT Employees: Serves as a tool in overcoming employment barriers by providing tailored job skills training of a specific position or occupation.

B. Service Restrictions

TWC-VR cannot purchase the following services when a customer is receiving OJT:

- Job Skills Training;
- Bundled Job Placement Services;
- Supported Employment Services;
- Work Experience Training Services;
- Project Search;
- Wage Services for Work Experience; and
- Paid Work Experience (PWE) with Local Workforce Boards.

C. Recognized Credentials and Measurable Skill Gains (MSG)

OJT includes training that may result in MSGs but does not lead to a recognized credential. All MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on OJT services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: OJT services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for OJT

The VR counselor determines if OJT is appropriate for the customer and ensures they are job ready. A business must agree to hire and train the customer to meet the demands of the position and the expectations of the employer.

OJT is appropriate for customers:

- When they have identified an interest to learn the skills necessary to work in an industry through on-the-job training to meet the expectations of the employer and to perform the roles and responsibilities in the job description;
- Who meet the minimum requirements for the position but require formal and/or informal training activities at the work site to acquire the skills necessary for that specific position or occupation; and/or
- Who need help building specific work skills and reestablishing employment when they have limited skills, limited work history, and a history of unemployment, legal issues, or incarceration.

B. Responsibility of VR Counselor

The VR Counselor is responsible for the following:

- Customer's job-readiness;

- Arranging VR-sponsored OJT with an employer;
- Providing case management;
- Providing counseling and guidance, as needed; and
- Following procedures listed below.

C. Employer Identification

The VR Counselor, with or without the Business Relations Team and other involved individuals, as applicable, must identify potential businesses and employers that are willing to hire the customer and participate in OJT.

Prior to developing an OJT service with any potential employer, pre-screening is recommended to ensure that the employer meets the minimum standards and can provide both training and employment to an OJT participant.

D. Employer Expectations

The VR Counselor must include the employer's participation requirements in the On-the-Job Training Worksheet (VR1609). TWC-VR staff must ensure the business is committed to hiring and retaining the customer (employee) after successful completion of the OJT if the customer competently performs essential functions of the position or industry. The customer (employee) must not be hired as a 1099 employee.

E. Setting Up OJT Services

Once the employer agrees to provide OJT for a customer, the VR Counselor and/or designated TWC-VR staff must do the following:

- Assist the employer in establishing itself as a vendor;
- Complete the VR1609 with the customer and employer’s representative, specifying training details, goals, and costs. As the form is being completed, the VR Counselor, customer, and employer negotiate the stipulations of the OJT. It is the responsibility of the VR Counselor to ensure VR1609 is accurately completed;
- Create a service authorization (SA) in RHW, outlining the agreed-upon specifications, expectations, goals, OJT fees, and any pertinent information;
- Review the SA with the employer’s representative to ensure they understand the details, including the invoice process, documentation requirement, and the agree-upon fees paid for services.

F. The Length of OJT

The length of OJT depends on the skills to be learned and the customer's learning ability. OJT services are intended to be short-term (12 weeks or less).

Time spent in OJT cannot be counted toward the 90 days of employment required for a successful closure. The start date of employment entered in RHW must be after the date of the successful OJT completion.

G. Monitoring and Progress

TWC-VR staff must do the following as it pertains to monitoring and progress:

- Ensure the employer understands their requirement to complete and submit the On-the-Job Training Progress Report (VR3316) that documents the customer's progress each time they submit an invoice to TWC-VR, or at least once every 30 days of the OJT;
- Visit the worksite to evaluate OJT success and document observations in a case note in RHW; and
- Update VR1609 as needed, create a new form if necessary, and reflect changes in the SA.

H. Paying for OJT

TWC-VR may pay OJT fees to an employer for:

- Training expenses necessary for the customer to demonstrate essential and non-essentials job responsibilities to the employer's expectations; and
- Any wasted product produced during the training that is not put into the business's product inventory.

The cost per hour of training is determined by the trainer's hourly rate, which is typically calculated from their salary.

The VR Counselor must negotiate a payment schedule that progressively decreases throughout the training period as the customer's skills increase.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Supervisor approval is required for an OJT to exceed three months.

Consultations

- State Office Program Specialist(s) consultation is required when an OJT plan will require VR to pay a higher percentage of reimbursement than defined in policy.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 10.5: REGISTERED APPRENTICESHIP TRAINING

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 10.5	N/A	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provisions set forth by TWC and TWC-VR when providing Registered Apprenticeship training services to customers.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

Registered Apprenticeship Training programs provide a pathway to acquire or increase skill development and employment. These programs combine structured learning with practical work experience, typically lasting one to six years, depending on the occupation. Apprentices earn wages while they learn, receiving training from experienced professionals in their chosen field. Employers play a crucial role in providing training that directly impacts the integration of diverse talent into the workforce.

TWC-VR is in the process of developing additional policy and procedures related to Registered Apprenticeship. When these are developed, approved, and implemented, the final policy will be published here.

B. Recognized Credentials and Measurable Skill Gains (MSG)

Registered Apprenticeships include training that results in MSGs (e.g., training progress) and a recognized credential (e.g., Trade Certification). All credentials and MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on Registered Apprenticeship training services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Registered Apprenticeships

If a customer is interested and capable of participating in a Registered Apprenticeship, the VR Counselor and customer can explore TWC opportunities. TWC registered apprenticeships offer opportunities for employment and ongoing training, paid through WIOA funds, to become proficient in a skilled trade or craft. TWC-VR can provide accommodations and/or other TWC-VR services as agreed upon in an Individualized Plan for Employment (IPE).

VR Counselors are encouraged to review the criteria for the TWC Apprenticeship Training Program to determine basic eligibility for an apprenticeship. Customers pursuing apprenticeships must be job-ready and able to meet the qualifications of an offered apprenticeship position before applying.

Customers must be able to contact the employers directly and participate in a panel interview to compete for an apprenticeship position. TWC-VR staff can provide assistance based on the individualized needs of the customer.

After determining that apprenticeship is a feasible training service for the customer, the VR Counselor and customer are encouraged to explore options on the My Next Move website.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 10.6: PROJECT SEARCH TRAINING

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 10.6	34 CFR §361.48	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of and collaboration required for the Project SEARCH training program.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing to participate in Project SEARCH services and the providers of those services.

POLICY

A. General Overview

Project SEARCH is an international initiative that supports partnerships among businesses (employers), local school districts, VR agencies, and other entities that serve individuals with developmental disabilities. Project SEARCH promotes successful long-term employment of TWC-VR customers in jobs that are stable, meaningful, integrated, and competitively compensated.

The program takes place in business settings where immersion in the workplace facilitates the teaching and learning process as well as the acquisition of employability and marketable work skills. Project SEARCH customers participate in three internships to explore a variety of career paths.

Project SEARCH services include training and establishing accommodations and/or compensatory techniques as needed to increase a customer's independence and improve their ability to demonstrate

soft and hard skills to meet the expectations and production standards of a host business. These services are provided through a collaborative process in which the Project SEARCH team, which includes the TWC-VR provider, host business, school district, long-term support organization, and VR Counselor, work together to help the customer achieve the goals of the internship and placement.

B. Project SEARCH Parameters

- Project SEARCH service authorizations (SA) to the Employment Services Provider (ESP) should be issued using Pre-employment Transition Services (Pre-ETS) funds for students with disabilities (SWD) until they have obtained employment.
- Basic VR funds must be used to purchase Benchmarks A-C (See Procedures section for additional information.).
- Potentially eligible SWD cannot participate in Project SEARCH.
- Project SEARCH Job Placement Services may not be purchased with on-the-job training services, Job Skills Training, Non-bundled Job Placement Services, Bundled Job Placement Services, Work Experience Services and/or Supported Employment.
- Any meeting among the customer, provider, customer's circle of supports, or TWC-VR staff may be conducted remotely.
- The Project SEARCH team determines the length of the rotations at the host business (8-12 weeks).
- When a host business will not allow interns or staff onsite for safety or other reasons, the Project SEARCH team can develop an alternate training method and the VR Counselor must authorize the training method on the VR5000.
- Project SEARCH Job Placement Services Plan (VR3363) must be developed by the end of the third rotation or at any time during the rotations that the team determines job placement opportunities are available to the customer because of skills gained in the internships.
- The customer can be working in a rotation and participating in Project SEARCH Job Placement simultaneously.
- After the customer is placed in a job, if job coaching is needed for successful employment, the ESP must provide the service and may not bill separately.
- Each benchmark is paid only once for each customer between Active Status (customer has an Individualized Plan for Employment [IPE]) and Closure Status of a VR case.
- The customer must work 90 days in the same position. If a customer loses a job before the 90-day benchmark, the customer's progression towards completion of the benchmark ends. When the customer becomes employed again, the day count will start at day one for the new position.
    - The 90-day count for successful closure will start over anytime a customer:
        - Loses their job;
        - Changes employers;
        - Changes positions with same employer;
        - Receives a promotion; or

- Quits their job voluntarily.

C. Recognized Credentials and Measurable Skill Gains (MSG)

Project Search includes training that may result in MSGs (e.g., training progress) but does not lead to a recognized credential. All MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

D. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 16: Project SEARCH Services.

E. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on Project SEARCH services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Project SEARCH Requirements

To start a Project SEARCH site, a one-time license fee is paid to the National Project SEARCH office. Funds are provided by the school district, host business, or local community partners. These funds pay for the team's training on the Project SEARCH model and access to the Project SEARCH portal.

The national Project SEARCH office is contacted with a request to start a program by the Project SEARCH Statewide Coordinator. Project SEARCH requires that a local partner hold a licensing agreement with its office, stating that the team will follow its model. The school district typically holds the license; TWC-VR does not hold this license.

Planning is important to ensure that the appropriate amount of money is budgeted for each benchmark.

B. Steps to Establish a Project SEARCH Site

To start a Project SEARCH site, the VR Counselor must contact the Project SEARCH Statewide Coordinator by sending an email to the VR Pre-ETS mailbox at vr.pre-ets@twc.texas.gov. After contact, the Project SEARCH Statewide Coordinator ensures the following partners agree to start a program:

- Education (the local independent school district [ISD]);
- Host Business; and
- Local Community Partners (e.g., local intellectual and developmental disabilities [IDD] authority).

The team, comprised of the VR Counselor, the ISD, and local partners (and possibly the host business if it has already been identified) can begin without an identified host business or ESP. The team, not TWC-VR, selects the ESP based on interviews with all team members. TWC-VR staff must then schedule interviews for interested ESPs that have a current TWC-VR Project SEARCH contract.

Once the national Project SEARCH office approves the license, the office schedules training for the team. During the formal training from the national office, they support the team by scheduling regular meetings for planning and maintaining the program. While the ISD and the ESP are involved in the daily operations of the program, the VR Counselor must maintain regular (i.e., at a minimum, monthly) communication through emails or conference calls in addition to the monthly planning meetings.

C. Intern Selection Process

The Project SEARCH team interviews applicants through an assessment using a rubric system to determine who will be offered acceptance into Project SEARCH for the upcoming school year at the host business. When TWC-VR has not yet determined a student's eligibility for TWC-VR services, the student may be selected for Project SEARCH, pending a TWC-VR eligibility decision.

D. Determining the Need for Project SEARCH

When a student is enrolled in an ISD that is participating in Project SEARCH and the student’s interests, skills, and abilities align with the Project SEARCH site, the VR Counselor and customer can discuss the opportunity and determine if applying to participate in Project SEARCH will meet their training needs.

E. IPE Requirements

Project SEARCH customers must have an IPE that states their employment goal, participation in the program and all additional services that the VR Counselor approves for participation (e.g., transportation assistance, purchase of work uniforms).

F. Project SEARCH Referral and Asset Discovery

Once the student has been determined eligible for TWC-VR services, they begin asset discovery. The SA for the asset discovery phase should be issued before the school year ends to allow the ESP time to meet with all the customers. This service must be completed prior to the start of Skills Training.

The VR Counselor must:

- Complete the Referral for Provider Services (VR5000);
- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Ensure TWC-VR staff send the SA and VR5000; and
- Review and approve the Project SEARCH Asset Discovery Report (VR3361), completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer.

The Contractor must:

- Complete the VR3361 with the following information:
    - The case information;
    - The date, time, location, and summary of all asset discovery sessions completed with the customer;
    - Evidence of at least four asset discovery sessions and a total of at least 20 hours of contact with the customer, either individually or in a group setting;
    - A description of the customer's abilities; and
    - Confirmation that services provided comply with all applicable standards

G. Skills Training

Project SEARCH skills training is based on experiential learning at a host business with support from the business and Project SEARCH team and is most effective when provided in person. When a host business will not allow interns or staff onsite for safety or other reasons (e.g., health pandemic), the Project SEARCH team can develop an alternate training method and the VR Counselor authorizes the training method on the VR5000.

Since each Project SEARCH team determines the length of the rotations at the host business (8-12 weeks), it is important that the team create a calendar showing when rotations begin and end. This ensures that TWC-VR staff members know when to issue SAs for skills training to the ESP.

The VR Counselor must:

- Meet with the customer, customer's legal guardian or representative (if applicable), and Project SEARCH team to develop goals for the customer and document these goals on the Project SEARCH Progress Report (VR3362);
- Note on the VR5000 in the case of an alternate training method developed by the Project SEARCH; and
- Ensure TWC-VR staff send the SA.

The Contractor must:

- Submit the VR3362:
  - At the conclusion of each internship rotation or throughout the rotation if the provider has arranged this with the VR Counselor; and
  - Any time a change in the customer's needs or circumstances affect the customer's ability to continue participating in the internships;
- Complete the VR3362, documenting the following:
  - Evidence that goals were established and addressed for the reporting period;
  - Information describing the current internship;
  - Date range of the start date, end date, and total hours provided during that date range;
  - Summary of the services the skills trainer and Project SEARCH team provided and the customer's performance toward their goals for each date range entry;
  - Affirmation that at least three hours of training were provided each week for the 8-12 week internship rotation; and
  - Evidence that the customer's soft and hard skills were evaluated and scored during the internship.

H. Job Placement

When the customer has participated in at least one internship rotation or, at any time during the rotations, the team determines job placement opportunities are available to the customer, the Job Placement Specialist and Project SEARCH team help the customer find employment.

The VR Counselor must attend the monthly steering committee meetings and the employment planning meetings each rotation to ensure that they are in regular communication with the Project SEARCH team and know when SAs are needed.

On a case-by-case basis, when the VR Counselor determines the provider should be paid for making a second placement, a Contracted Service Modification Request (VR3472) must be approved by the VR Director prior to the SA being issued.

The VR Counselor must–

- Meet with the customer, customer's legal guardian or representative (if applicable), and Project SEARCH team to complete the VR3363:
    - To review and clarify employment-related support and training that the customer needs to find employment;
    - To identify the customer's skills, abilities, experiences, training, education, attributes and/or barriers related to employment;
    - To identify negotiable and nonnegotiable employment conditions; and
    - To document the customer's identified employment goals and the Standard Occupational Classification (SOC) codes and O'NET description of the job tasks/ responsibilities for each employment goal; and
    - To indicate how services may be provided either in person, remotely, or a combination of both;
- Ensure TWC-VR staff send the SA for Benchmark A (SAs for Benchmarks B and C are sent after the customer achieves Benchmark A.).

The Contractor must–

- Attend meeting with the customer, customer's legal guardian or representative (if applicable), and Project SEARCH team to complete the VR3363;
- Ensure customer has worked for Benchmark A (five days), B (45 cumulative days), and C (90 cumulative days) in the same position with the same employer and that the job meets:
    - 100% of the nonnegotiable employment conditions;
    - At least 50% of the negotiable employment conditions;
    - All six digits of one of the SOCs listed within the employment goals based on the job tasks the customer is performing, which are included in the O*NET description (not based on the customer's job title); and
    - Services delivered as indicated on VR3363; and
- For Benchmark C, accurately document on Project SEARCH Placement Report (VR3364) all extended services necessary for the customer to maintain long-term CIE after TWC-VR closes the case.

I. Customer's Satisfaction

The customer's satisfaction and service delivery are verified by the customer's signature on the VR3362, VR3363, and VR3364 or by a TWC-VR staff member's contact with the customer, documented in a case note.

J. Project SEARCH Payment

Payment for Project SEARCH is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- Asset Discovery:
  - VR3361; and
  - The invoice.
- Skills Training:
  - VR3362; and
  - The invoice
- Job Placement Benchmarks A-C:
  - VR3363;
  - VR3364; and
  - The invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Director approval is required for any request to change a Project SEARCH services, using the VR3472, prior to changes being implemented.

Consultations

- State Office Project SEARCH Coordinator (Program Specialist for Transition) consultation is required before any services may be provided remotely.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 10.7: OTHER EDUCATION AND TRAINING SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 10.7	N/A	All TWC-VR staff, particularly VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of other education and training programs not specifically outlined in other policies.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing education and training services and the providers of those services.

POLICY

A. General Overview

TWC-VR provides education and training services that do not fall under one of the main training categories but may be available to TWC-VR customers. TWC-VR provides individualized services, which include the provision of education and training services necessary to meet the unique needs of the customer, including their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

B. Recognized Credentials and Measurable Skill Gains (MSG)

Education and training services may result in MSGs (e.g., report card, training progress) and a recognized credential (e.g., bachelor's degree, vocational license). All credentials and MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on education and training services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Other Education and Training Services

Other training must specifically meet the customer's rehabilitation needs and be consistent with the goals in the Individualized Plan for Employment (IPE).

Other training services may include instruction in the following areas:

- Basic reading, writing, and math;
- High school equivalency assessment preparation approved by the Texas Education Agency (TEA) (i.e., GED test, HiSET exam, or TASC test);
- English as a second language;
- High school credit courses;
- Meeting adult continuing education objectives below the college credit level;
- Driver training;
- Postsecondary education programs not at the college credit level;

- The educational prerequisites for vocational skills training;
- Teacher alternative certification program approved and accredited by TEA;
- Educator Preparation Programs (EPPs) approved and accredited by TEA;
- Communication training for the deaf; and
- Coping strategies training for the deaf or hard of hearing and blind.

For other Education and Training services, the requirement to seek comparable services and benefits and the customer financial participation (BLR) policies and procedures apply.

TWC and local education agencies provide various training programs that may meet the customer's needs.

B. Payment for Other Education and Training Programs

The TWC-VR service amount is based on published or current community rates. VR Counselors may not approve payment for these services when the customer is:

- A resident of a state institution; or
- Entitled to free services.

Before considering the purchase of other training services, the Unit Purchasing Specialist works with the requesting staff to verify that the provider has the necessary qualifications, credentials, and/or licenses before requesting the vendor be set up and linked.

C. Adult Basic Education

TWC or other governmental agency programs provide adult basic education using Federal funds. VR Counselors must not encumber TWC-VR funds for this activity.

TWC-VR may pay the cost of high school equivalency testing for assessments approved by the TEA (i.e., GED test, HiSET exam, or TASC test).

VR Counselors must review the TEA website to compare assessments and determine the best option for the customer.

D. Criss Cole Rehabilitation Center Training

Located in Austin, Texas, the Criss Cole Rehabilitation Center (CCRC) is a comprehensive VR training facility operated by TWC-VR. Its mission is to work in partnership with blind or visually impaired customers and TWC-VR staff toward the accomplishment of independence and employment. CCRC provides evaluation, training, and related services in residential, classroom, and community settings.

E. Other Rehabilitation Center Training

If a customer is requesting rehabilitation center training outside of the CCRC, the VR Counselor must provide the customer with information about CCRC and recommend that the customer complete a tour of the center. If a tour is not available, or if the VR Counselor and customer decide that a tour is not in the best interest of the customer, the VR Counselor must clearly document the circumstances and reason(s) for making the decision.

If a VR Counselor recommends rehabilitation center training outside of the CCRC/State of Texas, the following must be documented in case notes:

- The fact that the customer completed a CCRC tour with a CCRC staff member or the reason the customer did not complete a tour; and
- VR Counselor's justification and explanation for recommending rehabilitation center training services outside of CCRC/State of Texas.

F. Training by Paid Instructor or Exempt Schools

Training by a paid instructor or school exempt from the TWC licensing requirement to meet a customer's individualized needs can be purchased with TWC-VR funds.

- Arranging for a Paid Instructor: The VR Counselor arranges for paid instructor training so that a customer has a chance to learn a specific work skill from a qualified individual. This training can be:
    - Customized to the customer's needs (e.g., one-on-one);
    - Offered in a small-group setting; or
    - Through a school not regulated by any entity including TWC Career Schools and Colleges.

Instructor Qualifications: The trainer, school, and the course must not meet the requirements to be regulated.

- Arranging for an Exempt School: The VR Counselor purchases training from schools with TWC Career Schools and Colleges' exemption so that a customer has a chance to learn a specific work skill from a qualified individual or school. This training can be:
    - Customized to the customer's needs (e.g., one-on-one);
    - Offered in a small-group setting; and
    - Through a school that has TWC Career Schools and Colleges' exemption.

Instructor or School Qualifications: The trainer, school, and the course must be specifically exempted in writing by TWC Career Schools and Colleges.

Tuition and Fees for Paid Instructor and Exempt Schools: When training is obtained through a paid instructor or exempt school, tuition and fees rates paid by TWC-VR must not exceed the maximum payment rates for proprietary schools.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Manager approval is required when the customer chooses to attend rehabilitation center training outside of the CCRC/State of Texas.
- VR Regional or Deputy Regional Director approval is required when there is justification to use an Exempt School or Paid Instructor. Approval is granted individually for the course and is not a blanket approval for an unlicensed school.

Consultations

- State Office Program Specialist(s) consultation is required when there is justification to use an Exempt School or Paid Instructor.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 11: BENEFITS AND WORK INCENTIVES COUNSELING

PART C, CHAPTER 11.1: BENEFITS AND WORK INCENTIVES COUNSELING TWC-VR PROVIDED SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 11.1	34 CFR §361.45(c)(3)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of benefits and work incentives counseling services to customers receiving a benefit from Social Security based on disability.

DEFINITIONS

Benefits Planning Query (BPQY): A report generated by the Social Security Administration (SSA) that provides detailed information about a customer's Social Security disability benefit.

Benefits Summary and Analysis/Work Incentive Plan (BSA/WIP): An evaluation of how desired or actual monthly gross earned income impacts Federal and State benefits.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing to participate in Benefits and Work Incentives Counseling Services and the providers of those services.

Medicaid: Free, comprehensive health insurance provided through Texas Health and Human Services for those receiving Title XVI benefits, also known as Supplemental Security Income (SSI); Medicaid coverage begins the date SSI is approved by SSA.

Medicaid Buy-In (MBI): A program that offer customers with disabilities who are working the opportunity to purchase Medicaid coverage; refer to Texas Health and Human Services' website for more information on Medicaid Buy-In.

Medicare: Health insurance coverage that comes with a Title II disability cash benefit. Coverage begins 24 months from the date the first Title II cash benefit is due; Medicare is not free, but customers can apply for Texas Health and Human Services' Medicare Savings Program to see if they qualify for assistance with Medicare costs.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Subject-Matter Utilization Resource Facilitator (SMURF): A TWC-VR staff member trained in the basics of SSI and Title II benefits based on disability.

SSA Work Incentives: Special rules for customers receiving SSI or a Title II benefit based on disability that may allow continuation of the monthly cash benefit and/or Medicare and/or Medicaid.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Title II: Disability benefits paid to disabled individuals who are insured under the Social Security Act by virtue of their contributions to the Social Security trust fund through the Social Security tax on their earnings, as well as to certain disabled dependents of insured individuals. Disability benefits under Title II include 1) Social Security Disability Insurance (SSDI), 2) Childhood Disability Benefits, also known as Disabled Adult Child (CDB/DAC), and 3) Disabled Widow/Widower Benefits (DWB).

Work Incentive Liaison (WIL): An SSA employee within a local SSA office who specializes in issuing BPQYs and approving requested work incentives other than Plan to Achieve Self-Support (PASS).

POLICY

A. General Overview

Benefits and Work Incentives Counseling Services refers to a specialized service provided to customers receiving SSI or a Title II benefit based on disability from SSA. The goal of this service is to empower customers to pursue self-sufficiency through greater financial independence while navigating the complex Social Security disability benefit system. This involves working with the customer to develop a comprehensive analysis on how earned income may affect Federal and State benefits, including, but not limited to, the following:

- Social Security cash benefits based on disability;
- Healthcare benefits, including Medicare and/or Medicaid;
- Public housing assistance;
- Food Stamps;
- Home and community-based service waivers and/or other Long-Term Supports and Services; and
- Veteran's benefits.

By engaging in Benefits and Work Incentives Counseling Services, customers can make informed decisions about employment and set realistic earnings goals (e.g. increasing earnings).

B. Access to Benefits and Work Incentives Counseling Services

Customers entitled to SSI and/or Title II benefits due to their disability must be provided general information on additional supports and assistance for individuals with disabilities desiring to enter the workforce, including assistance with Benefits and Work Incentives Counseling Services. Services may be provided by TWC-VR (i.e., in-house) or through an approved contracted provider.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 26: Benefits and Work Incentives Counseling Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: Benefits and Work Incentives Counseling Services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.

- Customer Participation in the Cost of Services: Benefits and Work Incentives Counseling Services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Benefits and Work Incentives Counseling Services

TWC-VR staff must first determine if the customer is eligible for SSI or a Title II benefit based on disability. Only customers eligible for SSI or a Title II benefit based on disability can receive Benefits and Work Incentives Counseling Services. TWC-VR customers receiving SSI or a Title II benefit based on disability are assumed to have the goal of an employment outcome and the need for benefits counseling services.

The VR Counselor must discuss options for accessing Benefits and Work Incentives Counseling Services, at what point in time it would be best for the customer to receive the service, and how the service can promote their ability to make informed choices about employment and their benefits. These discussions must be documented in a VR counseling and guidance case note, including that the service has been offered and whether it has been provided, purchased, arranged or refused.

B. Provision of Benefits and Work Incentives Counseling Services

TWC-VR can provide, purchase, or arrange for benefits and work incentives counseling services to customers in the following three ways:

1. TWC-VR Provided: TWC-VR staff contact the local unit level SMURF or the State Office Benefits Specialist by emailing smurf.inquiries@twc.texas.gov. They provide general information on the specific SSA disability benefit the customer receives, including how earned income may affect the cash and/or healthcare benefits.
2. Arranged: Customers who refuse Benefits and Work Incentives Counseling Services must be provided the Ticket to Work Helpline: 1 (866) 968-7842 or 1 (866) 833-2967 (TTY). Customers can call this number to get a referral for free Benefits and Work Incentives Counseling Services after TWC-VR case closure.

3. Purchased: Customer can choose from any provider with a current TWC-VR contract for Benefits and Work Incentives Counseling Services.

When purchasing Benefits and Work Incentives Counseling Services, TWC-VR staff must use the following process:

- The customer must have Benefits and Work Incentives Counseling Services and the chosen provider included in the IPE, or IPE amendment, prior to participating in this service.
- The TWC-VR staff member or customer must obtain a BPQY from SSA no more than six months old and faxes/e-faxes the prefilled Consent for Release of Information (SSA-3288) to the SSA WIL in the customer's local SSA office without changing the language on the SSA-3288.
- The TWC-VR staff member must:
    - Find the WIL associated with the customer's local SSA office by using the SSA field office locator as well as the name and fax number for the WIL in that office; and
    - Enter their contact information as well as the customer's contact information, including fax and phone numbers.
- The customer signs the SSA-3288. This must be a handwritten signature as no electronic signatures are accepted by SSA.
- The TWC-VR staff member should include a fax cover sheet, with the fax/e-fax.
- The VR Counselor must include Benefits and Work Incentives Counseling Services on the IPE.
- The TWC-VR staff member creates a Service Record and issues an SA for the service from the Benefits and Work Incentives Counseling menu being purchased.
- The VR Counselor must:
    - Complete the Benefits and Work Incentives Planning Referral form (VR1512), specifying which service is being purchased (The most common service is the BSA/WIP.); and
    - Send the SA, VR1512, and BPQY to chosen contractor.
- After completion of benefits counseling services, the VR Counselor must refer customers, as necessary, back to the contractor for assistance with completing applications for one or more work incentives identified in the BSA/WIP.
- The VR Counselor must document in a VR counseling and guidance case note that benefits counseling has been offered, provided, purchased, and/or arranged.
- Before case closure, the VR Counselor must review the information in the BSA/WIP with the customer, paying particular attention to income reporting requirements. For assistance providing this information to a customer, the VR Counselor may consult a SMURF.

The VR Counselor can purchase multiple BSA/WIPs for one customer in the following situations:

- If the customer's job pays a different amount than the earnings analyzed in the original BSA/WIP, a Revised BSA/WIP must be purchased.
- If the customer loses the job on which the BSA/WIP was based and determines a different earnings goal or obtains new employment, a Revised BSA/WIP must be purchased.

- If the customer is returning to TWC-VR after a case closure, a new BSA/WIP must be purchased.

Successful case closure can be attained if the only TWC-VR services provided are VR counseling and guidance and Benefits and Work Incentives counseling services.

C. Medicaid Buy-In

The VR Counselor may purchase assistance with applying for Medicaid Buy-In (MBI) even if the customer does not receive SSI or a Title II benefit based on their disability. The customer must be working at least one hour a month before they apply for Medicaid Buy-In.

Assistance with the Medicaid Buy-In application is the only service that can be purchased under Benefits and Work Incentives Counseling Services for a customer not receiving SSI and/or a Title II disability benefit.

If the customer was determined ineligible for SSI and/or Title II disability benefits because their disability did not meet SSA's criteria, the customer will not be eligible for Medicaid Buy-In and should not be referred for this service.

If the customer was determined ineligible for SSI and/or Title II disability benefits for financial reasons and is working, the customer may be eligible for Medicaid Buy-In.

If the customer never applied for SSI and/or Title II disability benefits and is working, the customer may be eligible for Medicaid Buy-In.

To purchase assistance with completion of the application for Medicaid Buy-In, the TWC-VR staff must:

- Create a Service Record;
- Issue an SA;
- Complete the VR1512.
- Send SA and VR1512 to contractor.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 11.2: BENEFITS AND WORK INCENTIVES COUNSELING CONTRACTED SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 11.2	34 CFR §361.45(c)(3)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Benefits and Work Incentives Counseling (BWIC) Contracted Services.

DEFINITIONS

Benefits Planning Query (BPQY): A report generated by the Social Security Administration (SSA) that provides detailed information about a customer's Social Security disability benefit.

Benefits Summary and Analysis/Work Incentive Plan (BSA/WIP): An evaluation of how desired or actual monthly gross earned income impacts Federal and State benefits.

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing to participate in BWIC Services and the providers of those services.

Medicaid: Free, comprehensive health insurance provided through Texas Health and Human Services for those receiving Title XVI benefits, also known as Supplemental Security Income (SSI); Medicaid coverage begins the date SSI is approved by SSA.

Medicaid Buy-In (MBI): A program that offers customers with disabilities who are working the opportunity to purchase Medicaid coverage; refer to Texas Health and Human Services' website for more information on MBI.

Medicare: Health insurance coverage that comes with a Title II disability cash benefit. Coverage begins 24 months from the date the first Title II cash benefit is due; Medicare is not free, but customers can apply for Texas Health and Human Services' Medicare Savings Program to see if they qualify for assistance with Medicare costs.

SSA Work Incentives: Special rules for customers receiving SSI or a Title II benefit based on disability that may allow continuation of the monthly cash benefit and/or Medicare and/or Medicaid.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

Title II Disability Benefits: Benefits paid to disabled individuals who are insured under the Social Security Act by virtue of their contributions to the Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund through the Social Security tax on their earnings, as well as to certain disabled dependents of insured individuals. Disability benefits under Title II include 1) Social Security Disability Insurance (SSDI), 2) Childhood Disability Benefits, also known as Disabled Adult Child (CDB/DAC), and 3) Disabled Widow/Widower Benefits (DWB).

POLICY

A. General Overview

BWIC services consist of individualized services that provide detailed information on the impact of employment and other income on SSA disability cash benefits, Medicaid, and/or Medicare coverage, and other publicly and privately funded services.

Information provided through BWIC services supports customers' abilities to make informed decisions about earning a living wage. An important component to such services is identification and explanation of SSA work incentives for which the customer may qualify when employed.

Customers are eligible for BWIC services if they are actively looking for work or already working and have an Individualized Plan for Employment (IPE) and one or more of the following SSA benefits:

- Title XVI SSI Childhood Disability (ages 0 to 18);
- Title XVI SSI Adult Disabled/Blind (ages 18 to 65);
- Title II SSDI (age 18 up to Full Retirement Age);

- Title II Childhood Disability Beneficiary/Disabled Adult Child (CDB/DAC) (age 18 through end of life); and/or
- Title II Disabled Widow/Widower Beneficiary (DWB) (age 50 to Full Retirement Age).

The VR Counselor can purchase multiple BSA/WIPs for one customer in the following situations:

- If the customer's job pays a different amount than the earnings analyzed in the original BSA/WIP, a revised BSA/WIP must be purchased.
- If the customer loses the job on which the BSA/WIP was based and determines a different earnings goal or obtains new employment, a revised BSA/WIP must be purchased.
- If the customer is returning to TWC-VR after a case closure, a new BSA/WIP must be purchased.

Successful case closure can be attained if the only TWC-VR services provided are VR counseling and guidance and BWIC services.

BWIC services consist of the following four major categories:

1. Supplemental Security Income and/or Title II Disability Benefits
    - Information and Referral:
        - Provides the customer with a high-level overview of SSA Title XVI, Title II, and/or concurrent cash benefits and health care programs and with general information regarding the impact of earned and unearned income on the programs; and
        - May contain a proposal for more detailed BWIC services via a BSA/WIP if there is supporting evidence for this recommendation.
    - Benefits Summary and Analysis/Work Incentive Plan (BSA/WIP):
        - Provides both general and individualized information about a customer's verified Title II and/or Title XVI benefits based on disability, including the cash benefit, health care, and other benefits and how working will affect all publicly and privately funded benefits;
        - Includes verification of all benefits and programs, including the source of the verification which must come from the SSA, Health and Human Services (HHSC), or another public funding entity;
        - Details current and future actions, including timelines, that must be taken by the customer and others involved in the customer’s case in relation to SSA disability benefits and other publicly or privately funded benefits;
        - Includes recommendations for any work incentives under Title XVI or Title II for which the customer may qualify;
        - Does not include assistance with completion of the application process for specific work incentives which is purchased separately from the BSA/WIP.
    - Veteran’s Supplemental Security Income and/or Title II Benefits Summary and Analysis/Work Incentive Plan (Veteran’s BSA/WIP):

- Provides both general and individualized information about a customer's (Veteran's) verified SSI and/or Title II benefits based on disability including the cash benefit, health care, and other benefits and how working will affect all publicly and privately funded benefits;
- Includes detailed information on the impact of employment on a Veteran's cash benefits, health care, housing, and participation in other veterans' programs;
- Includes verification of all benefits and programs, including the source of the verification which must come from the United States Department of Veterans Affairs (VA), SSA, HHSC, or another public funding entity;
- Contains details current and future actions, with timelines, that must be taken by the customer and others involved in the customer's case in relation to SSA, VA, and other publicly funded benefits;
- Does not include assistance with completion of the application process for specific work incentives which is purchased separately from the Veteran's BSA/WIP.

- Revised Supplemental Security Income, Title II or Veteran's Benefits Summary and Analysis/Work Incentive Plan:
  - Revisions to a BSA/WIP or Veteran's BSA/WIP must be employment related and can occur when a customer with an open VR case has a change in the earned income documented in Section 2 of the original BSA/WIP or Veteran's BSA/WIP.

2. Supplemental Security Income Work Incentives
   - SSI Student Earned Income Exclusion (SEIE) is an in-depth written explanation and application for this work incentive, which allows certain students under age 22 to retain more of their monthly SSI cash benefit when working.
   - The SEIE packet consists of:
     - A completed application for SEIE on SSA Form 1372 or an SEIE request letter; and
     - Instructions on reporting income to the SSA.
   - SSI Impairment-Related Work Expense (IRWE) is a completed application with an in-depth written explanation for this work incentive, which allows customers to retain more of their SSI monthly cash benefit for items and/or services related to the customer's disability if needed to maintain or advance in employment:
     - The IRWE packet consists of a completed application for IRWE and a copy of SSA Form 795 with instructions on reporting income to the SSA. Generic fact sheets about the customer's SSA disability program and IRWE may be offered for additional information.
   - SSI Blind Work Expense (BWE) is a written or electronic in-depth explanation and application for this work incentive, which allows customers who are statutorily blind, by SSA's definition, to retain more of their SSI monthly cash benefit when working:
     - The BWE packet consists of a completed application for BWE and a copy of SSA Form 795, with instructions on reporting income to the SSA.

- SSI Plan to Achieve Self-Support (PASS) is a completed application on SSA Form 545 with budgets and an in-depth written explanation for this SSI work incentive, which allows customers to set aside money to pay for items and/or services needed to achieve a work goal:
    - Money deposited in the customer's PASS account will increase the amount of the monthly SSI cash benefit and not be counted towards the SSI $2,000/$3,000 monthly resource limit; and
    - Customers are not required to be working to have a PASS but must have a work goal that will result in a living wage.
- SSI Property Essential to Self-Support (PESS) is an in-depth written explanation and application on SSA Form 795 and accompanying documents, such as a tax return, a deed, or documents proving the base value of livestock or tools:
    - This work incentive allows customers receiving SSI who own property, livestock, or tools used in a trade or business or as an employee to exclude all or a portion of those items from resources; and
    - PESS only applies to unincorporated for-profit businesses that produce net earnings from self-employment in the trade or business exclusion, such as sole proprietorships, partnerships, and limited liability companies.

3. Title II Work Incentives
    - Title II PASS is a completed application on SSA Form 545 with budgets and an in-depth written explanation for this Title II work incentive, which allows customers to set aside money to pay for items and/or services needed to achieve a work goal:
        - Customers on Title II disability benefits who have an approved PASS will always get some amount of SSI disability monthly cash benefit and Medicaid while the PASS is active; and
        - Customers are not required to be working to have a PASS but must have a work goal that will result in a living wage.
    - Title II Impairment-Related Work Expense (IRWE) is a completed application with an in-depth written explanation for this work incentive, which allows customers to retain their Title II monthly cash benefit if expenses for items and/or services related to the customer's disability are needed to maintain employment:
        - Title II IRWEs can only be ordered if the customer has finished a trial work period and is earning above substantial gainful activity.
    - Title II Subsidy or Special Condition consists of a completed application on SSA Form 3033 signed by the customer's employer and an in-depth written explanation:
        - This work incentive allows customers to keep their monthly Title II cash benefit after completion of the trial work period when working above substantial gainful activity and receiving natural or paid on-the-job supports.
4. Medicaid Buy-In (MBI)

- This is the only benefits counseling service that can be purchased for any customer regardless of receipt of an SSA disability cash benefit. MBI consists of a completed application on HHSC Form 1200/MBI, pay stubs, and other required documentation, and an in-depth written explanation for this work incentive, which allows any qualifying customer who is working and needs health insurance to purchase Medicaid and earn a living wage:
  - If the customer also receives Title II disability benefits, a BSA/WIP must be purchased simultaneously or before purchasing the MBI service; and
  - Customers who receive SSI are not eligible for MBI as they already receive Medicaid.

B. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 26 Benefits and Work Incentives Counseling Services.

C. Additional Policy Considerations

- Comparable Services and Benefits: Benefits and Work Incentives Counseling Services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Benefits and Work Incentives Counseling Services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or a Title II benefits based on disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Benefits and Work Incentives Counseling Services

TWC-VR staff must first determine if a customer is eligible for SSI or a Title II benefit based on disability. Only customers eligible for SSI or a Title II benefit based on disability can receive BWIC services with the following one exception: Assistance with applying for Texas MBI can be purchased for any customer

regardless of whether they receive a benefit from SSA. TWC-VR customers receiving SSI or a Title II benefit based on disability are assumed to have the goal of an employment outcome and the need for benefits counseling services.

The VR Counselor must discuss options for accessing BWIC services, when best for the customer to receive the service, and how the service can promote their ability to make informed choices about employment and their benefits. These discussions must be documented in a VR counseling and guidance case note, including that the service has been offered and whether it has been provided, purchased, arranged, or refused.

B. Benefits and Work Incentives Counseling Services Referral and Service Provision

When the VR Counselor and customer agree to the receipt of BWIC services, it must be included in the IPE or IPE amendment.

The VR Counselor must:

- Obtain a BPQY from SSA that is no more than six months old by sending a fax coversheet and the Consent for Release of Information (SSA-3288) with the customer's handwritten signature to an SSA Work Incentive Liaison (WIL) at the customer's local SSA office (SS Office Locator); electronic signatures are not accepted;
- Complete the Benefits and Work Incentives Planning Referral form (VR1512), specifying which service is being purchased with an BBQY and SA sending to the provider;
- Document in a VR counseling and guidance case note that benefits counseling has been offered, provided, purchased, and/or arranged;
- Monitor the customer's progress and, when appropriate, send the customer for additional benefits counseling services;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review required documentation, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer;
- Ensure that the invoice is paid; and
- Before case closure, review the information in the BSA/WIP with the customer, paying particular attention to income reporting requirements.

The contractor must:

- For all BWIC services, the Benefits Planner documents all information required in the report, providing evidence that all outcomes required for payment and directions on the SA have been achieved, including:
    - Services were delivered as indicated on VR1512 with all questions on VR1512 answered;

- General information regarding the impact of earned and unearned income on the programs; and
- Documented proof that the customer and the benefits counselor have reviewed the packet, as evidenced by the benefits counselor's signature and date of review.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the required form, as applicable, or by a TWC-VR staff member's contact with the customer, documented in a case note.

D. Benefits and Work Incentives Counseling Services

Payment for each service is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated report for the appropriate BWIC services with an invoice:

1. SSI and/or Title II Benefits
    - SSI and/or Title II benefits information and referral packet
    - SSI and/or Title II BSA/WIP
    - Veteran's SSI and/or Title II benefits summary and analysis/work incentive plan packet
    - Revision to SSI and/or Title II BSA/WIP or Veteran's BSA-WIP packet
2. SSI Work Incentives
    - SSI SEIE packet
    - Supplemental Security IRWE packet
    - SSI BWE SSI PASS packet
    - SSI PASS packet
    - SSI PESS packet
3. Title II Work Incentives
    - Title II PASS packet
    - Title II IRWE packet
    - Title II subsidy or special condition packet
4. MBI Service
    - MBI packet.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change a Benefits and Work Incentives Counseling Services policy and procedures, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12: EMPLOYMENT SERVICES

PART C, CHAPTER 12.1.a: CAREER PLANNING ASSESSMENTS (CPA)

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.1.a	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Career Planning Assessments.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing employment assessment services and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

The Career Planning Assessment (CPA) is a functional assessment designed to evaluate the customer's skills related to home and community, including volunteer and work activities to determine support needs and provide information needed to plan for future employment.

B. CPA Parameters

The CPA includes multiple visits, which consist of a minimum of three hours of home and community exploration and a minimum of six hours of career exploration and work skills assessments.

CPA:

- Is purchased from a bilateral contractor.
- Is conducted by an evaluator who has the Supported Employment credential;
- Can only be purchased one time per customer for the life of the VR case;
- Cannot be purchased when a vocational evaluation was previously purchased;
- Can be purchased at a prorated amount after an Environmental Work Assessment (EWA) has been completed and it is determined the work assessments do not need to be completed again;
- A prerequisite for any customer receiving Supported Employment (SE) services;
- Includes interviews with the customer and their circle of support that may be done in person or remotely;
- Includes in-person observations and assessments of the customer's skills and abilities in the homes, community, and integrated work environment;
- Work assessments must align with the customer’s interests and allow for an assessment of their abilities and skills.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 4: Employment Assessments.

D. Additional Policy Considerations

- Comparable Services and Benefits: CPAs are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.

- Customer Participation in the Cost of Services: CPAs are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for a CPA

The VR Counselor and the customer may determine that a CPA is necessary to identify the customer's interests, skills, and support needs for the customer to be placed in a competitive integrated employment and to establish an employment goal.

B. CPA Referral and Service Provision

When the VR Counselor and customer agree to the receipt of CPA services, it must be included in the Individualized Plan for Employment (IPE), Trial Work Experience (TWE) plan, IPE amendment, or a Service Justification if prior to IPE development.

The VR Counselor must:

- Complete the Referral for Provider Services (VR5000);
- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Ensure TWC-VR staff send the service authorization (SA) and VR5000;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve the Career Planning Assessment (VR1630);
- Ensure that the invoice is paid.

The contractor must:

- Completes a minimum of three hours of home and community exploration;
- Completes a minimum of six hours of career exploration and work skills assessment;

- Develop recommendations based on information collected in the assessment activities related to future employment goals; and
- Document all information required on the VR1630.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the VR Counselor or by a TWC-VR staff member's contact with the customer, documented in a case note.

D. CPA Payment

Payment for CPA is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- VR1630; and
- The invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change requirements for Career Planning Assessment, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.1.b: ENVIRONMENTAL WORK ASSESSMENTS (EWA)

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.1.b	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	08/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Environmental Work Assessments.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing employment assessments and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

The Environmental Work Assessment (EWA) is a diagnostic tool that assesses how the customer responds to variables in a work environment. The EWA is an accurate assessment of the correlations between a customer's performance and environmental variables and is critical to the customer's ability to find and maintain employment.

B. EWA Parameters

The EWA Evaluator assesses the customer's skills in at least three work environments that align with their interests and the employment goal in the customer's individualized plan for employment (IPE), when known. Each environment is assessed for a minimum of two hours.

EWA:

- Is purchased through a bi-lateral contract.
- May be conducted during any phase of the VR process, but it is typically conducted during the development of the IPE.
- Is not a Vocational Evaluation or a Career Planning Assessment.
- Cannot be conducted remotely; and
- Has no premiums available to be purchased with the service.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 4: Employment Assessments.

D. Additional Policy Considerations

- Comparable Services and Benefits: EWA services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: EWA services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.

- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for an EWA

The VR Counselor and the customer may determine that an EWA is necessary when customer has a neurodevelopmental disorder that significantly impacts them, has a history of behavior that varies depending on the environment, and may benefit from an evaluation that assesses how their neurodevelopmental disorder may manifest in a work setting.

B. EWA Referral and Service Provision

When the VR Counselor and customer agree to the receipt of EWA services, it must be included in the Individualized Plan for Employment (IPE), Trial Work Experience (TWE) plan, IPE amendment, or a Service Justification if prior to IPE development.

The VR Counselor must:

- Complete the Referral Form for Services for Neurodevelopmental Disorders (VR1879);
- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Ensure TWC-VR staff send the service authorization (SA) and VR1879;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve the following:
    - Environmental Work Assessment Report Part A (VR1877A);
    - Environmental Work Assessment Report Part B (VR1877B);
    - Environment Work Assessment Signature Page Part C (VR1877C); and
    - Environmental Work Assessment Time Log (VR1878); and
- Ensure that the invoice is paid.

The contractor must:

- Document all information required in the Services Description on the VR1877A, VR1877B, and VR1877C and the VR1878, demonstrating evidence that the customer's:

  - Interests, assets, and abilities in work and nonwork areas were explored, identified, and summarized;
  - Personal, social, school, and medical histories were collected;
  - Self-assessment includes the customer's score of the 40 basic skills;
  - Skills were assessed in three environments related to the following four domains, after the environmental demands were identified and rated:
    - Basic and social communication;
    - Problem solving and executive functioning;
    - Advanced and social communication; and
    - Self-regulation and emotional intelligence;
- Document all the information required in the Service Description on the VR1878, recording:
  - Each session held with the customer;
  - Locations at which the sessions were held; and
  - Whether the time spent was direct or indirect, as well as whether:
    - No more than eight hours were spent on indirect services; and
    - No fewer than 12 hours were spent on direct services.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the VR Counselor or by TWC-VR staff member's contact with the customer, documented in a case note.

D. EWA Payment

Payment for EWA is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- VR1877A
- VR1877B;
- VR1877C,
- VR1878; and
- The invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required to request partial payment for work that has not been completed in its entirety, through a Contracted Service Modification Request (VR3472). Justification for why the Environmental Work Assessment cannot be completed in its entirety must be included on the VR3472 as well.

- VR Director approval is required for any request to change requirements for Environment Work Assessments, using the VR3472 prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
08/01/2025	Revised	Added Definition for 'bilateral contractor.'

PART C, CHAPTER 12.1.c: VOCATIONAL EVALUATION SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.1.c	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	08/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Vocational Evaluation services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing employment assessments and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

Vocational evaluation (VE) is an assessment of an individual's work and training background, general functional capacities, and social and/or behavioral characteristics. The evaluation must include an assessment of the customer's employment-related strengths and limitations.

B. VE Parameters

The VE must be designed to determine the customer's present and future vocational potential and include an assessment of the customer's employment-related strengths and limitations.

VE:

- Is purchased through a bilateral contract;
- Must be conducted by a vocational evaluator, not an aide;
- Cannot be conducted remotely;
- Can only be purchased one time per customer;
- Cannot be purchased if a Career Planning Assessment (CPA) was previously purchase;
- Has no premiums available to be purchased with the service.
- Must result in a vocational objective or alternative vocational objectives identified by the Vocational Evaluator;
- Must include:
    - Standardized tests that measure the customer's academic achievement, cognitive abilities, aptitude, personality, vocational interests, sensory and/or motor skills, and independent living skills and compare the individual’s performance with the performance of an appropriate sample population; and
    - Work samples that provide a close simulation of an actual industrial task, business operation, or component of an occupational area; and
- Has no fixed guidelines for the number of days required for completion. The VR Counselor determines the appropriate length of the evaluation based on the customer’s individual needs and circumstances.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 4: Employment Assessments.

D. Additional Policy Considerations

- Comparable Services and Benefits: VE services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: VE services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for VE

The VR Counselor and the customer may determine that VE is necessary to determine a customer's present and future vocational potential and to evaluate the customer's employment-related strengths and limitations.

B. VE Referral and Service Provision

When the VR Counselor and customer agree to the receipt of VE services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification if prior to IPE development.

The VR Counselor must:

- Complete the Referral for Provider Services (VR5000), including the reasons for the referral and includes specific questions to be addressed during the evaluation;
- Ensure TWC-VR staff send the service authorization (SA) and VR5000;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve Report for Vocational Evaluation (VR1837) or an electronic report that includes elements found on the VR1837 completed by the Vocational Evaluator, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and

- Ensure that the invoice is paid.

The contractor, no later than 10 days of the completion of the assessment, must:

- Address the reasons for the referral and address the specific questions included in the VR5000 and any special instructions on the referral or the SA;
- Use standardized testing and work samples to conduct the evaluation and complete the VR1837, or an electronic report with all required elements, including:
    - List of assessments administered, evaluation summary, recommendations, response to the referral questions;
    - Potential for competitive integrated employment (CIE), or the reasons that CIE is not appropriate, when applicable;
    - Job recommendations related to the current job market using the Standard Occupational Classification (SOC) codes for the customer's geographic area;
    - Specific training options that match the customer's capabilities; and
    - Specific job modifications and/or accommodations necessary to achieve the employment goal; and
- When requested on the VR5000 or on the SA, the Vocational Evaluator must complete a feedback session with the customer, the customer's representative, if any, and the VR Counselor, to review the Evaluator's recommendations and the customer's vocational interests, strengths, and challenges.

The VR1837 or electronic report must be signed by the evaluator who conducted the evaluation.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the VR Counselor or by TWC-VR staff member’s contact with the customer, documented in a case note.

D. VE Payment

Payment for VE is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- VR1837, or equivalent; and
- The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required to request partial payment for work that has not been completed in its entirety, through a Contracted Service Modification Request (VR3472). Justification for why the vocational evaluation cannot be completed in its entirety must be included on the VR3472.
- VR Director approval is required for any request to change requirements for Vocational Evaluation, using the VR3472 prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.1.d: VOCATIONAL EVALUATION: SITUATIONAL ASSESSMENT AND WORK SAMPLE SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.1.d	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Vocational Evaluation Situational Assessment and Work Sample services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing employment assessments and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

The Vocational Evaluation (VE) Situational Assessment and Work Samples are tools to help the customer and VR Counselor determine long-term goals related to finding competitive integrated employment (CIE).

B. VE Parameters

VE Situational Assessments and Work Samples must consist of the three situational assessments and at least four work samples.

VE Situational Assessments and Work Samples Services:

- Are purchased through a bilateral contract;
- Cannot be purchased unless the Vocational Evaluation has been completed;
- Must be conducted by a Vocational Evaluator;
- Cannot be conducted remotely;
- Can only be purchased one time per customer;
- Have no premiums available to be purchased with the service;
- Require:
    - Situational assessments that are conducted at three or more competitive integrated work sites within a business or industry setting in the community with the Vocational Evaluator observing the customer for a minimum of two hours at each work site; and
    - A minimum of four work samples that were not completed in the Vocational Evaluation with the vocational evaluator providing a close simulation of an actual industrial task, business operation, or component of an occupational area.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the Chapter 4: Employment Assessments.

D. Additional Policy Considerations

- Comparable Services and Benefits: VE Situational Assessments and Work Samples services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.

- Customer Participation in the Cost of Services: VE Situational Assessments and Work Samples services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for VE Situational Assessments and Work Samples Services

The VR Counselor and the customer may determine that VE Situational Assessments and Work Sample services are necessary when an evaluator's observations are necessary to assist the customer and the VR Counselor in determining the customer's long-term goals related to finding competitive integrated employment (CIE).

B. VE Referral and Service Provision

When the VR Counselor and customer agree to the receipt of VE Situational Assessment and Work Sample services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification if prior to IPE development.

The VR Counselor must:

- Complete the Referral for Provider Services (VR5000), including any documentation the reasons for the referral and any specific questions to be addressed during the assessment;
- Provide documentation, when relevant, such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Ensure TWC-VR staff sends the service authorization (SA) and VR5000;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve Situational Assessment and Work Sample Report (VR1838); and
- Ensure that the invoice is paid.

The contractor, no later than 10 days of the completion of the VE Situational Assessment and Work Sample services, must:

- Submit the completed VR1838 that describes the customer's behavior and must stress the vocational implications of the following:
  - The reasons for the referral and addresses the specific questions to be included in the VR5000 any special instructions on the referral or the SA;
  - The results of the Evaluator's findings and observations that will assist the VR Counselor and customer establishing long-term goals related to finding and maintaining CIE.
  - The potential for CIE or the reasons that CIE is not appropriate, when applicable;
  - The job recommendations related to the current job market using the SOC codes for the customer's geographic area;
  - The specific training options that match the customer's capabilities; and
  - Any specific job modifications and/or accommodations necessary; and
- When requested on the VR5000, or on the SA, the Vocational Evaluator must complete a feedback session with the customer, the customer's representative, if any, and the VR Counselor, to review the evaluator's recommendations and the customer's vocational interests, strengths, and challenges.

The VR1838 or electronic report must be signed by the evaluator who conducted the evaluation.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the VR Counselor or by TWC-VR staff member's contact with the customer, documented in a case note.

D. VE Payment

Payment for VE Assessments and Work Samples services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- VR1838; and
- The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required to request partial payment for work that has not been completed in its entirety, through a Contracted Service Modification Request (VR3472). Justification for why the vocational evaluation cannot be completed in its entirety must be included on the VR3472.
- VR Director approval is required for any request to change requirements for VE -Situational Assessment and Work Samples using the Contracted Service Modification Request (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.2.a: PERSONAL SOCIAL ADJUSTMENT TRAINING SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.2.a	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Personal Social Adjustment Training services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing work readiness services and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

Personal Social Adjustment Training (PSAT) Services are designed to teach skills related to appropriate work behaviors and to improve interpersonal skills that inhibit the customer's abilities to successfully obtain and maintain competitive integrated employment (CIE). PSAT Services can be used to reinforce appropriate behaviors and valuable skills with which the customer previously struggled. Before PSAT Services are provided to a customer, a Personal Adjustment Evaluation is completed to identify the goals to be addressed in the training.

B. PSAT Parameters

PSAT Services are used to prepare a customer for CIE. PSAT Services:

- Are purchased from a bilateral contractor;
- May be purchased with Work Adjustment Training (WAT) Services when different goals are addressed;
- Can be provided in-person, remotely, or a combination of both as indicated on the Referral for Personal Social Adjustment Training and Work Adjustment Training (VR3121) or the Service Authorization (SA);
- Require evaluation and training to be provided without exceeding the ratio of one staff member to no more than six customers without an aide or one trainer and one aide to no more than 10 customers;
- Require a PSAT evaluation to identify the goals to be addressed in the training for students, youth and adult customers.
- Can be used to reinforce appropriate behaviors and valuable skills with which the customer previously struggled;
- Are goal-directed services with the with the Personal Social Adjustment and Work Adjustment Training Plan (VR3137B) being updated in a meeting that can be held remotely with the VR Counselor and the customer every 28 days prior to additional hours being authorized;
- Are limited to 20 hours per week; and
- Weekly hours are authorized each 28-day period.

A PSAT evaluation can only be purchased once for the life of a customer’s case.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor.

For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 13: Work Readiness Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: PSAT services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: PSAT services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for PSAT

PSAT Services are provided to a customer when they have unacceptable work behaviors or need to improve their interpersonal skills to allow them to successfully obtain and maintain CIE.

B. PSAT Referral and Service Provision

When the VR Counselor and customer agree to the receipt of PSAT services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification for potentially eligible students with disabilities.

The VR Counselor must:

- Complete Referral for Personal Social Adjustment Training and Work Adjustment Training (VR3121), including the skills to be evaluated and developed;
- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Determine whether the PSAT Services will be provided in-person, remotely, or a combination of both;
- Ensure TWC-VR staff send the service authorization (SA) for the evaluation;

- Assist the PSAT Trainer with the completion of the customer's 3137B after the evaluation and signing the plan (occurs every 28 days);
- Ensure TWC-VR staff send the SA for the training after the 3132B is established and updated every 28 days;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve:
    - For PSAT evaluation, the Personal Social Adjustment Training (PSAT) and Work Adjustment Training (WAT) Evaluation (VR3137A) and Personal Social Adjustment and Work Adjustment Training Plan (VR3137B);
    - For PSAT (training), the Personal Social Adjustment Training and Work Adjustment Report (VR3138) and VR3137B; and
- Ensures that the invoices are paid.

The contractor:

- For PSAT Evaluation: Documents all information required by the VR3137A and VR3137B, at the end of the evaluation period demonstrating evidence that:
    - Attendance was recorded and includes the number of hours the customer participated in the evaluation;
    - The evaluation was provided without exceeding the ratio of one staff to no more than six customers without an aide or one trainer and one aide to no more than10 customers;
    - All necessary accommodations and compensatory techniques were provided, and special needs were met for the customer to participate successfully in the evaluation;
    - The customer's performance, skills, and needs were evaluated and results summarized;
    - The goals and objectives are measurable and established for all skills to be addressed;
    - A projected achievement date has been set for each goal; and
    - A projected number of training hours has been established for each goal.
- For PSAT (training): Documents, at a minimum of every 28 days, all information required on the VR3138 and SA, including evidence that:
    - The training was provided without exceeding the ratio of one staff member to no more than six customers without an aide or one trainer and one aide to no more than 10 customers;
    - The customer's attendance and the total number of hours the customer participated in the training were recorded;
    - Goals and objectives addressed in training are recorded on the VR3138 and are included on the most recently approved VR3137B;
    - The customer's performance and skills were documented for the reporting period;
    - The status, including a narrative description for each goal and objective, was documented for the reporting period;

    - All necessary accommodations and compensatory techniques were identified, documented, and provided as necessary to meet the special needs of the customer to successfully participate in the training; and
- Communications with the VR Counselor and customer, and notation of updates made to the VR3137B are documented in the Additional Comments section.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the VR3137A, VR3137B, or VR3138 by TWC-VR staff member's contact with the customer, documented in a case note.

D. PSAT Payment

Payment for PSAT Services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- PSAT Evaluation:
    - VR3137A
    - VR3137B; and
    - Invoice.
- PSAT (training):
    - VR3138
    - VR3137B and
- Invoice.

TWC-VR will not pay any fees related to excused absences, unexcused absences, or holidays.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change requirements for Personal Social Adjustment Training using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.2.b: WORK ADJUSTMENT TRAINING SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.2.b	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Work Adjustment Training services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing work readiness services and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

Work Adjustment Training (WAT) Services are designed to evaluate the customer's work behaviors and interpersonal skills and to enhance those skills while they perform competitive integrated employment (CIE) in a structured environment.

WAT Services include both evaluation and training.

B. WAT Parameters

WAT Services are used to prepare a customer for CIE and:

- Are purchased from a bilateral contractor;
- May be purchased with the Personal Social Adjustment Training (PSAT) when different goals are addressed;
- Must be provided in a work setting where the customer's work produces compensation for both the provider's business and the customer;
- Cannot be provided remotely;
- Are to be provided without exceeding the ratio of one staff member to no more than six customers without an aide or one trainer and one aide to no more than 10 customers
- Require a WAT evaluation to identify the goals to be addressed in the WAT for students, youth, and adult customers;
- Can be used to reinforce appropriate behaviors and valuable skills with which the customer previously struggled;
- Are a goal-directed services with the Personal Social Adjustment and Work Adjustment Training Plan (VR3137B) being updated in a meeting that can be held remotely with the VR Counselor and the customer every 28 days prior to additional hours being authorized; and
- Must be offered by the provider with a minimum of 25 hours per week. If a holiday or business closure occurs, the minimum number of hours may be adjusted. However, TWC-VR does not pay for over 25 hours per week.

WAT evaluation can only be purchased once for the life of a customer’s case.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 13: Work Readiness Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: WAT services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: WAT services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for WAT Services

WAT Services are provided to a customer when they need a structured environment to address unacceptable work behaviors, vocational barriers, interpersonal skills, or to improve their skills and abilities to successfully obtain and maintain CIE.

B. WAT Referral and Service Provision

When the VR Counselor and customer agree to the receipt of WAT Services, they must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification for potentially eligible students with disabilities.

The VR Counselor:

- Complete Referral for Personal Social Adjustment Training and Work Adjustment Training (VR3121), including the skills to be evaluated and trained;
- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Ensure TWC-VR staff send the service authorization (SA) for the evaluation;
- Assist the WAT Trainer in the completion of the customer's Personal Social Adjustment Training and Work Adjustment Training Plan (3137B), after the evaluation, and signing the plan (occurs every 28 days);

- Ensure TWC-VR staff send the SA for the training after the 3132B is established and updated every 28 days;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve:
    - For WAT Evaluation, the Personal Social Adjustment Training (PSAT) and Work Adjustment Training (WAT) Evaluation (VR3137A) and VR3137B;
    - For WAT (training), the Personal Social Adjustment Training and Work Adjustment Report (VR3138) and VR3137B.
- Ensure the invoices are paid.

The contractor:

- For WAT Evaluation: Documents all information required by the Service Description on the VR3137A and VR3137B at the end of the evaluation period demonstrating evidence that:
    - Attendance was recorded and includes the number of hours the customer participated in the evaluation;
        - The evaluation was provided without exceeding the ratio of one staff to no more than six customers without an aide or one trainer and one aide to no more than 10 customers;
    - All necessary accommodations and compensatory techniques were provided, and special needs were met for the customer to participate successfully in the evaluation;
    - The customer's performance, skills, and needs were evaluated and results summarized;
    - The goals and objectives are measurable and established for all skills to be addressed;
    - A projected achievement date has been set for each goal and objectives; and
    - A projected number of training hours has been established for each goal and objectives.
- For WAT Training: Documents, at a minimum of every 28 days, documents all information required on the Personal Social Adjustment and Work Adjustment Report (VR3138) and SA, including evidence that:
    - The training was provided without exceeding the ratio of one staff member to no more than six customers without an aide or one trainer and one aide to no more than 10 customers;
    - The customer's attendance and the total number of hours the customer participated in the training were recorded;
    - Goals and objectives addressed in training are recorded on the VR3138 and are included on the most recently approved VR3137B;
    - The customer's performance and skills were documented for the reporting period;
    - The status, including a narrative description for each goal and objective, is recorded on the most recently approved VR3138;
    - All necessary accommodations and compensatory techniques were identified, documented, and provided as necessary to meet the special needs of the customer to successfully participate in the training;

- Communications made with the VR Counselor and the customer, and notation of any updates made to the VR3137B, are documented in the Additional Comments section; and
- A projected number of training hours has been established for each goal and objectives.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the VR3137A, VR3137B, or VR3138 by TWC-VR staff member's contact with the customer, documented in a case note.

D. WAT Services

Payment for WAT Services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- WAT Evaluation:
  - VR3137A;
  - VR3137B; and
  - invoice.
- WAT Training:
  - VR3138;
  - VR3137B; and
  - invoice.

TWC-VR will not pay any fees related to excused absences, unexcused absences, or holidays.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change requirements for Work Adjustment Training services, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.2.c: VOCATIONAL ADJUSTMENT TRAINING SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.2.c	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	10/20/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Vocational Adjustment Training services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Flat Fee: A fixed charge for a service or product that does not change regardless of the amount of time or resources used to complete the task.

Hourly Based: A payment structure where services are billed according to the number of hours worked.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing work readiness services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator Provider: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas

Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

POLICY

A. General Overview

Vocational Adjustment Training (VAT) Services prepare customers to excel in their abilities to successfully obtain and maintain competitive integrated employment (CIE). VAT Services address disability issues, interpersonal skills training, daily living skills, and issues that interfere with obtaining or maintaining employment. The services can be held at the provider's facility or within the community and can be offered in groups and individually as a flat fee or hourly based service. These services are purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider.

B. VAT Parameters

Flat Fee VAT Services:

Explore the You in Work (curriculum: 10 hours):

- Allows a customer to gain instruction to assist them in understanding their own work personalities, interests, values, and transferable skills; and
- Allows the customer to complete self-assessments, participate in individual and group discussions and activities, and apply the information learned to improve their employability.

Soft Skills to Pay the Bills - Mastering Soft Skills for Workplace Success (curriculum: 20 hours):

- Only one of the following VAT Work Readiness Services can be purchased for a customer:
  - Skills to Pay the Bills – Mastering Soft Skills for Workplace Success; or
  - Sof Skills for Work Success.
- Focuses on teaching soft (i.e., workforce readiness) to youth, including youth with disabilities; and
- Introduces youth to workplace interpersonal and professional skills that focus on six key skill areas:
  - Communication;
  - Enthusiasm and attitude;
  - Teamwork;
  - Networking;
  - Problem solving and critical thinking; and
  - Professionalism.

Soft Skills for Work Success (curriculum: 13 hours):

- Only one of the following VAT Work Readiness Services can be purchased for a customer:
  - Skills to Pay the Bills – Mastering Soft Skills for Workplace Success; or
  - Soft Skill for Work Success.
- Allows a customer to gain, understand, and demonstrate the necessary soft skills to be successful at work; and
- Focuses on developing essential skills related to effective communication, problem solving, work habits, and work ethics.

Entering the World of Work (curriculum: 10 hours):

- Allows a customer to gain knowledge and skills related to workplace expectations, rules, and laws.

Job Search Training - For Pre-ETS customers ONLY (curriculum: 20 hours):

- Allows a customer to gain the skills necessary to obtain employment in entry-level positions;
- Focuses on developing the skills essential for preparing for a job search in the following areas:
  - Exploring Careers;
  - Completion of Employment Data Sheet (VR1850);
  - Job Applications;
  - Resumes;
  - Job references and written correspondence;
  - Interviews;
  - Pre-employment testing;
  - Search;
  - Preparing for first day on the job; and
  - References.

Disability Disclosure Training (curriculum: 20 hours):

- Provides facts and information to assist customers in making informed decisions about disclosing their disability and how their disability may affect his/her educational, employment, and social lives;
- Not designed to tell the customer how or when they should disclose their disability; rather, it helps the customer make informed decisions about disclosing their disability; decisions that will affect their educational, employment, and social lives; and
- Uses the 411 on Disability Disclosure curriculum published by the National Collaborative on Workforce and Disability.

Money Smart – A Financial Education Training (curriculum: 30 hours):

- Teaches customers the basics of handling their money and finances, including how to create positive relationships with financial institutions; and

- Equips customers with the basics of financial education to give them the knowledge, skills, and confidence needed to manage their finances.

VAT Exploring Postsecondary Education and Training (curriculum: 10 hours):

- Helps customers understand postsecondary education, financial aid, and the services that are available to support students in postsecondary education and training;
- Allows a customer to:
    - Understand what types of postsecondary education and training are available;
    - Understand the differences between high school and college accommodations, and what services are available to support students in postsecondary education and training;
    - Identify their transferable skills and understand what skills are important for college readiness and success; and
    - Understand the process of applying to and paying for college.

Hourly-Based VAT Services:

- Public Transportation Training:
    - Assists customers in developing the skills essential for travel within the customer's community using public transportation;
    - End goal is for the customer to demonstrate the ability to use their chosen mode of public transportation to travel to one or more specific locations within the customer's community such as, but not limited to:
        - School;
        - Work sites; and
        - Independent living center.
    - Hourly-based service similar to Job Skills Training.
- VAT Specialized Services (VAT-S):
    - Should be purchased for a customer only when another structured VAT cannot meet the customer's needs. Services included in the training plan should be skills that are not taught in another VAT service or skills the customer failed to master in previous training; and
    - Designed to teach skills and knowledge to reduce barriers to success in obtaining and maintaining competitive integrated employment.

Examples of skills addressed during an VAT-S service include, but are not limited to, the following:

- Decision-making;
- Career exploration;
- Housing opportunity;
- Childcare management;
- Effective communication;

- Independent living;
- Financial management;
- Interpersonal communication;
- Grooming and hygiene; and
- Stress management.

VAT Specialized Services are purchased as VAT Specialized Evaluation and VAT Specialized Training.

- VAT Specialized Evaluation:
  - The Vocational Adjustment Trainer evaluates the customer for up to five days and for no more than 10 hours.
  - The Vocational Adjustment Training Specialized Evaluation (VR3135A) will indicate if and what skills need to be addressed in the training.
  - When Training is recommended, the Vocational Adjustment Training, Specialized Training Plan (VR3135B) must be completed prior to any training being provided
- VAT Specialized Training:
  - VR sponsors no more than 25 hours per week and VR3135B must outline the goals, objectives, skills, and hours of training allowed.
  - VR3135B must be updated and approved by the VR Counselor every 28 days.

C. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 13: Work Readiness Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: VAT Services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: VAT Services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to

policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for VAT

VAT Services benefit customers who have never worked, have not worked for a long time, or have a sporadic work history, and prepare customers for successful employment so they can manage or address vocational impairments and be self-sufficient. The VR Counselor and customer will identify the customer's employment barriers and the VAT Services that address those barriers to better prepare the customer for CIE.

B. VAT Referral and Service Provision

When the VR Counselor and customer agree to the receipt of VAT Services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification for potentially eligible students with disabilities.

The VR Counselor must:

- Complete Referral for Provider Services (VR5000),
- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Include the premiums available for VAT services (i.e., Deaf Premium, Mileage Premium, Brain Injury Premium, and Blind Premium);
- Determine whether the VAT services will be provided in-person, remotely, or a combination of both;
- Ensure TWC-VR staff sends the service authorization (SA) and the VR5000;
- Monitor the customer's progress;
    - For VAT Specialized Services only (in coordination with the customer and the VAT Trainer): Complete and approve VR3135B after the evaluation and before additional 28 days of training is authorized;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review required documentation, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor:

Flat Fee VAT Services:

- The VAT Trainer:
  - Documents all information required on the applicable VR service forms:
    - VAT: Explore the "You" in Work (VR3122)
    - VAT: Soft Skills for Work Success (VR3123)
    - VAT: Soft Skills to Pay the Bills (VR3124)
    - VAT: Entering the World of Work (VR3125)
    - VAT: Job Search Training (VR3126)
    - VAT: Disability Disclosure Training (VR3132)
    - VAT: Money Smart (VR3133)
    - VAT: Exploring Postsecondary Education and Training (VR3139)
- Provides evidence that all outcomes required for payment and directions on SA have been achieved, including:
  - Training was delivered as indicated on the VR5000;
  - Training was provided without exceeding the ratio of one staff member to six customers;
  - Attendance records show the minimum of required hours of training;
  - Customer's training included:
    - Required modules outlined in the curriculum;
    - Required extension activity or activities; and
    - Journaling activities were offered;
    - All necessary accommodations and compensatory techniques were identified, documented, and provided as necessary to meet the special needs of the customer to successfully participate in the training;
    - Various instructional approaches were used to meet the customer's learning style; and
    - All supplies and resources were provided.

Hourly-Based VAT Training:

The VAT Trainer:

- Documents all information required on the applicable VR service forms:
  - VAT: Public Transportation Training (VR3134)
  - VAT: Specialized Evaluation (VR3135A)
  - VAT: Specialized Training Plan (VR3135B)
  - VAT: Specialized Progress Report (VR3136)

For Public Transportation Training:

- Documents all information required on VR3134;

- Provides evidence that all outcomes required for payment and directions on SA have been achieved, including:
    - Training was delivered as indicated on the VR5000;
    - Training was provided without exceeding the ratio of one staff member to four customers;
    - Attendance records show the minimum of required hours of training;
    - Customer's training included:
        - Curriculum topics;
        - One required extension activity; and
        - Journaling activities.
    - Customer's skill level was rated for the curriculum topics;
    - Progress log includes all required elements listed on VR3134, including a description of the services provided and the customer's performance of skills;
    - All necessary accommodations and compensatory techniques were identified, documented, and provided as necessary to meet the special needs of the customer to successfully participate in the training;
    - Trainer used instructional approaches that met the customer's learning styles and preferences; and
    - All supplies and resources were provided so the customer could participate in the training.

VAT Specialized:

VAT Trainer for the VAT Specialized Evaluation and Training must:

- Deliver the Evaluation and training as indicated on the VR5000;
- Develop (in coordination with the customer and the VR Counselor) a VR3135B for the customer, including measurable goals, objectives, and timelines after the evaluation and before additional 28 days of training is authorized;
- Provide evidence all outcomes required for payment and directions on SA have been achieved, including:
    - Attendance was recorded and includes the total number of hours the customer participated in the evaluation or training;
    - Evaluation or training was provided without exceeding the ratio of one staff member to no more than six consumers;
    - All necessary accommodations and compensatory techniques were identified, documented, and provided as necessary to meet the special needs of the customer to successfully participate in the evaluation or training;
    - Customer's performance, skills, and needs were evaluated and results summarized; or when training provided, a narrative description for each goal and objective is recorded on the most recently approved VR3136;
    - Projected achievement date is established for each goal;
    - Projected number of training hours is established for each goal; and

- Communications made with the VR Counselor and customer, and notation of updates made to VR3136 are documented in the Additional Comments section.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the required form, as applicable, or by TWC-VR staff member's contact with the customer, documented in a case note.

D. VAT Services

Payment for each VAT service is made to the contractor when the VR Counselor approves a completed, accurate, signed, and dated form for the appropriate VAT service and invoice.

Payment will not be made if the customer's excused absence, unexcused absence, or holiday results in failure to attend the minimum number of required training hours.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change requirements for Vocational Adjustment Training services, using the Contracted Service Modification Request (VR3472) prior to changes being implemented.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
08/01/2025	Revised	Added definitions and language regarding use of bilateral contractor, Non-Traditional Provider, and Transitional Educator.
10/20/2025	Revised	Added language to indicate that Skills to Pay the Bills – Mastering Soft Skills for Workplace Success or Soft Skill for Work Success can only be purchased once.

PART C, CHAPTER 12.2.d: JOBTIPS STUDENT

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.2.d	N/A	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Work Readiness Services provided by JobTIPS Student online program.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing work readiness training services and the providers of those services.

POLICY

A. General Overview

JobTIPS Student is an online program that offers real-world examples as well as assistance to help teens and adults transition to the workplace.

The JobTIPS Student online program:

- Includes videos and pictures demonstrating what to do and what not to do in a variety of situations; the videos and pictures support the program content;
- Contains printable materials, including worksheets, cue cards, summaries, visual schedules, graphic organizers, and assessments that facilitate practice opportunities to master and generalize important job-related skills;

- Instructs the student as to the steps to take and provides the rationale behind each behavioral and social exchange to help the customer learn to understand another individual's perspective and thereby understand the reasons for the thoughts and actions of others;
- Uses step-by-step instructions and extensive visual and interactive supports to break down employment situations into specific actions and behaviors; and
- Provides learning resources, guided exercises, graphic organizers, role-playing scenario cards, video tutorials, and visual prompts to help students with any learning style.

B. Students with Disabilities (SWD)

JobTIPS Student is available to all TWC-VR customers, including SWD. For SWD, these services fall under Pre-Employment Transition Services (Pre-ETS).

C. Additional Policy Considerations

- Comparable Services and Benefits: JobTIPS Student is exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: JobTIPS Student is exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for JobTIPS Student

The VR Counselor may purchase a license for JobTIPS Student to support a customer in the job search when a self-directed online option meets their needs and abilities. JobTIPS Student online program core sections include the following:

- Determining Interest: Provides an opportunity to explore interests by examining the types of social and environmental demands associated with certain jobs by taking an interest quiz and by reading job descriptions;

- Finding a Job: Guides the customer through the process of finding a job, from networking to conducting internet searches and navigating job fairs;
- Getting the Job: Provides detailed instructions on how to obtain references and how to complete résumés, cover letters, applications, and how to prepare for the interview process; and
- Keeping the Job: Guides the customer through the demands associated with keeping a job, such as how to appropriately communicate, socialize, and cope in the work environment.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.3.a: WORK EXPERIENCE PLACEMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.3.a	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Work Experience Placement services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing work experience placement services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to

support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

Work Experience Placement (WEP) services are designed for a customer to be placed at a business to learn employment skills necessary to secure long-term, competitive integrated employment (CIE). These businesses are referred to as "Work Experience sites." While the goal is long-term employment, WEP Services are intended to be short-term (12 or fewer weeks/no more than 360 hours).

WEP services can be provided to students and youth with disabilities, adult customers and individuals receiving TWE.

B. WEP Parameters

WEP services are used for temporary work, seasonal work, internships, and volunteer opportunities.

- Multiple WEP services can be purchased for the same customer when necessary to meet the customer's goals, when each work experience placement addresses a new industry, new skills, or skills that have not been mastered in a previous work experience placement. The justification for multiple WEP services must be justified in a case note.
- WEP services are purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider.
- WEP services may be provided concurrently with Work Experience Training (WET) and Wage Services. Wages can be paid directly by the employer or by TWC-VR through Wage Services.
- WEP services are not intended to be used to secure a job in which a customer’s case will be closed successfully.
- WEP services cannot be provided concurrently with Supported Employment (SE), Job Skills Training, Job Placement, Project SEARCH, Work Adjustment Training (WAT), On-the-Job Training (OJT), or Registered Apprenticeships.
- TWC-VR will not pay a provider for Job Placement services, including SE services, if a customer is hired into permanent employment by the work site during or after WEP. Job Skills Training services can be purchased when the customer begins a permanent employment placement, if necessary.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor.

For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 14: Work Experience Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: WEP services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: WEP services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for WEP Services

WEP services are intended to be part-time to provide customers the opportunity to explore various types of work, gain soft skills required for a work environment, and gain skills required for a particular industry. The work experience placement meets the unique needs of the customer, including their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

WEP services can be provided to customers to:

- Determine if a customer can benefit from TWC-VR services in terms of an employment outcome during a TWE;
- Explore a customer's career options;
- Develop skills to increase a customer's employability;
- Provide the customer additional experience related to the employment goal and/or education or training in a particular field; and/or
- Evaluate the customer’s abilities and determine if newly acquired vocational barriers will impact the customer’s capacity to return to work in a particular field.

B. WEP Referral and Service Provision

When the VR Counselor and customer agree to the receipt of WEP services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification for potentially eligible students with disabilities.

The VR Counselor must:

- Complete the Work Experience Referral (VR1600), including the date, time, and location for the work experience planning meeting. Planning meetings may be conducted remotely when agreed upon by the team.
- When a customer receives both WEP and WET services, only one VR1600 is required;
- Include the premiums available for WEP services (i.e., Blind Premium, Brain Injury Premium, Mileage Premium) in the Work Experience Plan and Placement Report (VR1601). Service authorizations (SA) for premiums must be issued at the time the base service is issued;
- Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations; and the Career Planning Assessment (CPA) and Environmental Work Assessment (EWA) to assist the provider in working with the customer to secure a Work Experience Placement site.
- Ensure TWC-VR staff sends the SA and VR1601;
- Ensure the Worksite Agreement for Wage Services – WorkQuest (VR3142) is completed and signed when wages are paid by TWC-VR;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve the VR1601, completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor must:

- Assist the customer in locating and obtaining a Work Experience Placement site that meets the criteria outlined in the VR1601;
- Ensure the VR1601 is signed by the customer and WEP Specialist.
- Complete the required information in the VR1601, including:
    - Description of the Work Experience Placement site;
    - Description of how the Work Experience Placement site was secured;
    - One six-digit SOC code listed in the Work Experience Goals section;
    - 100% of the nonnegotiable WEP conditions;
    - 50% or more of the negotiable WEP conditions; and
    - Services delivered as indicated in the Service Delivery section or as indicated on the SA.

- Provide evidence that the customer has participated in the Work Experience Placement, (i.e., been on-site working for a minimum of 5 days or shifts);
- Provide evidence that the WEP Specialist assisted the customer in securing the Work Experience Placement site;
- Provide evidence that the Work Experience specialist accompanied the customer to the Work Experience Placement site during the first day(s), for no more five hours, to provide assistance, training, and support to both the customer and the Work Experience Placement site. If additional support is needed, the VR Counselor will need to provide Work Experience Training services.;
- Provide evidence that the Work Experience specialist identified and requested additional support from TWC-VR, such as Work Experience Training services, as necessary to ensure the customer's success; and
- If applicable, include a signed Worksite Agreement for Wage Service provided – WorkQuest (VR3142) was obtained from the Work Experience Placement site.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the VR1601 or by TWC-VR staff member's contact with the customer, documented in a case note.

D. WEP Payment

Payment is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- VR1601;
- VR3142, when applicable; and
- The invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when a Work Experience Placement must exceed 12 weeks to meet the customer's individualized needs. The VR Counselor must document the reason for the extension in a case note including the goals to be achieved and the number of additional weeks that are needed to meet the customer's needs in order to gain approval.
- VR Director approval is required for any request to change requirements for Work Experience Placement services, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.3.b: WORK EXPERIENCE TRAINING SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.3.b	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Work Experience Training services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing work experience placement services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to

support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

Work Experience Training services are goal-focused and designed to provide customers practical, hands-on job experience in real-world settings. Customers engage in paid employment, volunteer, or internships where they can develop essential job skills, build a work history, and gain valuable insights into workplace dynamics. This training aims to enhance their employability, boost confidence, and better prepare them for future career opportunities.

Work Experience Training services are provided by the Work Experience Trainer and includes, but is not limited to, the following:

- Teaching and reinforcing skills of the customer;
- Establishing and setting up accommodations and/or compensatory techniques to increase the customer's independence and ability to meet the Work Experience Training site's expectations;
- Monitoring to ensure the customer's and the employer's needs are being met; and
- Working with employers to address topics such as disability education, accommodations and advocacy.

Work Experience Training services are not intended to interrupt daily business operations, and the trainer must make every attempt to prevent potential disruptions.

B. Work Experience Training Parameters

Work Experience Training services are used for temporary work, seasonal work, internships, and volunteer opportunities.

- Work Experience Training services are purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider.
- Work Experience Training services may be purchased without the purchase of Work Experience Placement (WEP) Services.
- Work Experience Training services are not intended to be used to provide support on the job in which a customer’s case will be closed successfully.
- Work Experience Training services can be provided in person, remotely, or a combination of both.
    - When remote Work Experience Training services are to be provided, the employer must agree to allow use of the technology, internet, and/or devices to be used by the customer at the Work Experience Training site.

    - The first Work Experience Training services session must be provided in person, at or away from the worksite (when employers will not allow the trainer onsite), to evaluate the customer's and employer's training needs and to set up any equipment and software necessary to facilitate the remote service delivery.
- TWC-VR will not pay a provider for Job Placement services, including SE services, if a customer is hired into permanent employment by the work site during or after Work Experience Training. Job Skills Training services can be purchased when the customer begins a permanent employment placement, if necessary.
- Work Experience Training services may be provided concurrently with Wage Services, Summer Earn and Learn (SEAL), some training programs arranged by the Business Relations Team (BRT) services, Paid Work Experience (PWE), and Group Skills Training (GST).
- Work Experience Training services cannot be provided concurrently with SE, Job Skills Training, Job Placement, Project SEARCH, Work Adjustment Training (WAT), On-the-Job Training (OJT), or Registered Apprenticeships.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 14: Work Experience Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: Work Experience Training services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Work Experience Training services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Work Experience Training Services

Work Experience Training services are provided to a customer after they are already working or have already been placed in a worksite. The VR Counselor and the customer may determine that Work Experience Training services are necessary, when:

- Monitoring is needed to ensure the customer is meeting the expectations of the work experience site and has the supports and accommodations necessary to be successful; and/or
- Additional training and support may be needed in addition to what is currently being provided at a worksite.

B. Work Experience Training Referral and Service Provision

When the VR Counselor and customer agree to the receipt of Work Experience Training services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, or an IPE amendment.

The VR Counselor must:

- Complete the Work Experience Referral (VR1600), including the Work Experience Training site, and the goals to be achieved as a result of the training.
- When a customer receives both WEP and Work Experience Training services, only one VR1600 is required;
- Include the premiums available for Work Experience Training services (i.e., Blind Premium, Brain Injury Premium, Mileage Premium) in the VR1600. Service authorizations (SA) for premiums must be issued at the time the base service is issued;
- Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations; and the Career Planning Assessment (CPA) and Environmental Work Assessment (EWA) to prepare the trainer to work with the customer;
- Determine whether the Work Experience Training services will be provided in person, remotely, or a combination of both;
- Ensure TWC-VR staff send the SA and VR1600;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve Work Experience Training Report (VR1604), completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor must:

- Address the goals included in the VR1600 and any additional goals or focus areas that may be necessary to meet a customer's individual needs;
- Use structured intervention techniques or informally train the customer to implement the most effective and least intrusive methods at or away from the worksite, as agreed upon in the VR1600 and/or SA;
- Provide training to help the customer learn the essential soft and hard skills of the work experience and/or the skills necessary to arrange and use transportation to get to and from the Work Experience Training site;
- Work with the customer, work site, and TWC-VR staff members to establish the support services, accommodations, compensatory techniques, and training necessary to address barriers and ensure successful employment for the customer;
- Observe the customer to identify and solve potential problems related to the customer's employment success before the problem becomes an issue for the customer, worksite, or coworkers;
- Monitor the customer's performance to ensure improvement in the customer's work experience performance;
- Gradually reduce the time spent with the customer at the Work Experience Training site when applicable, as the customer becomes better adjusted and more independent and no longer needs training support or monitoring;
- Complete the VR1604, including:
    - The Work Experience Training services goals:
        - As identified on VR1600;
        - As identified on the SA, when applicable; and
        - That emerged during the training, when applicable;
    - The method training was facilitated;
    - The customer's progress for each training session:
        - Date the service was provided (xx-xx-xx);
        - Start time of session (x:xx a.m. or p.m.);
        - End time of session;
        - Record the total number of minutes of each session;
        - Number of goals addressed in the training session; and
        - A narrative description of the services provided by the Work Experience Trainer and the customer's performance of skills related to the customer's goals.
    - Total the amount of time for all training provided for the reporting period using quarter-hour (.25) increments by rounding up the total when equal to or greater than eight minutes and rounding down for seven or less minutes (e.g., total time was 68 minutes, which is equivalent to 1.25 hours;
    - Premiums, when applicable.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the VR1601 or by TWC-VR staff member's contact with the customer, documented in a case note.

D. Work Experience Training Payment

Payment for Work Experience Training services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- VR1604; and
- The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when a Work Experience Training services must exceed 12 weeks to meet the customer's individualized needs. The VR Counselor must document the reason for the extension in a case note including the goals to be achieved and the number of additional weeks that are needed to meet the customer's needs in order to gain approval.
- VR Director approval is required for any request to change requirements for Work Experience Training services, using the Contracted Service Modification Request form (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.3.c: WAGE SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.3.c	34 CFR §361.48(b)(21)	All TWC-VR staff	04/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Wage services needed when participating in work experiences.

DEFINITIONS

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to work experiences either paid or unpaid.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

POLICY

A. General Overview

Wage services allow TWC-VR to pay customers wages when participating in Work Experience services. Wage services are available for students (including potentially eligible), youth, adults, and customers receiving TWE.

Wage Services, paid with TWC-VR funds, includes the following:

- The cost associated with onboarding a VR customer to become an employee;
- The customer/employee's gross earnings;
- The cost of the customer/employee's worker's compensation insurance coverage; and
- Costs associated with payroll processing, payroll reporting, and other payroll processing functions.

Wage services can be provided for multiple work experiences for the same customer when necessary to meet the customer's goals. However, Wage services are not provided for a customer to be placed in the same position at the same worksite.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on Wage services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Wage Services

When a customer has been placed in a work experience with a business, through Work Experience services, Business Relation Team (BRT), Paid Work Experience (PWE) or Summer Earn & Learn (SEAL), the VR Counselor must determine if it will be paid or unpaid work experience and if the worksite intends to pay the customer.

B. IPE Requirements

When it has been determined that TWC-VR will provide wage services, it must be included in the Individualized Plan for Employment (IPE), IPE Amendment, TWE Plan or a service justification for potential eligible students. The IPE must list the provider as WorkQuest, the length of the paid work

experience (no longer than 12 weeks), and the number of hours to be worked (not greater than 360 hours or 30 hours a week).

C. Wage Services for Students with Disabilities (SWD)

SWD, including those who are potentially eligible SWD, may receive Wage services through WorkQuest when a Workforce Development Board (WDB) does not provide Wage services. These services may be provided using Pre-Employment Transition Services (Pre-ETS) funds as long as they meet the requirements.

When SWD are participating in paid work experience and WIOA Title I programs (e.g., Youth Program) and Wage services are available, TWC-VR staff must ensure the services provided are complimentary and not duplicative. The VR Counselor must document both sets of services in the customer's IPE, as applicable, and in case notes describing which services are purchased and which are arranged through a comparable benefit (e.g., Title I Youth Program).

D. Referral for Wage Services

The VR Counselor must complete the Referral for Wage Services-WorkQuest (VR3141).

The VR Counselor must submit an encrypted email to U and I Spread the Light using the email Wageservices@uandispreadthelight.com. The encrypted email must include the following:

- The TWC SA #xxxxxxx in the subject line;
- An attached Service Authorization (SA),
- An attached VR3141; and
- A copy of the signed Worksite Agreement for Wage Services (VR3142).

The following are WorkQuest's responsibilities in wage services:

- Being the employer of record for the customer;
- Onboarding the customer as an employee of U and I Spread the Light and completing tasks such as I-9 verification;
- Coordinating and collecting payroll documentation from the customer's work experience worksite entity;
- Accurately processing a bimonthly paycheck, unless a different frequency is agreed to in writing by TWC-VR and WorkQuest;
- Making direct deposits or deposits to a pay card that include a pay stub on the pay date;
- Providing W-2 forms in accordance with Internal Revenue Service (IRS) requirements;
- Preparing supplemental payroll to correct errors in pay when necessary and applicable;
- Notifying the VR Counselor of any worker's compensation claims made by or on behalf of customers; and

- Notifying the VR Counselor of worksite incidents involving injury, property damage, or behavioral issues that result in termination of a customer's placement at the worksite, as soon as possible, but not later than 48 hours after the incident.

The following are the VR Counselor's responsibilities after Worksite Onboarding:

- Informing the worksite and the customer/employee the customer's start and end date (Customer can begin working the hours outlined on the VR3141, which cannot be more than 12 weeks for a total of 360 hours.);
- Monitoring the work experience placement/training program every two weeks by:
    - Contacting the worksite a minimum of one time each pay period (every two weeks) to address any needs or concerns shared by the Worksite Supervisor or Worksite Point of Contact regarding the customer's performance at the worksite or performance of an Employment Services Provider providing Work Experience Training; and
    - Contacting the customer/employee to provide counseling and guidance to the customer gaining information on:
        - The positive/negative aspects of the work experience placement/ training program;
        - Number of hours work by customer/employee;
        - What skills the customer/employee has or is learning;
        - Any barriers/issues that may need to be address; and
        - Reminding both the worksite and the customer/employee of the end date of the work experience placement/training program which will be the end of the wage services.

E. Determining the Wage and Associated Cost for Work Services

TWC-VR Work Experience Placements (WEP) are classified into three levels (i.e., Entry, Intermediate, Advanced) using O*NET's My Next Move Job Zones.

The VR Counselor must identify the six-digit Standard Occupational Classification (SOC) code that represents the position for which the customer will be fulfilling in the WEP and enter that code into My Next Move to identify the position's Job Zone. The Job Zone level identifies the customer's gross income and WorkQuest corresponding bill rate when wage services are purchased for a customer, as supplied by the Bureau of Labor Statistics (BLS) data. WorkQuest bill rates are considered "fully-loaded" with all applicable taxes, insurance, and fees included.

The net pay the customer will receive varies based on the customer's W-4 information.

Entry Level: Includes O*Nets' My Next Move Job Zones One and Two

Purpose:

- Determine if customer is ready for competitive integrated employment;
- Explore possible career options for customer; and
- Develop skills to increase a customer's employability.
- Knowledge, experience, responsibilities and level of supervision of a customer:
- Little or no previous work-related skill, knowledge, or experience;
- May have some transferable skills, basic knowledge from experience;
- Knowledge of the tasks, duties and responsibilities related to position;
- Follows standard procedures and written instructions to accomplish assigned tasks;
    - Work is routine, and tasks are standardized; and
    - Works under direct supervision.
- Education and training of the customer may require a high school diploma or GED certificate;
    - The associated gross wage is $10.90 per hour; and
- WorkQuest bill rate per hour is $19.96.

Examples of positions classified as entry level include, but are not limited to, the following:

- Baristas
- Cooks/ Food preparations / Food Servers
- Counter attendants
- Customer services representatives/ Order Clerk/ Receptionist/ Information Clerk
- Data Entry/Word Processor
- Floral Designer
- Helpers for carpenters. electricians, installers, mason
- Home Health Aides/ Personal Care Aides/ Nursing Assistant/ Physical Therapy Assistant
- Janitors/Cleaners/ House Keeper/ Maid
- Landscapers/ Ground Keepers
- Nursery Worker/ Nanny/ Child Care Worker
- Office Clerk/ File Clerks/ Mail Clerk
- Painter/ Construction/ Maintenance Worker
- Parking Attendant/ Security Guard
- Reservation/ Ticket agent
- Stock Clerks
- Telemarketers
- Waiters/ Waitresses

Intermediate Level: Includes O*Nets' My Next Move Job Zone Three

Purpose:

- Demonstrate skills and gain experience applicable to potential vocational or associates degree trainings; and
- Evaluate if the customer still has capacity to continue to work in a field due to acquired vocational barrier(s).
- Knowledge, experience, responsibilities and level of supervision of a customer:
- Previous work-related skill, knowledge, or experience (completion of training program);
- Demonstrates and applies the fundamental concepts, practices and procedures of field of specialization;
- Performs work that is varied and may be somewhat difficult; and
- Performs work under minimum supervision that is somewhat difficult and requires limited responsibility.
- Education and training the customer may be required to complete:
    - An apprenticeship; or
    - One or two years of vocational training (certificate program or on the job training) or associate degree.
    - The associated gross wage is $13.92 per hour, and
- WorkQuest bill rate per hour is $24.74.

Examples of positions classified as intermediate level include, but are not limited to, the following:

- Auto mechanic-certified
- Book Keeping/Accounting/Audit Clerk
- Computer Operators
- Construction and Building Inspectors
- Court Reporters
- Dental Assistant/Hygienist
- Desktop Publishing
- Electrician
- Emergency Medical Technician
- Fire Inspector
- Fitness Trainer/Aerobics Instructor
- Hairdresser/Hairstylist/Cosmetologist/Barber
- Human Recourse Assistant
- Insurance Claims Clerk
- Licensed Vocational Nurse
- Manufacturing Production Technician
- Medical/Clinical Lab Technician
- Medical/Legal Secretaries
- Medical Assistant

- Surveying Technicians
- Tailors/Dress maker/Custom Sewers
- Teacher Assistant/ Preschool Teacher
- Occupational Therapy/Physical Therapy Assistant
- Plumbers
- Police Officer
- Veterinary Assistant
- Welder

Advanced Level: Includes O*Nets' My Next Move Job Zone Four

Purpose:

- Demonstrate skills and to gain experience related to the degree; and
- Evaluates if the customer still has capacity to continue to work in a field due to acquired vocational barriers.
- Knowledge, experience, responsibilities and level of supervision of a customer:
- Works with general supervision;
- Possesses and applies a broad knowledge of principles, practices, and procedures of particular field of specialization to the completion of difficult assignments;
- Work responsibilities maybe board in nature; and
- Competent in skills and may assist or teach others.
- Education and training the customer may be required to complete a four-year bachelor's degree or higher degree.
- The associated gross wage is $20.32 per hour, and
- WorkQuest bill rate per hour is $34.83

Examples of positions classified as advance level include, but are not limited to, the following:

- Adult Basic/ Secondary Education/ Special Education/Literacy Teachers and Instructors
- Advertising Agent
- Automotive/Bio Chemical/ Chemical/ Civil Engineers
- Budget Analysts
- Clinical Data Manager
- Construction Manager
- Database Administrator/Architect
- Editors
- Logisticians
- Manufacturing Engineers
- Museum Technicians & conservators

- Park Naturalist
- Patient Representative
- Program Directors
- Public Relations/Fundraising Manager
- General/Operational Manager
- Human Resource Specialists/Manager
- Insurance Sale Agent
- Landscape Architect
- Real Estate Broker
- Occupational/ Physical/Recreational/Music Therapist
- Sale Representative Wholesale/Manufacturing
- Sales Manager
- Software Developers
- Storage/Distribution Manager
- Training and Development Specialist/Manager

Refer to O*NET for a complete list of entry, intermediate, and advanced positions.

F. SA Adjustment

When a customer works over the number of hours on an SA, starts work before the start date of an SA, or works after the end date of an SA, TWC-VR is required to compensate WorkQuest so they can pay the customer; therefore, the SA will require adjustment.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when utilizing WorkQuest in lieu of a Workforce Development Board (WDB) for the wage services for SWD when they are available.
- VR Supervisor approval is NOT required when the WDB does not provide wage services.
- VR Supervisor approval is required when a single work experience must exceed 12 weeks to meet the individualized needs of the customer.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
04/01/2025	Revised	Revised to change email address for Wage Services referrals

PART C, CHAPTER 12.4.a: VR COUNSELOR-DIRECTED PLACEMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.4.a	34 CFR §361.48(b)(12), and TWC RULE §856.49	All TWC-VR staff, particularly VR Counselors	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of VR Counselor-directed job placement services for TWC-VR customers.

DEFINITIONS

Competitive Wages: The level of compensation offered to employees that is comparable to or higher than the average wages for similar positions in the same industry or geographic area. These wages are designed to attract and retain skilled workers by providing them with salaries that are attractive relative to what other employers are offering.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing job placement services and the providers of those services.

Integrated Setting: Setting typically found in the community in which the customer interacts with non-disabled individuals, not including non-disabled individuals who are providing their services (e.g., job coach).

POLICY

A. General Overview

VR Counselor-directed job placement services play a crucial role in the successful outcomes for their customers. These services are designed to assist customers in securing suitable employment that matches their skills, interests, and abilities, ultimately leading to improved economic self-sufficiency and quality of life.

The intent of VR Counselor direct job placement services include, but are not limited to:

- Employment Acquisition: Facilitating job placements that align with the customer's employment goals and abilities.
- Job Retention: Ensuring that customers have the necessary support and resources to maintain employment.
- Career Advancement: Providing opportunities for customers to progress in their chosen career paths.
- Increased Independence: Enhancing the customer's ability to live independently through gainful employment.
- Economic Self-Sufficiency: Enabling customers to achieve financial stability through meaningful work.

Examples of these services include, but are not limited to, the following:

- Individualized Job Search Assistance: VR Counselors work one-on-one with customers to develop a tailored job search strategy. This includes identifying potential employers, preparing resumes, and practicing interview skills.
- Job Matching and Placement: VR Counselors help match customers with suitable job openings, considering their skills, interests, and work environment preferences. They may also facilitate introductions to potential employers.
- Work Readiness Training: VR Counselors can provide training on essential work skills, such as time management, communication, and workplace etiquette, to prepare them for the demands of the job.
- On-the-Job Support: VR Counselors provide ongoing support once a client has been placed in a job. This can include post-employment services, accommodations, and regular check-ins to ensure the customers adjusting well and addressing any issues that arise.
- Employer Engagement and Education: VR Counselors often work with employers to educate them about the benefits of hiring individuals with disabilities and to provide guidance on creating inclusive workplaces.

- Follow-Up Services: After job placement, counselors may continue to offer support to ensure long-term success. This can include additional training, career counseling, and assistance with career advancement opportunities.
- Coordination with Other Providers: VR Counselors collaborate with other service providers, such as mental health professionals, educational institutions, and community organizations, to offer comprehensive support tailored to each customers unique needs.

B. Additional Policy Considerations

- Comparable Services and Benefits: VR direct placement services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: VR direct placement services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Employment Services

VR Counselors partner with their customers to determine what level of support they require in order to be successful in their job search. When determined that the VR Counselor direct placement services are sufficient, they are included in the Individualized Plan for Employment (IPE) or IPE amendment.

When additional services are necessary, the VR Counselor can also purchase Non-Bundled Job Placement services, Job Skills Training (JST) services, On-the-Job Training (OJT) services or services from the Business Relations Team (BRT).

B. Role of the Customer

The role of the customer in the VR process is to consider information and make informed choices about services that the customer believes will help them achieve a successful employment outcome. Customers should be actively involved in developing an IPE with the help of a VR Counselor.

Customers must:

- Attend meetings with the VR Counselor and other staff members;
- Attend scheduled appointments with service providers and prospective employers;
- Communicate issues to the VR Counselor and participate in problem solving;
- Make and implement decisions;
- Identify needed resources; and
- Expect to work in a competitive integrated employment (CIE) situation that is consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

C. Role of the Counselor

The primary role of a VR Counselor in the provision of employment services is to ensure that customers reach their employment goals. The VR Counselor arranges, purchases, and/or provides the employment services included in the customer's IPE in a timely manner and ensures that services meet both agency standards and customer needs.

The VR Counselor also monitors a customer's progress and provides feedback, VR counseling and guidance, and encouragement. As needed, the VR Counselor recommends changes or adjustments to the IPE based on the customer's circumstances and progress.

Although a customer's IPE or IPE amendment may include purchased employment services through a provider, the VR Counselor must remain actively involved with the customer and the provider throughout the duration of the employment services.

TWC-VR staff should maintain monthly contact with the customer and the employment services provider (ESP). TWC-VR staff must document these contacts and the customer's progress in case notes.

D. VR Counselor-Directed Placement Services

In counselor-directed placement, the VR Counselor coordinates the job placement process utilizing services and supports that are arranged for or provided directly to the customer. These services may be provided by the VR Counselor or by other TWC-VR staff.

Counselor-directed placement services are appropriate for customers who demonstrate the following characteristics:

- Receptive to VR counseling and guidance;
- Effective communication skills;
- Self-initiative to follow through on tasks independently;
- Requests assistance or direction as needed;

- Independently uses time management techniques to achieve goals related to attainment of employment;
- Problem-solving skills to address issues related to employment and disability management;
- Participates independently in job clubs or classes to prepare for employment; and
- Appropriate grooming and attire for job search and employment.

In counselor-directed placement services, the VR Counselor ensures the customer receives as much assistance as needed to reach their IPE employment goal. Areas that may be addressed by VR Counselors and other TWC-VR staff, as qualified, as part of counselor-directed placement services include the following:

- Collection of employment and education data;
- Identification of transferable skills;
- Identification of employment barriers;
- Completion of job applications;
- Development of resumes, references, and cover letters;
- Interview preparation;
- Job search and job placement;
- Pre-employment testing;
- Salary and position negotiation;
- Acceptance of job offers;
- Worksite accommodations; and
- Disability disclosure.

Roles of TWC-VR staff in counselor-directed placement services include the following:

- Acting as a mentor and coach to develop the customer's skills in finding, obtaining, and keeping a job;
- Monitoring the customer's job search progress;
- Coordinating with the Business Relations Team to support the customer in competing in the labor market;
- Facilitating job clubs or providing resources for classes at Workforce Solutions Offices or other community locations to help customers obtain competitive integrated employment;
- Contacting prospective employers to identify and develop job opportunities for the customer;
- Conducting job searches by using TWC's WorkInTexas.com and other job listings that are available; and/or
- Sharing job leads with the customer.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.4.b: NON-BUNDLED JOB PLACEMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.4.b	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Non-Bundled Job Placement services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing placement services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator Provider: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

POLICY

A. General Overview

Non-Bundled Job Placement (Non-Bundled JP) services are purchased when a customer does not need assistance from a provider to be placed in a job. Non-Bundled JP services help the customer prepare for the job search by receiving training to develop the skills necessary to complete applications, create a résumé, correspond with potential employers, and interview for a job.

Non-Bundled JP services include the following:

- Employment data sheet, application, and résumé training; and
- Interview training.

Non-bundled JP services can be used with VR Counselor-directed placements, On-the-Job Training (OJT), Apprenticeship, and Job Skills Training, when determined appropriate by the VR Counselor.

B. Non-Bundled Job Placement Parameters

Non-Bundled JP services are used for permanent placement for successful closure for TWC-VR customers.

Non-Bundled JP services:

- Are purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider;
- Can be provided in-person, remotely, or a combination of both as indicated on the Referral for Provider Services (VR5000) or the Service Authorization (SA);
- Regarding each service, should only be purchased one time for the life of the customer's case; and
- Must not be provided when Bundled Job Placement services or Supported Employment (SE) services will be or have been provided in an Individualized Plan for Employment (IPE).

Non-Bundled JP services for "student and youth with a disability" can be purchased after Vocational Adjustment Training (VAT), Preparing for a Job Search have been previously purchased.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 17: Basic Employment Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: Non-Bundled JP services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Non-Bundled JP services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Non-Bundled JP Services

The VR Counselor and the customer may determine that Non-Bundled JP services are necessary when a customer is able to secure a position on their own or the VR Counselor will be assisting with securing a placement without the use of a provider.

B. Non-Bundled JP Services Referral and Service Provision

When the VR Counselor and customer agree to the receipt of Non-Bundled JP services, it must be included in the IPE or an IPE amendment.

The VR Counselor must:

- Complete the VR5000;
- Provide documentation, when relevant, such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Include the premiums available for Non-Bundled JP services (i.e., Autism Premium, Deaf Premium, Mileage Premium, Brain Injury Premium, and Blind Premium);
- Determine whether the Non-Bundled JP services will be provided in person, remotely, or a combination of both;
- Indicate on the VR5000, as applicable, whether a résumé must be completed for the customer;
- Indicate on the VR5000, as applicable, whether the mock interviews must be recorded;
- Ensure TWC-VR staff sends the SA and the VR5000;

- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review required documentation, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor:

- Employment Data Sheet, Application, and Résumé Training: Documents all the information required by the service description on the Non-Bundled Job Placement Services Data Sheet, Application, and Résumé Training Report (VR1841), demonstrating evidence that:
    - All required training topics were covered;
    - Training was provided without exceeding the ratio of one staff member to six customers;
    - Service was delivered as indicated on the VR5000 or SA (in person only or remotely and/or in person);
    - All accommodations, compensatory techniques, and special needs were provided, as necessary, for the customer to successfully learn the skills;
    - Various instructional approaches were used to meet customer's learning styles and preferences; and
    - All supplies and resources were provided to the customer.
- Interview Training: Documents all the information required, including the service description on the Non-Bundled Job Placement Services Interview Training Report (VR1842), demonstrating evidence that:
    - All required training topics were covered;
    - The purpose of the interview process;
    - The types and purpose of interviews;
    - The creation and delivery of a 30-60-second elevator speech that summarizes why the customer is a good candidate for the job;
    - How to research businesses and employment positions before an interview;
    - Identifying and answering typical interview questions asked in the field relevant to the customer's employment goals;
    - Identifying questions to ask the employer when interviewing;
    - Identifying and responding to questions related to protected classes and disclosure;
    - How to request assistance (advocate), including disability etiquette;
    - How to respond to complicated questions addressing employment barriers (e.g., gaps in work history, criminal background history, limited work experience, and accommodation needs);
    - Personal presentation for interviews such as grooming, dress, and manners; and
    - Completion and critiquing a minimum of two mock interviews.
    - Training was provided without exceeding the ratio of one staff member to six customers;

- Service was delivered as indicated on the VR5000 or SA (in person only or remotely and/or in person);
- All accommodations, compensatory techniques, and special needs were provided as necessary for the customer to successfully learn the skills;
- Various instructional approaches were used to meet each customer's learning styles and preferences; and
- All supplies and resources were provided so that the customer could participate in the training.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on VR1841 or VR1842, as applicable, or by a TWC-VR staff member's contact with the customer, documented in a case note.

D. Non-Bundled JP Services Payment

Payment for Non-Bundled JP services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- Employment Data Sheet, Application, and Resume Training:
  - Personal Employment Data Sheet (VR1850), or equivalent;
  - Résumé, when requested on the referral form;
  - VR1841; and
  - An invoice.
- Interview Training:
  - VR1842;
  - Copy of the customer's elevator speech;
  - Video copy of the recorded mock interviews when VR5000 or SA indicates the videos are required; and
  - An invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Director approval is required for any request to change requirements for Non-Bundled Job Placement, using the Contracted Service Modification Request (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.4.c: BUNDLED JOB PLACEMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.4.c	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Bundled Job Placement services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing placement services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator Provider: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

POLICY

A. General Overview

Bundled Job Placement (Bundled JP) services is a benchmark service that assists customers in preparing for and completing the job search process. Job placement may be in a new position or an advancement in current employment when the customer requires training and/or assistance in the areas listed below.

Bundled JP services:

- Help customers obtain a job that meets their needs as outlined in the Bundled Job Placement Services Plan–Part B and Status Report (VR1845B); and
- Can be used with Job Skills Training and can be used simultaneously with Personal Social Adjustment Training (PSAT) and Vocation Adjustment Training (VAT), with the exception of Vocational Adjustment Training – Job Search Training.

B. Bundled JP Services Parameters

Bundled JP services are used for permanent placement for closure for adult VR customers or Pre-ETS.

Bundled JP services:

- Are purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider;
- May be purchased without the purchase of Job Skills Training services;
- Can be provided in person, remotely, or a combination of both as indicated on the VR1845B or the service authorization (SA):
- Cannot be provided concurrently with Non-Bundled JP services, VR Counselor-Directed Placement Services, Supported Employment (SE), Project SEARCH, Work Adjustment Training (WAT), On-the-Job Training (OJT), or Registered Apprenticeships.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 17: Basic Employment Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: Bundled JP services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.

- Customer Participation in the Cost of Services: Bundled JP services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Bundled JP Services

The VR Counselor and the customer may determine that Bundled JP services are necessary when the VR Counselor believes the customer is going to need more assistance than TWC-VR staff can provide to achieve the customer's employment goal.

B. Bundled JP Services Referral and Service Provision

When the VR Counselor and customer agree to the receipt of Bundled JP services, it must be included in the Individualized Plan for Employment (IPE) or an IPE amendment.

The VR Counselor must:

- Complete Referral for Provider Services (VR5000);
- Provide documentation (only when relevant), such as medical or psychological reports, case notes, vocational testing, or employment data collected by TWC-VR staff;
- Schedule the job placement meeting with the customer and the provider;
- Complete the Bundled Job Placement Services Placement Plan Part A (VR1845A) and VR1845B electronically through discussion with the Employment Services Provider (ESP) and the customer to identify the following:
    - Whether the customer will receive Basic or Enhanced Bundled Job Placement services (through completion of the Support Needs Assessment);
    - The customer's negotiable and nonnegotiable employment conditions;
    - Skills, abilities, experience, training, and education that relate to the training and job to be obtained;
    - Measurable employment goals using the six-digit Standard Occupational Classification (SOC) system codes; and

    - Any premium services the ESP may be authorized to receive upon completion of Benchmark C (see below);
- Determine whether the Bundled JP services will be provided in person, remotely, or a combination of both;
- Indicate for Benchmarks B and C on the VR1845B or SA whether the visits can be done in person and/or remotely at or away from the customer's job site (For specific information on Benchmarks, see below.);
- Ensure TWC-VR staff sends the SA and the VR1845B;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve the VR1845B, completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor:

Benchmark A:

To meet Benchmark A, the customer:

Must work five shifts on five different days, achieving the following as identified on VR1845B:

- The employment goal on the form by matching one of the six-digit SOC codes based on the job tasks the customer is performing, which are included in the O*NET description (not based on the customer's job title);
- 100% of the non-negotiable employment conditions; and
- 50% or more of the negotiable employment conditions identified on the VR1845B.

Payment for Benchmark A requires that the Job Placement Specialist do the following:

- Document all the information required by the Service Description on the Bundled Job Placement Services Benchmark A Training Report (VR1846), demonstrating evidence that:
- All required training topics were covered;
- Training was provided without exceeding the ratio of one staff member to six customers;
- All necessary accommodations, compensatory techniques, and special needs were provided as necessary for the customer to learn the skills;
- Various instructional approaches were used to meet the customer's learning styles; and
- All supplies and resources were provided so that the customer could participate in the training;

Submit required copies of the customer's completed:

- Employment Data Sheet (VR1850), or equivalent that includes all topics addressed on the VR1850;
- Résumé, when required on the VR1845B;
- Written copy of the elevator speech; and
- Video-recorded mock interviews, when requested on the VR1845B;

Provide the required training and support, as outlined in the service description and VR1845A and VR1845B;

- Document the information required on VR1845B, including:
- Information describing the current employer;
- Information describing the customer's employment, work setting, and environment;
- Date employment began;
- Evidence that the customer has worked at the job site for at least five days and/or shifts;

Evidence that the placement meets:

- One of the six-digit SOC codes listed within the employment goals based on the job tasks the customer is performing, which are included in the O*NET description (not based on the customer's job title);
- 100% of the non-negotiable employment conditions;
- 50% or more of the negotiable employment conditions;
- Services delivered as indicated in the Service Delivery section of the VR1845B or SA (in-person at or away from job site, remotely, or combination of in-person and remotely); and
- Evidence that the Job Placement Specialist assisted the customer in job development activities necessary for securing the job placement;
- Any accommodations, compensatory techniques, or special training that the customer needs to increase performance, if any;
- Any consultations made with the business, if any; and
- Submit a complete and accurate invoice.

Benchmarks B and C:

To meet Benchmarks B (45 cumulative days) and C (90 cumulative days), the customer:

- Must maintain competitive integrated employment (CIE) for the required days at the same employer, in the same position, working in a job achieving:
    - One of the six-digit SOC codes listed within the employment goals based on the job tasks the customer is performing, which are included in the O*NET description (not based on the customer's job title);
    - 100% of the non-negotiable employment conditions; and

    - 50% or more of the negotiable employment conditions identified on the VR1845B;
- For payment for Benchmark B (45 cumulative days) and C (90 cumulative days), the Job Placement Specialist must do the following:
    - Document the information required on VR1845B, including:
        - Verification of the customer's placement and employer information is updated and accurate in the Job Placement Information section of the form;
        - Verification the customer has worked the required 45 or 90 cumulative calendar days;
- Evidence the placement continues to meet:
    - One of the six-digit SOC codes listed within the employment goals based on the job tasks the customer is performing, which are included in the O*NET description (not based on the customer's job title);
    - 100% of the non-negotiable employment conditions; and
    - 50% or more of the negotiable employment conditions;
- Evidence the Job Placement Specialist made at least two visits with the customer (in person at or away from the job site, remotely, or combination of in person and remotely) as indicated on the VR1845B or SA, between the sixth day and/or shift of employment and the 45th or 90th day of employment;
- Evidence the Job Placement Specialist monitored the customer's job placement to ensure the customer continues to meet the employer's expectations and has the accommodations and training necessary to ensure long-term employment success;
- Description of contacts made with the business; and
- Submit a complete and accurate invoice.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the VR1845B or by TWC-VR staff member's contact with the customer, documented in a case note.

D. Bundled JP Services Payment

Payment for Bundled JP services is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated:

- Benchmark A
    - VR1845A;
    - VR1845B;
    - VR1850 or equivalent that includes all topics addressed on the VR1850;
    - Résumé, when required on VR1845B;
    - Written copy of the "elevator speech";
    - Video-recorded mock interviews, when requested on VR1845B; and

    - The invoice.
- Benchmarks B and C:
    - VR1845B; and
    - The invoice.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required before issuing an SA to purchase a benchmark more than once. The VR Counselor must document the reason the customer lost the prior placement and address any employment barriers that contributed to the previous job loss.
- VR Director approval is required for any request to change requirements for Job Skills Training, using the Contracted Service Modification Request (VR3472) prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 12.4.d: JOB SKILLS TRAINING SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 12.4.d	34 CFR §361.48(b)(12), and TWC Rule §856.49	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Job Skills Training services.

DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing placement services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator Provider: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

POLICY

A. General Overview

Job Skills Training (JST) services teaches skills, reinforces skills, and develops or sets up accommodations and/or compensatory techniques to increase the customer's independence and ability to meet the employer's expectations.

All Job Skills Training is goal-focused, with the customer's goals and abilities documented on Job Skills Training: Referral (VR3314) and Job Skills Training Progress Report (VR3315). Job Skills Training is limited to 200 hours per customer for the life of the customer's VR case.

Job Skills Trainers can also work with employers to address topics such as disability education, accommodations, and advocacy.

Job Skills Training is only used with job placements and job retention when the customer's placement is related to permanent employment towards VR closure.

B. JST Parameters

JST services are used for permanent placement or job retention for adult VR customers, Pre-ETS, and as extended support for Supported Employment (SE) for Youth with Disabilities when no other extended supports are available.

JST:

- Is purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider;
- May be purchased without the purchase of Job Placement services;
- Is only intended to be used to provide support on the job in which a customer’s case will be closed successfully;
- Can be provided in person, remotely, or a combination of both:
    - When remote JST services are to be provided, the employer must agree to allow use of the technology, internet, and/or devices to be used by the customer at the Work Experience site.
    - The first JST services session must be provided in person, at or away from the worksite, to evaluate the customer's and employer's training needs and to set up any equipment and software necessary to facilitate the remote service delivery;
- May be provided concurrently with Non-Bundled Job Placement services, Bundled Job Placement services, and VR Counselor-Directed Placement services; and

- Cannot be provided concurrently with SE, Work Experience Training (WET), Work Experience Placement (WEP), Project SEARCH, Work Adjustment Training (WAT), On-the-Job Training (OJT), or Registered Apprenticeships.

C. Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 17: Basic Employment Services.

D. Additional Policy Considerations

- Comparable Services and Benefits: JST services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: JST services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for JST Services

The VR Counselor and the customer may determine that JST services are necessary, when:

- Customer needs more training and support than provided by the employer;
- Customer needs assistance managing their disability within the work environment; and/or
- Customer needs assistance in preparing for work such as transportation, daily living skills that impact successful employment.

B. JST Referral and Service Provision

When the VR Counselor and customer agree to the receipt of JST services, it must be included in the Individualized Plan for Employment (IPE) or an IPE amendment.

The VR Counselor must:

- Complete VR3314, including the goals to be addressed as a result of the training;
- Include the premium available for JST services (i.e., Autism, Deaf Premium, Criminal Background Premium, Mileage, Brain Injury Premium, Blind Premium) in the VR3314. SAs for premiums must be issued at the time the base service is issued;
- Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations; and the Career Planning Assessment (CPA) and the Environmental Work Assessment (EWA) to prepare the trainer to work with the customer;
- Determine whether the JST will be provided in-person, remotely, or a combination of both.
- Ensure TWC-VR staff send the SA and VR3314;
- Monitor the customer's progress;
- Provide any needed instruction or intervention necessary to foster the customer's success;
- Review and approve VR3315, completed by the contractor, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
- Ensure that the invoice is paid.

The contractor must:

- Address the goals included in VR3314 and any additional goals or focus areas that may be necessary to meet a customer's individual needs;
- Use structured intervention techniques or informally trains the customer to implement the most effective and least intrusive methods at or away from the worksite, as agreed upon in the VR3314 and/or SA;
- Provide training to help the customer learn the essential soft and hard skills of the worksite and/or the skills necessary to arrange and use transportation to get to and from the worksite;
- Work with the customer, work site, and TWC-VR staff members to establish the support services, accommodations, compensatory techniques, and training necessary to address barriers and ensure successful employment for the customer;
- Observe the customer to identify and solve potential problems related to the customer's employment success before the problem becomes an issue for the customer, worksite, or coworkers;
- Monitor the customer's performance to ensure improvement;

- Gradually reduce the time spent with the customer at the worksite, when applicable, as the customer becomes better adjusted and more independent and no longer needs training support or monitoring; and
- Complete the VR3315, including:
    - The JST goals:
        - As identified on VR3314;
        - As identified on the SA, when applicable; and
        - That emerged during the training, when applicable;
    - The method training was facilitated;
    - The customer's progress for each training session, including:
        - Date the service was provided (xx-xx-xx);
        - Start time of session (x:xx a.m. or p.m.);
        - End time of session;
        - Total number of minutes of each session;
        - Number of goals addressed in the training session; and
        - A narrative description of the services provided by the Work Experience trainer and the customer's performance of skills related to the customer's goals;
    - Total the amount of time for all training provided for the reporting period using quarter-hour (.25) increments by rounding up the total when equal to or greater than eight minutes and rounding down for seven or less minutes (e.g., total time was 68 minutes, which is equivalent to 1.25 hours;
    - Premiums, when applicable.

C. Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on VR3315 or by the TWC-VR staff member’s contact with the customer, documented in a case note.

D. JST Payment

Payment for JST services is made to the contractor when the VR Counselor approves a completed, accurate, signed, and dated:

- VR3315; and
- The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

APPROVALS & CONSULTATIONS

- TWC-VR staff must follow the following approvals and consultations: VR Director approval is required before Job Skills Trainer can provide JST for Extended Services to a Youth with a Disability using Contracted Service Modification Request (VR3472) prior to every 200 hours being provided.
- VR Director approval is required for any request to change requirements for Job Skills Training, using VR3472 prior to changes being implemented.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 13: SUPPORTED EMPLOYMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 13	34 CFR §361.48(b)(13), §361.5(c)(54), §361.5(c)(53), §361.5(c)(37), §361.5(c)(32), §361.5(c)(29), §361.5(c)(19), §361.5(c)(18), §361.5(c)(15), §361.5(c)(9), 34 CFR Part 363, and TWC Rule §856.49	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Supported Employment (SE) Services to customers who have a most significant disability to increase their ability to successfully gain and maintain CIE in SE.

DEFINITIONS

Career Planning Assessment (CPA): Functional assessment designed to evaluate the customer's work skills, determine support needs, and provide information needed to plan for future employment.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing Supported Employment services and the providers of those services.

Job Stability: When an individual's work performance reaches a performance level acceptable to the employer, and the related ongoing support services have diminished to the level necessary to maintain the individual in employment.

Place, Then Train: Model of employment placement to place customers in a job and then train them in order to help them find and keep long-term competitive integrated employment.

Social Security Disability Insurance (SSDI): Financial assistance to individuals who are unable to work due to a significant disability. Designed as a safety net for workers who have paid into the Social Security system through payroll taxes, SSDI benefits are based on an individual's work history and earnings record.

Supplemental Security Income (SSI): Needs-based disability benefits paid to disabled individuals who have limited income and resources. Disability benefits under SSI include 1) Childhood SSI (for those under age 18) and 2) SSI Adult Disabled/Blind (for those age 18 to 65).

POLICY

A. General Overview

Supported Employment (SE) services enable customers with the most significant disabilities to enter competitive integrated employment (CIE) by:

- Providing individualized assistance in finding an appropriate job match;
- Providing Ongoing Support Services; and
- Establishing Extended Services, sometimes called long-term supports, to help the customer maintain a long-term CIE.

Often, customers in SE have been:

- Excluded from community services;
- Institutionalized; or
- In segregated work programs, such as sheltered workshops or enclaves, for extended periods of time.

SE can be used with customers with any disability, but it is most commonly used with customers who have a neurodevelopment disability, complex physical disabilities such as brain injury, cerebral palsy, etc., and significant behavioral health conditions that cause the customer to have significant functional capacity limitations.

B. Supported Employment Eligibility

SE services may be provided to customers with any type of disability, but a customer must:

- Have a most significant disability (significane of disability);
- Require individualized assistance in finding an appropriate job match;
- Require ongoing supports to learn the job and establish accommodations; and
- Require extended services (long-term supports) to maintain the employment after VR closes the case.

The customer must also:

- Benefit from the Place, Then Train model of job placement;
- Need extensive comprehensive training and support to compete in the labor market;
- Need ongoing supports to maintain an employment outcome;
- Require considerable help competing in the open job market;
- Has not had CIE or has experienced interrupted or intermittent employment; and/or
- Be likely to be able to find and keep a competitive integrated job when necessary supports are in place.
- SE services are available for customers who are "youth with disabilities," adults, and in Trial Work Experiences (TWE).

C. Restrictions

The following TWC-VR services may not be purchased while a customer is receiving SE services from an Employment Service Provider:

- Bundled Job Placement;
- Job Skills Training, except when the Job Skills Training is used to provide Extended Services;
- Non-bundled Job Placement;
- On-the-Job Training (OJT);
- Personal Social Adjustment Training (PSAT);
- Vocational Adjustment Training (VAT);
- Environmental Work Assessment (EWA);
- Vocational Evaluation;
- Project SEARCH;
- Work Adjustment Training (WAT); and
- Work Experience Services (WE).

D. Most Significant Disability (MSD)

TWC-VR customers are considered MSD when they have a severe physical or mental impairment which seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome and is expected to require multiple VR services over an extended period of time.

E. Youth with Disabilities

A youth with a disability is an individual who is between the ages of 14-24. Youth can receive extended services from TWC-VR for up to four years, or until they turn 25. TWC-VR is required to reserve 50% of their Supported Employment (Title VI) funds to provide SE services to youth with disabilities.

F. Customized Employment

Customized Employment is an SE strategy tailored specifically for individuals with significant and most significant disabilities. It involves assessing the individual's strengths, needs, and interests, designing employment opportunities to match both their abilities and the employer's needs, implementing flexible strategies like job exploration and collaboration, customizing job descriptions, duties, and work schedules, utilizing professional representatives or self-representation for employer engagement, and providing necessary services and supports at the job location to ensure success.

G. Additional Policy Considerations

- Comparable Services and Benefits: SE services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: SE services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Referral for SE Services

When a customer meets the SE criteria, the VR Counselor can refer them for SE services.

Before a referral for SE services can be made:

- A Career Planning Assessment (CPA) must be completed. If an Environmental Work Assessment (EWA) was conducted, the CPA is prorated to remove the Work Skills Assessments;
- When the customer is a Social Security beneficiary, the VR Counselor must:
    - Complete a BPQY before the CPA; and
    - Coordinate the provision of long-term supports funding from the Texas Health and Human Services Commission, the Texas Department of State Health Services, and the managed care organization, when the customer has a 1915(c) waiver, prior to the referral.

TWC-VR staff must send the Referral for Provider Services form (VR5000) and a service authorization (SA) to the SE Specialist before the SE Plan meeting.

In addition, TWC-VR staff must:

- Indicate on the VR5000 the customer's resources related to Extended Services; and
- If such a resource cannot be identified when the referral is made, include information about a reasonable expectation for the time that a source for the Extended Services will become available before case closure.

The VR Counselor provides documentation (only when relevant), such as a Benefits Planning Query (BPQY); case notes; psychological, vocational, or medical evaluations; and a copy of the CPA and EWA (if done by a different provider) to prepare the provider to work with the customer.

B. Individualized Plan for Employment (IPE) Requirements

SE must be identified as an objective in the IPE for the customer and is based on a comprehensive assessment that determines the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

An IPE for SE must:

- Show that the customer is eligible for and will be receiving SE Services via the checkbox option in RHW;
- Include SE services as a planned service;
- Specify the benefits analysis and planning for customers who receive Social Security benefits to determine whether benefits exist that the customer can access to support employment;
- Specify the maximum number of hours the customer will work in a competitive integrated setting based on the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
- If unable to identify the number of hours, the customer can be added to an IPE amendment prior to case closure;
- Specify ongoing training and supports such as job skills training needed at the employment site and away from the employment site that will be necessary for the customer to maintain the competitive integrated employment; and
- Specify the Extended Services and supports needs and sources to provide or arrange the Extended Services, including natural supports:
    - The name of the individual, organization, or other resource that is reasonably expected to agree to provide Extended Services after the TWC-VR–funded services cease;

- If such a resource cannot be identified when the IPE is developed, include information about a reasonable expectation for the time that a source for the Extended Services will become available before case closure; and
- An explanation of the coordination of services and comparable benefits that will be provided by for other Federal or State programs, when available.

If the initial IPE did not identify SE as a planned service, the IPE must be amended to include SE and the SE service provider once the customer finds employment. All changes to planned SE services must be documented in an IPE or in an IPE amendment. Use of Service Justification case notes instead of an IPE or IPE amendment is not allowed.

C. Recipients of Social Security Disability Benefits

Once the customer has an employment and earnings goal on the IPE, TWC-VR staff must arrange for the customer to receive Benefits and Work Incentives Counseling Services, including a Benefits Summary and Analysis/Work Incentive Plan. TWC-VR staff must work with the customer to facilitate use of Social Security work incentives when these resources are determined to benefit the customer.

D. Ongoing Supports

Ongoing supports are provided by TWC-VR through SE from the time of job placement until the customer has achieved job stability and has been transitioned to Extended Services. Ongoing support includes the coordination or delivery of services at or away from the job site that are necessary for the customer to maintain stability in employment. Examples include, but are not limited to, the following:

- Job skills training;
- Social skills training;
- Hard-skills training;
- Development of job aids;
- Education on disabilities with business; or
- Establishing accommodation.

E. Extended Services

Extended Services assist the customer in maintaining employment long-term, after the intensive ongoing supports and training have led to the stabilization of the customer's employment. Extended Services are provided through comparable service and benefits and must be listed in the customer’s IPE.

Extended Services can be provided either at the employment site or off-site when necessary to maintain stable employment. Examples of Extended Services include, but are not limited to, the following:

- Job skills training (job coaching when provided by Home and Community-Based Services Waivers) to assist with development of soft and hard skills to ensure the customer is meeting the expectation of the employer;
- Transportation;
- Social Security income reporting;
- Medication management;
- Assistance with activities of daily living (ADL); and/or
- Managing the customer's work schedule.

Extended Service Providers: Extended Services are funded by sources other than TWC-VR (with the exception of youth with disabilities) for as long as needed to ensure the customer remains stable in their employment.

Extended Services begin when the customer achieves job stability. The TWC-VR SE Specialist coordinates and trains all Extended Service providers.

Extended Services can be provided by:

- Medicaid Waiver Programs;
- Local Intellectual Developmental Disabilities Agency (LIDDA) and Local Mental Health Authorities (LMHA);
- Public agencies and private nonprofit organizations;
- Natural supports:
    - Supports from supervisors and coworkers such as mentoring, feedback on performance, and/or assistance in learning new skills; and
    - Supports from friends and family members such as arranging transportation, helping with medication management, and helping to solve work-related problems.

Home and Community Based (HCBS) Waivers: Section 1915(c) HCBS Waivers provide opportunities for Medicaid beneficiaries to receive services in their own home or community rather than institutions or other isolated settings. These programs serve a variety of targeted populations groups, such as people with mental illnesses, intellectual disabilities, and/or physical disabilities. A person's services for HCBS waivers are determined on the person's preferences obtained through person-centered planning. Currently, there is an interest list for all Texas HCBS waivers.

When a VR customer is eligible for a HBCS waiver, the VR Counselor must assist the customer in putting their name on the interest list.

Individuals receiving Medicaid HCBS have the right to:

- Seek employment;
- Work in competitive or integrated settings;

- Engage in community life;
- Control their personal resources; and
- Receive services in the community.

Texas HCBS Waivers include:

- Community Living Assistance and Support Services (CLASS);
- Home and Community-Based Service (HCBS);
- Texas Home Living (TxHmL);
- Youth Empowerment Services (YES);
- DeafBlind with Multiple Disabilities (DBMD);
- STAR+PLUS; and
- STAR Kids.

In coordinating a customer's Extended Services in a HCBS Wavier, VR Counselors must verify:

- The customer's HCBS waiver budget has funds available for extended supports; and
- The HCBS waiver provider includes the Extended Services in the customer's HCBS waiver person-centered/directed plan and individual service plan.

When HCBS services are coordinated in a TWC-VR customer's case:

- Extended Services, known as SE in the HCBS waiver, must be identified before the VR Counselor makes a referral for the VR Career Planning Assessment (CPA);
- Available units for HCBS waiver Supported Employment (i.e., TWC-VR Extended Services) must be approved in the customer's HCBS waiver plan no later than the end of the final job retention benchmark in order for extended services to begin at job stability; and
- TWC-VR & HHS Waiver Sequencing of Services document is used as a guide for collaboration.

Youth Customers: The only exception for Extended Services being provided by resources other than TWC-VR is for a customer who is a "youth with a disability" who does not have comparable services or benefits available for Extended Services. TWC-VR can purchase Extended Services for TWC-VR customers who are youth with disabilities through Job Skills Training for a period of up to four years or until the youth reaches age 25, whichever occurs first.

When TWC-VR provides extended services for youth with disabilities, the case must continue to maintain job stability status. The VR Counselor must continue to seek out comparable services and benefits to fund the Extended Services until one is identified or the case is closed.

F. Benchmarks

SE services may not exceed 24 months from the time the customer is placed in employment. When the customer needs SE for longer than 24 months to reach job stabilization, the VR Counselor and the customer must agree to extend services and must document an approved extension on the customer's IPE.

For all benchmarks, the VR Counselor must:

- Work in coordination with the customer and the SE Specialist throughout the SE process to ensure the SE Plan is up to date, and the best possible employment outcome is secured for the customer;
- Facilitate the SE process, providing counseling and guidance throughout, to ensure successful employment for the customer;
- Schedule and/or coordinate meetings with the customer, the customer's support network, and the SE Specialist;
- Monitor the customer's case (including scheduling stability/closure meetings to determine when additional job retention services are necessary);
- Review all required documentation for accuracy and completeness prior to payment; and
- Verify that all deliverables have been achieved prior to authorizing payment of the invoice.

For all benchmarks, the Rehabilitation Assistant (RA) must:

- Request records;
- Create service records and issues SAs, ensuring SE funds are used when available;
- Schedule and/or coordinate meetings with the customer, the customer's support network, the SE Specialist, and the VR Counselor; and
- Return reports and invoices to the provider to correct errors using the Vendor Invoice Additional Data Request (VR3460).

Supported Employment Plan: The SE Plan and Employment Report (VR1632) provides the framework for how the SE Specialist will help the customer achieve CIE. The VR1632 is completed during the VR1632 meeting by the VR Counselor, using person-centered approaches, in collaboration with the customer, the customers support network, and the SE Specialist. The VR1632 must align with the customer's interests, preferences, potential job tasks, and identified employment conditions. If any of these circumstances change, the VR1632 must be amended. It also identifies the customer's resources, support needs, extended services (both available and needed), and any available premiums. The VR1632 must be reviewed and agreed upon by the customer, the SE specialist, and the VR Counselor.

When developing or amending the VR1632, a meeting is conducted in person or remotely. The VR Counselor, SE Specialist, customer, and, as appropriate, the customer's representative and support network, must attend the VR1632 meeting.

When developing the VR1632, the VR Counselor must:

- Review the Career Planning Assessment (VR1630) with the group, ensuring that the information recorded in VR1632 represents the information in the CPA and/or EWA and the customer's best interests;
- Complete VR1632 with the customer, SE Specialist, and support network, recording the customer's identified:
    - Interests, preferences, and potential job tasks;
    - Employment conditions in measurable terms; and
    - Extended services (funded, paid, and/or natural supports);
- Maintain a signed version of the VR1632 in the TWC-VR case file;
- Provide a signed copy of the VR1632 to the customer and SE Specialist;
- Provide an electronically fillable copy of the VR1632 to the SE specialist; and
- Request that TWC-VR staff issue SAs to the SE Specialist for:
    - Supported employment job development and placement benchmark; and
    - Any relevant premiums.

The VR1632 is amended when agreed upon by the VR Counselor and based on the customer's informed choice and decision to change the preferences, interests, potential job tasks, and employment conditions listed on the VR1632.

To amend the VR1632, the VR Counselor must:

- Contact the customer to determine whether an update to the VR1632 is needed;
- Request that TWC-VR staff issue an SA to the SE Specialist for the VR1632 Update Meeting;
- Schedule the meeting to update the VR1632;
- Revise the VR1632 with the customer, SE Specialist, and support network;
- Obtain new signatures;
- File the updated, signed copy of the VR1632 in the customer's VR case file;
- Provide an updated, signed copy of the VR1632 to the customer and SE Specialist;
- Provide the updated, electronically fillable copy of the VR1632 to the SE Specialist; and
- Ensure all required SAs are up to date.

SE Job Development and Placement Benchmark: The SE job development and placement benchmark should be authorized and paid once during the life of the case. On a case-by-case basis, it may be necessary to purchase this benchmark more than once, but this will require approval. The VR Counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the benchmark.

During this benchmark, the VR Counselor must:

- Review all documentation submitted by the provider for accuracy and completion;
- Communicate with the provider and the customer regarding the job search and placement;
- Review the employment placement to see if it meets the definition of CIE and requests that a CIE checklist be completed, when applicable;
- Monitor the customer's employment to ensure that nonnegotiable employment conditions are met throughout the delivery of SE services;
- Verify that the extended services (funded, paid, and/or natural supports) have been identified and that the provider has arranged to train the long-term-support provider;
- Verify that the customer has received ongoing supports as necessary for the customer to learn the job and meet the employer's expectations;
- Request that TWC-VR staff issue SAs to the SE Specialist for one or two job retention periods, the job stability meeting and any relevant premiums based on the customer's needs;
- Check the SAs for premiums that are still open;
- Issues the necessary SA (or delegates to the RA) after the Job Stability Review Meeting (i.e., Job Retention or SE Closure premiums); and
- When requested by the SE Specialist, schedules a job stability review meeting with the SE Specialist, customer, and support network.

SE Job Retention Benchmark: The VR Counselor may approve and pay up to five job retention benchmarks. Six or more job retention benchmarks require approval.

Each job retention benchmark consists of 28 cumulative calendar days during which the SE Specialist must:

- Visit the customer in person a minimum of two times at or away from the jobsite; however, the provider should visit multiple times to:
    - Provide ongoing supports;
    - Ensure that the customer is meeting the employer's expectations; and
    - Ensure that extended supports have been identified;
- Make a minimum of one contact with the employer to ensure employer satisfaction; and
- Verify that the customer has competitive integrated employment consistent with the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions identified on the VR1632.

The job retention benchmark may be purchased multiple times until the customer either achieves job stability or re-establishes job stability.

If a customer requires more than two job retention benchmark periods, the SE Specialist must request a job stability review meeting.

During the job retention benchmark, the VR Counselor must:

- Review all documentation submitted by the provider for accuracy and completion;
- Request TWC-VR staff issue SAs to the SE Specialist for the job stability review meeting; and
- Schedule the job stability review meeting with the SE Specialist and the customer.

SE Job Stability Review: A job stability review is completed when the customer:

- Appears they will be job stable at the completion of the first job retention benchmark; or
- Appears to need additional job retention services after two 28-day job retention benchmark periods.

The customer must complete at least one 28-day job retention benchmark to be eligible for job stability. To establish job stability, the provider must be prepared to transition any remaining support needs to a funded, paid, and/or natural support extended service provider and notify the VR Counselor.

The job stability meeting may be conducted in person or remotely. During the job stability review meeting, the VR Counselor, SE Specialist, and customer review the customer's employment and whether they meet the definition of "job stability" or need one additional job retention benchmark.

During the job stability review meeting, the VR Counselor must:

- Evaluate the customer's job stability status;
- Review all documentation submitted by the provider;
- Change the customers Job Stability status in/after the Job Stability Meeting and document the decision in a case note;
- Provide VR counseling and guidance; and
- Request that TWC-VR staff issue SAs:
    - Before the end of the current Job Retention benchmark for either one job retention benchmark; or
    - The SE closure benchmark and any relevant premiums.

The VR Counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the benchmark.

When Job stability is lost:

- The customer returns to Job Retention benchmarks and remains in Job Stability benchmarks until the customer meet Job Stability status.
- The Job Stability Meetings continue every Job Retention period until the customer returns to SE Closure.

SE Closure Benchmark: The SE closure benchmark is completed when the customer has maintained job stability for 90 cumulative calendar days and the SE closure meeting has been completed.

To establish SE closure, the provider notifies the VR Counselor, and the VR Counselor must arrange for the SE closure meeting. The VR Counselor and customer make the final determination about SE closure.

The VR Counselor must schedule the SE closure meeting, which must occur after the customer's 90th day of employment after job stability has been determined.

The SE Specialist must provide the updated and complete VR1632 to the VR Counselor without signatures before or at the meeting.

The VR Counselor makes the determination that the case meets the SE closure benchmark by verifying that the customer has maintained Job Stability for 90 days, has all extended services in place, and is working in CIE that meets the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions identified in the SE Plan.

G. Closing an SE Case

Before successfully closing a case with an SE outcome, the VR Counselor must:

- Conduct the SE Closure Meeting to determine the customer has remained Job Stable for 90 days and has all extended services in place and working;
- Verify the employment with the employer;
- Complete the CIE checklist, when applicable; and
- Update the IPE with maximum hours the customer is working, a description of the Ongoing Supports provided during Job Retention and the extended support needs and the provider of the Extended supports; and. when applicable. how Extended Service Providers were coordinated when Federal programs (Medicaid and Social security waivers) are in use by the customer.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when the customer requires six or more Job Retention Benchmarks.
- VR Supervisor approval is required before issuing an SA to purchase a Job Development and Placement benchmark more than once.
- VR Director approval is required for any request to change requirements for SE Services, including extending SE services beyond 24 months, using the Contracted Service Modification Request (VR3472) prior to changes being implemented.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Removed “Level of Significance” from text
07/01/2025	Revised	Removed “potential employers” from what must be listed on the SE Plan.

PART C, CHAPTER 14: CUSTOMIZED EMPLOYMENT

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 14	34 CFR §361.5(c)(11)	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of customized employment services required by customers with significant disabilities.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

Customized employment refers to competitive integrated employment tailored for individuals with significant disabilities. It involves the following:

- Individualized assessment of the person's unique strengths, needs, and interests;
- Designing employment opportunities that match both the individual's abilities and the employer's business needs;
- Implementing flexible strategies such as job exploration and collaboration with employers;
- Customizing job descriptions, duties, work schedules, supervision arrangements, and job locations;
- Utilizing professional representatives or self-representation to assist with employer engagement; and
- Providing necessary services and supports at the job location to ensure success.

TWC-VR is in the process of developing customized employment services that will be made available Statewide to those who meet the service requirements. When this policy and its procedures are developed, approved, and implemented, the final policy will be published here.

PROCEDURES

There are no procedures for this policy.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 15: REHABILITATION TECHNOLOGY SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 15	CFR §361.48(b)(17), §361.5(c)(45), and TWC Rule §856.56	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of rehabilitation and assistive technology services provided to customers.

DEFINITIONS

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including accessing and choosing rehabilitation devices and services and the providers of those services.

POLICY

A. General Overview

Rehabilitation Technology means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with

disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

B. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 22: Vehicle Modifications.

C. Additional Policy Considerations

- Comparable Services and Benefits: Rehabilitation Technology Services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Rehabilitation Technology Services

The customer may need rehabilitation technology to participate in TWC-VR services and to successfully achieve an employment outcome. VR Counselors may purchase an assistive or adaptive device when it is required to conduct assessments and address a customer's vocational needs.

B. Rehabilitation Technology Devices and Services

Technologically advanced products not shown to be effective by independent clinical evidence are not likely to meet customers' vocational needs in a cost-effective manner and should not be purchased with VR funds.

Before making a purchase, the VR Counselor must verify that the product meets TWC-VR's best-value purchasing criteria.

The VR Counselor should contact the State Office Program Specialist for Assistive and Rehabilitation Technology (PSART) with questions pertaining to TWC-VR best-value criteria as necessary.

C. Technology Services Restrictions

While professionals other than Rehabilitation Engineers may provide assistive technology services, only licensed professional engineers or Assistive Technology Professionals (ATP) may provide rehabilitation engineering services. The VR Counselor must consult with an engineer or ATP when the service includes design or modification of a product.

Before committing TWC-VR funds, it is important to reach an understanding with the provider about price and delivery.

The VR Counselor must consult with the PSART for information about providers from which TWC-VR has purchased services.

The VR Counselor works with the Assistive Technology Specialist (ATS) to complete the purchasing process.

The ATS must:

- Prepare a consultation packet using the Non-BVI Assistive Technology coversheet, as appropriate, follow the instructions, and attach all required information;
- Submit the consultation packet to the PSART mailbox PSART@twc.texas.gov;
- Document in RHW the need for the required review and the submission date of the cover sheet and required information; and
- Review the assistive technology review entered in RHW and inform the VR Counselor when the review is completed.

D. Vehicle Modification Services

Vehicle modification services help TWC-VR customers achieve competitive integrated employment (CIE) outcomes. Through use of a personal vehicle, these services provide equitable transportation opportunities for individuals with disabilities. The goal of vehicle modification is to promote greater independence and access to communities, educational institutions, and other supports necessary to locate jobs, sustain work and living arrangements, and enable career advancement and related travel. The vehicle modification process includes the following five phases:

1. Criteria for assistance review and approval;

2. Evaluation and training;
3. Vehicle selection and Texas A&M Transportation Institute (TTI) review;
4. Installation and other considerations; and
5. Vehicle delivery and final configuration.

Vehicle modification needs can arise at any time during the VR process and must be addressed as soon as possible. Services are considered substantial even though the customer might not be the driver of the modified vehicle (e.g., passenger-only lowered-floor vehicle conversions). All vehicle modifications must be included on the customer's Individualized Plan for Employment (IPE) before proceeding with related services.

- Effective Communication: Effective communication is essential to successfully navigate all five phases of the vehicle modification process. Customers and VR Counselors must regularly discuss progress and needs. Tracking tools and other resources must be used to promote accountability and transparency. The ATS assigned to oversee vehicle modifications must engage in effective communication with the customer regularly, usually on a weekly basis (but at least once every 30 days).

Contacting the customer does not necessarily qualify as effective communication. Instead, effective communication must include discussion of progress, needs, questions, and next steps in the vehicle modification process. To avoid misunderstandings and delays, all parties involved in vehicle modification must be included in communications about process status and expectations.

- Vehicle Modification Services Provision: After the decision is made to pursue vehicle modification services, the ATS exercises a leadership role and has a responsibility to move the vehicle modification process from start to finish.
- The Vehicle Modification Team's Roles and Responsibilities: Vehicle modification requires coordination and team effort. Members of the vehicle modification team (VM team) include the customer, VR Counselor, ATS, service providers, and the State Office.

The customer's roles and responsibilities regarding vehicle modification are to:

- Become fully informed about vehicle modification rules and schedules;
- Proactively obtain and complete all necessary documentation;
- Practice effective communication about their needs; and
- Seek advice from the VM team to arrive at informed choices.

The VR Counselor's roles and responsibilities regarding vehicle modification are to:

- Provide counseling and guidance to the customer regarding transportation opportunities and responsibilities;
- Identify criteria for vehicle modification assistance in communication with the customer;

- Coordinate with the VM team to ensure quality, timely services; and
- Assist the customer in making informed choices.

The ATS's roles and responsibilities regarding vehicle modification are to:

- Provide leadership and expertise to advance the vehicle modification process;
- Educate the customer about processes, opportunities, and responsibilities;
- Coordinate all VM team members and services;
- Enter progress documentation case notes in RHW;
- Maintain effective communication among all VM team members to support roles; and
- Set up and generate all service records and authorizations as indicated in the IPE.

The contractor's roles and responsibilities regarding vehicle modification are to:

- Educate the customer about TWC-VR State-approved equipment and options;
- Provide accurate and timely documentation as requested; and
- Proactively pursue effective communication with the customer and the ATS.

The State Office's roles and responsibilities regarding vehicle modification are to:

- Ensure timely advancement of vehicle modifications and delivery of services;
- Coordinate with Texas A&M Transportation Institute for compliance;
- Practice effective stewardship over the assistive technology budget; and
- Moderate disagreements and facilitate conflict resolution.

Phase 1:Criteria for Assistance Review and Approval

- Phase in Brief
    - Criteria for Assistance Review
    - Justification and Approval
    - VM Request to State Office

During the first phase of vehicle modification, needs are identified and core members of the VM team are assembled. The VR Counselor and customer must carefully approach this task in a timely manner to ensure the success of subsequent phases. It is important to set reasonable expectations while discussing criteria for assistance and plan for logistical and scheduling challenges that may arise.

- Criteria for Assistance Review: Before seeking any service approvals, the VR Counselor and customer must determine whether vehicle modification is the best option to provide equitable transportation opportunities. Vehicle modification is an example of rehabilitation technology and, therefore, is not subject to consideration of comparable benefits. However, basic living requirements (BLR) still apply for determining customer cost contributions (if any).

The VR Counselor should consider vehicle modification when the following criteria for assistance are met:

- Because of the customer's disability, they could benefit from a modified vehicle for greater independence and access to communities, educational institutions, or other supports necessary to locate jobs, sustain work and living arrangements, or enable career advancement and related travel.
- The customer has enough income or other resources or achieving the planned employment goal will result in enough income or other resources to cover future payments, insurance premiums, gasoline, and routine maintenance costs for the vehicle.

When considering a vehicle modification for a student with a disability, additional stipulations must be met. TWC-VR staff must forward relevant case information to the State Office Transition Team for review via the Pre-ETS mailbox before including any vehicle modification services on the IPE.

- Justification and Approval: Once the VR Counselor has determined a vehicle modification is needed, approval is required. The justification and approval must be documented in RHW, and the customer's IPE must be amended accordingly. Furthermore, the customer must continue to meet the aforementioned criteria for assistance throughout the vehicle modification process.
- VM Request to State Office: Following approval, TWC-VR staff must email a request for vehicle modification to the PSART@twc.texas.gov mailbox using the specified Vehicle Modification Request cover sheet. The State Office logs the request, and a PSART assigns it to an ATS. Notification is then sent via email to the VR Counselor and to the assigned ATS with instructions about coordination, communication, and standards.
- The VR Counselor must then contact the customer and the assigned ATS to expedite an introductory planning meeting (remote or in person) to review the vehicle modification process and plan next steps. During this planning meeting, the ATS becomes familiar with the customer's individualized needs and facilitates services accordingly.

Phase 2:Evaluation and Training

- Phase in Brief
    - Driver's Evaluation
    - Driver's Training

Not every vehicle modification request necessitates a driver's evaluation and training. Drivers whose disabilities have not significantly changed and are nonprogressive may move immediately to Phase 3 of the vehicle modification process. However, a driver's evaluation and training are needed in most cases.

Driver's Evaluation: The customer must complete a driver's evaluation with appropriate equipment if:

- The customer has never driven;
- The customer has never driven with adaptive equipment;

- The customer's adaptive equipment may change; or
- The customer's condition or disability has significantly changed or is progressive.

If a driver's evaluation is needed, the VR Counselor must enter a service justification case note for this evaluation if the case is not in an IPE. If the case has an IPE, an IPE amendment is required. During the introductory meeting, the customer consults with the ATS and makes an informed choice regarding the evaluation provider. The completed driver's evaluation must be submitted no later than six months after the date of completion, to be included in Vehicle Modification Evaluation (VR3408). The ATS must support and assist the customer in a timely manner with completing and gathering all required documents for the chosen provider. Whenever possible, the services of a certified driving rehabilitation specialist (CDRS) are preferred.

A driver's evaluation always requires a license (or learner's permit) and a prescription. Items specific to the provider may include referral forms, medical records requests, and other safety forms, waivers, and paperwork. Once all required documents are obtained, the ATS issues a service authorization (SA) for the provider.

The report from the driver's evaluation is sent to the ATS to discuss with the customer. The customer may be determined ready to drive, in which case the VM team proceeds to Phase 3. Otherwise, the customer may need training or may be determined not ready to drive even with appropriate adaptive equipment.

- Driver's Training: Driver's Training is considered a substantial service that must be included on the customer's IPE. If the driver's evaluation provider recommends further training, the ATS consults with the PSART regarding the recommendation to reach an agreement with the provider. Once training hours are determined, the VR Counselor must amend the customer's IPE accordingly. At the conclusion of approved training, the ATS reviews progress reports and consults with the PSART regarding additional training. After all training is complete, the customer receives a recommendation from the driver evaluator. Regardless of whether the customer will be a driver or passenger only, the vehicle modification process then advances to Phase 3.

Phase 3:Vehicle Selection and TTI Review

- Phase in Brief
  - Vendor and Vehicle Selection
  - TTI Review and VR3408
- Purchasing Considerations: During Phase 3, the customer works with the VM team to make an informed decision about selecting service providers (also called vendors), vehicles, and modifications. The comprehensive list of TWC-approved lowered-floor conversions and modification equipment can be found on the TTI-TWC website.
- Vendor and Vehicle Selection: The ATS has a responsibility to work with the customer to review a list of approved vendors near the customer's area of residence. If needed, the ATS consults with the PSART for a complete list of vendors to support the customer's informed choice. The ATS

sends a copy of the driver's evaluation recommendations, if applicable, to the selected vendor for completion of the vendor's portion of the VR3408. At no cost to the VR program, the vendor then prepares a proposal for the modification using VR3408. Before completing and submitting this proposal, the vendor must first meet with the customer. During this meeting, the vendor collects information about mobility needs and relevant measurements, including the customer's weight and height inclusive of any applicable mobility device. The vendor also discusses available options for vehicles, modifications, and equipment.

Approved vehicle modifications may include anything from a minor installation of hand controls to a wheelchair securement system in a passenger vehicle to a lowered-floor conversion. Vehicles for modification may be used or new, but TWC-VR may pay only for new modification equipment. Salvaged vehicles are not acceptable for any type of modifications. Additionally, TWC-VR may not sponsor modifications or purchase equipment for:

- A vehicle not owned by the customer or an immediate family member (e.g., a spouse or parent);
- A vehicle without a current state registration and license plates; or
- Appearance rather than function.

The purpose of vehicle modification is to ensure that the functionality and safety of the vehicle meet the customer's needs. Changes that only modify interior and exterior appearance, or that are only cosmetic in nature and do not improve the function of the vehicle, may not be included in requests for modifications and equipment.

If in doubt, the VR Counselor should contact the PSART.

- TTI Review and VR3408: Once a potential vehicle has been identified, the ATS must request a review of the vendor's vehicle modification proposal using the TTI-TWC website. The ATS first ensures the make, model, year, and mileage of the vehicle that the customer plans to purchase are in the completed VR3408 and are permitted by policy. The ATS also checks the quote against the TWC Accepted Products/Pricing List to ensure that all products are on the list and priced appropriately. Any pricing or product discrepancies that the ATS is not able to resolve are referred to the PSART for further guidance. VM reviews under $1,500 are at no cost.

TTI reviews verify whether the:

- Vendor's quoted cost of the modification equipment is correct;
- CDRS's prescription appears to meet the customer's needs; and
- Specifications for equipment meet TWC-VR standards.

TTI immediately acknowledges via email review requests that are submitted electronically through the TTI-TWC website. The review process can take up to 10 business days after receipt of all required

documents. TTI emails the review letter to the ATS. The ATS, with guidance from the PSART, if needed, addresses any findings by TTI with vendors and sends a courtesy copy of the corrected VR3408 to TTI.

The ATS works with the VM team to complete the following forms:

- The Vehicle Modification Agreement (VR3410), which the customer signs to acknowledge essential roles in the vehicle modification process and individual responsibilities to maintain modification equipment by adhering to periodic maintenance or adjustments needed on a periodic basis (typically every six months) for the life span of the vehicle and equipment (usually seven to 10 years). The customer's signature is required for the vehicle modification process to continue.
- The Vehicle Modification Notice to Lien Holder (VR3411), which explains ownership of the equipment being installed.

The signed form is submitted to the lien holder.

The VR Counselor must amend the customer's IPE to include modifications after the ATS has verified that the vehicle purchased is the same vehicle described in the submitted packet. After the IPE has been updated, an SA must be issued before the vendor begins the vehicle modification process and before any customer or vendor purchases of vehicles or equipment occur.

- Purchasing Considerations: Subsequent to completion of VR3408, VR3410, and VR3411, the ATS completes a service record for the vehicle modification equipment using the appropriate State Office budget. The ATS sends a request to the PSART@twc.texas.gov to review and release the funds. Once the funds have been released, the ATS generates applicable SAs and delivers them to the vendor.

New vehicles are often preferred for lowered-floor conversions. However, the ATS and the customer may consider the purchase of a reliable used or pre-owned vehicle. The VM team must verify all applicable items, such as the vehicle's reliability and serviceability, age, mileage, and insurance coverage. All vehicles with more than 30,000 miles or that are more than four years old need a mechanic evaluation by a certified mechanic using Mechanic's Evaluation: Used Vehicle (VR3494). The ATS requests a CarFax from TTI at no cost. TWC-VR may pay for the cost of the evaluation.

Lowered-floor conversions, whether used or new, require special consideration. Not all vehicles are suitable for lowered-floor conversions. As mentioned above, the complete list of approved vehicles for lowered-floor conversions are on the TTI-TWC website. Mobility providers are located around the State and specialize in this type of vehicle. The ATS must contact the PSART to identify provider locations. For a used vehicle to be considered for a lowered-floor conversion, it must have fewer than 30,000 miles, pass the requisite mechanic inspection, and have no evidence of ever having been in a wreck.

Phase 4:Installation and Other Considerations

- Phase in Brief
    - Installation and Equipment Setup
    - Payment Procedures
    - Modification Repairs and Reclamations

During Phase 4, to help avoid delays, the VM team must work to ensure that all modifications have been accurately requested, documented, installed, and fitted. It is essential to maintain effective communication with all service providers.

- Installation and Equipment Setup: Once all modifications have been installed, the local vendor schedules the final fitting with the customer and makes any needed adjustments before proceeding to Phase 5.
- Payment Procedures: TWC-VR may help with the base cost or chassis (before modifications) of the vehicle. Vehicle purchasing assistance helps defray initial costs that the customer must pay to take possession of the vehicle to be modified, such as down payment, registration fees, and initial insurance. However, TWC-VR does not purchase vehicles outright for customers. TWC limits vehicle purchasing assistance to a maximum of a $4,000 down payment, based on demonstrated financial need, and requires consultation. All payments related to vehicle modification are made directly to the customer in the form of a warrant mailed directly to the customer via USPS mail. The VR Counselor must use the following process:
    - Create the SA;
    - Once the payment is authorized, email rtm.revenue.accounting@twc.texas.govand requests the Special Handling Form F-29 (695).
    - Complete the form and return it to rtm.rtm.revenue.accounting@twc.texas.gov. This step must be completed before the warrant number is issued;
    - Send the warrant to the customer via USPS mail and verify receipt.
    - Verify that the vendor receives down payment assistance in the amount issued on the warrant and document this with a case note.

TWC-VR may also help make the customer's vehicle payments on modified vehicles, up to the full monthly payment, for up to six consecutive months. This assistance requires PSART consultation before the VR Counselor may include it on the customer's IPE and may be authorized only when:

- The customer's financial circumstances create a temporary inability to make the payments;
- The customer's current modified vehicle is being replaced with another vehicle;
- The customer cannot pay for both vehicles at the same time; or
- The customer cannot sell the current vehicle until modifications on the replacement vehicle are completed.

All payments are made directly to the customer via the process detailed above.

- Modification Repairs and Reclamations: In certain circumstances, TWC-VR may purchase repairs to adaptive equipment and vehicle modifications. The ATS obtains a price quote and submits a repair pricing review electronically to TTI. Once the TTI report has been received and reviewed by the ATS, the VR Counselor must amend the IPE and issue an SA. In some cases, it may be best to replace equipment instead of repairing it. The PSART should be consulted as needed.

TWC-VR does not reclaim equipment that is broken, outdated, or no longer under warranty. If TWC-VR participated in paying for the cost of the vehicle modifications and a customer's vehicle is involved in a collision, or in the event of a customer's death, the VR Counselor contacts the PSART in the State Office.

If in doubt, the VR Counselor should contact the PSART.

Phase 5:Vehicle Delivery and Final Configuration

- Phase in Brief
  - Verification of Insurance
  - Delivery and Inspection
  - Post-Modification Training

During Phase 5, the vendor notifies the VM team that all modifications have been installed with necessary fittings and adjustments. The ATS coordinates verification of insurance, delivery and inspection, and any needed post-modification training.

- Verification of Insurance: The customer must obtain, at the customer's own expense, insurance that covers the replacement cost of all sponsored modifications. The customer is required to carry full comprehensive coverage on the vehicle and adaptive equipment. Before releasing the vehicle, the ATS must obtain and file a copy of the paid insurance policy in the case file.
- Delivery and Inspection: For vehicle modifications that cost less than $9,000, the ATS must inspect the vehicle and equipment after the work has been completed but before the vehicle is released to the customer. The ATS must coordinate the inspection with the VM team.

Passenger-only lowered-floor conversions do not require TTI inspection but do require the ATS to inspect the vehicle before it may be released to the customer. However, TTI must inspect all other vehicle modifications that cost more than $9,000. TTI may also inspect a modification that costs less than $9,000 at the request of the ATS or PSART. The ATS also needs to attend the inspection.

For an inspection of modifications costing more than $9,000, the ATS completes a service record in the amount of the contracted rate to:

Texas A&M Transportation Institute

Texas A&M University System

College Station, Texas 77843-3135

Service Provider ID No. 3-727727727-5-999

The ATS emails a request to PSART@twc.texas.gov to review and release the funds. Once the funds have been released, the ATS generates applicable service authorizations. The ATS submits a vehicle inspection request through the TTI portal.

Once the inspection has been completed, the ATS places a copy of the Vehicle Modification Acceptance (VR3474), the vendor invoice, warranty information, and other paperwork obtained at the inspection in the case file and gives a copy to the customer.

- Post-modification Training: The purpose of post-modification training is to verify that all adaptive equipment and vehicle modifications comply with the driver's evaluation prescription. Post-modification training also ensures that modifications are fitted in a way that best meets the customer's needs. Additionally, post-modification training helps the customer learn to proficiently operate the modified vehicle.

If needed, the ATS completes a service record for the recommended post-modification training using the appropriate state office budget. The ATS emails a request to PSART@twc.texas.gov to review and release the funds. Once the funds have been released, the ATS generates applicable SAs and delivers them to the vendor. If there is a scheduling conflict and the post-modification training cannot be coordinated to take place on the same day as the inspection, the PSART must be contacted for guidance.

The vehicle modification process is complete once all recommended post-modification training (if applicable) is finished.

E. Jobsite and Home Modification Services

TWC-VR provides a jobsite or home modification when changes to a customer's physical environment are needed for the customer to perform:

- All the essential tasks of a job; or
- Activities of daily living that improve the customer's ability to function independently in the home and community and enable the customer to pursue a vocational goal as indicated in the IPE.

The process begins with a full assessment of needs, followed by consideration of accommodation alternatives, including the need for customer training and/or education regarding the use of rehabilitation technology.

Informed customer choice in meeting technology needs involves considering:

- When to disclose confidential information to an employer involved in a jobsite modification;

- The advantages of low-tech solutions over high-tech solutions;
- Employer responsibilities under the Americans with Disabilities Act (ADA);
- Equipment maintenance needs and associated maintenance costs; and
- The timeliness of the needed service.

Obtaining an Assessment of the Jobsite or Home: Before modifying the customer's jobsite or home, the VR Counselor purchases an assessment from a licensed occupational therapist (OT), physical therapist (PT), ATP, or professional engineer (PE) specializing in assistive technology. Assessment services identify options that will allow the customer to:

- Work as effectively as possible; and/or
- Function as independently as possible.

For assessments specific to farm or ranch employment, the VR Counselor must consider purchasing services from Texas AgrAbility.

Procedure for Obtaining an Assessment: The VR Counselor must use the following procedure to obtain the assessment of potential modifications to the customer's jobsite or home:

- Completes:
  - Job Site Modification Assessment Referral (VR3394); and/or
  - Home Modification Assessment Referral (VR3395).
- Pays upon receipt of assessment report, which is usually provided within 10 days of service.
  If applicable, TWC-VR staff ensures that the customer signs the release on VR3394, specifying what customer information the OT, PT, or PE may provide to the employer.
- Exceptions to Obtaining an Assessment: PSART consultation is required to have an OT, PT, ATP, or PE assessment of the jobsite or home modification when:
  - No OT, PT, ATP, or PE can be located to provide the service, and the PSART is satisfied that a reasonable search has been made to find one;
  - The PSART, as documented in the case file, and the reason that a comprehensive modification assessment is not necessary is also clearly documented (e.g., the customer requests help in replacing a piece of equipment); or
  - The use of an OT, PT, ATP, or PE will cause an unreasonable delay that could result in an undue hardship for the customer (e.g., a low-cost modification to a jobsite would allow the customer to maintain employment, and the employer will not wait for the assessment.)
- Consultation and Other Requirements for Jobsite or Home Modifications:

Service	Consultation	Other Requirements
Jobsite modification	All jobsite modifications require consultation with the State Office PSART before being included in the customer's IPE.	TWC-VR purchased modifications are limited to adding items or equipment that can be removed without permanent damage to the employer's property if the customer terminates employment, changes job assignments, etc. Before considering TWC-VR purchase, the VR Counselor reviews the employer's responsibility under the ADA.
Home modification	All home modifications costing more than $5,000 require consultation with the State Office PSART and VR Supervisor approval before being included in the customer's IPE.	Adaptive equipment may require installation but usually does not result in permanent structural changes. Household equipment may be specially designed, selected, or altered to enable the customer to perform duties despite their functional limitations. Modifications are limited to equipment that can be removed from the residence without permanent damage to the property if the customer moves or fails to cooperate in achieving the planned objective.

- Procedure for Purchasing a Jobsite Modification: TWC-VR uses the following procedure when purchasing a modification to the customer's jobsite.

Service Description	Procedure
The services include: • Evaluating the work site to design or redesign a workstation to prevent injury or re-injury;	The VR Counselor consults with the PSART to ensure that the most practical modification equipment is used. If the modification costs more than $700, the VR Counselor obtains a written agreement from the employer, using the

Service Description	Procedure
• Providing training in ergonomic positioning and movement; and • Recommending technology, furniture, or positioning that prevents injury or improves functioning at work.	format and language in the *Employer Job Site Modification Agreement (VR3404)*, before beginning the modification. If the modification costs more than $1,000, the VR Counselor: • Authorizes the purchase of a lien examination service from either a title insurance company or other source (e.g., law office); and • If no lien is found, files a copy of the results in the case file. If there is a lien, the VR Counselor: • Provides a copy of the TWC-VR–employer agreement to the lien holder; and • Requests that the lien holder expressly disclaim in writing any interest in the equipment installed at the jobsite by TWC-VR using the *Residence or Job Site Modification, Express Waiver of Right to TWC-VR Equipment (VR3426)*. If the lien holder will not sign the waiver of rights, the VR Counselor contacts the PSART. The PSART will review the documentation and provide guidance on next steps based on input from Office of General Counsel. The VR Counselor: • Provides one copy of the signed *VR3404* to the employer; and • Files the original signed *VR3404* in the case file.

- Procedure for Purchasing a Home Modification: TWC-VR uses the following procedure when purchasing a modification to the customer's home.

Service Description	Procedure
Creating or enhancing access to the house or apartment or making residential features more accessible (i.e., those features critical to participation in job preparation services or necessary for the customer's employment). May include construction of ramps, adaptive equipment such as stair glides and lifts, and household equipment.	The VR Counselor consults with the PSART to ensure that the most practical modification equipment is used. When equipment such as a porch or ramp is attached (e.g., bolted or nailed) to the property, the VR Counselor obtains a written agreement from the property owner using the format and language in the Customer Residence Modification Agreement form (VR3403). If the modification costs more than $700, the VR Counselor must clearly justify that the modification supports the customer's planned employment outcome before authorizing the purchase. If the modification costs more than $5,000, the VR Counselor: • Also obtains the VR Supervisor’s approval; and • Purchases a lien examination from either a title insurance company or other source (e.g., law office). If there is a lien, the VR Counselor: • Provides a copy of VR3403 to the lien holder for review; and • Requests that the lien holder expressly disclaim in writing any interest in the equipment installed in the residence or jobsite by VR, using VR3426. If the lien holder will not sign the waiver of rights, the VR Counselor contacts the PSART. The PSART will review the documentation and provide guidance on next steps based on input from Office of General Counsel. The VR Counselor: • Provides one copy of the signed VR3403 to the property owner; and • Keeps the original VR3403 in the case file.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

Approvals

- VR Supervisor approval and review with Texas A&M Transportation Institute (TTI) is required for vehicle modification services and modification repairs to include all associated costs.
- VR Supervisor approval is required for residential modifications that cost more than $5,000.

Consultation

- PSART consultation is required before authorizing the purchase of any assistive technology with a cumulative cost greater than $10,000, except for those recommended in an AT evaluation report from the Assistive Technology Unit (ATU).
- PSART consultation is required for drivers training exceeding 20 sessions.
- PSART consultation is required for vehicle payment assistance (includes monthly payments or down payment).
- PSART consultation is required for exceptions to obtaining an OT, PT, or PE assessment of the job site or residential.
- PSART consultation is required for all Job site modifications.
- PSART consultation is required for residential modifications that cost more than $5,000.
- PSART consultation is required if the lien holder will not sign the VR3426, Residence or Job Site Modification, Express Waiver of Right to VR Equipment.
- PSART consultation is required to determine which items of equipment to reclaim after customer's death.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

04/01/2025	Revised	Updated the language related to the contracted rate for vehicle modifications costing more than $9,000.
07/01/2025	Revised	Updated the definition of Best Value Purchasing

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PART C, CHAPTER 16: SUPPORT SERVICES

PART C, CHAPTER 16.1: PERSONAL SUPPORT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 16.1	34 CFR §361.48(b)(14) , §361.48(b)(9), §361.5(c)(22), §361.5(c)(38), and TWC Rule §856.54	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of support services including personal assistant services (PAS), family member services, and childcare services.

DEFINITIONS

Childcare: The provision of supervision, care, and nurturing for children, typically in the absence of their parents or guardians. Childcare services can be offered in various settings, including daycare centers, preschools, nurseries, family childcare homes, or by individual caregivers. Childcare allows parents or guardians to pursue work, education, or other VR related activities.

Family Member: An individual who is either a relative or guardian of the applicant or customer, or who resides in the same household. This individual must have a significant interest in the well-being of the applicant or customer, and their receipt of TWC-VR services must be essential to the applicant or customer's ability to achieve an employment outcome.

Personal Assistant: An individual who provides a range of supportive services to assist the customer in performing daily living activities, both at home, the community, and in employment. These services are tailored to the specific needs of the customer and may include tasks such as personal care, household

chores, transportation assistance, medication management, and other forms of support that enable the person to maintain independence and participate fully in daily life activities.

POLICY

A. General Overview

Personal support services encompass a variety of services provided by one or more individuals to assist customers with performing daily activities both on and off the job. These services are aimed at increasing the customer's autonomy and ability to manage daily tasks, ultimately facilitating their integration into employment. They are provided as part of TWC-VR services, including Trial Work Experiences, and may include training in managing, supervising, and directing personal assistant services.

The service is designed to help a customer with on-the-job activities or job-related daily living activities that the customer would perform themselves if they did not have a disability.

Personal support services can be provided under one or more of the following categories:

- Personal Assistant Services (PAS);
- Family member services; and
- Childcare services.

Personal support services are provided to support other TWC-VR career (e.g., employment services) and training services (e.g., postsecondary training services) included in the IPE.

B. Customers Hiring Their Own Personal Assistants

TWC-VR may not be the employer of record for a customer's personal assistant. A customer who hires a personal assistant is the employer under applicable employer tax laws and is responsible for the following:

- Hiring and dismissing the assistant;
- Training the assistant in the delivery of services; and
- Supervising the assistant in the delivery of services or arranging for a friend or relative to provide direct supervision of the assistant.

C. Family Member Services

TWC-VR services may be extended to family members of an applicant or customer if it is deemed necessary to facilitate the achievement of their employment goals. Such services are arranged, purchased, or provided only when the customer's ability to begin or continue their Individualized Plan for Employment (IPE) would be compromised without them, potentially leading to unnecessary delays in achieving the employment goal. These services are provided solely to family members who meet the

defined criteria of a family member and when comparable services or benefits are unavailable through existing community resources or agencies.

D. Childcare Services

If a customer has children under the age of 13 and requires childcare to complete planned TWC-VR activities, the VR Counselor may assist in exploring the availability of childcare services. Children aged 13 and older who need supervision due to a disability also qualify for this service. Examples of TWC-VR activities may include diagnostic services, physical restoration, training, and employment services.

E. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on Personal Assistant services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer’s disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determination of Need

The VR Counselor must clearly document the need for personal support services in the case record. These services must be necessary and reasonable under the circumstances of the customer at the time a decision is made.

Decision-making factors include, but are not limited to, the following:

- Individual rehabilitation needs consistent with the customer's informed choice;
- Best value purchasing,
- Use of comparable benefits, and

- All other established policies and procedures, including policies and procedures for customer participation in cost of services, also known as basic living requirements (BLR).

B. Personal Assistant Services

When PAS are required for customers to engage in TWC-VR services, both the customer and VR Counselor have specific responsibilities and shared duties, as listed below:

- Customer: Responsibilities include, but are not limited to, the following:
  - Determines if a personal assistant is qualified to meet personal attendant needs.
  - Ensures prospective personal assistants have orientation and training in providing PAS.
  - Instructs the personal assistant regarding specific needs due to the individualized nature of services.
  - Assumes financial responsibility for PAS if needed after employment.
  - Be involved in determining the type and range of services needed, number of hours, and location of PAS (e.g., home, community, workplace).
  - Contacts PAS resources, interview providers, talk to references, and hire the personal assistant.
- VR Counselor: Responsibilities include, but are not limited to, the following:
  - Shares responsibility with the customer for locating a suitable personal assistant, even though primary responsibility is the customer's.
  - Collaborates with the customer in identifying PAS needs and assessing job performance of the assistant.
  - Provides information on local PAS resources, including Centers for Independent Living Services (CILS), home health agencies, and Department of State Health Services (DSHS) offices.
- Shared: Responsibilities include, but are not limited to, the following:
  - Collaborate on locating a suitable personal assistant.
  - Inform the VR Counselor of the personal assistant's job performance.
  - Utilize local resources such as CILS, CILS Information and Referral coordinators, home health agencies, RNs coordinating PAS, and DSHS offices for information on PAS resources.

Planning: The VR Counselor and the customer must attempt to identify assistive devices and alternative methods to enable the customer to perform tasks independently without a personal assistant. PAS may not be provided as a stand-alone service; they may only be provided to support other TWC-VR services that are included on the IPE, or IPE amendment, such as vocational training, academic training, attending the Criss Cole Rehabilitation Center (CCRC), employment services, supported employment, or job placement.

Fees for PAS are negotiated by the customer, personal assistant, and VR Counselor, with the final determination made by the VR Counselor. Fees vary depending on the needs of the customer, the availability of personal assistants, local prevailing rates for PAS, and other factors.

Any fee previously negotiated between TWC-VR and an organization, when PAS are provided by that organization, must be used. TWC-VR staff must determine if the organization is set up as a vendor in RHW and use established rates, when applicable.

Establishing a Personal Assistant as a Vendor: If the customer chooses a personal assistant who is not currently affiliated with TWC-VR, a designated TWC-VR staff member will initiate the process by emailing VR RHW Provider Services at vr.rhw.providerservices@twc.texas.gov. The PAS provider must be registered with TWC-VR and receive direct payment for services.

Employment Services: Providing PAS when Employment Services and VR Counseling and Guidance are the primary services under an IPE, PAS are limited to a maximum of six months. The case record must clearly document ongoing employment services while TWC-VR is paying for PAS.

The VR Counselor may continue providing PAS when the customer achieves an employment outcome consistent with their IPE employment goal up to a maximum of 120 days with documented rationale.

Relocation from a Nursing Home or Institution: PAS may be provided for up to 12 months, if a customer is relocating to a private residence from one of the following:

- Nursing home;
- Community residential or group home; or
- Mental health facility.

C. Family Member Services

Services to the family member must follow the policy and procedures for that specific service as outlined in its respective chapter of the VRSM. For example, if a parent needed childcare to participate in Group Skills Training (GST), the VR Counselor follows the childcare procedures in this chapter.

D. Childcare Services

Childcare services can be purchased with TWC-VR funds only when they are required for participation in VR services and when they are not available through existing community resources, agencies, comparable services or benefits. The TWC-VR team must also explore resources such as the customer's family members, neighbors, or community day-care programs to see if they can meet the customer's childcare needs.

TWC Workforce Solutions Childcare program offers childcare for low-income individuals who are working or participating in training or educational activities leading to employment. Customers must apply for this resource to meet their childcare needs before TWC-VR funds are authorized. If the customer is not eligible for the TWC Childcare program or if the TWC Childcare program has a waiting list, or if the customer has no other comparable benefits, TWC-VR may purchase childcare services. The customer must select a provider who is licensed, registered, or listed on the Texas Department of Family and Protective Services (DFPS) website.

The selection of a provider is the customer's responsibility as a parent. TWC-VR staff may help the customer access information about how to select appropriate, safe childcare through the DFPS.

- Acceptable Childcare Providers: DFPS licenses, registers, or lists the following categories of providers:
    - Licensed Childcare Center
    - Licensed Childcare Home
    - Registered Childcare Home
    - Listed Family Home

TWC-VR does not pay for services by individuals who are not identified on the DFPS website as providers in one of these categories. No exceptions will be made for this policy.

If a customer wishes to employ someone not recognized by DFPS for childcare, they must contact their local DFPS licensing office to learn how to become licensed, registered, or listed. The procedure for becoming a Listed Family Home requires minimal documentation and may be suitable for a family member or friend interested in providing childcare.

- Establishing a Childcare Provider as a Vendor: If the customer chooses an acceptable childcare provider who is not currently affiliated with TWC-VR, a designated TWC-VR staff member will initiate the process by emailing VR RHW Provider Services at vr.rhw.providerservices@twc.texas.gov. The childcare provider must be established as a TWC-VR provider and receive direct payment for services. Exceptions are not allowed.
- Childcare Payment Guidelines: If comparable benefits are unavailable, VR Counselors may cover up to 100% of the customer's childcare expenses during training, not exceeding the maximum rates specified for child care on TWC's Child Care Data, Reports, & Plans webpage under the heading Provider Payment Rates. Payments are limited to the duration of training.
- Maximum Full Day Rates for Childcare: Each Local Workforce Development Board (Board) establishes maximum rates for childcare services as outlined in the State's Child Care and Development Fund State Plan. Rates are set for Licensed Child Care Centers, Licensed Child Care Homes, and Registered Child Care Homes. These rates are further categorized based on whether the providers are Texas Rising Star providers (2-, 3-, or 4-star providers).
  Age groups for each provider type include the following:

  - Infants: 0 to 17 months
  - Toddlers: 18 to 35 months
  - Preschool age children: 36 to 71 months
  - School age children: 72 months to 13 years
- Fees: Some providers may charge a registration fee in addition to ordinary childcare costs. TWC-VR may pay the registration fee to the facility once per calendar year for each child.
  When identifying applicable fees, TWC-VR staff must be aware that activity fees include only the fees that all parents are required to pay and do not include fees for optional activities such as field trips or optional classes.
- Employed Customers: TWC-VR may pay for childcare after a customer has achieved employment for a total of eight weeks at the following percentages:
  - 100% for the first four weeks
  - 80% for the fifth week
  - 60% for the sixth week
  - 40% for the seventh week
  - 20% for the eighth week

E. PAS, Family Member, and Childcare Documentation

Documentation Type	Required Documentation: Customer	Required Documentation: VR Counselor
PAS	Must submit monthly written statements to TWC-VR that include: • Services rendered; • Hours worked; and • Additional pertinent information necessary for payment.	Documentation of justification and case progress must be included in the customer's case record.

Documentation Type	Required Documentation: Customer	Required Documentation: VR Counselor
Family Member Services	N/A	Must document the following: • Name of family member receiving the service(s); • Relationship to the customer; • The TWC-VR services needed; and • How the services are expected to make a substantial contribution to the customer's ability to participate in TWC-VR services.
Childcare Services	Proof of application to TWC Childcare services and/or comparable benefits	N/A

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required to continue PAS after six months, and approval is limited to six-month increments.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 16.2: MAINTENANCE SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 16.2	34 CFR §361.5(c)(34), §361.48(b)(7), and TWC Rule §856.46	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of maintenance services (payments to customers) when necessitated by their participation in TWC-VR services.

DEFINITIONS

Normal Living Expenses: Items such as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance.

POLICY

A. General Overview

Maintenance services are when TWC-VR provides monetary support to a customer for expenses (e.g., food, shelter, clothing) that are in excess of their normal living expenses necessitated by their participation in an assessment for determining eligibility, scope of VR needs and the receipt of TWC-VR services under an Individualized Plan for Employment (IPE).

Maintenance services can be provided under one or more categories:

- Recurring maintenance;
- Nonrecurring maintenance; and/or

- Short-term housing maintenance.

B. Restrictions

Maintenance services are not used to provide the following services:

Tuition or fees;

- Compensation for an on-the-job training program;
- Goods and services that are under contract;
- Mortgage payments, usual and customary rent for housing, and any associated fees or expenses; and
- Reimbursements.

As described throughout the VRSM, some exceptions may be granted with approval from TWC-VR's Deputy Division Director of Field Services Delivery. TWC-VR staff are required to follow the policies and procedures outlined in each respective chapter of the VRSM for the provision of these restricted services.

Maintenance cannot be used for costs directly associated with transportation, such as mileage or driver services.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on maintenance services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determination of Need

The VR Counselor must clearly document the need for maintenance services in the case record. These services must be necessary and reasonable under the customer's circumstances at the time a decision is made.

Decision-making factors include, but are not limited to, the following:

- Individual rehabilitation needs consistent with the customer's informed choice;
- Market rates;
- Availability of cost-effective alternatives; and
- All other established policies and procedures, including policies and procedures for customer participation in the cost of services, also known as basic living requirements (BLR).

B. Recurring Maintenance

This maintenance service (also referred to as "weekly maintenance" in RHW) is used for expenses incurred on a recurring basis as a direct result of participation in TWC-VR services.

Recurring maintenance payments may:

- Not exceed $55 per week;
- Be paid during TWC-VR academic or vocational training, as determined necessary, but:
    - Must not exceed 104 weeks for a customer who is pursuing vocational training;
    - Must not exceed 156 weeks for a customer who is pursuing academic college-level training;
- Be paid to a customer in self-employment, as determined necessary, but must not exceed 16 weeks; and
- Be paid to cover the cost of a health insurance premium if insurance is required by a business for participation in the following:
    - Work Experience Services;
    - Paid Work Experience purchased through Local Workforce Development Boards (Boards);
    - Wage Services for Work Experience through WorkQuest;
    - Practicums;
    - Clinicals; and
    - Internships.

Health insurance premiums may only be purchased while the customer is participating in the above bulleted services. TWC-VR staff must document the options explored for health insurance and the justification for which option best meets the customer's vocational needs.

C. Nonrecurring Maintenance

This maintenance service (also referred to as "one-time maintenance" in RHW) is used for one-time expenses that are incurred as a direct result of participation in TWC-VR services.

Nonrecurring maintenance may also be used to purchase the following:

- Maximum Affordable Payment Schedule (MAPS) goods and services (only when the vendor will not accept a TWC-VR service authorization [SA]):
  - Applicable MAPS rate must still be applied to determine the amount of maintenance to be paid; and
  - The process may not be used to exceed established MAPS fees;
- Business start-up costs for self-employment;
- Escort or attendant supports (when required) for a customer (current State per diem rate at State Comptroller website: Textravel - Current Rates (texas.gov));
- Initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for a customer to relocate for a job placement or to participate in TWC-VR services.
- Health insurance premium if insurance is required by a business for participation in the following:
  - Work Experience Services;
  - Paid Work Experience purchased through Local Workforce Development Boards (Boards);
  - Wage Services for Work Experience through WorkQuest;
  - Practicums;
  - Clinicals; and
  - Internships.

Health insurance premiums may only be purchased while the customer is participating in the above bulleted services. TWC-VR staff must document the options explored for health insurance and the justification for which option best meets the customer's vocational needs.

D. Short-Term Housing Maintenance

This maintenance service paid to a customer is used only for short-term housing expenses that are incurred as a direct result of participation in TWC-VR services. It must not be used to pay a customer's mortgage payment or usual and customary rent for housing, which are considered normal living expenses. When it is expected that short-term housing maintenance, in excess of normal living expenses, will exceed a total of three months (cumulatively or consecutively), TWC-VR staff must initiate the process

to establish the landlord as a provider for "short-term housing" during the first month for which short-term housing maintenance is authorized.

If the landlord declines to be established as a provider for any reason, or if they have a hold through the Texas comptroller and cannot be paid, alternate housing must be explored. If no other acceptable options are available, justification for paying short-term housing maintenance to the customer requires VR Manager approval.

Once established as a TWC-VR provider, short-term housing maintenance is paid as short-term housing to the providing landlord or lessor.

E. Processing Maintenance Service Payments

Maintenance services are authorized and paid to the customer in advance. When approved by the VR Counselor, maintenance checks, or warrants, are mailed:

- Directly to the customer, their representative, or third-party payee; or
- To the TWC-VR office where the customer is receiving services, when approved by the VR Manager, under exceptional circumstances.

When a maintenance warrant is received in the TWC-VR office, the TWC-VR staff member must:

- Document the TWC-VR receipt of the warrant in a case note, containing:
  - The date that the warrant was received; and
- The warrant number and amount;
- Contact the customer and documents the contact in a case note; and
- Document the customer receipt of the warrant in a case note, containing:
  - The date that the warrant was received by the customer; and
  - The warrant number and amount.

Until the customer receives the warrant, it must be stored under lock and key.

F. Documenting Maintenance Services

Documentation Type	Required Documentation: Customer	Required Documentation: VR Counselor
Recurring Maintenance	• Maintains *Maintenance Expense Log (VR2180)* • Maintains copies of receipts to verify content of *VR2180*[1]	• Reviews *VR2180* monthly • If *VR2180* is not turned in or funds were not used for their intended purpose, no additional maintenance payments can be authorized. • Sends an email to VR RHW Provider Services at vr.rhw.providerservices@twc.texas.gov to have customer established as provider when amount is over $400
Nonrecurring Maintenance	• Provides a receipt from vendor to show funds were used for their intended purpose	• Sends an email to VR RHW Provider Services at vr.rhw.providerservices@twc.texas.gov to have customer established as provider when amount is over $400 • If receipt is not turned in or funds were not used for their intended purpose, no additional maintenance payments can be authorized.
Short-Term Housing Maintenance	• Provides a receipt showing proof of payment to provider that funds were used for their intended purpose	• If receipt is not turned in or funds were not used for their intended purpose, no additional maintenance payments can be authorized.

[1] Receipts are for auditing purposes and do not need to be turned into TWC-VR with *VR2180*.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Manager approval is required for all recurring maintenance SAs.
- VR Manager approval is required for any additional maintenance services when a receipt is not turned in or it is determined that funds were not used for the intended purpose.
- VR Manager approval is required for maintenance for MAPS goods and services – only when the vendor will not accept a TWC-VR SA.
- VR Manager approval is required for all short-term housing maintenance and is limited to three-month increments (cumulatively or consecutively).
- VR Manager approval is required for continued maintenance for short-term housing provided to the customer if the landlord declines to be established as a provider for any reason, or if they have a hold through the State comptroller and cannot be paid, and no other acceptable options are available.
- VR Manager approval is required before maintenance can be paid to the customer to purchase goods or services that have more specific purchasing processes and/or specifications available in the VRSM or RHW.
- VR Manager approval is required when an exception to exceed $55/week for the health insurance premiums for reoccurring maintenance services are deemed necessary.
- VR Manager approval is required for all nonrecurring maintenance that is equal to or greater than $400 for a single service authorization.
- VR Manager approval is required when exceptional circumstances result in the maintenance check or warrants being mailed to the TWC-VR office instead of directly to the customer.
- TWC-VR Executive Management approval is required before using any form of maintenance to cover the services listed as restricted in this policy.

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 16.3: SHORT-TERM HOUSING SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 16.3	34 CFR §361.5(c)(34), §361.48(b)(7), and TWC Rule §856.46	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Short-Term Housing assistance for customers.

DEFINITIONS

Normal Living Expenses: Items such as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance.

Short-Term Housing: Housing that is incurred as a direct result of participation in TWC-VR assessments or services. Short-term housing may be one day to a few weeks or months and must be in excess of the customer's normal living expenses.

POLICY

A. General Overview

In some circumstances, the VR Counselor may agree to pay a landlord short-term housing expenses that are incurred as a direct result of participation in TWC-VR services. It must not be used to pay a customer's mortgage payment or usual and customary rent for housing, which are considered normal living expenses.

B. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on Short-Term Housing services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Establishing a Vendor

When it is expected that short-term housing, provided through maintenance services, in excess of normal living expenses, will exceed a total of three months (cumulatively or consecutively), TWC-VR staff must initiate the process to establish the landlord as a provider for "short-term housing" during the first month for which short-term housing maintenance is authorized.

If the landlord declines to be established as a provider for any reason, or if they have a hold through the Texas comptroller and cannot be paid, alternate housing must be explored. If no other acceptable options are available, justification for paying short-term housing maintenance to the customer requires VR Manager approval.

Once established as a TWC-VR provider, short-term housing maintenance is paid as short-term housing to the providing landlord or lessor.

B. Short-Term Housing Expenses

This service is used only for short-term housing expenses that are paid to a landlord and incurred by the customer as a direct result of participation in TWC-VR services.

The VR Counselor may approve an amount for short-term housing expenses paid to a provider that is in excess of the customer's normal living expenses only when:

- The amount is the best-value decision to support TWC-VR assessments and services other than training; and
- The service is not available in the customer's local community (the same town as the customer's residence or within a 50-mile radius of the customer's residence).

Customers attending Criss Cole Rehabilitation Center (CCRC) Outreach Mini-trainings are exempt from the 50-mile radius requirement.

Once established as a TWC-VR provider, short-term housing expenses are paid to the landlord.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Manager approval is required for all short-term housing and is limited to three-month increments (cumulatively or consecutively).
- VR Manager approval is required for continued maintenance for short-term housing provided to the customer if the landlord declines to be established as a provider for any reason, or if they have a hold through the State comptroller and cannot be paid, and no other acceptable options are available.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 16.4: TRANSPORTATION SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 16.4	34 CFR §361.5(c)(56), §361.48(b)(8), and TWC Rule §856.47	All TWC-VR staff	01/02/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of transportation services that are necessary for customers to participate in TWC-VR services.

DEFINITIONS

Normal Living Expenses: Items such as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance.

Private Carrier: An individual or private organization that owns a vehicle and is not customarily for hire.

Public Carrier: A vehicle or set of vehicles in the business of transporting the public (e.g., city transit service, airline, bus, taxi).

Transportation: Travel and related expenses necessary to enable an applicant or eligible individual to participate in a TWC-VR service, including expenses for training in the use of public transportation vehicles and systems.

POLICY

A. General Overview

When customers are participating in TWC-VR services and/or employment that requires transportation assistance, TWC-VR can provide these services in accordance with the Individualized Plan for Employment (IPE) or prior to an IPE when transportation is needed to access TWC-VR or participate in the assessment process for determining eligibility or the scope of VR needs (e.g., getting to and from medical evaluations).

Transportation is financial support that can be paid directly to the customer, to the customer to pay for a ride share (e.g., Uber, Lyft), or a third party who will provide the transportation. Transportation services may not be used to pay for any "normal living expenses." Regardless of the reason for transportation services, they must be provided by the most economical and effective carrier that meets the customer's disability-related needs.

TWC-VR pays for the use of the customer's vehicle for transportation when this is the most economical and effective method.

Transportation services can be provided under one or more of the following categories:

- Recurring transportation paid to a public or private carrier;
- Nonrecurring transportation paid to a public or private carrier; and
- Airfare.

B. Transportation Provided by TWC-VR Staff

Criss Cole Rehabilitation Center (CCRC) staff members who are formally approved to transport customers must drive TWC-VR-owned vehicles. All other TWC-VR staff members are not allowed to transport customers.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on transportation services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determination of Need

The VR Counselor must clearly document the need for transportation services in the case record. These services must be necessary and reasonable under the circumstances of the customer at the time a decision is made.

Decision-making factors include, but are not limited to, the following:

- Individual rehabilitation needs consistent with the customer's informed choice;
- Best value purchasing;
- Use of comparable benefits; and
- All other established policies and procedures, including policies and procedures for customer participation in cost of services, also known as basic living requirements (BLR).

B. Recurring Transportation

Recurring transportation includes advance payments paid weekly to a public or private carrier for the transportation of a customer necessary to participate in TWC-VR services (e.g., training).

C. Nonrecurring Transportation

Nonrecurring transportation is a one-time advance payment to a public or private carrier for transportation of a customer necessary to participate in a TWC-VR service (e.g., psychological evaluation).

D. Airfare

Airfare may be procured to fulfill a customer's transportation requirements under the following circumstances:

- If air travel proves to be the most economical option compared to driving;

- If air travel aligns with the customer's transportation needs, considering potential disability-related factors; or
- If no feasible alternative mode of transportation exists.

When evaluating the cost-effectiveness of airfare, the VR Counselor takes into account all associated expenses, including transportation to and from the airport, parking fees, vehicle rental, fuel costs, or taxi fares.

- Customer Central Billed Account (CBA): CBA is the required method for paying for airfare. Using the CBA for customer airfare purchases allows TWC-VR staff to purchase customer airfare at state-contracted rates.

In addition to reducing airfare costs for customer travel, using the CBA has the following benefits:

- Advance purchase is not necessary;
- No minimum or maximum length of stay; and
- 100% refundable tickets if canceled or unused.

When using the CBA, reservations must be made at least 14 days in advance and ticketed at least seven days in advance to allow for review and to ensure that the itinerary is acceptable to the customer. For travel being requested during holiday periods (October through January), reservations must be made at least 30 days in advance.

- Requesting Customer Air Travel: The TWC-VR staff must do the following:
    - Complete and sign Central Billing Request for Consumer Airfare form (VR1762) and include the service authorization (SA) number in the Comments field; and
    - Email the signed VR1762 to the Accounting–Consumer Airfare Team at Payables.ConsumerAirfare@twc.texas.gov.

    On VR1762, TWC-VR staff notes any special needs or requirements that the customer may have. For example, TWC-VR staff documents whether the customer:

    - Needs to be on a specific flight to travel with a group;
    - Requires accommodations (e.g., wheelchairs, guide dogs); or
    - Requires special seating (describe the circumstances).
- Reserve and Verify Customer Airfare: The following procedures must be used to book and verify the travel:
    - Accounting–Consumer Airfare Team authorizes the charge to the Customer CBA and books the airfare.
    - Accounting–Consumer Airfare Team maintains a printed copy of the itinerary in the Customer CBA and forwards the confirmation by email to the TWC-VR staff member who requested the travel.

- The TWC-VR staff member must respond by email to the Consumer Airfare Team at Payables.ConsumerAirfare@twc.texas.gov to confirm that the forwarded itinerary is acceptable.
- The TWC-VR staff member, upon confirming the itinerary as acceptable, must complete a service record and SA in RHW using the date, purchase price, and fees information provided.
- The customer must provide the itinerary or confirmation number and a valid driver's license, photo ID, or other acceptable proof of identification. (Acceptable forms of identification are found at Transportation Security Administration Identification.)
- The TWC-VR staff member receives a mass email from the Accounting–Consumer Airfare Team paying the bank statement once the customer's travel is shown. Because the email names all customers that traveled within that bank statement period, the TWC-VR staff member must copy and redact names of all other customers from the document before filing with the customer's purchasing records in the case file.
- The TWC-VR staff member must add the SA number in the appropriate column for the customer.
- Accounting verifies and audits the SA and lets the TWC-VR staff member know when they can receive and authorize payment for the customer's travel.

- Canceled Flights: The ticket is paid for using a VR CBA credit card. If the customer's ticket requires cancellation, the TWC-VR staff member must notify the Accounting–Customer Airfare Team immediately by email at Payables.ConsumerAirfare@twc.texas.gov or by phone at (512) 463-1671, option 4, for immediate assistance. The following responsibilities and conditions apply:
  - The customer is not authorized at any time for any reason to make any changes or cancel their flight itinerary. Additional costs incurred will be the responsibility of the customer. The customer must go through the VR Counselor to make any changes or cancel flight itinerary.
  - The TWC-VR staff member is responsible for closing the SA in RHW.
- Airfare Limits: Air transportation for customers who are attending in-state or out-of-state training is limited to no more than four round-trip economy tickets per year. This includes customers attending training at CCRC.
  If there are questions regarding customer airfare procedures, contact the Accounting–Consumer Airfare Team in one of the following ways:
  - Email TWC Consumer Airfare Team at Payables.ConsumerAirfare@twc.texas.gov; or
  - Phone (512) 463-1671, option 4.

E. Other Transportation Services

- Rental Car: Vehicle rental can be purchased if it is economically justified and no reasonable alternative exists.
  - Required Vehicle Rental Procedures: TWC-VR staff must obtain two quotes for an economy class vehicle from a reputable auto rental agency or vehicle modification

provider. If the customer requires a higher class of vehicle, document the justification for VR management review during the approval request.
TWC-VR staff must not request State rates for customers because only State employees may use them.
TWC-VR staff must obtain copies of documents for the customer's case file that confirm that the customer or the customer's driver is:
    - Over 21 years old;
    - Has a valid driver's license; and
    - Has proof of insurance.
  - If the customer or their driver does not have collision insurance, TWC-VR may pay the rental agency's additional daily rate for required insurance. TWC-VR does not pay for personal accident insurance.
  - The customer is responsible for:
    - Returning the rental vehicle in the condition in which it was received; and
    - Paying any costs above and beyond the original rental agreement.
- Relocation Services: If the customer cannot participate in IPE services or employment because transportation is not available, the VR Counselor discusses with the customer the option of relocating to a community that meets the customer's transportation needs.

If the customer decides to move, the VR Counselor determines the extent of help necessary to achieve the move. Some customers require minimal help (e.g., helping to pay for moving van rental, mileage, and boxes) while others, because of disability-related limitations, may require full assistance (e.g., packers, movers, and unpackers).

If the VR Counselor plans to purchase services from a moving company, they must contact TWC Consumer Procurement for help in determining if using a State term contract results in best value.

F. Customer Vehicle Repair

As with other transportation services, TWC-VR provides payment for the repair of the customer's vehicle only when necessary for the customer to participate in TWC-VR services, such as vocational training and job-related services.

Payment for vehicle repair, including parts and labor, is authorized only when:

- No comparable services or benefits are available to meet this customer's transportation needs; and
- Repair is the most cost-effective means to meet those needs.

Authorization covers only repairs that are required to make the vehicle safe and operable. Purchasing thresholds may apply.

G. Bus Passes

The management support team purchases local bus tickets, passes, tokens, and transfers in bulk for customers. Bus passes are distributed to customers that are directly related to and required for their participation in TWC-VR services. Once received in the TWC-VR office, the bus passes must be kept under lock and key.

When a customers need for bus passes is identified, the:

- VR Counselor must include bus passes on the IPE or IPE amendment and include justification of the need of transportation in a case note.
- Customer (or representative, if needed) must be present and must sign the Rehabilitation Equipment, Item, and Bus Pass Receipt form (VR2014) once they receive the bus pass;
- TWC-VR staff will request the bus pass from the management support team or designee;
- TWC-VR staff are required to enter the date, customer's name, and case ID number onto the Office Bus Pass Log (VR2015);
- The management support team or designee will also sign VR2015;
- Once VR2014 has been completed, TWC-VR staff are required to place it in the customer's case file; and
- VR2015 must be filed with the management support team records.

H. Processing Transportation Payments

TWC-VR staff must email VR RHW Provider Services at vr.rhw.providerservices@twc.texas.gov to have the customer established as a provider when the amount is more than $400 for a single SA.

TWC-VR staff must authorize the payment of transportation in advance to the customer. The allowable transportation payment rates are based on the rates published on the Texas Comptroller of Public Accounts website.

Transportation payments (recurring or nonrecurring) are limited to one of the following:

- Actual cost to customer for public transportation;
- Actual mileage times the Federal privately-owned vehicle mileage rate published on the Texas Comptroller of Public Accounts website; and
- Recurring transportation payments should be issued monthly or for the duration of the semester or service period.

TWC-VR staff must not use maintenance specifications in RHW to make transportation payments.

TWC-VR staff must not split SAs to avoid threshold requirements based on specific dollar amounts.

If discrepancies are noted between the service record, SA, or invoice received by the Accounting–Consumer Airfare Team, a team member emails the TWC-VR staff to resolve the differences.

Transportation Warrants to Customers: Transportation services are authorized and paid to the customer in advance. When approved by the VR Counselor, transportation checks, or warrants, are mailed:

- Directly to the customer, their representative, or third-party payee; or
- To the TWC-VR office where the customer is receiving services, when approved by the VR Manager, under exceptional circumstances.

When a transportation warrant is received in the TWC-VR office, the TWC-VR staff member must:

- Document the TWC-VR receipt of the warrant in a case note, containing:
  - The date that the warrant was received; and
  - The warrant number and amount;
- Contact the customer and documents the contact in a case note; and
- Document the customer receipt of the warrant in a case note, containing:
  - The date that the warrant was received by the customer, and
  - The warrant number and amount.

Until the customer receives the warrant, it must be stored under lock and key.

I. Anticipated Transportation

Transportation assistance must be included in the customer's IPE, unless the service is provided prior to IPE development. If the need for transportation is identified before the IPE has been completed, a service justification case note must be used to document this service.

J. Documenting Transportation Services

Documentation Type	Required Documentation: Customer	Required Documentation: VR Counselor/VR Manager
Recurring Transportation	• Maintains *Transportation Log (VR2181)* to verify that the private carrier recurring transportation funds were used for their intended purpose • Turns in *VR2181* monthly	• Case note that includes calculations and the source used to define "actual mileage" and confirms the service for which transportation is required. • Reviews *VR2181* before next payment is authorized • If *VR2181* is not turned in or if it is determined that the funds were not used for their intended purpose, VR Manager approval is required before additional transportation payments can be authorized or any new SAs for transportation are issued • Documents VR Manager request and approval in RHW
Nonrecurring Transportation		• VR manager approval, if required • Case note that includes calculations and the source used to define "actual mileage" and confirms the service for which transportation is required

Documentation Type	Required Documentation: Customer	Required Documentation: VR Counselor/VR Manager
Recurring Bus Passes	Maintains *VR2181* to verify that bus passes are being used for their intended purpose Turns in *VR2181* for the next bus pass to be issued or purchased	• Case note that includes quantity of bus passes needed to support TWC-VR service and confirmation of the service for which transportation is required • If the TWC-VR office purchases bus tickets in bulk and issues them directly to the customer, a case note identifying the date the customer picked up the bus pass • Files a signed copy of *VR2014* in the customer's case file • If *VR2181* is not turned in or if it is determined that the funds were not used for their intended purpose
Nonrecurring Bus Passes		• Documents quantity of bus passes needed to support the TWC-VR service • Case note confirming the service for which transportation is required • If TWC-VR purchases bus tickets in bulk and issues them directly to the customer, a case note identifying the date the customer picked up the bus pass

Documentation Type	Required Documentation: Customer	Required Documentation: VR Counselor/VR Manager
Customer Vehicle Repair		Case note that documents the vehicle: • Is owned by the customer or a family member (if not, VR manager approval is required); and • The customer's primary means of transportation; • Vehicle repair is a best-value decision to meet the customer's transportation needs; and • Based on the vehicle's overall condition, ongoing repairs are not expected; and • Repair costs do not exceed the vehicle's value as estimated from Kelly Blue Book using the "sell to private party" value (After the VR Counselor reviews and makes the decision to authorize the service, they file a copy of the computer-generated estimate in the case file.) • There are no comparable services and benefits available to meet the customer's transportation needs, such as public bus service; and • The customer has a plan for how to meet transportation expenses after case closure.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required for vehicle repairs when the total cost of the repair is greater than $2,500, or when the total cost exceeds the vehicle's value.
- VR Supervisor approval is required for vehicle rentals.

- VR Manager approval is required when exceptional circumstances result in the transportation check or warrants being mailed to the TWC-VR office instead of directly to the customer. VR Manager approval is required for all transportation (excluding airfare) that is equal to or greater than $400 for a single SA.
- VR Manager approval is required for recurring transportation that exceed a total of 104 weeks. Approvals are limited to six-months increments (cumulatively or consecutively).
- VR Manager approval is required for any additional transportation services when a VR2181 is not turned in monthly or it is determined that funds were not used for the intended purpose.
- VR Manager approval is required for more than four round-trip economy airfare tickets per year for customers that are attending training (includes both in-state and out-of-state training).

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
01/02/2025	Revised	Aligned Procedures G. Bus Passes to require transportation to be listed on an IPE/IPE Amendment

PART C. CHAPTER 16.5: TOOLS AND EQUIPMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 16.5	34 CFR §361.48(b)(16), and TWC Rule §856.51	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of purchasing or providing tools and equipment to customers necessary for the industry related to their training or employment.

DEFINITIONS

Equipment: Larger, more complex machinery or apparatus used to perform tasks or operations within an industry or workplace. Equipment may be stationary or mobile and often requires power sources such as electricity, fuel, or compressed air to operate.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it pertains to choosing a trade occupation and the requirements of that industry.

Tools: Handheld or manually operated devices used to perform specific tasks or functions. They are typically smaller in size and are often portable, allowing workers to use them directly on the job site.

POLICY

A. General Overview

TWC-VR purchases only tools and/or equipment required to support a customer's employment goal or outcome. "Required tools and equipment" must be included as a service on the Individualized Plan for Employment (IPE) before authorizing purchase or transfer of items to the customer.

- Customer Responsibility: The customer is required to take reasonable care of the tools, equipment, and supplies provided and is liable for loss and damage resulting from wrongful act or neglect.
- VR Counselor Responsibility: The VR Counselor must assure that the proper tools are purchased and that they are not ordinarily provided by the employer. It is also the responsibility of the VR Counselor to exercise reasonable diligence in recovering items and document in the case record the circumstances relating to any loss or damage to equipment.

B. Required for Training or Employment

For TWC-VR to purchase tools and equipment required for employment, they must be used by the customer:

- To participate in a training program; or
- For entry into an employment setting.

Tools and/or equipment that are purchased or provided for customers include only those that are normally required for workers in the same or similar trade or profession.

In many instances, tools and/or equipment required for training or employment are provided by the training facility or employer rather than by the employee. If tools are provided without cost to other students or employees, TWC-VR does not purchase or provide tools for a customer.

C. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on tools and equipment services unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the Need for Tools and Equipment

VR Counselors must understand the industry and the needs related to the tools and equipment requested by the customer. When tools and/or equipment are deemed necessary for training or employment, the services must be included in the IPE and be directly related to the employment goal, prior to completing a service authorization (SA). Though the terms "tools" and "equipment" are often used interchangeably, there are subtle differences, especially across industry contexts.

- Examples of Industry Tools: Industry professionals rely on a variety of tools to perform their services effectively. Examples include, but are not limited to, the following:
    - Saw, file, knife, wrench, hammer, screwdrivers, tape measure, levels;
    - Hairdryer, cutting and styling scissors, coloring brushes and bowls;
    - Plumbing snakes/augers, torch and solder, pipe inspection camera, pliers; and
    - Stethoscope, oxygen equipment, glucometer, blood pressure cuff, thermometer.
- Examples of Industry Equipment: Industry professionals rely on a variety of equipment to perform their services effectively. Examples include, but are not limited to, the following:
    - Power accessories;
    - Garden tractors;
    - Portable vending stands;
    - Special motor scooters; and
    - Stationary equipment.
- Examples of Items Not Considered Tools or Equipment: There are many essential components, materials, or supplies used in various industry settings that may not be considered tools or equipment. Examples include, but are not limited to, the following:
    - Automobiles;
    - Operating capital;
    - Buildings;
    - Operating cost;
    - Land;

- Consumables; and
- Raw materials.

B. Need and Safeguarding Tools and/or Equipment

When agreed upon tools and/or equipment are included in the customer's IPE, the VR Counselor must ensure the customer understands their responsibility of the following:

- Safeguarding and maintaining proper custody of tools and equipment;
- Not disposing of tools and equipment unless they are unserviceable or obsolete; and
- Returning usable tools and equipment not used as planned to TWC-VR.

TWC-VR retains residual title to all tools, equipment, and unused supplies issued to a customer during the VR process.

The VR Counselor must document the need for tools and/or equipment, including supporting documentation, if applicable, in the case record.

C. Purchasing and Documenting Tools or Equipment

TWC-VR may purchase required tools and equipment for the customer when the following conditions are met:

- The IPE shows that the customer is entering a training program or employment;
- Purchased tools and equipment are of good quality and are regularly required for the chosen occupation, trade, or profession; and
- The cost of tools and equipment does not exceed a total of $5,000.

If the cost of required tools and equipment exceeds $5,000, management approval is required according to the following thresholds:

Approval Level	Total Cost of Tools and/or Equipment
VR Manager	Greater than $5,000 to $15,000
VR Regional Director or Deputy Regional Director	Greater than $15,000 to $25,000

Approval Level	Total Cost of Tools and/or Equipment
VR Division Director	Greater than $25,000

Tools and equipment may be repaired if replacement is more expensive.

If a customer reports that their tools and equipment were lost or stolen, they must provide a copy of a police report.

TWC-VR must recover usable tools and equipment that the customer no longer needs. When a customer refuses to return TWC-VR property, further action is required.

- Paying for Goods: TWC-VR staff must obtain the customer's signature on an itemized receipt that describes each good purchased or the Rehabilitation Equipment Receipt and Agreement (VR2014) and place the signed receipt in the case file.
- Receipt of Items: VR2014 provides TWC-VR with a list of tools and/or equipment items issued to the customer and familiarizes the customer with the terms of the transaction. It also provides evidence of the return of the equipment.
  VR2014 is used for rehabilitation equipment issued by:
  - TWC-VR staff; and
  - Employment Assistance Services (ES) (Customer Technical Support).

  TWC-VR staff must not use VR2014 when purchasing items associated with physical restoration, such as low-vision aids and glucometers.
- When Initiated by TWC-VR Staff: When initiated, the VR Counselor must:
  - List all customer-tagged and/or nontagged equipment, as outlined on the customer's IPE, which are issued to the customer;
  - Verify that the customer is aware of the responsibility to properly care for the equipment and understands the other terms of the agreement;
  - Have the customer sign and date the form acknowledging receipt of the equipment;
  - Place the signed original VR2014 in the customer's case file; and
  - Give a copy of VR2014 to the customer.
- When initiated by the ES Customer Technical Support: The ES Customer Technical Support coordinates with the VR Counselor and customer through the following steps:
  - ES Customer Technology Services lists all customer-tagged and/or nontagged equipment that is being sent on VR2014;
- The VR Counselor reviews VR2014 and the contents of all boxes sent, and documents in a case note;

- The VR Counselor meets with the customer and verifies that the customer is aware of the responsibility to properly care for the equipment and understands the other terms of the agreement;
- VR Counselor (or other TWC-VR staff) has the customer sign and date the form acknowledging receipt of the equipment;
- The VR Counselor places the signed original VR2014 in the customer's case file; and
- The VR Counselor gives a copy of VR2014 to the customer.

D. Returning Tools or Equipment

When it has been deemed necessary for the customer to return the TWC-VR purchased or provided tools and/or equipment, the following steps are followed.

- Upon return of the tools or equipment: The TWC-VR staff member completes and signs the bottom portion of the original VR2014, signifying return of the equipment and releasing the customer from responsibility.
- Recovering Tools or Equipment: TWC-VR staff work with the customer and/or their family to recover TWC-VR property that is still usable. The VR Counselor must document recovery efforts and the outcome of recovery efforts in a case note.
  - Recovered tools and equipment that are still usable can then be issued to another customer to meet their needs in the VR process.
    TWC-VR staff must consider the degree to which normal wear and tear has affected the property's usability. If it is believed that the tools or equipment are no longer usable by other TWC-VR customers, the basis of that decision must be documented in a case note.
  - Transferring Tools or Equipment: Recovered tools and/or equipment can be transferred to another customer if the equipment is still serviceable or under warranty.

  The VR Administrative Supervisor transfers customer equipment from one customer location to another and:
  - Assesses the condition of the equipment; or
  - Hires a local consultant to assess it, when necessary; and
  - Reports the equipment condition to the receiving VR administrative supervisor.

  The VR Counselor must document the transfer and reissue in case notes of both customers involved. The VR Counselor does not enter the name of one customer in another customer's case file.

E. Reporting Lost or Stolen Tools and Equipment

The TWC-VR staff must report the misappropriations of TWC-VR purchased or provided tools and/or equipment.

If a customer sells, pawns, loans, uses as loan collateral, transfers to an unauthorized known third party, refuses to return items that are no longer being used to support the employment goal, or otherwise uses tools and/or equipment unlawfully, TWC-VR staff must:

- Notify the third party immediately that the State has title to the property;
- Request that the property be returned; and
- Notify TWC Risk and Security Management through Incident Reporting Process.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Manager approval is required when the total cost of tools and/or equipment is greater than $5,000 to $15,000.
- VR Regional Director or Deputy Regional Director approval is required when the total cost of tools and/or equipment is greater than $15,000 to $25,000.
- VR Division Director, or designee, approval is required when the total cost of tools and/or equipment is greater than $25,000.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 16.6: OCCUPATIONAL LICENSES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 16.6	34 CFR §361.48(b)(16), and TWC Rule §856.51	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to providing TWC-VR purchased services and supports to assist a customer in obtaining or maintaining an Occupational License.

DEFINITIONS

Occupational License: Any license, permit, or fee for the examination of a license, or other written authorization required by the state, city, or other government unit that must be obtained to work or to run a small business.

Practitioner: An expert who uses that knowledge as part of a profession.

POLICY

A. General Overview

Occupational licenses authorize individuals to engage in specific professions or occupations. These licenses are typically required to ensure that practitioners meet certain standards of competency, skill, and ethical conduct to protect public health, safety, and welfare. Occupational licensing requirements vary widely depending on the profession and jurisdiction, with some occupations requiring rigorous education, training, and examination processes, while others may have less stringent requirements.

Occupational licenses often involve a combination of education, experience, and examination components to assess an individual's qualifications and competence in their chosen field. Once obtained, the license may need to be renewed periodically through continuing education or other requirements to ensure practitioners stay current with developments in their profession.

Occupational licensing serves several purposes, including:

- Protecting the public needing services by ensuring that practitioners meet minimum standards of competency and ethical conduct;
- Providing assurance to employers and the public that practitioners have the necessary skills and qualifications to perform their jobs effectively;
- Regulating entry into certain professions to maintain quality and standards within the industry;
- Facilitating accountability and disciplinary action in cases of professional misconduct or incompetence.

B. Prohibited Factors

TWC-VR has limitations on funding when it comes to Occupational Licenses.

TWC-VR will not fund the following:

- State or municipal tax assessments on occupations;
- Dues to a professional association or trade union unless paying the dues meets best-value purchasing criteria and the VR Counselor can justify the purchase as critical to the success of the customer's employment; and
- Organizations that financially support a lobbyist.

TWC-VR will purchase fees for the following when in alignment with employment goal listed on the customer’s IPE:

- Licenses; and
- Required examinations;
- Required registrations.

Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on occupational licensing and related costs unless the VR Counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or

liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Purchasing Occupational Licenses

TWC-VR staff must attempt to establish the licensing entity as a provider to pay directly for applicable services.

If the licensing agency/entity declines to be established as a provider for any reason, or if they have a hold through the comptroller and cannot be paid, alternative options must be explored. If no other acceptable options are available, the justification for paying maintenance to the customer is required to be documented in case notes.

B. Occupational Licenses Documentation Requirements

The VR Counselor documents the justification for providing any occupational licensing support, in addition to including the justification in the Individualized Plan for Employment (IPE).

If the VR Counselor believes that payment to a professional association or trade union is critical to the success of the customer's employment, they must enter a case note that explains the justification and document they have checked that the association or trade union does not financially support a lobbyist.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
07/01/2025	Revised	Changed name of section from ‘service justification’ to ‘occupational licenses documentation’ requirements to clarify section contents

PART C, CHAPTER 17: AUXILIARY AIDS AND SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 17	Americans with Disabilities Act, 34 CFR §361.48(b)(10), §361.51(c), §361.48(b)(11), TWC Rule §856.55, §856.48, and Auxiliary Aids and Services 28 CFR §35.104	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to providing auxiliary aids and services to individuals with disabilities necessary to participate in the VR program.

DEFINITIONS

Americans with Disabilities Act (ADA): The ADA prohibits discrimination against people with disabilities in several areas, including employment, transportation, public accommodations, communications, and access to State and local government programs and services.

Auxiliary Aids and Services: Items, equipment, or services that assist in effective communication between a person who has a hearing, vision, or speech disability and a person who does not for purposes of enabling the individual with a sensory disability to access and participate in a service.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to access and choosing auxiliary aids and services, and the providers of those services.

POLICY

A. General Overview

Auxiliary aids and services encompass a broad range of tools, accommodations, and support mechanisms designed to ensure equal access and participation for individuals with sensory disabilities in various settings. These aids and services are mandated by laws such as the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, aiming to remove barriers to communication, interaction, and participation faced by individuals with sensory disabilities.

Examples of auxiliary aids and services include the following:

- Assistive listening devices;
- Sign language interpreters;
- Braille materials;
- Captioning services;
- Tactile graphics and materials;
- Screen reading software;
- Alternative formats for printed materials (e.g., large print, audio recordings); and
- Communication devices for individuals with speech impairments.

These aids and services are tailored to meet the specific needs of individuals with disabilities, facilitating their full participation in education, employment, public services, and other aspects of daily life. By ensuring equal access to information, communication, and facilities, auxiliary aids and services promote inclusivity, independence, and equal opportunity for individuals with disabilities.

Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 24: Communication Access Services.

Additional Policy Considerations

- Comparable Services and Benefits: Auxiliary aids and services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
- Customer Participation in the Cost of Services: Auxiliary aids and services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Specialized Telecommunications Assistance Program

The Department of Health and Human Services Office of Deaf and Hard of Hearing Services (DHHS) and the Public Utility Commission (PUC) operate the Specialized Telecommunications Assistance Program (STAP) for individuals whose disabilities interfere with their ability to effectively use the telephone network.

Through STAP, DHHS provides qualified individuals with disabilities vouchers to purchase basic specialized telecommunications equipment. For a list of acceptable telecommunications devices and the value of the voucher for each device, see DHHS Specialized Telecommunications Assistance Program (STAP).

Individuals with disabilities who have not used a DHHS STAP voucher in the past five years may apply for help through DHHS.

DHHS does not purchase the device for the customer. The customer pays all costs above the STAP voucher amount.

There are three ways to obtain a STAP application:

1. Contact DHHS directly;
2. Contact the STAP Specialist for the relevant DHHS region (regional list of local service providers); or
3. Visit the DHHS Specialized Telecommunications Assistance Program (STAP) web page.

When submitting the application, customers should include a copy of a document serving as valid proof of their Texas residency as shown on the application.

The VR Counselor may certify the customer's STAP application based on whether the customer meets the disability and program criteria. Before signing the application, the VR Counselor must verify the following forms of identification on the customer's application:

- Social Security number
- Proof of residency

The VR Counselor mails the completed application with confirmation of identity and proof of residency to:

DHHS STAP

P.O. Box 12607

Austin, Texas 78711

DHHS does not accept applications by fax or email.

Once DHHS approves the application, DHHS issues a voucher to the eligible customer that identifies the type of device authorized.

The customer has 180 days after receiving the voucher to purchase the device from the list of registered vendors from the list referred to below.

For a list of registered vendors, see the STAP Vendor Search page. For additional information about the STAP program, see the DHHS Specialized Telecommunications Assistance Program (STAP).

For questions concerning STAP, the VR Counselor should contact DHHS by:

- Phone at (512) 407-3250 (voice) or (512) 407-3251 (TTY); or
- Email at stap@hhsc.state.tx.us.

B. Interpreter Services for Deaf and Hard of Hearing Customers

An interpreter for deaf and hard of hearing customers conveys messages between individuals without contributing additional content to the dialogue. TWC-VR uses interpreter services to facilitate communication with customers during the rehabilitation process.

Interpreter services are provided by qualified interpreters and include sign language and oral interpretation for customers who are deaf or hard of hearing and tactile or protactile interpretation for customers who are DeafBlind.

Using Certified Interpreters: TWC-VR must use certified interpreters whenever possible. The Board for Evaluation of Interpreter (BEI) Registry, Registry of Interpreters for the Deaf (RID), or National Association of the Deaf (NAD) must be used to find a certified interpreter. The registry might include certified interpreters that do not have a contract with TWC-VR. A certified interpreter holds at least one of the following certificates of competency from one of the following organizations:

- The Registry of Interpreters for the Deaf (RID):

  - Interpretation Certificate (IC)
  - Transliteration Certificate (TC)
  - Reverse Skills Certificate (RSC)
  - Comprehensive Skills Certificate (CSC)
  - Master Comprehensive Skills Certificate (MCSC)
  - Specialist Certificate: Legal
  - National Interpreter Certification (NIC) Advanced
  - National Interpreter Certification (NIC) Master
  - Certificate of Interpretation (CI)
  - Certificate of Transliteration (CT)
  - Oral Interpreting Certificate: Spoken to Visible (OIC:S/V)
  - Oral Interpreting Certificate: Visible to Spoken (OIC: V/S)
  - Conditional Legal Interpreting Permit: Relay (CLIP-R)
  - Certified Deaf Interpreter (CDI)
- National Association of the Deaf (NAD):
  - NAD III (Generalist)
  - NAD IV (Advanced)
  - NAD V (Master)
- BEI, under Texas Health and Human Services Office for Deaf and Hard of Hearing Services (ODHHS) or other States' BEI registries:
  - Level I Certificate
  - Level II Certificate
  - Level III Certificate
  - Level III Intermediary Certificate
  - Level IV Certificate
  - Level IV Intermediary Certificate
  - Level V Certificate
  - Level V Intermediary Certificate
  - Basic Certificate
  - Advanced Certificate
  - Master Certificate
  - Court Interpreter Certificate
  - Level 1 Oral Certificate
  - Trilingual Advanced Certificate
  - Trilingual Master Certificate
  - Morphemic Sign System (MSS) Certificate
  - Signing Exact English (SEE) Certificate
  - Medical Interpreter Certificate

If an interpreter is needed, but is not available, a TWC-VR staff member who is fluent in sign language may facilitate communication by meeting in the TWC-VR office or in a similar setting with TWC-VR staff

and the customer or other individuals who are deaf. While a valid credential is preferred, TWC-VR staff members who are fluent in sign language do not have to be certified or credentialed to communicate with customers as long as they are not acting as an interpreter.

Additional information on certification levels and recommended settings is available at Situations and Recommended Interpreter Certification Levels on the ODHHS website.

Using Noncertified Interpreters: A noncertified interpreter is an individual who lacks certification but can interpret effectively, accurately, and impartially, both receptively and expressively, using all necessary specialized vocabulary. A noncertified interpreter can be a hearing interpreter or a deaf interpreter.

When a certified interpreter is not available, TWC-VR staff may use a noncertified interpreter who is otherwise competent to interpret.

A noncertified interpreter may be used with the customer's written consent. With TWC-VR staff assistance, as needed, the customer must complete an Acknowledgement for Noncertified Communication Access Provider form (VR3104). The VR3104 must be completed indicating the name of the noncertified interpreter or the college or university on the form. The signed and dated VR3104 is filed in the customer's case file and documented in RHW.

The customer may revoke, in writing, the written consent any time after signing the VR3104.

A noncertified interpreter may not be used in the following settings:

- Medical;
- Legal; or
- Psychiatric.

Out-of-State Interpreters: If an out-of-state interpreter is not listed on the BEI Registry in Texas, the RID, or NAD, the provider will be treated as noncertified and must follow the applicable procedures unless the out-of-state provider provides proof of a valid BEI certification or other acceptable certification. If proof of certification is validated, the out-of-state provider will be considered a certified interpreter.

Purchasing Interpreter Services: Payment for interpreter services must not exceed the cost listed on the Texas HHS Communication Services for State Agencies (CSSA) Maximum Rates. Contracted interpreters must be used when they are available. Only when a contracted interpreter is not available may a non-contracted interpreter be used.

Purchasing Interpreter Services from Colleges and Universities: Interpreter services may be purchased from colleges and universities that are contracted with TWC-VR or by those that are not contracted. Purchases made to colleges and universities that are contracted with TWC-VR must comply with the established rate in the contract. Contracted rates can be found in the Contract Comments section in RHW

once you select the appropriate vendor. Purchases made from colleges and universities that are not contracted with TWC-VR must comply with the established rate in the HHS CSSA Maximum Rates.

For each class, customers must choose to use interpreter services or a CART service. TWC will not purchase both services for the same customer for the same class.

Purchasing Interpreter Services from an Out-of-State Provider: When an out-of-state provider performs interpreter services:

- In Texas, the established fees apply whether certified or noncertified and dependent upon whether proper certification is established; or
- Outside of Texas, the maximum allowable fee is the highest in-state fee for the applicable certification level.

Procedures for Purchasing Interpreter Services: The rate for interpreter services depends on the:

- HHS region in which the service is provided;
- Interpreter's certification level; and
- Day and time when the service is required (day, evening, weekend, or holiday). See HHS CSSA Maximum Rates.

TWC-VR purchases interpreter services according to the following procedures:

- The customer and VR Counselor agree on:
  - The type of interpreter (oral or sign language);
  - The certification level needed (for appropriate certification levels, see the Situations and Recommended Interpreter Certification Levels: Settings); and
  - The customer's preferred provider, if appropriate.
- The customer selects the provider from among those available.
- TWC-VR staff contact the contracted interpreter service provider or the non-contracted interpreter service provider to request services and indicates:
  - The certification level needed; and
  - The date, time, and location.
- The service provider provides the name and certification level of the assigned interpreter.
- TWC-VR staff inform the customer about the assigned interpreter.
- TWC-VR staff obtain agreement from the customer that the customer will attend the appointment. The customer agrees to notify TWC-VR staff at least 48 hours before the appointment if they will not be able to attend the appointment. TWC-VR staff documents the agreement in a case note in RHW.
- TWC-VR staff issue a service authorization (SA) for the approved services that contains the following information:

  - A line item for the administration fee using the specifications for the level of interpreting being requested;
  - A line item for each hour using the number of hours as the quantity (no lump sum amounts) for each day of services being requested;
  - The location where the service is to be provided; and
  - A line item for reimbursement of travel costs (for contracted providers only).
- TWC-VR staff:
  - Receive the provider's invoice;
  - Retain receipts for travel costs (for contracted providers only); and
  - Verify the amount charged against the maximum allowable fee in the HHS CSSA Maximum Rates.
  - TWC-VR staff authorizes payment for the services in RHW.

TWC-VR pays cancellation fees to interpreters when services are canceled less than 48 hours before the time of the scheduled service, including cancellation upon arrival.

When a cancellation fee is applicable, the original SA is revised using the Maximum Affordable Payment Schedule (MAPS) code for cancellation fees rather than the MAPS code for the Interpreter services.

Fee Schedule for Interpreter Services: Rates for interpreter services are based on several factors. Rates for Interpreter services are shown in the HHS CCSA Maximum Rates. Below are the definitions to determine what rates apply:

- Rate Categories for Interpreter Services:
  - Day: 8:00 a.m. to 5:00 p.m., weekdays (Monday through Friday)
  - Evening: 5:00 p.m. to 8:00 a.m., weekdays (Monday through Friday)
  - Weekend: 5:00 p.m. Friday to 8:00 a.m. Monday
  - Last-Minute: Service requests made less than 48 hours (two business days) in advance
- Interpreter Certification Levels:
  - Level A: BEI Level I\Ii, II\Iii, Basic, OC; B; NIC; RID CI, CT, IC, TC, NAD III
  - Level B: BEI III\IIIi, Advanced, OC: C, OC: V; NIC Advanced; RID CSC, IC\TC, CI\CT, RSC, CDI, NAD IV
  - Level C: BEI IV\IVi, V\Vi, Master; NIC Master; RID MCSC, SC: L, NAD V

When a session with an interpreter exceeds the original approved time, last-minute rates must be billed at the Additional Quarter Hour Rate for Interpreter Rates: Day.

C. Communication Access Realtime Translation (CART)

Communication Access Realtime Translation (CART) describes the provision of translation of the spoken word displayed on-screen by a CART provider without contributing to the dialogue. TWC-VR uses CART services to facilitate communication with customers during the rehabilitation process.

Using CART Providers: TWC-VR must use qualified providers as defined below. A qualified CART provider holds any of the following certifications:

- Texas Court Reporters Association:
  - CART Certification Level I
  - CART Certification Level II
  - CART Certification Level III
  - CART Certification Level IV
  - CART Certification Level V
- National Court Reporter Association:
  - Certified Realtime Reporter (CRR)
  - A Certified Realtime Captioner (CRC) certificate of competency issued by the National Court Reporter Association
  - Certified CART Provider (CCP)
  - Certified Broadcast Captioner (CBC)

When a certified CART provider is not available, a noncertified provider may be used except in Medical, Legal, or Psychiatric settings. A noncertified provider must meet the criteria to take and pass the Texas certification exam and must type a minimum of 225 words per minute. If a noncertified CART provider is available, documentation of the provider's qualifications must be submitted to the Program Specialist for Deaf and Hard of Hearing for review and agreement for the noncertified provider to provide the service.

A noncertified CART provider may be used with the customer's written consent. The customer must complete a VR3104, which must indicate the name of the noncertified CART provider or the college or university on the form. The complete VR3104 is filed in the customer's case file and documented in RHW. The customer may revoke, in writing, the written consent at any time after signing the VR3104.

Purchasing CART Services: Payment for CART services must not exceed the cost listed on the HHS CSSA Maximum Rates. Using contracted CART providers is preferred. Noncertified CART providers approved by TWC-VR and the customer will be paid at 70% of the published rates.

Purchasing CART Services from Colleges and Universities: Fees in the HHS CSSA Maximum Rates do not apply to contracted institutions unless noted in the terms of the contract. TWC-VR shares contracts with several colleges and universities to offset part of the cost for CART services, and rates are determined by the contract.

Payments made to colleges and universities that are not contracted with TWC-VR must comply with the established rate in the HHS CSSA Maximum Rates. For each class, customers must choose an interpreter service or CART service. TWC will not purchase both services for the same customer for the same class.

Purchasing CART Services from an Out-of-State Provider: When an out-of-state provider performs CART services:

- In Texas, established fees apply; or
- Outside of Texas, the maximum allowable fee is the highest in-state fee for the applicable certification level.

Procedures for Purchasing CART Services: The rate for CART services depends on the following:

- Whether services are provided on-site or remotely;
- Whether additional services are provided (e.g., the use of a projector or providing an unedited transcript);
- The number of CART providers needed; and
- When the services are required (day, evening, weekend, or holiday).

TWC-VR purchases CART services as follows:

- The customer and VR Counselor agree on the need for CART services.
- The customer selects the provider from among those available.
- TWC-VR staff contacts the CART provider to request services and indicates:
    - Date, time, and location;
    - Whether services will be provided on-site or remotely; and
    - Whether transcripts and other services will be needed.
- The service provider provides the name and certification level of the assigned captioner.
- TWC-VR staff record the service provider chosen in the customer's service record.
- TWC-VR staff obtain an agreement from the customer that the customer will attend the appointment and, if unavailable, will notify TWC-VR staff at least 48 hours before the appointment if they will not be able to attend; TWC-VR staff the document the agreement in a case note in RHW. If a noncertified provider is being used, the completed VR3104 must be filed in the customer’s file and a case note entered into RHW.
- TWC-VR staff issues an SA for the approved services that contains the following information:
    - A line item for the administration fee using the specifications for the level of interpreting being requested;
    - A line item for each hour using the number of hours as the quantity (no lump sum amounts) for each day of services being requested;
    - The location for the service to be provided (on-site location or remotely); and
    - A line item for reimbursement of travel costs for contracted providers only.
- TWC-VR staff must:
    - Receive the provider's invoice;
    - Collect any receipts for travel costs for contracted providers only; and

  - Verify the amount charged against the maximum allowable TWC fee as published on the HHS CCSA Maximum Rates.
- TWC-VR staff authorize payment for the service in RHW.

TWC-VR pays cancellation fees to CART providers when services are canceled within a period of less than 48 hours of the scheduled service, including cancellation upon arrival (formerly referred to as "no-show"). When a cancellation fee is applicable, the original SA is revised using the MAPS code for cancellation fees rather than the MAPS code for CART services.

D. Fee Schedule for CART Services

Rates for CART services are based on several factors. Rates for CART services are the HHS CCSA Maximum Rates. Below are the definitions to determine what rates apply:

- Day: 8:00 a.m. to 5:00 p.m., weekdays (Monday through Friday)
- Evening: 5:00 p.m.to 8:00 a.m., weekdays (Monday through Friday)
- Weekend: 5:00 p.m. Friday to 8:00 a.m. Monday
- Last Minute: Service requests made with less than 48 business hours in advance (2 business days) notice

When a scheduled session exceeds the original approved time, last-minute rates must be billed at the Additional Quarter Hour under CART Rates: Day.

Rates for noncertified CART provider is 70% of the published CART services rated on the HHS CCSA Maximum Rates.

E. Deaf and Hard of Hearing Services

For additional information, see HHS Deaf and Hard of Hearing Services on the Texas Health and Human Services (HHS) website.

F. Translator Services

All VR Managers or their designee must:

- Keep on file a list of translators that includes each translator's name, address, phone number, and language spoken; and
- Update the list at least annually.

The VR Manager must contact TWC Procurement and Contract Services about updates to ensure that the provider list, which is available to all TWC-VR staff, stays current.

The VR Managers or their designee must also include the list in the Regional Communications Plan that TWC submits to the HHS Office for Civil Rights.

When using a translator, TWC-VR staff inform the translator and customer that information provided is kept in confidence.

Guidelines for Translator Services: When the customer has limited English proficiency, TWC-VR staff makes every effort to locate a translator who:

- Can effectively communicate in the customer's native language;
- Is impartial;
- Maintains the confidentiality of the customer's information; and
- Is acceptable to the customer.

To find appropriate translators, TWC-VR staff must ask for help from entities such as high schools, colleges, universities, the local chamber of commerce, churches, or private translation businesses that are located in areas where representatives of the customer's ethnic group can be found.

When it is not practical for the translator to meet in person with the TWC-VR staff and the customer, TWC-VR staff uses a speakerphone to communicate with the translator.

When TWC-VR purchases a service, the TWC-VR staff must ensure that the customer who has limited English proficiency is provided adequate help from:

- The service provider;
- An individual volunteer;
- A community organization; or
- Other resources.

Language Line: When a translator is not available, TWC-VR may use the Language Line telephone interpreter service.

To access the Language Line, refer to Language Services for TWC-VR Offices.

G. Print and Braille Materials

TWC-VR also communicates with customers who are blind by using materials that are printed and materials that are braille.

Print can be accessible to customers who are blind or visually impaired by:

- Supporting print and color contrast preferences for readability;
- Educating staff about print and color preferences through VR teacher services;

- Using large print (22-point font); and
- Providing information on print preferences and color contrast.

Braille is a tactile communication system that uses a six-dot cell system.

TWC-VR must:

- Support the use of braille;
- Teaches braille through VR Teacher services;
- Use braille materials;
- Provide information about braille;
- Refer customers to the Hadley Institute for the Blind and Visually Impaired, for courses on the Nemeth code and braille; and
- Provide counseling and guidance on literacy.

Braille Training: Braille is an essential skill for customers who are blind.

The VR Teacher and VR Counselor must encourage any customer who cannot read print (including large print) efficiently and effectively to learn braille.

To help customers make an informed choice about whether to receive training in braille, the VR Counselor offers customers the opportunity to receive a braille assessment using nonvisual techniques. Information on the components of a braille assessment can be found in Best Practices for Braille Training document.

After the assessment, the VR Counselor offers customers who would benefit an opportunity to learn braille.

Requesting Braille Services: Most TWC-VR offices can create simple materials in braille. For small jobs, contact the nearest TWC-VR office. For large jobs, such as materials for a statewide conference, contact the Assistive Technology Unit (ATU) at vr.atu@twc.texas.gov.

H. Reader Services

Reader services include reading to a customer who is blind material that is otherwise unavailable to the customer. Reader services may also include assisting with research.

Reader services may be used for vocational or academic training.

The VR Counselor must explore the availability of other nonvisual media before purchasing reader services.

Reader Services for Students in an Academic Setting:

- Eligibility for Reader Services for the Blind and Visually Impaired: Customers who are blind or visually impaired are eligible for reader services if reader services are needed to support successful achievement of the customers' vocational goal.
- Purchasing Reader Services: Reader services are purchased as follows:
    - The VR Counselor and customer agree on an hourly rate when planning for reader services in the IPE. The rate must be documented in the IPE or in an IPE amendment and in the Reader Services Log (VR2011).
    - The customer secures a reader to provide reader services. The VR Counselor may provide guidance on this; however, it is the customer's responsibility to find and secure his or her own reader.
    - TWC-VR staff issue an SA to the reader(s) before reader services are provided. The SA is based on the number of credit hours in which the customer is enrolled and need reader services for that training period (semester, term, or class). TWC-VR staff will then issue an SA each month for the remainder of the training period.
    - The customer completes and submits VR2011 to the VR Counselor each month.
    - Upon receipt of VR2011 and a valid invoice, the VR Counselor must:
        - Verify that VR2011 includes the number of hours, the agreed hourly rate, and the student's and reader's signatures;
        - Verify the invoice includes all of the required elements;
        - Authorize payment; and
        - Place a copy of VR2011 and invoice in the case folder.

WC-VR does not pay for reader services rendered by a member of the customer's family or another TWC-VR customer.

Customer's Responsibilities: It is the customer's responsibility to:

- Use all other reading-related resources to every extent possible before requesting reader services from TWC-VR;
- Comply with TWC-VR policies that prohibit purchasing of reader services when rendered by an immediate family member or another VR customer; and
- Submit VR2011 and invoice to the VR Counselor by the 15th day of the month that follows the service dates.
- The customer has sole responsibility for:
- Interviewing and hiring the reader at the agreed hourly rate;
- Determining the scope of work, including the materials to be read and the date, time, duration, and location of the services;
- Establishing and enforcing all terms and conditions of employment; and
- Terminating the agreement, when necessary.

VR Counselor's Responsibilities: The VR Counselor must:

- Evaluate the number of hours of reader services that the customer needs;
- Issue an SA in a timely manner;
- Ensure that the customer understands that TWC-VR does not reimburse any self-paid payments for reader services;
- Authorize payment; and
- Ensure that a copy of VR2011 and invoice is placed in the customer's case file.

If reader services are not approved contracted services offered through the training program, or if comparable benefits are not available, the provider must be set up as a vendor in RHW and paid directly.

Contracted Reader Services: Reader services that are provided through a contract with the customer's training program offer the following benefits when the service is not available through a comparable benefit:

- Payment rates for reader services are already established and agreed upon; and
- If the customer loses a reader at a crucial time during the semester, they are not burdened with finding a new reader; the university helps the customer find a new one.

Using a contract or designating a vendor for reader services does not infringe on a customer's independence because the customer is still directly involved in evaluating and documenting the services that are purchased.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Manager approval is required when TWC-VR staff members who are fluent in sign language and hold a valid credential provide interpreting services to communicate with a TWC-VR customer outside of the office, except as a last resort.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART C, CHAPTER 18: POST-EMPLOYMENT SERVICES

Policy Number	Authority	Scope	Effective Date
Part C, Chapter 18	34 CFR §361.5(c)(41), 361.46(c) and TWC Rule §856.50	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of Post-Employment services.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

Post-Employment services are one or more of the TWC-VR services identified in Part C of the VRSM that are provided subsequent to the achievement of an employment outcome and that are necessary for a customer to maintain, regain, or advance in employment, consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Post-Employment services are:

- Provided under an amended Individualized Plan for Employment (IPE) before the customer's case is closed; thus, a re-determination of eligibility is not required;
- Limited in scope and duration; and
- Available to meet rehabilitation needs that do not require a complex and comprehensive provision of services.

The period the customer is most likely to need discrete short-term services (i.e., Post-Employment services) to ensure the employment outcome can be maintained is after the employment outcome has been achieved but before the customer's case is closed.

B. Post-Employment Services in the IPE

TWC-VR Post-Employment services may be required after a customer obtains the employment goal listed in their IPE. The IPE must contain the following:

- The expected need for Post-Employment services prior to closing a customer's case successful after achieving an employment outcome;
- A description of the terms and conditions for the provision of any Post-Employment services; and
- If appropriate, a statement of how Post-Employment services will be provided or arranged through comparable services or benefits.

C. Additional Policy Considerations

Comparable Services and Benefits: TWC-VR must not expend funds on Post-Employment services unless the VR counselor and the customer have made maximum efforts to secure comparable services and benefits from other sources to pay for services.

TWC-VR services that are exempt from seeking comparable services and benefits are also exempt when provided as Post-Employment services.

- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.

TWC-VR services where BLR does not apply are also not applicable when provided as Post-Employment services.

- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Determining the need for Post-Employment Services

When a customer's case progresses into the Employment Phase in RHW, meaning they have attained the employment goal listed in their IPE, they may require Post-Employment services. The goal of Post-Employment services is to help the customer reach a level of:

- Self-sufficiency;
- Job retention; and
- Job stability.

These services are intended to be limited in scope and duration. Therefore, the VR Counselor must work closely with the customer to determine if Post-Employment services are needed or if complex and comprehensive services are needed, which may result in a new employment goal or extended provision of services, etc.

A customer may be considered for Post-Employment services if they:

- Need help maintaining employment;
- Have a disability or employment-related problem requiring TWC-VR services; and/or
- Need services intended to be short and discrete.

A customer may need to be moved from Employment Status back to Active Services in RHW because complex and comprehensive services are needed. Such services may be needed if the customer:

- Changes the employment goal;
- Is unstable in their employment;
- Needs counseling and guidance to make an informed decision about a new employment goal or the provision of services; and/or
- Has determined that Post-Employment services are insufficient to meet their need.

The VR counselor must work in partnership with the customer and their representative (as appropriate), provider, and the employer, as needed, to determine the level of need related to their employment outcome.

B. Amending the IPE for Post-Employment Services

When Post-Employment services are determined necessary, the VR Counselor and customer amend the IPE to include the Post-Employment services required.

C. Ending Post-Employment Services

The decision to end Post-Employment services should be made through VR counseling and guidance and in consultation with the customer when:

- Post-Employment services sufficiently met the need of the customer in order to maintain, regain, or advance in their employment goal;
- Post-Employment services did not meet the need of the customer;
- A new IPE is required, including a change in employment goal and new complex and comprehensive services are needed; or
- The customer is no longer in stable employment consistent with their unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

The following are three paths that may be taken by the VR Counselor once Post-Employment services have ended:

1. Active Status: When Post-Employment services did not meet the need of the customer in order to maintain, regain, or advance in their employment goal, the VR Counselor must work with the customer to determine the next steps in their rehabilitation path, including, but not limited to, the need for additional assessments. Because these circumstances likely require complex and comprehensive services, the case should be moved back into Active Status and the VR Counselor should continue providing TWC-VR services.
2. Successful Closure: When Post-Employment services sufficiently met the need of the customer and they were able to maintain, regain, or advance in their employment goal, the VR Counselor must continue with closing the case successfully. The VR Counselor must ensure that the customer understands the remaining steps in the closure process and provide them with the "Can We Talk?" brochure.
3. Unsuccessful Closure: When Post-Employment services do not meet the need of the customer in order to maintain, regain, or advance in their employment goal, the VR Counselor may determine that the case is closed unsuccessfully. In these circumstances, the VR Counselor must provide sufficient documentation to justify why the case was closed as unsuccessful rather than moved to Active Status. This should be limited as it is not the intended outcome of TWC-VR services, including Post-Employment services.

D. Opening a Case After Post-Employment Services

Once a case is closed, if complex, comprehensive (substantial) VR services are needed, a new case must be opened.

A "fast track" option is available to expedite this process if the new case is opened within one year from when the previous case was closed and the customer’s disability has not changed.

If the case is closed within the current program year quarter the case can be phase adjusted.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART D, CHAPTER 1: BUDGETING AND PURCHASING INTRODUCTION

Policy Number	Effective Date
Part D, Chapter 1	09/03/2024

OVERVIEW

Part D serves as the requirements related to Budgeting and Purchasing, which describes the requirements and TWC-VR staff responsibilities for customer service budget allocation, distribution, and monitoring. Part D also includes the requirements for purchasing goods and services, statewide operating procedures, vendors/contractors and supports the highest compliance with Federal and State law.

It should be noted that the list of regulations cited in the authority sections of Part D are representative, not a comprehensive list.

Questions related to Part D policies and procedures can be emailed to the Policy Planning and Statewide Initiatives Team (PPSI) at vrsm.support@twc.texas.gov.

PART D, CHAPTER 2: BUDGETING AND PURCHASING

Policy Number	Authority	Scope	Effective Date
Part D, Chapter 2	34 CFR §361.60-65, 34 CFR §363.20-25, Article VII of the GAA, GAA Article IX, General Provisions, 34 CFR §361.3, 2 CFR §200.302, 2 CFR §200.400, EDGAR 34 CFR §76, §77, §79, §81, and §82, 2 CFR Part 3485, 2 CFR Part 3474, 34 Texas Administrative Code, Part I, Chapter 20, Statewide Procurement and Support Services, and Texas Government Code, Chapter 2155	All TWC-VR staff	07/01/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to Federal and State budgeting and purchasing requirements, which begins with the overall authorization and purpose of Federal funds and continues throughout the authority to purchase goods and services necessary, in accordance with established budgets, to carry out the purpose of the State Vocational Rehabilitation (VR), State Supported Employment (SE), Independent Living Services for Older Individuals Who are Blind (OIB) Federal awards, and the provisions of pre-employment transition services (Pre-ETS). Processes include budget allocation and distribution, service authorization (SA) requirements, and monitoring budgets against obligations and expenditures.

DEFINITIONS

Allocation: Amount or portion of Federal and State funds assigned to a particular program, budget, or purpose.

Expenditure: Payment made for goods and services.

Obligation/Encumbrance: Transactional order placed for goods and services, contracts and subawards made, and similar transactions that require eventual payment against the order.

Requisition Budget: Budget from which funds are allocated and spent. In ReHabWorks (RHW), funds move in and out of the requisition budget to an unallocated budget but may never be transferred directly between requisition budgets.

Unallocated Budget: Budget where funds are initially allocated and loaded and moved from level to level. Funds are not spent from this budget; funds may move from the unallocated budget to a requisition budget.

POLICY

A. General Overview

TWC-VR is responsible for administering Federal and State funds efficiently and effectively. TWC-VR responsibilities include budgeting, allocating, and overseeing administrative and case service budgets as

well as Federal and State performance goals. The overall Supported Employment (SE), VR, Pre-ETS, and Older Individuals who are Blind (OIB) budgets in ReHabWorks (RHW) establishes the operational financial parameters for the programs and is a subset of the grant awarded to TWC-VR. Based on WIOA and Federal regulations, TWC-VR receives and administers an annual operating budget from TWC financial operations.

B. Overview of Budgeting and Purchasing

Appropriate budgeting, allocation, and obligation is necessary for TWC-VR to ensure compliance with Federal and State requirements, (i.e., ensuring that accurate budgets and allocations meet Federal requirements such as obligation, non-Federal cost share, vendor agreements, third-party cooperative arrangements [TPCAs], establishment projects, maintenance of effort [MOE], and audit findings potentially resulting in special conditions). These requirements are established in State and agency allocation, determined budgets, and annual fiscal reports.

The General Appropriations Act (GAA), as signed by the Texas governor each biennium, gives TWC the authority to spend program funds. Based upon the appropriations determined during the biennium, the TWC budget office establishes the funds available based on Federal allocations and anticipated expenditure rates.

Distribution of Funds:

- Funds are allocated by the TWC-VR State Office to each of the TWC-VR regional offices, based on the allocation plan. Budgeted funds are transferred from an unallocated budget to a requisition budget for obligation.
- Funds are obligated for payment through case and multi-customer service authorizations, which, when appropriate, are subsequently paid for by issuing a warrant, or through an interagency transfer voucher.
- TWC-VR Funding Considerations: TWC-VR requirements have limitations and considerations distinct from other Federal grant awards that must be accounted for when setting the TWC-VR budget.
- Prohibition against Subgrants/Subrecipients: Federal regulations preclude a State agency from creating subgrants for VR and SE programs, and any authorized activities under these Federal awards, such as Pre-ETS. Since subgrants for contractors are not allowable, TWC-VR goods and services are purchased by TWC-VR staff on behalf of TWC-VR customers.
- Pre-Employment Transition Services: States are required to reserve and spend not less than 15% of State allotment, under the State VR services grant, for the provision of Pre-ETS for allowable activities, not including administrative costs for such activities. To ensure compliance with the Pre-ETS reservation requirement, TWC-VR has established the net award amount of the VR allotment as the basis for calculating the required 15% reserve.

C. Case Service Budget

A service authorization (SA) is the only valid means by which TWC-VR may authorize the purchase of goods and services on behalf of customers. The SA constitutes the legal obligation of funds.

D. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expand funds on goods and services unless the VR counselor and the customer have made maximum efforts to secure service and benefits that are:
  - Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
  - Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and
  - Commensurate to the services that the individual would otherwise receive from the designated TWC-VRD.
- Comparable Services and Benefits: TWC-VR must not expend funds on goods and services unless the VR counselor and the customer have made maximum efforts to secure assistance from other sources to pay for the service.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Budget Allocation

Annual budget allocations to the field are developed using the methodology approved by the Division Director of Vocational Rehabilitation Services in consultation with the TWC Financial Services, the Deputy Director of Workforce Solutions, and the TWC Executive Director. TWC-VR's Program Operations team

develops the methodology by applying multiple factors to support the accuracy of the comprehensive allocation strategy.

The Budget Office transfers funds to the division's unallocated budget. Only unallocated funds may be moved or adjusted. Once funds are allocated, if a change is necessary between existing budgets, regions or programs, the funds must be transferred back to the unallocated budget prior to a budget adjustment. Therefore, the following requests require additional approvals and considerations:

- Budget Adjustment Requests; and
- Additional Funds Requests.

B. Distribution of Allocation

The budgets are uploaded into the Workforce Reporting Accounting and Procurement System (WRAPS) and then into RHW.

Each unit receives from the TWC Budget Office initial amounts, or percentages, as well as distribution timing for funds. Funds must be available in a requisition budget to encumber (obligate) and voucher (pay). Upon distribution of budgets and allocation of funds to each program, individual transactions may be paid for using Federal funds or program income.

Contingency funds remain unallocated for special circumstances. For case service budgets, this may include the following:

- Complex cases;
- Cases requiring more intensive or extensive services;
    - Planned expenditures that would deplete a budget; or
- Other vocationally-related customer needs.
- RHW is used to manage, obligate, expense, and report on the funds with which services are provided to TWC-VR customers.
- Supported Employment funds are processed in association with appropriately identified transactions as those services are paid for. This methodology maximizes use of those funds as promptly as possible.

C. Service Authorizations for Case Service Budgets

Only a VR Counselor and those in their chain of management may authorize the use of TWC-VR funds to purchase a good or service, in accordance with the respective VRSM service chapters. While other TWC-VR staff members who provide direct services to customers may recommend a purchase as a part of the TWC-VR team, the VR Counselor is ultimately responsible for ensuring the service is reasonable, appropriate, and necessary to achieve the employment goal described in the customer's IPE.

An SA cannot be generated until funds have been:

- Transferred to the appropriate budget level; and
- Moved from an unallocated budget to a requisition budget.

Only unallocated funds can be transferred between budget levels.

- Unallocated funds can be transferred up and down budget levels but never directly across budget levels.
- Only the budget office transfers unallocated funds at the division level.

D. Internal Controls – Tracking

TWC-VR is required to ensure that the documentation of obligations and expenditures is clear and complete, including the documentation of contracts, good and service authorizations, invoices, and supporting documentation.

The Deputy Regional Director (DRD) oversees the regional budgets. The DRD's oversight may include determining unit allocations, monitoring encumbrance rates and paid-out rates for each budget line item, cleaning up records from previous fiscal years, and redistributing funds across or within regions.

The DRD may delegate authority to perform budget-related tasks. Based on the distribution plan, the DRD authorizes distribution of funds to the unallocated budget levels for the regions and management units.

Monitoring Budgets: Multiple systems and applications are used for monitoring specific budgets, such as staff travel. Those systems include the following:

- WRAPS, RHW;
    - Work Investment System for Evaluation (WISE); and
    - Access applications.
- Quarterly Reviews: Each quarter, operations monitoring and performance reviews are conducted with each region either onsite or digitally. Records and budgets are reviewed, as well as Federal awards, authorizations, financial obligations, unobligated balances, assets, expenditures, income, and interest source documentation.

The review process enables TWC-VR to effectively and proactively monitor administrative and customer services budgets, purchasing, performance, inventory, and full-time equivalent positions (FTEs).

- The process includes the identification of risks, tasks, tolerances, time frames, and the roles and responsibilities of TWC-VR staff at the State Office, regional offices, and field offices.
- Each VR Manager and regional management team develop a budget management strategy for the management units.

- The VR Manager is responsible for the management unit's budget, ensuring timely and appropriate encumbrance of funds, and reviewing high-cost cases, to ensure that providing appropriate TWC-VR services remains the focus.
- Staff Budget and Expenditure Reviews: All TWC-VR staff, including caseload-carrying staff, are responsible for ensuring good stewardship of funds for the needs of individual customers. This includes compliance with purchasing processes and procedures, and use of best-value purchasing practices. TWC-VR staff are required to review their case service budgets against authorizations and expenditures.

TWC-VR staff utilize ad hoc queries, RHW, RHW Reports, WISE reports, and case reviews to monitor budgets and ensure that services and expenditures are vocationally relevant, comparable benefits are appropriately used, and fiscal responsibility remains a critical part of the TWC-VR process.

E. Budget Adjustment Request (BAR)

The BAR form is required for budget adjustment requests when changing the original allocation amounts are necessary. BARs are submitted to TWC-VR's budget email box at vr.budget@twc.texas.gov.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Division Director and Program Operations Director approval is required when a budget adjustment request is necessary.
- VR Division Director and Program Operations Director approval is required when additional funds are warranted.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART D, CHAPTER 3: PURCHASING GOODS AND SERVICES

Policy Number	Authority	Scope	Effective Date
Part D, Chapter 3	34 CFR §361.60-65, 2 CFR §200.317, Article VII of the GAA, GAA Article IX, General Provisions, 2 CFR §200.302, 2 CFR §200.400, EDGAR 34 CFR §76, §77, §79, §81, and §82, 2 CFR Part 3485, 2 CFR Part 3474, 34 Texas Administrative Code, Part I, Chapter 20, Statewide Procurement and Support Services, Texas Government Code, Chapter 2155, Texas Administrative Code Title 34, Part 1, Chapter 3, Rule §3.322, Texas Government Code §2155.382(d), 34 Texas Administrative Code § 20.487 and Texas Government Code Chapter 2252	All TWC-VR staff	12/05/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to requirements for staff on the authorization and purchase of goods and services necessary for customers, or potentially eligible students, of the TWC-VR program. Processes include fiscal considerations for the purchasing of goods and services necessary for the administration of the Federal VR award, requirements for obligation and expenditure of funds, and monitoring for goods, services, and administrative costs necessary under these awards.

DEFINITIONS

Authorization: Basis by which the authority to complete the various stages of a transaction is delegated.

Best Value Purchasing: The purchasing of goods and services that meet the customer's vocational needs in the most cost-effective manner. This includes consideration of purchase price, installation costs, life cycle costs, quality and reliability of the goods and services, delivery terms, indicators of probable vendor

performance, cost of training associated with the purchase, and other factors relevant to determining the best value in the context of a particular purchase.

Expenditure: Payment made for goods or services.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing their services and the providers of those services.

Obligation/Encumbrance: When a Service Authorization (SA) is issued in RHW, it establishes a transactional order for goods and services. The issuance of the SA commits the appropriate funds and creates a legally binding agreement between TWC-VR and the service provider to which the payment will be made

Out-of-State Provider: Provider whose point-of-service address or place of doing business is located outside Texas. This term is not intended to describe, define, or include providers whose brick-and-mortar business operations are within Texas, but for whom the payment (remit) address of record is outside Texas.

POLICY

A. General Overview

The authorization and purchase of goods or services necessary for customers, or potentially eligible students, must be in accordance with sound Federal and State fiscal requirements, generally accepted accounting principles (GAAP), service requirements in the statute and regulations, need of the customer, availability and qualification of providers, and other considerations that are necessary to ensure the purpose of the Federal program is met.

B. Authorization and Obligation

- Appropriate Purchases: As an essential part of the service delivery process, TWC-VR provides allowable, pre-identified, and agreed upon goods and services to customers and potentially eligible students in accordance with the parameters of the program under which they are being served.
- Service Authorization: The purchase of goods or services must be authorized with an SA, which is the mechanism by which funds are obligated from the appropriate budget. SAs must be issued prior to the date that goods are ordered or that service begins.

C. Purchasing Requirements

- Budgeting: In accordance with applicable State procurement statute, purchasing thresholds are established to ensure that management oversees purchases in accordance with Federal

requirements per the VR Grant award. Thresholds help ensure funds are appropriately budgeted and obligated to the grant activity. TWC-VR funding and the expenditure of TWC-VR funds are based on the Federal fiscal year (FFY), which starts on October 1 and ends September 30.

- Competitive Bidding: When applicable, TWC-VR is required to obtain competitive bids to ensure compliance with State purchasing requirements per Federal grant requirements.
- Types of Purchases
    - Service Authorizations: SAs act as the legally binding obligation of funds in which TWC-VR must pay the vendor or individual established in the TWC system for goods and services provided.
    - Allowable Service Authorization Purchases: The SA is issued for allowable purchases necessary to achieve the requirements of the TWC-VR program and include the following:
        - Authorized Services on the Individualized Plan for Employment (IPE);
        - Services necessary prior to an IPE development, such as the costs in support or completion of a diagnostics, to assess eligibility, or to develop the IPE; and
        - Pre-employment Transition Services (Pre-ETS).

    Pre-ETS are an allowable cost for both potentially eligible students with disabilities and those receiving services under an IPE.

- Service Limitations
    - Unallowable Costs: TWC-VR does not pay for or purchase for customers any items that constitute prohibited purchases or expenditures.
    - Out-of-State-Services: TWC-VR does not prohibit the provision of out-of-state services. However, if the individual chooses an out-of-state service at a higher cost than a comparable in-state service, when either service would meet the individual's rehabilitation needs, TWC-VR is not responsible for those costs in excess of the cost of the in-state service.

- Taxes: Purchases made for the State of Texas are not subject to Texas sales taxes. State agencies are not automatically exempt from paying any tax or fee assessed by the United States, another State, or the State of Texas; however, the State of Texas is exempt from paying sales and use taxes. A taxable item sold, leased, or rented to the State, or a taxable item stored, used, or consumed by the State is exempt from the following taxes and surcharges:
    - Retail sales tax;
    - Tax on leases and rentals of most goods (except vehicles); and
    - Tax on services.

D. Payment

- Vendor Requirements: Prior to the obligation of funds for services provided to eligible individuals under this authority, vendors are reviewed to ensure eligibility to do business in the State of Texas. The vendor must be in good standing with the State of Texas, must have an active, current set-up

in RHW, WRAPS, and on the Comptroller's system and, as applicable depending on the good/service being purchased, must be appropriately licensed, credentialled, certified, or accredited. In addition, for goods and services requiring a contract, the vendor must have an active contract applicable to the goods or services to be purchased.

- Verification Requirements: To ensure internal controls over TWC-VR Federal funds, goods and services received must be in accordance with the original obligation of funds and for the specific purpose under which the funds were authorized.
- Billing/Invoices: Fees for late payments are automatically calculated and paid by the State comptroller to meet the requirements of the Texas Prompt Payment Act. State requirements prohibit TWC-VR from paying late fees directly invoiced by the vendor

E. Purchasing Restrictions

High ethical standards also involve best-value purchasing and the wise use of funds. To prevent conflicts of interest, the following restrictions apply:

- TWC-VR staff must not purchase goods or services for a customer from a family member, with the exception of the following:
    - Personal Assistant services;
    - Childcare services; and
    - Transportation services.
- TWC-VR staff must not purchase goods and services for a customer from a provider who serves as the customer's representative, with the exception of the following:
    - Before the customer designates the provider as their representative; or
    - After the customer has revoked the provider's authority to act as their representative.

The term "family" includes the following:

- All related individuals who are dependent upon the employee or employee's family member for personal care or services on a continuing basis;
- All individuals living in the same household with the employee or with an employee's family member (regardless of kinship); and
- Spouse, child, parent, grandparent, brother, sister, cousin, aunt, uncle, niece, nephew, and any other individual related by:
    - Kinship;
    - Adoption; or
    - Marriage (e.g., stepchild, stepparent, stepson)

Exceptions are not allowed.

F. Prohibited Factors

Texas State law prohibits the State comptroller from issuing a warrant directly to an individual who owes the State or Federal government delinquent taxes or a defaulted debt (e.g., Texas Guaranteed Student Loan).

G. Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, refer to the respective SFP Chapter.

H. Additional Policy Considerations

- Comparable Services and Benefits: TWC-VR must not expend funds on goods and services unless the VR counselor and the customer have made maximum efforts to secure service and benefits that are:
    - Provided or paid for, in whole or in part, by other Federal, State, or local public agencies, by health insurance, or by employee benefits;
    - Available to the individual at the time needed to ensure the progress of the individual toward achieving the employment outcome in the individual's individualized plan for employment; and
    - Commensurate to the services that the individual would otherwise receive from the designated TWC-VRD.
- Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
- Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
- Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

PROCEDURES

A. Purchasing Requirements

- Budgeting
    - Reconciliation: Budgets must be reconciled against expenditures and invoices to ensure an accurate reflection of budgeted, obligated, and expensed funds.
    - Purchasing Budget Thresholds: Purchasing thresholds are established to ensure appropriate level of review for items of cost that represent greater potential for risk to the agency. To ensure appropriate budgeting of TWC-VR costs and activities, SAs and purchases must not be split (separated into multiple SAs).

- Obligations That Span Multiple Years: To ensure appropriate funds exist for SAs, TWC-VR staff must ensure that:
    - For goods and services, the budget program year is assigned based upon 1) the date the SA was issued and 2) (in the case of after-the-fact (ATF) SAs for the prior fiscal year) the Federal Fiscal year in which the goods or services were rendered; and
    - When creating non-after-the-fact SRs, TWC-VR staff members use the budget applicable to the FFY in which the goods or services are ordered as determined by the date on which the SA is issued.

- Service Authorizations: SAs are the only mechanism to obligate funds for an approved good or service. SAs are issued to vendors established in WRAPS and RHW and must be issued prior to the date that goods are ordered or that service begins. All goods and services purchased with VR funds must be reasonable, appropriate and necessary to support the:
    - determination of eligibility;
    - assessment and planning for the development of an IPE;
    - goods and services documented on the IPE; and/or
    - the provision of relevant Pre-ETS to a potentially eligible customer.

  The VR Counselor must consider the:

    - Best value purchasing;
    - Use of comparable benefits;
    - Required customer participation in cost;
    - Contract requirements;
    - Ability of the vendor to meet the customer's needs;
    - Applicable vendor licensure, certification, credential or accreditation requirements; and
    - Customer's informed choice when authorizing the purchase of a good or service.

SAs must include all costs associated with the purchase, such as shipping and handling, installation, training, item cost, etc. This ensures all costs are accounted for and obligated when an SA is issued.

When TWC-VR staff are notified by the State Office that RHW is not available, VR Management or its designee will provide TWC-VR staff members with direction regarding contingency purchasing processes and procedures.

- After-the-Fact Service Authorizations: When an SA is not issued prior to the service occurring or the date the good was ordered, it is an after-the-fact (ATF) SA. This is a violation of policy.

- Replacement SA: When an SA needs to be changed during the delivery of services and the extent of those changes does not allow the existing SA to be properly updated in RHW, a replacement SA must be issued. The replacement SA must be issued within five calendar days of the day on which the original SA was canceled or closed.

  When an Replacement SA is not issued within five calendar days of the cancellation or closing of the original SA, it must be processed and approved as an ATF SA instead.

- Vendor Agreement Mechanisms: Goods and services can be purchased for customers from a variety of community rehabilitation programs and vendors, including contracted providers, non-contracted providers, and medical service providers.
    - Non-Competitive Purchases: Purchases of goods and/or services from a single vendor that cost $10,000 or less. These purchases do not require competitive bids.
    - Competitive Purchases: Purchases of goods and/or services from a single vendor that cost more than $10,000 and which are non-contract, non-medical, and non-public tuition must be competitively bid. Competitive bids are required for the purchase of:
        - Non-contracted goods and services when the total cost of a single SA is greater than $10,000;
        - Tuition and required fees greater than $10,000 per semester for training at an out-of-state or private training institution;
        - Room and board greater than $10,000 per semester when paid directly to a private or out-of-state training institution; and
        - Room and board greater than $10,000 per semester when paid to an off-campus housing facility, such as apartment complexes or other rental properties.

  Exception: Medical goods and services purchased using Maximum Affordable Payment Schedule (MAPS) rates, contracted goods and services, and in-state public college/university tuition and fees do not require competitive bids, irrespective of the total dollar amount of the SA.

    - Sole Source and Proprietary Purchases: A sole source purchase occurs when only one provider can meet TWC-VR's specifications for the product or service because of distinctive features or characteristics that are not provided by competing companies, similar products, or

comparable services. A proprietary purchase occurs when only one product or service can meet these requirements.

- For sole-source or proprietary purchases exceeding $10,000, excluding those involving MAPS, tuition/fees, or existing contracts, a detailed justification must be documented in a case note. This justification must demonstrate that the proposed purchase offers the best value for the State of Texas and include the following:
- Describes the specific product or service and explains the need and planned use;
- Explains why the specifications for the product or service are restrictive and limit the number of potential vendors;
- Explains why no other competing products or services can fulfill the customer's needs; and
- Describes whether the purchase is a sole source (only one vendor can provide the good or service) or available from multiple vendors.

- Sole Source and Proprietary Purchases must not exceed $25,000.

- Contracted Goods or Services: Some goods and services must be purchased under contract. Customer goods and services that are purchased under contract include, but are not limited to, the following:
  - Assistive Technology;
  - Diabetes Education Training;
  - Durable Medical Equipment;
  - Employment Services;
  - Employment Supports for Brain Injury;
  - Hearing Aids;
  - Hospital Services;
  - Interpreter & Translators;
  - Orientation and Mobility Services;
  - Pre-Employment Transition Services;
  - Project SEARCH;
  - Self-Employment Services;
  - Supported Employment;
  - Supported Residential Services for Persons in Recovery;
  - Vehicle Modifications; and
  - Wage Services for Paid Work Experience.

- Considerations
  - Best Value Purchasing: TWC-VR must apply the best-value purchasing approach. Applying best-value helps ensure that staff consider all factors that influence the total cost and value to both the customer and TWC-VR. To apply best value, the purchase price and whether the goods or services meet specifications are key considerations that are then balanced with other relevant factors. Examples include the following:

        - Installation costs;
        - Life cycle costs;
        - Quality and reliability of the goods and services;
        - Delivery terms;
        - Indicators of probable vendor performance, which include:
            - Ability to perform,
            - Experience or demonstrated capability
            - Ability to provide reliable maintenance and support;
        - Cost of any training associated with the purchase; and any other factors relevant to determining the best value in the context of a specific purchase.
    - Services and Payments that Exceed the MAPS Rates: SAs may not exceed established rates for medical treatment or complex cases without Medical Director approval.
    - Medical and Psychological Services: Medical and psychological services purchased for customers must use MAPS coding and pricing in RHW. No other type of SA may be issued, and maintenance is not allowable for medical goods and services.

- Prohibited Purchases/Expenditures
    - Unallowable Customer Service Costs: TWC-VR will not pay for or purchase the following for customer use:
        - Bonding fees;
        - Buildings or other structures that require a fixed foundation and/or that are not movable;
        - Criminal or civil fines or penalties, including traffic tickets;
        - Deposits that are refundable, other than the initial one-time costs, such as a security deposit or charges for the initiation of utilities, that are required in order for an individual to relocate for a job placement or to participate in TWC-VR services;
        - Fees for registration of inventions, patents, trademarks, or copyrights;
        - Fees for use of a franchise name;
        - Firearms of any kind or components of a firearm;
        - Insurance other than health insurance premiums for Work Experience Services, practicums, internships, and clinicals;
        - Land;
        - Operating capital (e.g., for self-employment);
        - State or municipal tax assessments on occupations;
        - Vehicles to be used on public roads or highways that have not or will not be modified for accessibility and require a certificate of title or registration to be used on roads;
        - Trailers, boats, or other items that require a certificate of title or registration to be used on public roads, highways, or waterways;
        - Professional association or trade union dues, unless the purchase is justified as critical to the success of the customer's employment; and

        - Organizations that financially support a lobbyist.
- Restricted Service Costs – Food for TWC-VR Customers attending Group Skill Trainings:
    - Food may not be purchased to feed customers unless the training is scheduled to exceed five hours, not including the meal hour. Customer training should not be planned over a meal period with the intent of purchasing food. Meals should be purchased only when doing so will allow customers to continue their training activities during the meal or will support completion of the training in less time.
    - Food purchases must be only for customers, must not be an excessive quantity or variety, and must be a reasonable cost. The cost per meal should be as economical as possible and must not exceed $15 per customer. When a training spans a full day or multiple days, the daily cost per customer for food must not exceed $51.
    - Food may not be purchased for TWC-VR staff, individuals from partner organizations, or family members, with some exceptions.
    - For Pre-ETS expenditures, food is only allowable when the student is TWC-VR eligible with an IPE in place and when it directly supports participation in a Pre-ETS activity.
- Restricted Services Costs – Food for Potentially Eligible Customers: Food is not an allowable expense for potentially eligible customers.
- Sales Taxes: When purchasing goods from providers in other states, out-of-state sales tax must not be paid when:
    - The Free-on-Board (FOB) Destination for services is specified on the SA; and
    - Delivery is to a Texas address.
- Late Fees: TWC-VR does not pay late fees that are directly invoiced by the provider. If a provider bills for a late payment fee, TWC-VR will not pay the fee and reduces amount from the invoice total for authorized payment.
- Fees: Fees greater than the contracted fee are not allowed, no exceptions.
- Reimbursement: TWC-VR does not reimburse funds paid by a customer, individual or organization for a good or service that was not authorized by TWC-VR prior to purchase

B. Payment

- Invoicing Requirements: Vendors must submit invoices to the office address listed on the SA. Invoices must comply with the applicable contract, all policies and procedures, and the terms and conditions of the SA. Vendor invoices must include, at a minimum,
    - The vendor's complete name and remittance address including city, state, and ZIP code;
    - The vendor's 14-digit Texas identification number (TIN) issued by the comptroller;
    - The vendor's contact name and telephone number, email address, or fax number;
    - The SA number;
    - The VR office's name and address, or delivery address, as applicable;
    - The contract number, as applicable;
    - A description of the goods or services provided, including the dates of service;

- The quantity and unit cost being billed, as documented on the current SA;
- Other relevant information, such as Case ID, supporting and explaining the payment requested or identifying a successor organization to an original vendor, if necessary; and
- Any other information required by applicable state and federal laws, rules, and regulations governing the provision of services under the contract and the policies and standards.

The RHW SA description and the description on the vendor invoice do not need to be identical, but the two should be clearly relatable and functionally equivalent.

To ensure compliance with the Texas Comptroller requirements, the customer's name, initials, Social Security Number, date of birth, and other sensitive, confidential, or personally identifiable information must not be included as part of the invoice number. Invoices containing this information will be rejected and returned to the provider for correction.

- Billing/Invoices: Accurate and correct invoices are processed within seven calendar days of receipt. SA total cost must be adjusted upon receipt of invoice to account for actual acquisition cost such as shipping.
    - Billed Costs: Invoices for SAs that are the result of a bid process must reflect actual agreed upon costs in the bid. If costs such as shipping and handling were not addressed in the bid, TWC-VR cannot pay for those expenditures.
    - Receive Date: The date on which the goods were delivered or the services completed. VR staff enter this date in RHW within seven calendar days of verifying goods delivery/service completion.
    - Report Receive Date: The date that the report is received in the office listed on the SA. When applicable, TWC-VR staff enter this date in RHW within seven calendar days of receiving a complete and accurate report.
    - Invoice Receive Date: The date that the invoice is received in the office listed on the SA. TWC-VR staff enter this date in RHW within seven calendar days of receiving the complete and accurate invoice.
    - EOB Receive Date: The date on which the TWC-VR received a statement provided by a health insurance company or similar entity regarding a covered individual (the customer) explaining what medical treatment, goods, or services were paid for on behalf of that individual and describing how much was paid. When applicable, TWC-VR staff enter this date in RHW within seven calendar days of receiving a complete and accurate report.
    - Invoice Requirement Exceptions:
        - Medically Related: Invoices may constitute just the RHW system-generated billing cover sheet and billing statement.
        - Advanced payment: Invoices may constitute the vendor's billing statement and the RHW system-generated billing cover sheet for the SA.
        - Room and Board: Invoices may constitute just the RHW system-generated billing cover sheet. Appropriate supporting documentation, such as a copy of the lease

agreement, must be in the customer's case file and the payment amount must align with the documented monthly payment obligations.

- Considerations: Occasionally, payments must be processed for select services that did not occur, such as no-shows and cancellations. As the service did not occur, the payment must be processed differently than if the service had been provided.
  - No-Show Billing: When a customer misses a service or does not properly cancel an appointment provided by a psychiatrist, social worker, licensed professional counselor, or psychologist upon request by the provider, TWC-VR will pay 50% of the allowable payment if the provider notifies TWC-VR within one working day of the no-show appointment. A TWC-VR staff member processes payment when the SA includes a line item demonstrating the no-show payment. No show billings from other disciplines, specialties, and contractors are not eligible for payments.
  - Cancellation Upon Arrival: Cancellation upon arrival occurs when a communication access provider arrives at a scheduled appointment for a TWC-VR customer and the customer does not arrive to the appointment, the communication access provider must wait for at least 30 minutes after the scheduled appointment time or the services are not canceled within a period of at least 48 hours of the scheduled service. TWC-VR accepts cancellation upon arrival billing from all communication access providers when the service provider notifies TWC-VR within one working day of the customer's failure to appear. A TWC-VR staff member processes payment when the SA includes a line item demonstrating the cancellation payment.

- Verification Requirements: Goods and services must be verified as received prior to payment. TWC-VR staff must not authorize payment for a good or service without an accurate and complete invoice from the provider.
- Verifying Receipt of Service: When verifying services, the description, the quantity, and the costs on the SA must match the required documentation to verify receipt of goods or services with the provider's invoice. Prior to payment to a vendor, TWC-VR staff must verify that services were delivered. This includes contacting the customer for verification or obtaining written documentation from the customer.
- Three-Way Match: Three-way match is the process of reconciling an SA, the documentation of the receipt of goods or services, and the provider invoice prior to authorizing the payment, helping ensure that the payment to the provider is necessary, appropriate, and accurate. When TWC-VR staff cannot reconcile all three elements, the receipt should not be entered in ReHabWorks and the payment should not be processed until any issues are resolved.
- Authorizing Payment: Payment must be authorized in RHW within 7 calendar days from the date entered for the last element that is required to complete the three-way match.
- Payment Types: The types of payments and purchases that can be processed in RHW include the following:

- Periodic Payments: Periodic payments are used when a service is provided and paid over a defined but recurring period, such as monthly. The receive date for periodic payments is the last day of the billing period.
- Advance Payments: Advance payment occurs when payment for a customer service is issued before the service is delivered. Advance payments may be received and authorized anytime from the "pay as early as" date to the actual completion date of the service. The billing statement constitutes the invoice. The circumstances under which an advance payment may be issued includes the following:
  - Maintenance, Transportation, and Child Care: Pay as early as seven days before the start date.
  - Academic and vocational training and training-related services (when provided by an accredited college or university over a semester or quarter), Vocational or technical training (when provided by an accredited training institution): Pay as early as Time of Enrollment.
  - Room and board to support planned training activities, State board licenses, and the registration for an exam: Pay as early as 14 days before the start date.
- Medical Records limited to circumstances in which advance payment is required by the provider: Pay as early as the day the SA is issued.
- Restricted Donations: A restricted donation is a cash donation made to TWC-VR to provide services to TWC-VR customers for a specific purpose, program, TWC-VR office, or caseload. When a restricted donation is received, the receiving office immediately notifies the office of the VR Division Director.

- Interagency Transfer Vouchers: Interagency Transfer Vouchers (ITV) are the mechanism through which the State Comptroller transfers funds from one agency to another instead of issuing a warrant to make the payment

C. Purchasing Documentation Requirements

- Establishing a Vendor in the RHW System: If the service provider, customer, or individual is not already established as a provider, TWC-VR staff send the TWC Substitute W9 and Direct Deposit Form (VR1020) with instructions to the potential vendor for its completion, to gather information required to establish the provider as a vendor with the State of Texas. For maintenance payments to customers, customer information must be entered into RHW as a vendor when a single maintenance payment will equal or exceed $400. TWC-VR staff provides customers with the Customer or Parent/Guardian Information and Direct Deposit Form (VR1021) with the instructions; and the customer (or parent or guardian) returns the completed form to the TWC-VR staff member. TWC-VR RHW Provider Services act as a clearinghouse for RHW vendor-related information and requests and will route all forms or inquiries to the appropriate office.
- Service Authorization: Prior to the creation of a service record, the VR Counselor must document the need for and type of purchase in a service justification case note (if prior to an IPE or potentially eligible), Trial Work Plan (TWP), TWP amendment, an IPE, or an IPE amendment. When the

initial SA is generated, TWC-VR staff must include a copy in the customer's virtual case file If the SA is changed while it is still open, the revised SA must be filed in the customer's virtual case file. A copy of the revised SA must also be sent to the provider.

- Competitive Bids: Bids must be documented in a purchasing case note as cost comparisons in a RHW case note and must include the following:
    - Name, address, and phone number of the providers contacted; and
    - Details of the responses from providers, such as brand, make, model, description of good or service, and the prices quoted.

  Lack of cost estimates from providers must be documented as "no bid."

- Proprietary or Sole Source: When a proprietary or sole source justification is used, the case file must contain a complete and approved Proprietary Purchase Justification form (VR1322).
- Contract Modification: Services or goods outlined in the VR-SFP manual or in a contract exhibit can be modified to meet a customer's individual needs. Before any changes are made to the service definition, procedures, required outcomes for payment, or deliverables, a VR3472, Contracted Service Modification Request, must be completed and approved by the Director of the Vocational Rehabilitation Division, or their designated authority.
  Procedure for Contract Modifications:
    - If a contractor requests a service modification, the VR counselor determines whether to submit the request for review.
    - The VR counselor initiates a VR3472 form when a contract modification is required, gathering necessary information and the contractor's signature.
    - Contracted service modifications are valid and effective only after approval by the Director of the Vocational Rehabilitation Division or their delegated signature authority.
- After-the-Fact and Replacement Service Authorizations: For ATF SAs and Replacement SAs, documentation of the request must include the following:
    - The request (specific good or service, provider, and anticipated dates of service);
    - Original SA number (for Replacement SAs);
    - Justification and circumstances supporting the request; and
    - Name and job title of requester.

  For the approval or denial of the ATF SA, RHW documentation must include the following:
    - Parameters of the approval or denial (specific good or service, provider, and, when applicable, the date range of the approval);
    - Type of review completed in TxROCS (if applicable); and
    - Name and job title of TWC-VR staff making decision.
- Service Authorization Closure: When an SA is closed because the service is no longer authorized, TWC-VR staff members must notify the provider no later than the same business day the SA is closed and document the notification to the provider in a case note in RHW.

- Customer Purchases: All documents that support the purchase of goods and services for a customer must be entered into RHW and filed in the customer's virtual case file prior to the obligation of TWC-VR funds.
- Purchasing: All documents related to the purchasing process must be kept in the customer's virtual case file. When received via US mail or other hard copy means, documents must be date stamped based on the day received in the TWC-VR office. If sent by email or fax, the receipt date is the date the email or fax was sent. This includes the following:
    - Bids
    - Invoices
    - Reports
    - Printed SAs
    - Related correspondence.
- Verifying Receipt of Goods or Services:
    - Customer Verification: When TWC-VR staff obtain written documentation that includes the customer's signature verifying that the service met the specifications, the documentation is filed in the customer's virtual case file.
    - If 20 days have passed since receipt of the vendor invoice and attempts to contact the customer have been unsuccessful, TWC-VR staff must continue to contact the customer and record in case notes each attempt of contact.
    - Provider Reports: For SAs that require a provider to submit a report, the date of receipt of the service, invoice, and report must each be entered in RHW within seven calendar days of when each occurred to ensure data accuracy and integrity in the payment authorization process.
    - Inaccurate Invoices: When an invoice is inaccurate or incomplete, TWC-VR staff must return it to the vendor for correction by completing a Vendor Invoice Additional Data Request (VR3460) within 21 days of receiving the invoice.. If RHW is not available the VR3460 is completed outside of RHW;
        - TWC-VR staff must create a RHW case note to document the date on which the invoice was returned to the vendor and the reason for the return and return the invoice and the VR3460 to the vendor.
        - If the vendor's billing statement for advance payment situations lacks the required invoice data but all other information is accurate and complete, the TWC-VR staff member must attach the RHW system-generated billing cover sheet for the SA to the billing statement. The combination of the two documents serves as the invoice for the associated SA.
        - Once the corrected invoice is received, date-stamp the corrected invoice and use it as the invoice of record for the purchase. This date is the invoice received date in RHW.
    - Serial Numbers: For technology goods with a serial number only, the serial number must be recorded as part of the documentation when delivery of a good is accepted.

- Refunds: When receiving a refund from a vendor or customer, the Unit Purchasing Specialist or the designated TWC-VR staff member for that office location must document the receipt of the check or money order in a case note in RHW; complete the Cash Receipts and Returned Warrants Log (TWC1770) and the Cash Receipts Transmittal Memo (TWC1769), and e-mail the documents to TWC Revenue and Trust Management (RTM.Revenue.accounting@twc.texas.gov) within two business days after the mail was opened or the check was hand delivered. The original check or money order must be mailed with the TWC1769.
  If sending by regular mail (U.S. Postal Service), send to:

  Texas Workforce Commission

  Revenue and Trust Management

  PO Box 322

  Austin, Texas 78767

If sending by FedEx, send to:

Texas Workforce Commission

Revenue and Trust Management Room 446

101 E 15th Street

Austin, TX 78778

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- Service Authorizations: Prior to issuance of an SA, the VR Counselor identifies, and researches the good or service needed, and obtains approval.
  - Threshold Requirements:
    - Greater than $5,000 to $15,000 – TWC-VR Manager approval required.
    - Greater than $15,000 to $25,000 – VR Regional Director or Deputy Regional Director approval required.
    - Greater than $25,000 – Regional Director or Deputy Regional Director, and TWC-VR Division Director, or designee, approval required.
  - Pre-Purchase Review: For all purchases that are over $5,000 per SA or per customer in a multi-customer SA, a pre-purchase review must be completed by the Administrative

Supervisor, Purchasing Specialist, or the final approver (e.g., the VR Manager) prior to the purchase.

- Exceptions to the threshold requirement and pre-purchase review include the following:
  - Contracted hospital services;
  - Contracted durable medical equipment (DME);
  - Contracted Orientation and Mobility or Diabetes Education services;
  - Contracted hearing aids and related products;
  - Interpreter/CART services for students enrolled in training programs for longer than 30 days when paid to paid directly to the training institution or an appropriately contracted service provider;
  - Medical goods and services, including orthotics and prosthetics and low-vision devices, purchased using MAPS rates;
  - Tuition, required fees, and room and board for training when paid directly to a public training institution in the state of Texas (excludes room and board paid to other entities, such as apartment complexes and private training institutions);
  - Contracted vehicle modifications;
  - Contracted services, as established and described in the VR Standards for Providers (SFP) manual; and
  - All other contracted goods and services to include purchases made using contracts established by the State Comptroller for Public Accounts and the Department of Information Resources (DIR).

- Contracts for Purchase of Goods and Services: When it is determined the use of a contracted provider is not in the best interest of TWC-VR or the TWC-VR customer, the exception must be reviewed by the VR Manager and Regional Director or Deputy Regional Director; and approved by the VR Division Director, or designee.
- Service Authorization Consultation: The following individuals are available to provide specialized oversight, support, and consultation for purchasing processes and procedures:
  - Designated Subject-Matter Experts;
  - Dental Consultants;
  - In-House Providers;
  - Medical Services Coordinators;
  - Medical Consultants;
  - Psychological Consultants;
  - Assistive Technology Specialists;
  - Managers and Management Teams;
  - Unit Support Assistants And Unit Support Coordinators; and
  - Program Specialists (unit, regional, and State Office)

  - ATF SAs: Require Deputy Director of Field Services Delivery, or designee approval. Create a draft SA in RHW for the approver to release for approval of ATF SAs. Do not use the RHW Approval Workflow.
  - Replacement SAs: Require the same approvals as necessary for the original SA. Create a draft SA in RHW for the approver to release for approval of replacement SAs. Do not use the RHW Approval Workflow.
- Service Payments: TWC-VR staff who issue or change an SA are prevented from being able to authorize payment for that SA.
- Service Costs that exceed MAPS rate: In circumstances when a provider indicates a need to bill for a medical service at a rate that exceeds the established MAPS rate for that code, consultation with the State Medical Director is required.
- Establishing Vendors in RHW: All payments for services to a vendor or payment to a customer (for a service such as maintenance) are processed through RHW, and the entity receiving eventual payment must be entered into the system and must first be verified as legally allowed to do business in the State. Depending on the goods & services to be provided, contract requirements and/or licensure, certification, credential, or accreditation requirements may also apply. TWC-VR RHW provider services staff checks WRAPS, Texas Comptroller of Public Accounts (for taxpayer identification numbers), the Secretary of State's system, and RHW according to the information from the VR1020 and VR1021.
- VR Supervisor approval and completion of the VR3472 is required for the purchase of any outcome-based contracted training services provided more than once.
- Out-of-State Purchases:
  - Purchasing an out-of-state training service or related support service requires VR Manager approval. This includes online or correspondence training purchased from providers that are not physically located in Texas.
  - Purchasing an out-of-state training service that is ordinarily regulated in Texas but not regulated in the State where the service is provided requires consultation with the State Office Program Specialist assigned to the specific type of training along with TWC-VR Manager approval. This includes out-of-state proprietary and vocational training.
  - To purchase MAPS services from an out-of-state provider, consultation with the State Office Program Specialist is required.
  - Purchase of any good or service from an out-of-state provider that is normally purchased under a contract, but the out-of-state provider does not have a contract for that good or service with TWC-VR, requires consultation with the State Office Program Specialist assigned to the specific good or service and TWC-VR Manager approval. Once approved, a contract exception must be completed.
  - The purchase of non-contract goods or services from an out-of-state provider that is greater than $1,000 per SA requires TWC-VR Manager approval.
  - When there is a clearly demonstrated vocational need that cannot be approved at the Management Unit level, the VR Counselor discusses the circumstances with the VR

Supervisor, VR Manager, and/or a Regional or State Office Program Specialist. Together, they determine whether there is justification for requesting an exception to published policies and procedures. If the need is justified, then the VR Counselor sends a request for an exception to policies and procedures through their chain of management to the Deputy Division Director of Field Services Delivery for consideration. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable

REVIEW

The Policy Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
10/8/2024	Revised	Added address to use when sending refunds via FedEx.
11/1/2024	Revised	Added 'trial work plan' to requirements before creating a service record authorizing a service.
07/01/2025	Revised	Updated several sections throughout chapter
07/18/2025	Revised	Updated ATF Backdated SA to After-the-Fact SA and updated ATF Replacement SA to Replacement SA.
10/20/2025	Revised	Revised approval level for ATF SAs to Deputy Director of Field Services Delivery, or designee.
12/05/2025	Revised	Updated Revenue and Trust Management email and physical address

PART D, CHAPTER 4: BUSINESS PROCEDURES FOR TWC-VR STAFF

Policy Number	Authority	Scope	Effective Date
Part D, Chapter 4	Texas Government Code §2155.382(d), 2 CFR §200.302, Texas Government Code, Chapter 2251, Texas Government Code, Sections 403.055, 403.056 and 403.078, and Texas Government Code §411.117	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to TWC-VR specific business procedures, such as accessing legal counsel, responding to vendor payment requests, payment processes outside of service authorizations, setting up vendors with the State, and processing background investigations.

DEFINITIONS

Warrant Number: Term used to identify payment made to a specific vendor. This identifier uses a nine-digit format for payments made by check and a seven-digit format for payments made by direct deposit.

POLICY

A. General Overview

The State Comptroller's Office establishes requirements for State agencies to abide by prompt payment requirements, provide public information when requested, and establish vendors to do business with State agencies. TWC-VR implements processes in accordance with the State Comptroller's Office requirements as well as any applicable state statute.

B. Texas Public Information Act

The Texas Public Information Act requires all State agencies, including TWC-VR, provide access to information that is collected and retained during the conducting of business. When a member of the public submits a written request for public information to TWC-VR, TWC-VR must release the information to the extent provided by law, with limited exceptions to protect and ensure confidentiality of customer data.

Prompt Payment Act

The Prompt Payment Law requires the State Comptroller's office to automatically compute and pay interest owed to vendors for late payments processed through the Uniform Statewide Accounting System (USAS).

PROCEDURES

A. Payment Processes

- Warrant Status: The status of a warrant for payment from the State to a vendor may be accessed by the vendor, if they have set up an account via the Texas State Comptroller website. TWC-VR staff may verify payment information in RHW, using information from the Service Authorization (SA). Standard processing time for direct deposits from the Comptroller's office to a vendor's bank account is two business days from the warrant date.
- Warrant Cancellations: If a vendor does not receive a payment made via paper warrant after 30 days from the warrant issue date, TWC-VR staff may request a warrant cancellation. The canceled warrant must be requested for reissuance.
- Erroneous Warrant Issuance: When a State warrant or payment was issued in error, recovery may be necessary.
    - Warrants may be canceled before mailing through the Comptroller's office.
    - Warrants may be returned by the vendor if the warrant was not cashed.
    - If the vendor cashed the warrant that was issued in error, a refund is requested from the vendor.
- Warrant Reissuance: A warrant may be reissued upon cancellation of the original warrant.
- Warrant Hold: Prior to issuance of payment to a customer, or parent or guardian of a customer, TWC-VR must verify the customer's hold status. Payments made to a customer who is on hold are kept and held by the Comptroller's office. A vendor's hold status is not processed prior to warrant issuance.
- Direct Deposit and Warrant Hold: When a payment is made and on hold to a payee, who is also set up for direct deposit, the direct deposit is overridden, and a warrant is generated. The direct deposit instructions remain in suspense until the hold record is released. Direct deposit resumes automatically when the payee is released from hold.

- Prompt Payment Requirements: Penalty payments for late warrants reduce the agency's available funds for other purposes.
    - Computation: The Comptroller's Office automatically computes and pays interest to vendors when warrant payments are late. The prompt payment requirements begin on the later date of:
        - Service performed;
        - Receipt of goods and/or required report received;
        - Valid invoice received; or
        - Notification that payment by a third party (insurance carrier and/or Medicare) will not be made (for VR vouchers only).

The payment processing period ends with the payment distribution.

- Replacement Warrants: Interest does not accrue for replacement warrants when the original warrant is lost or stolen. When replacement warrants are reissued, they are flagged as exempt from accruing interest penalties.
- Payment After Close of a Fiscal Year: After the close of a State fiscal year, TWC has 23 months to process all payments for goods and services received during that State fiscal year. When invoices for services to customers arrive after the end of the State fiscal year, the purchase was authorized payment procedures depend on the amount of lapsed time since the end of the fiscal year the SA was issued.

A miscellaneous claim is filed for invoices for SAs issued during the previous fiscal year. Such claims may be paid in RHW through the end of the current fiscal year (August 31) if authorized for payment prior to the end of the current fiscal year.

Per Federal liquidation period requirements, TWC has 120 days to make payment on any outstanding obligations at the end of the fiscal year after the FFY in which the grant was originally awarded.

B. Warrant Cancellations

After 30 days from warrant issuance, when a wire transfer has not initiated, TWC-VR staff must email payables.rhwconsumers@twc.texas.gov to request a warrant cancelation. Documentation must include the following:

- SA number;
- Voucher number and voucher amount;
- Warrant number; and
- Reason for the warrant's cancellation.

The TWC-VR office is responsible for reissuing any warrant that is requested to be canceled.

C. Recovery of Erroneously Issued Warrant

All contact with a vendor to recoup a warrant issued in error must be documented in the payment documentation and be 30 days apart. Contact must occur by phone on the first request, and in writing via certified mail and tracked receipt on second request and third request. After 30 days from the third contact, vendor tax ID information is processed with TWC Accounting for a vendor hold.

D. Forgery Claims

If a payee claims forgery, the TWC-VR staff member emails payables.rhwconsumers@twc.texas.gov and RHW accountants follow current Comptroller Forgery Notification Procedures.

E. Releasing a Held Warrant

TWC-VR staff must complete the Held Warrant Release Request form (VR1777) and submit it to payables.vendorholds@twc.texas.gov for processing. The (VR1777) must include two different TWC-VR staff members as the requester and approver.

F. Prompt Payment

The notification of delivery of services may occur verbally; therefore, communications with the vendor must be documented in the case record, including the name and date contacted. The date payment confirmation is obtained is the new invoice receipt date.

G. Documentation of VR Purchases

Documentation must include, at a minimum, the following:

- For Non-RHW purchases: WRAPS requisition number or service record information;
- For RHW transaction: Service authorization number and receipt information, including:
    - Packing slip date-stamped when received;
    - Receipt number entered into WRAPS or date receipt entered into customer system;
    - If applicable, physician's report received or Medical and Health Explanation of Benefits (EOB) date-stamped upon receipt by the office;
    - Documentation of requested services completed and accepted by TWC-VR, including date of completion and acceptance;
    - Original vendor invoice date-stamped upon receipt by the office (if original is unavailable, the invoice of record must contain the statement "ORIGINAL INVOICE UNAVAILABLE");
    - Complete documentation on all disputed invoices; and
    - Payment voucher number.

H. Miscellaneous Claims

Invoices involving requested payments for SAs issued with dates of service in the year before the previous fiscal year, requests must be sent to VR.Budget@twc.texas.gov with a copy of the SA and the signed invoice. The payment amount should match the payment requested on the invoice. The following information must be included:

- SA Number, RHW Case ID, and Customer Name;
- Cost Center;
- Approval to Pay;
- Amount to Pay with Invoice Number; and
- Reason for late payment request.

I. Department of Public Safety (DPS) Criminal History Checks

The CCH verification log is required by the DPS to track CCH requests. The log is maintained by regional and State points of contact for conducting the initial CCH from Audit to Audit. Regional points of contact keep a copy of the VR1510 received from requestors in a confidential and secure location. Regional points of contact are also responsible for maintaining the CCH verification log and submitting monthly CCH verification logs to the State Office Program Specialist(s) for CCH. The CCH verification log should contain the following:

- Name of customer and purpose of CCH;
- Reference# (ReHabWorks Case ID);
- Check whether CCH Printed/Not Printed; and
- Date Printed and initials of person conducting the CCH.

J. Fingerprint Procedures

If verification cannot be made based on a customer's name, the secure site user instructs TWC-VR staff to submit a completed and signed VR1510, using the standard encryption method, to the State Office Program Specialist(s) for CCH to complete a fingerprint search request.

K. System Access

Hiring regional HR liaisons, managers, supervisors, or their designees, are responsible for completing and submitting the Information Technology Access Service Request for TxROCS and RHW (IT1260) to VR RHW support to add, update, or remove access to TWC-VR. The TWC-VR RHW support team in VR Program Operations department is responsible for reviewing submitted IT1260 forms and ensuring that submitted user role requests are accurate and appropriate.

- When corrections are needed, TWC-VR RHW support returns the IT1260 to the TWC-VR staff member who submitted the request, noting the necessary corrections. Once the corrected IT1260 is received, it is submitted to AIP. AIP notifies VR RHW support when the IT1260 has been processed, at which point TWC-VR RHW support verifies the completion of the update in RHW.
- To ensure that old user roles are removed for transferred employees, an IT1260 is submitted to TWC-VR RHW support. TWC-VR RHW support reviews current user role access and verifies that the correct user roles to be added and/or removed are noted on the IT1260, based on the approved user role documents.
- The VR Supervisor, VR Manager, or TWC-VR delegated staff follows agency policies for processing terminations through CAPPS and submits the IT1260 for termination to AIP and TWC-VR RHW support. AIP receives and processes the termination request to disable the account and remove all access. TWC-VR RHW support processes IT1260s for terminations to make necessary update

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- When a customer, a customer's representative, or a customer's lawyer requests that TWC-VR staff verbally discuss a customer's case with a lawyer, the TWC-VR employee notifies the employee's immediate supervisor and contacts OGC before speaking with a customer's lawyer.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART D, CHAPTER 5: VENDORS

Policy Number	Authority	Scope	Effective Date
Part D, Chapter 5	Texas Government Code §2155.382(d), 2 CFR §200.302, Texas Government Code, Chapter 2251, Texas Government Code, Sections 403.055, 403.056 and 403.078, and Texas Government Code §411.117	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to ensure adherence to vendor requirements for registration, verification, and general requirements for doing business with TWC-VR.

DEFINITIONS

Authorized Individual: An authorized individual includes, but is not limited to, the following:

- Caseload-carrying TWC-VR staff, including VR Counselors, Unit Support Coordinators, and Older Individuals who are Blind (OIB) Workers;
- Management Unit Staff, including VR Supervisors and VR Managers;
- Regional Office Staff, including Regional Directors, Deputy Regional Directors, Program Support Managers, Regional Program Specialists, Regional Transition Specialists, Regional Blind Services Specialists, Regional Program Improvement Specialists, Employment Assistance Specialists, and Regional Points of Contact Staff for CCH; and
- State Office Staff, including the Division Director, the Deputy Division Directors, the Directors, the Program Managers, the Managers, and, as applicable, Program Specialists.

Providers: An individual, business entity, or unit of government from whom TWC-VR purchases goods and services on behalf of customers as a part of the programmatic service delivery process.

Warrant Number: Term used to identify payment made to a specific vendor. This identifier uses a nine-digit format for payments made by check and seven digits for payment made by direct deposit number.

POLICY

A. General Overview

TWC-VR is responsible for ensuring that Service Authorizations (SAs) are issued to vendors established in the Workforce Reporting Accounting and Procurement System (WRAPS) and RehabWorks (RHW) in accordance with applicable Federal, State, and TWC-VR requirements.

B. Texas Identification Numbers

The State Comptroller requires the Texas Identification Number (TIN) on requests from any party receiving payment from the State of Texas. Entities (i.e., sole owner, individual recipient, partnership, corporation, or other organization) billing TWC-VR for goods or services or that receive payment for refunds or public assistance must have a TIN.

PROCEDURES

A. Texas Legal Requirements

Texas Identification Number: TWC-VR cannot issue an SA or subsequently authorize a payment unless the payee has an active TIN and is established in WRAPS. The WRAPS system interfaces with the Comptroller's system and RHW. An active TIN is required for the following:

- IRS 1099 reporting;
- Procurement reporting;
- Contract award;
- Issuance of SAs; and
- Payment processing.

Types of TINS: TINs for individual recipients (i.e., customers) are established by using random numbers assigned by the Comptroller.

TINs for sole owners may be established using either a:

- Random number assigned by the Comptroller; or
- Federal Employers Identification Number (FEIN).
- TINs for partnerships, corporations, or professional associations are established using the FEIN assigned by the IRS for tax purposes.

Components of TINS: Each 14-digit TIN has the following components:

- Prefix (digit 1)
- Payee number (digits 2–10)
- Check digit (digit 11)
- Mail code (digits 12–14)

The prefix identifies the payee number type:

- 1 = FEIN issued by the IRS.
- 7 = A system generated number assigned by the Comptroller when the payee does not have a FEIN.
- 3 = A number the Comptroller assigns for state agencies, special purposes, or temporarily when there is no FEIN.

The check digit is calculated from the TIN type and payee number. This number is used to verify the correct TIN has been entered.

The mail code is assigned by the Comptroller to identify the payment location. The mail code allows the payee to receive payments at different locations for paper warrants or into different bank accounts for electronic payments.

B. Provider Requirements

Healthcare Professionals: The required qualifications for physicians, specialists, and other healthcare professionals are included in the table below.

When an intern working under the supervision of a licensed provider provides counseling services, the services are purchased at the rate paid for the supervising licensed provider.

Professional	Job Function	Required Qualifications
Advanced practice nurse	Provides medical evaluation and/or treatment	Licensed by the Texas Board of Nursing

Professional	Job Function	Required Qualifications
Audiologist	Provides audiological examinations, may dispense hearing aids; and may provide basic audiometric assessments	• Licensed by the State Board of Examiners for Speech-Language Pathology and Audiology • To dispense hearing aids, the audiologist also must be licensed by the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments.
Certified Registered Nurse Anesthetist (CRNA)	Administers anesthesia	Certified by the American Association of Nurse Anesthetists
Chiropractor	Provides manipulative treatment of the spine and functional capacity assessments	Licensed by the Texas Board of Chiropractic Examiners

Professional	Job Function	Required Qualifications
Cognitive Rehabilitation Therapist	• Provides cognitive rehabilitation therapy, which focuses on the development of cognitive skills (i.e., the ability to perceive, recognize, conceive, judge, imagine, and reason) that were lost or altered because of neurological damage • The aim of treatment is to enhance functional competence in real-world situations. • The process includes direct retraining, use of compensatory strategies; and/or use of cognitive tools.	• Psychologist: License from the State Board of Examiners of Psychologists • Psychiatrist: License from the State Board of Medical Examiners • Occupational Therapist: license from the Executive Council of Physical Therapy and Occupational Therapy Examiners • Speech and Language Pathologist: Certification from the State Committee of Examiners for Speech and Language Pathologists and Audiologists
Dentist	Provides dental evaluations and/or treatment	Licensed by Texas State Board of Dental Examiners to practice in the State where services are rendered
Hearing Aid Specialist	• Dispenses hearing aids • May provide basic audiometric assessments • May provide hearing aid evaluations	Licensed by the Texas Board of Examiners in the Fitting and Dispensing of Hearing Aids

Professional	Job Function	Required Qualifications
Licensed Marriage and Family Therapist (LMFT)	Provides goal-oriented or problem-centered counseling services, as recommended or prescribed by a psychiatrist or psychologist	Licensed by the Texas State Board of Examiners of Marriage and Family Therapists
Licensed Professional Counselor	Provides goal-oriented or problem-centered counseling services as recommended or prescribed by a psychiatrist or psychologist	Licensed by the Texas State Board of Examiners of Professional Counselors
Licensed Surgical Assistant (LSA)	Provides assistant surgeon services	Licensed by the Texas Medical Board
Occupational Therapist	Provides occupational therapy services recommended or prescribed by a physician, home modifications assessment; and/or job analysis and job-site modification assessments	Licensed by the Executive Council of Physical Therapy and Occupational Therapy Examiners to practice in the state where services are rendered
Optometrist	Provides vision examinations	Licensed by the Texas Optometry Board
Ophthalmologist	Specializes in diagnosis, treatment, and surgery for diseases of the eye	M.D. (doctor of medicine) licensed by the state of Texas State Board of Medical Examiners to practice in the state where services are rendered

Professional	Job Function	Required Qualifications
Pedorthist	Fabricates and supplies below-the-ankle orthotics	Certified by the Board for the Certification in Pedorthics (C.Ped: certified pedorthists)
Physical Therapist	Provides physical therapy services recommended or prescribed by a physician, home modifications assessment; and/or job analysis, and job-site modification assessments.	Licensed by the Board of Physical Therapy and Occupational Therapy Examiners to practice in the state where services are rendered
Physician	Provides medical examinations and/or treatment Exception: A podiatrist licensed in the state where services are rendered may provide medical or surgical services limited to foot conditions.	M.D. (doctor of medicine) or D.O. (doctor of osteopathy) licensed by the Texas State Board of Medical Examiners to practice in the state where services are rendered
Physician Assistant	Provides medical examinations, medication management, and/or treatment	Licensed by the Texas Physician Assistant Board
Podiatrist	Provides medical examinations and treatment for foot conditions	Licensed by the Podiatric Medical Examiners Board DPM (doctor of podiatric medicine)
Prosthetist and Orthoptist	Fabricates and supplies prostheses and orthotics	Licensed by the State Board of Orthotics and Prosthetics

Professional	Job Function	Required Qualifications
Psychiatric-Mental Health Advanced Practice Nurse	Provides evaluation, goal-oriented or problem-centered counseling services, and/or medication management	Licensed by the Texas Board of Nursing
Psychologist	• Provides or supervises the provision of psychological services • When an individual under the supervision of the licensed psychologist provides services, the licensed psychologist must sign all reports.	• Licensed by the Texas State Board of Examiners of Psychologists or licensed to practice in the state where service is rendered (unless exempt) • Community-based behavioral health and developmental disability services centers and some state agencies are exempt from the licensing act
Registered Nurse First Assistant (RNFA)	Provides assistant surgeon services	Licensed by the Texas Board of Nursing
Social Worker	Provides goal-oriented or problem-centered counseling services for customers as recommended or prescribed by a psychiatrist and/or psychologist	• Licensed Clinical Social Worker (LCSW) licensed by the Texas State Board of Social Work Examiners • Community-based behavioral health and developmental disability services centers and some state agencies are exempt from the licensing act

Professional	Job Function	Required Qualifications
Specialist Physician	Performs examinations, treatment, and/or surgery	• Physician certified by an American Medical Specialty Board, or the American Osteopathy Specialty Board in the needed specialty • When a board-certified physician is not available, refer the customer to the Texas Medical Board Look Up a License page to gather information about the education and experience of a physician without board certification.
Speech-Language Pathologist	Provides, with concurrence of a physician, speech and hearing therapy after surgery or trauma affecting speech	Certified as a speech-language pathologist by the State Board of Examiners for Speech-Language Pathology and Audiology
Speech Trainer	• Provides speech training in both expressive (speech language production) and receptive (lip and speech reading) language • May also evaluate and provide training in the use of speech augmentation devices	Certified as a speech-language pathologist by the State Board of Examiners for Speech-Language Pathology and Audiology

Healthcare Facilities: The required qualifications for health care facilities are listed in the following table:

Health Care Facility	Activity	Required Qualifications
Ambulatory surgical center	Primarily provides surgical services to patients who do not require overnight hospital care	Current licensure as an ambulatory surgical center by the Texas Department of State Health Services or accreditation by the American Association for Accreditation of Ambulatory Surgery Facilities
General hospital	Provides inpatient and outpatient hospital services	A current contract with VR, and Medicare certification, accreditation by the Joint Commission for Accreditation of Health Care Organizations (JCAHO); or accreditation by the American Osteopathic Association.

Health Care Facility	Activity	Required Qualifications
General or specialty hospital providing inpatient comprehensive medical rehabilitation services	Provides inpatient comprehensive medical rehabilitation services	• A current contract with VR and/or licensure by the Texas Department of State Health Services for comprehensive medical rehabilitation services, unless exempt by law (for example, the University of Texas Medical Branch), accreditation by the JCAHO; or accreditation by the Commission on Accreditation of Rehabilitation Facilities (CARF). • CARF accreditation must be as a Medical Rehabilitation Program: Comprehensive Inpatient Category One, if accredited before July 1, 1998; or Comprehensive Integrated Inpatient Rehabilitation Program, if accredited July 1, 1998, or later.
Nursing home	Provides nursing home or convalescent care	• Licensed by the DADS Nursing Home division • Approved by Medicare and Medicaid

C. Contracting Performance Issues

- Contract Performance Issues: With the exception of the Contract Manager, TWC-VR staff members routinely work closely with contractors and, therefore, might notice issues related to a contractor's performance or noncompliance that are beyond the scope of the formal statewide monitoring process led by the Customer Services Monitoring Unit. If the staff member determines

that a performance issue is significant, they must notify the Contract Manager, even if the issue has been resolved.

The TWC-VR staff member must send the notification in writing and include the:

- Name of the contractor;
- Contract number assigned by VR, if known;
- Texas payee identification number, if known;
- Type of service provided by the contractor;
- Date the noncompliance or performance issue occurred;
- Description of the noncompliance or performance issue; and
- Chronology of actions taken by the TWC-VR staff member and contractor to address the issue.

TWC-VR staff members must use the Contractor Performance Report (TWC 1303) to document issues of performance or noncompliance, or recurring issues with contractor invoices. The report can also be used to document exceptionally good contractor performance. TWC 1303 is for TWC use only.

TWC-VR staff members can use the Vendor Invoice Additional Data Request (VR3460) to request information missing from a specific invoice.

D. Noncontracted Providers

TWC-VR's non-contracted providers include, but are not limited to, the following types of goods and services:

- Professional medical, psychiatric, and psychological care;
- Physical, occupational, speech, language, and hearing therapy;
- Academic and vocational training at universities and colleges;
- Vocational training by proprietary schools;
- Tools, safety, and other vocational equipment;
- Transportation; and
- State, county, and local agencies.

Nontraditional Providers: A nontraditional provider is an individual who does not have a bilateral contract and who can help a customer achieve an employment goal. Nontraditional providers are available for services such as Job Skills Training, Work Experience Services, Vocational Adjustment Training and Bundled Job Placement.

A nontraditional provider can be used when:

- The customer needs to learn skills for a job or Work Experience Services that a traditional bilateral contract provider does not have, such as welding, use of commercial construction equipment, or use of medical equipment; or
- The services are needed in an area with no available approved and credentialed providers.

The procedure to establish a nontraditional provider as a vendor is as follows:

1. TWC-VR staff must explain the following to a potential nontraditional provider:
    a. Customer confidentiality requirements;
    b. Nondisclosure of information requirements;
    c. Ethical requirements and considerations; and
    d. Expectations of the services that nontraditional providers provide.
2. TWC-VR staff must collect all information necessary to establish the nontraditional provider and submits the information to the Regional Quality Assurance Specialist.
3. The Regional Quality Assurance Specialist, or designee, must approve the nontraditional provider and must:
4. Maintain a file on the nontraditional provider that contains all required documents;
    a. Review all submitted documents to ensure they meet the requirements for a nontraditional provider; and
    b. Send an email containing the RHW specifications directing Provider Services to link the nontraditional provider as a vendor.
    c. The Regional Quality Assurance Specialist, or designee, must contact Provider Services each time the link specification needs to be turned on or off to issue, replace, or update an SA.
5. TWC-VR staff must request Service Record Approval via email. The Regional Quality Assurance Specialist, or designee, will approve or deny in RHW and sends a courtesy email to TWC-VR staff. This is to ensure that a nontraditional provider serves no more than five customers.
   The Regional Quality Assurance Specialist monitors the number of customers the nontraditional provider serves for each service. After a nontraditional provider serves five customers for any service, they are permanently delinked from RHW for that service.

Nontraditional providers are only permitted to work with five VR customers before they are required to become bilateral contract providers.

Transition Educator Provider: A transition educator provider is an individual who is not a provider with a bilateral contract and:

- Has a master's degree or a bachelor's degree in rehabilitation, psychology, education, or related field (includes being a certified Texas Educator); and
- Is currently or has been an employee of a school system, a Texas Education Service Center, a college, or a university within the past fiscal year.

Transition educator providers must be approved annually to ensure that they continue to meet qualifications.

Transition educator providers are available for services such as Vocational Adjustment Training, Bundled Job Placement, Vocational Adjustment Training Work Experience Services, and Job Skills Training. A transition educator provider may be used when:

- The services are needed in an area with few or no approved and credentialed providers; or
- The customer has received services from a teacher in the school system and the teacher has agreed to continue to provide work readiness or employment service for the customer when the school's work readiness or employment services are not available, for example, during summer break or after graduation.

The procedure for establishing a transition educator provider as a vendor is as follows:

1. TWC-VR staff members must explain the following to the potential transition educator provider:
    a. Customer confidentiality requirements;
    b. Nondisclosure of information requirements;
    c. Ethical requirements and considerations; and
    d. Expectations of the services that transition educator providers provide.
2. If the individual agrees to become a transition educator provider, TWC-VR staff must collect and submit the following to the Regional Quality Assurance Specialist or designee:
    a. Copy of the transition educator provider's transcripts, which indicates a master's degree or a bachelor's degree in rehabilitation, psychology, education, or related field; and
    b. Proof that the transition educator is currently or has been an employee of a school system, a Texas Education Service Center, a college, or a university within the past fiscal year.

    A transition educator provider must provide proof of employment at a school system, a Texas Education Service Center, a college, or a university annually.
3. The Regional Quality Assurance Specialist, or designee, must approve the transition educator provider using the following procedure:
    a. Maintains a file on the transition educator provider that contains all required documents;
    b. Reviews all submitted documents to ensure they meet the requirements for a transition educator provider; and
    c. Sends an email containing the RHW specifications that Provider Services needs to link the transition educator provider as a vendor.
4. The Regional Quality Assurance Specialist, or designee, must request that the transition educator provider be delinked from RHW at the time designated as the end of year or collects proof that the transition educator provider is or has been an employee of a school system, a Texas Education Service Center, a college, or a university within the current or past fiscal year.

Use of Non-Contracted Hospitals: For non-contracted hospitals, the assigned Medical Services Coordinator (MSC) contacts the regional quality assurance specialist to review that the need for the procedure is within the scope of VR services and justification is well documented.

The Regional Quality Assurance Specialist sends the VR3423 to the TWC Contract Management Unit (CMU) mailbox for assignment to a contract manager, who negotiates a rate for the contract exception. The contract manager will then submit Exception to Contracted Hospital Purchase form (VR3423) to the VR Division Director for final approval and return the executed VR3423 to the regional quality assurance specialist.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- A TWC-VR employee who receives a request for public information must consult with OGC through the chain of management.
- Verifying Healthcare Professionals and Facilities: The TWC-VR State Program Specialist for Physical Restoration verifies in RHW the required qualifications of health care professionals and provides information about certification or licensure of other health care professionals.

The VR State Office Program Specialist for Physical Restoration verifies the required qualifications of healthcare facilities in RHW and provides information about certification or licensure of healthcare facilities.

To inquire whether a provider is active in WRAPS, TWC-VR staff should email VR RHW Provider Services at vr.rhw.providerservices@twc.texas.gov, providing the vendor TIN and the complete name of the vendor.

- When the Contract Manager is notified of a contractor's performance issue, they take appropriate action and can request a remedial action review.
- Regional Quality Assurance Specialist consultation is required in order to use a noncontracted nontraditional provider or a noncontracted transition educator provider when a bilateral contractor is not available or cannot meet the customer needs for Employment Services.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART E, CHAPTER 1: BUSINESS PROCEDURES AND APPENDICES

Policy Number	Effective Date
Part E, Chapter 1	09/03/2024

OVERVIEW

Part E serves as the requirements for business procedures related to case record management. Part E includes information related to case record management, including case documentation, opening, phase adjusting, and transferring case records as well as RSA-911 reporting and data validation.

Part E also houses three appendices, which contain a comprehensive list of approvals and consultations, a list of VR acronyms, and a glossary of terms and definitions.

Questions related to Part E policies and procedures can be emailed to the Policy Planning and Statewide Initiatives Team (PPSI) at vrsm.support@twc.texas.gov.

PART E, CHAPTER 2: CREDENTIAL ATTAINMENT AND MEASURABLE SKILL GAINS

Policy Number	Authority	Scope	Effective Date
Part E, Chapter 2	WIOA Section 116, and 34 CFR Subpart E	All TWC-VR staff, particularly the VR Counselor	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to providing the opportunity for TWC-VR customers to enroll in job-driven training programs, and the requirements for collecting and reporting credentials and measurable skill gains achieved.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

WIOA Section 116 Performance Accountability System establishes performance accountability indicators and reporting requirements to assess the effectiveness of States and local workforce development areas in achieving positive outcomes for individuals served by the workforce development system's six core programs.

The six core programs include the following:

Title I (U.S. Department of Labor)

- Adult program

- Dislocated Worker program
- Youth program

Title II (U.S. Department of Education)

- Adult Education and Family Literacy Act program

Title III (U.S. Department of Labor)

- Wagner-Peyser Employment Service program

Title IV (U.S. Department of Education)

- State Vocational Rehabilitation Services program (TWC-VR represents Title IV.)

The Credential Attainment (CA) Rate and the Measurable Skill Gains (MSG) Rate are two of the six performance indicators for which TWC-VR is accountable.

B. Credential Attainment Rate

The percentage of those customers enrolled in an education or training program (excluding those in on-the-job [OJT] and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.

A customer who has attained a secondary school diploma or its recognized equivalent is included in the percentage of customers who have attained a secondary school diploma or its recognized equivalent only if the customer also is employed or is enrolled in an education or training program leading to a recognized postsecondary credential within one year after exit from the program.

The following are acceptable types of credentials that count toward the credential attainment rate:

- Secondary school diploma or recognized equivalent;
- Associate degree;
- Bachelor's degree;
- Graduate degree;
- Occupational licensure;
- Occupational certificate/certification, including Registered Apprenticeship and Career and Technical Education (CTE) educational certificates; and
- Other recognized certificates of industry/occupational skills completion sufficient to qualify for entry-level or advancement in employment.

C. Measurable Skill Gains (MSGs) Rate

The percentage of customers who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving documented academic, technical, occupational, or other forms of progress, towards such a credential or employment.

MSGs are used to measure interim progress of customers who are enrolled in education or training services during a program year. It is intended to capture important progressions through pathways that offer different services based on program purposes and tailored to individual needs and goals.

Depending upon the type of education or training program in which a participant is enrolled, documented progress is defined as one of the following, and will count toward the MSG rate:

1. Documented achievement of at least one educational functioning level (EFL) of a participant who is receiving instruction below the postsecondary education level;
2. Documented attainment of a secondary school diploma or its recognized equivalent;
3. Secondary or postsecondary transcript or report card for a sufficient number of credit hours that shows a participant is meeting the State unit's academic standards;
4. Training Milestones: Satisfactory or better progress report towards established milestones, such as completion of OJT or completion of one year of an apprenticeship program or similar milestones, from an employer or training provider who is providing training; or
5. Skills Progression: Successful passage of an exam that is required for a particular occupation or progress in attaining technical or occupational skills as evidenced by trade-related benchmarks, such as knowledge-based exams.

D. Exclusions from the Measures

There are specific customer exclusions from both the Credential Attainment and MSG Rates. These exclusions occur at the time of exit when the case is closed. These exclusions include the following:

- The customer exits TWC-VR because they have become incarcerated in a correctional institution or have become a resident of an institution or facility providing 24-hour support, such as a hospital or treatment center during the course of receiving TWC-VR services.
- The customer exits TWC-VR because of medical treatment expected to last longer than 90 days and precludes entry into unsubsidized employment or continued participation in TWC-VR.
- The customer is deceased.
- The customer exits TWC-VR because they are a member of the National Guard or other reserve military unit of the armed forces and are called to active duty for at least 90 days.
- The customer was determined eligible for TWC-VR services but is later determined not to have met the eligibility criteria.

E. Training and Education Programs that Do NOT Lead to a Credential or MSG

Certificates must recognize technical or industry/occupational skills for the specific industry or occupation rather than general skills related to safety, hygiene, etc. (e.g., social skills training, CPR, OSHA) even if such general skills certificates are broadly required to qualify for entry-level employment or advancement in employment.

Although these types of certificates do not contribute towards the indicators, they may increase the customer's ability to obtain, maintain, and advance in employment. TWC-VR may determine it valuable to provide services for these type of training programs in an Individualized Plan for Employment (IPE).

Typically, 18+ high school and pre-employment transition services (Pre-ETS) do not result in a recognized credential or MSG. These services are exploratory in nature and may not be directly related to the skills (i.e., academic, technical, occupational) required for the employment goal. VR Counselors are encouraged to consult with their management team when questions regarding these programs arise.

PROCEDURES

A. Providing Education and Training Opportunities

VR Counselors hold a fundamental responsibility to advise on opportunities for job-driven training programs to customers of TWC-VR. Education and training programs aim to equip students with the necessary skills and abilities to secure gainful employment. By providing job-driven training services, TWC-VR ensures that customers are prepared to meet the demands of the workforce and contribute meaningfully to society.

Education and training not only enhance the employability of customers, but also promotes their independence, self-sufficiency, and long-term labor attachment.

VR Counselors must document all opportunities for education and training, the supports TWC-VR provides or coordinates to assist the customer in succeeding, and the outcome of the training.

B. Determining an Education or Training Program that Leads to a Recognized Credential or Employment

TWC-VR staff must determine whether or not the training or education program listed in the customer's IPE meets the definition of a recognized credential or MSG. TWC-VR provides a variety of training opportunities that do not lead to a recognized credential (e.g., social skills training, CPR, OSHA), but are determined to be a need for the customer and are included in their IPE.

Secondary Credentials: Secondary school diploma or alternate diploma is one that is recognized by a State and is included for accountability purposes under Every Student Succeeds Act (ESSA). A

secondary school equivalency certification signifies that a student has completed the requirements for a high school education. The State may recognize other types of recognized equivalents. Examples include the following:

- Obtaining certification of passing scores on a State-recognized high school equivalency test (HSET);
- Earning a secondary school diploma or State-recognized equivalent through a credit-bearing secondary education program sanctioned by State law, code, or regulation;
- Obtaining certification of passing a State-recognized competency-based assessment; and
- Completion of a specified number of college credits.

Postsecondary Credentials: A recognized credential awarded in recognition of the customer's attainment of measurable technical or industry/occupational skills necessary to obtain employment or advance within an industry/occupation. These technical or industry/occupational skills generally are based on standards developed or endorsed by employers or industry associations.

A recognized postsecondary credential consists of an industry-recognized certificate or certification, a certificate of completion of an apprenticeship, a license recognized by the State involved or Federal government, or an associate or baccalaureate degree or graduate degree.

The following are types of organizations and institutions that award recognized postsecondary credentials. Not all credentials offered by these entities meet the definition of a recognized postsecondary credential.

- A State educational agency or a State agency responsible for administering vocational and technical education;
- An institution of higher education that is qualified to participate in the student financial assistance programs authorized by title IV of the Higher Education Act. This includes community colleges, proprietary schools, and all other institutions of higher education that are eligible to participate in Federal student financial aid programs;
- An institution of higher education that is formally controlled, or has been formally sanctioned or chartered, by the governing body of an Indian tribe or tribes.
- A professional, industry, or employer organization (e.g., National Institute for Automotive Service Excellence, National Institute for Metalworking Skills) or product manufacturer or developer (e.g., recognized Microsoft Information Technology certificates, such as Microsoft Certified Solutions Expert [MCSE], Oracle Certified Professional [Java developers]) using a valid and reliable assessment of an individual’s knowledge, skills and abilities;
- The Employment and Training Administration’s (ETA) Office of Apprenticeship or TWC Office of Apprenticeship;
- A public regulatory agency, which awards a credential upon an individual’s fulfillment of educational, work experience, or skill requirements legally necessary for the individual to use an

occupational or professional title or to practice within an occupation or profession (e.g., Texas Department of Licensing and Regulation (TDLR);
- A program that has been approved by the Department of Veterans Affairs to offer educational benefits to veterans and other eligible persons; and
- ETA's Job Corps program, which issues certificates for completing career training programs that are based on industry skills standards and certification requirements.

MSGs: Training programs that provide academic, technical, occupational, or other forms of progress that do not lead to a recognized credential may lead to employment. Typically, these training programs teach specific skills for the customer's employment goal and are provided by an employer or other training provider.

On-the-Job Training (OJT) and Customized Training are examples of training programs that do not lead to a credential; however, because they are industry-specific, they teach technical and occupational skills on the job that lead to employment and therefore result in an MSG.

C. Supporting Documentation Required for Data Validation

TWC-VR must obtain supporting documentation to validate the achievement of credentials and MSGs reported in ReHabWorks (RHW). Once the education or training program has been included in the IPE and determined to lead to a recognized credential or employment, TWC-VR staff must document the date of program enrollment, the achievement of MSGs, and the completion of the program (e.g., credential attained, withdraws).

Enrollment: The date of program enrollment must include supporting documentation. Depending upon the type of training or education program, the supporting documentation may vary. Examples of allowable supporting documentation for enrollment include, but are not limited to, the following:

- Copy of enrollment record
- Registration forms or other attendance records
- Transcripts or Report Cards
- Notes from program staff

Credentials: The following table includes the types and examples of recognized credentials and allowable supporting documentation.

TWC-VR staff must make at least three attempts to obtain supporting documentation that validates the credential attainment from third-party education and training providers before utilizing case notes as the supporting document. See table below.

Case notes documenting information obtained from education or training provider must include at a minimum the following:

- A participant's status for a specific credential;
- The date on which the information was obtained;
- The staff member who obtained the information; and
- Justification for not obtaining formal documentation.

Credential	Examples	Supporting Documentation
Secondary School Diploma	• High School Diploma	• Copy of High School Diploma
Secondary School Equivalency	• GED • HSEP	• Copy of GED
Associate degree	• AS General Education • AS Computer Sciences	• Copy of the degree/ • Transcripts that show the degree awarded
Bachelor's degree	• BS Social Work • BS Graphic Design	• Copy of the degree • Transcripts that show the degree awarded
Graduate degree	• MS Rehabilitation Counseling • MS Business Administration	• Copy of the degree/ • Transcripts that show the degree awarded
Occupational License	• Registered Nurse License • Behavior Analyst License • Business Enterprise of Texas (BET)	• Copy of license

Credential	Examples	Supporting Documentation
Occupational Certificate/Certification	• CompTIA A+ Certification • HVAC Certification • Plumbers Registered Apprenticeship Certification	• RA Certification • Copy of certification • School records that show the certification

MSGs: The following table includes the types of MSGs and examples of allowable supporting documentation. Case notes are not considered allowable supporting documentation for MSGs.

MSG Requirements	Supporting Documentation Examples
EFL: Advancement of an educational level by making measurable improvement in educational attainment as measured by: • A pre-test and post-test (e.g., TABE, BEST Plus); • Awarding credits or units through an adult high school transcript; or • Enrollment in a postsecondary education or training program after completion of a secondary school program.	• Copy of a pre- and post-test showing an improvement in functioning level • Copy of adult education transcript or report card showing credits or units awarded • Postsecondary education or training enrollment determined through data match, survey documentation, or program notes
Secondary School Diploma or Recognized Equivalent: Graduating from high school or obtaining a GED/HSEP.	• Copy of a high school transcript showing achievement of the diploma • Copy of the secondary school diploma • Copy of the GED

MSG Requirements	Supporting Documentation Examples
Secondary/Postsecondary Transcript or Report Card: • Secondary: Successful completion of a semester in a secondary school program. Report card shows that the student has successfully passed all courses. "Passing" refers to the minimum grade required to receive credit hours for completion of a course. If the report card indicates the participant dropped out of school, was removed from the institution, or any other conditions that indicate removal on academic or conduct grounds, then an MSG was not achieved. • Postsecondary: ○ Full-time students must complete at least 12 hours/credits for one semester. ○ Part-time students must complete at least 12 hours/credits over the course of two completed semesters during a 12-month period. For part-time students, the MSG occurs and is documented in RHW when the 12th credit hour is obtained. ○ Other recognized education programs in which the customer is enrolled include, but are not limited to, semesters, trimesters, quarters, and clock hours for the calculation of credit hours when they achieve the equivalent of this MSG. (e.g. Graduate school full-time status is nine credit hours per semester).	• Copy of secondary report card for one semester showing passing grades • Copy of secondary school diploma that was achieved by passing the final semester • Copy of a postsecondary transcript that shows 12 credits achieved in one semester • Copy of a postsecondary transcript that shows six credits earned during the Fall semester and six credits earned during the following Spring semester • Passing grades for completing one module of a training program (e.g., cosmetology, barbering) An accompanying academic calendar may be required to verify MSG date.

MSG Requirements	Supporting Documentation Examples
Training Milestone: Satisfactory or better progress report towards established milestones, such as completion of OJT, Customized Training or completion of established milestones in an apprenticeship program or similar milestones from an employer or training provider who is providing training.	• Copy of satisfactory completion of a training period for OJT or Registered Apprenticeship • Progress reports or evaluations from an employer or training provider documenting satisfactory or better progress toward established milestones • Verification of the completion of a Project Search Internship
Skills Progression: Successfully passing an exam that is required for an occupation or progress in attaining technical or occupational skills.	• Results of a knowledge-based exam • Documentation from the employer or training provider • Copy of a credential that is required for a particular occupation and is only earned after the passage of an exam (i.e., license or certification)

D. Documenting Credentials and MSGs

Credentials and MSGs are captured in RHW through various pages, including the Education History page, the Training Information page, and the Semester/Grading Period page. These pages need to be regularly updated after the completion of each semester or grading period/milestone, if a customer withdraws from the training program (for any reason), and when the training is completed (i.e., credential achieved). Timely, valid, and accurate data is required for the performance indicator calculations for TWC-VR.

- Enrollment: Once the customer enrolls in a training or education program, the "date registered" must be documented in RHW and include supporting documentation.

If the customer was already enrolled in a training or education program at the time of the initial IPE, the "date registered" is the date of the IPE. Supporting documentation must show that the customer was enrolled prior to/at the time of IPE.

For customers who enroll in a training or education program any time after the IPE date, the "date registered" should reflect the actual date of program enrollment.

- Credentials: Once the customer successfully completes the training or education program and receives supporting documentation of that achievement, TWC-VR staff must:
    - Enter the graduation/completion/achieved date displayed on the supporting documentation in the training record in RHW; and
    - File supporting documentation in the case file.

If the customer obtains an occupational license or certification after completion of a training or education program, TWC-VR staff must:

- Enter the occupational exam passed date displayed on the source documentation in the training record in RHW; and
- File supporting documentation in the case file.

Copies of supporting documentation must be obtained from the customer as soon as the credential is achieved but no later than the Joint Annual Review, when RHW is updated. Electronic documents are acceptable but must be printed and maintained in the customer's case file. Multiple documents to show proof of credential (e.g., diploma, case notes) are preferred but not required.

- MSGs: Once the customer successfully makes interim progress in the training or education program and receives supporting documentation of that achievement, TWC-VR staff must:
    - Enter the MSG type achieved in the training record in RHW; and
    - File supporting documentation in the case file.

An MSG is captured in RHW when TWC-VR staff enter an end date when an MSG is achieved. The start and end dates in RHW must match the start and end dates on the supporting documentation. If there are no dates on the supporting documentation (e.g., the screenshot of the final grades has no end date, the transcript doesn’t include semester dates), then the start and end dates of the semester/grading period noted on the training institution’s academic calendar is used in RHW. A copy of the calendar must be included with the supporting documentation in the case file.

Copies of supporting documentation must be obtained from the customer as soon as the documentation becomes available at the end of the semester or grading period. TWC-VR staff must attempt to contact the customer to obtain the required documents for the type of MSG within eight weeks of the end of the semester or grading period, but no later than the start of the next semester or grading period.

Electronic documents are acceptable and must be maintained in the customer's case record. Multiple documents to show proof of the MSG (e.g., report card, case notes) are preferred but not required.

E. Case Notes

TWC-VR staff must document specific details about the customer's progress and the reason for the update to the Education History page in case notes. Progress, challenges, service provision(s), employment or educational goal status, and informed choice, etc., should be clearly described when continuing to support a customer in training, and to explain why or why not credentials and MSGs were achieved or not achieved by the participant.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART E, CHAPTER 3: CASE RECORD MANAGEMENT

PART E, CHAPTER 3.1: CASE RECORD AND DOCUMENTATION

Policy Number	Authority	Scope	Effective Date
Part E, Chapter 3.1	34 CFR §361.47	All TWC-VR staff	02/10/2025

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to case record management and supporting documentation required as part of the case record.

DEFINITIONS

Case Record: Refers to the entirety of the case record, including electronic data in RHW, the paper file, and virtual case file.

Caseload: Refers to case records assigned to a VR Counselor.

Electronic Case File: Refers to information pertaining to a case entered into RHW, TWC-VR's case management system. Database record that documents the process and contains all the information collected and the documents generated throughout the VR process for an individual customer by TWC-VR staff, such as the Initial Contact, Application, Case Notes, and Plans phases.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Paper Case File: The hard copy or printed records associated with a customer's TWC-VR case.

Virtual Case File: A non-paper version of the case file hosted electronically and ultimately residing in TEAMS. The virtual case file is used to organize and logically provide access to customer-related

information obtained from, relevant to, and/or used on behalf of the customer during or as the result of the receipt of TWC-VR or OIB services.

POLICY

A. General Overview

TWC-VR is required to maintain a record of services for each customer served. RehabWorks (RHW) is the case management system used by TWC-VR to record the necessary customer data required for the Case Record Report (RSA-911) and the WIOA participant data necessary for the Annual Report (ETA 9169). TWC-VR also maintains paper and virtual case files for each customer that include personal information, VR program data, and supporting documentation. TWC-VR staff, including VR Counselors, are responsible for the following:

- Learning about and utilizing RHW;
- Ensuring accuracy of data input into RHW;
- Validating data through supporting documentation, where applicable;
- Maintaining case files (in addition to RHW); and
- Requesting professional development and training when needed.

The purpose of the case record is two-fold. Maintaining customer records that have clear, concise, and consistent documentation is imperative to assuring compliance with Federal and State regulatory requirements and is correlated with effective VR Counselor-Customer relationships and success. TWC-VR staff must uphold the highest level of integrity and ethical conduct when it comes to case documentation.

B. Accessing Customer Records

Case records are confidential and can be accessed only for purposes directly associated with the provision of TWC-VR services.

TWC-VR staff must not:

- Access their own case record of TWC-VR services;
- Access case records of family members; or
- Access any case records in RHW for which they do not have an official TWC-VR need.

For the purposes of this section, "family" includes the employee's spouse, child, parent, grandparent, brother, sister, cousin, aunt, uncle, niece, and nephew. It also encompasses any individual related to the employee by kinship, adoption, or marriage (such as step-relatives), individuals dependent on the

employee or their family for personal care or services, and all individuals living in the same household with the employee or their family member, regardless of kinship.

C. Customers Requesting Amendments to Their Records

If a customer believes information in their case record is inaccurate or misleading, they may request that TWC-VR amend the information. TWC-VR will acknowledge receipt of the request and will notify the customer of final action taken. If the information is not amended, the request for an amendment must be documented in the case record.

PROCEDURES

A. Case Notes

TWC-VR staff must use case notes to compile information resulting from interactions with the customer, the customer's family or representative, referral sources, service providers, and others. Case notes should establish a sound record of TWC-VR effectiveness and efficiency by:

- Conveying compliance with Federal and State laws regarding:
  - Use of funds; and
  - Decisions and timeliness in service delivery;
- Documenting the VR Counselor's decision making and application of the VR process;
- Documenting the customer exercising informed choice;
- Providing a clear and concise explanation of the customer's progression through the VR process;
- Explaining any causes for delay, planned interventions, and the result of interventions;
- Documenting how TWC-VR services were seamlessly provided to the customer during absence(s) of the VR Counselor assigned to the caseload; and
- Recording VR counseling and guidance provided.

System-generated case notes include all customer correspondence via SARA (Semi-Autonomous Research Assistant) and letters created in RHW. These case notes are automatically entered into RHW and cannot be modified.

What Not to Include in Case Notes: TWC-VR staff must be aware that case notes are legal documents and are subject to internal and external audit and review, subpoena for legal action or appeals, and review by the customer or others with a valid release of information. Content that is included in case notes must be based on facts that are relevant to the TWC-VR case.

The following should not be included in a case note:

- Information duplicated in other sections of RHW or on other forms or reports in the case record unless:
    - The information is significant to that case note; or
    - The case note is a summary, such as:
        - Diagnostic interview;
        - Comprehensive assessment; or
        - Case note from elsewhere;
    - Information that is not directly related to the identified disability;
    - Information that is not relevant to TWC-VR services; or
    - Results of a customer's Computerized Criminal History (CCH).

Good Faith Effort: TWC-VR staff must document all good faith efforts in case notes prior to denying, suspending, terminating or closing a case record. A good faith effort is defined as TWC-VR staff making three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

B. Paper Case File Organization

TWC-VR paper case files must be organized as follows to ensure uniformity.

- TWC-VR staff are responsible for the:
    - Management of the caseload;
    - Location of paper case files; and
    - Case correction activities.
- TWC-VR staff must:
    - Secure all documents from the paper case file to the file jacket;
    - Record the customer's last name and first name (e.g., García, Isabella A.) and case ID on the tab label of each paper case file jacket;
    - Stamp "Confidential" on the front and back of the case file jacket;
    - Ensure that all documents are date-stamped or otherwise marked with the date the document is generated and/or received in the office; and
    - Date-stamp the first and last pages of the packets for documents containing many pages (e.g., packets of medical record).

C. Paper Case File Documentation

Documentation of TWC-VR service delivery, including case notes, contact reports and other reports, are maintained in either a virtual case file or a two- or six-sided paper case file. Any electronic documents not contained in RHW are contained in a TEAMS virtual case file.

Documentation Order: Each region may determine which type of case file is used: two- or six-sided. Each section of the paper case file should be organized so that initial documents are on the bottom and most

recent are on the top unless otherwise specified. Because of the volume of information often contained in the six-sided case file, dividers should be used to section off certain areas of documentation. This makes the information easier to access on a routine basis.

Two-Sided Case File: TWC-VR staff should file the following documents from bottom to top on the left side of the paper case file in the order received, making sure that all financial documents are grouped together, including:

- Invoices;
- Bidding documentation;
- Signed itemized receipts;
- All service authorizations;
- Correspondence with providers regarding billing; and
- All other documents related to customer purchases.

TWC-VR staff should then file the following documents from bottom to top on the right side of the paper case file in the order received, as follows:

- Signed release forms;
- Signed paper individualized plan for employment (IPE) or IPE amendments;
- Correspondence;
- All relevant records and reports and assessments;
- Copies of documents verifying the customer's identity and authorization for employment in the United States;
- Financial records used to verify customer income and expenses for calculating participation in cost of services;
- Verification of eligibility for Social Security Income/Social Security Disability Income benefits; and
- All other documents related to the customer's VR case.

Six-Sided Case File:

- Side 1: Basic information from bottom to top, chronologically (most recent on top), separated by a divider in the following order:
    - Old contact reports (CB-4) in chronological order, most recent on top, documenting activity from intake through closure and, if necessary, post-employment;
    - If paper application is taken, Application for Vocational Rehabilitation Services (VR5056); entered in RHW using an Admin PIN;
    - Permission to Collect Information (VR5060) (optional);
    - Notice and Consent for Disclosure of Personal Information (VR5061);
    - Checklist for Determining Significance of Disability (VR1390) (if used);

  - Individualized Plan for Employment (IPE) (VR5163) and Individualized Plan for Employment (IPE) Amendment (VR5159); entered in RHW using an Admin PIN;
  - Customer Data Sheet (CDS) or Initial Contact Page from RHW (optional);
  - Any other document that is signed with a pen, ink signature, or digital signature that is later entered in RHW using an Admin PIN;
  - Copies of the customer's driver's license or ID card, and health insurance card(s).
- Side 2: Medical information/reports (e.g., eye examination results, physician notes, general physical examination, low-vision reports, and psychological reports) in chronological order from top to bottom, most recent on top, and separated by a divider.
- Side 3: Assessments in the following order from top to bottom, chronologically, and separated by dividers:
  - Diabetic service reports, including evaluation and training; and
  - Orientation and Mobility (O&M) reports, including evaluation and training reports.
- Side 4: Educational and vocational information in the following order from top to bottom, chronologically, and separated by a divider (For vocational service information, each service type is separated by a divider.):
  - Vocational evaluation or training reports;
  - Academic-related reports (e.g., exemption from payment of tuition, copies of grades, class schedules);
  - On-the-job training reports, job development, and job placement reports; and
  - For Transition cases, copies of the child's Admission, Review and Dismissal (ARD), Individualized Education Program (IEP), individualized treatment plan, and/or individualized family service plan (updated at a minimum every three years).

  Once Side 4 is full of ARD paperwork, older ARDs should be moved to the bottom of Side 3; only the most current ARDs remain on Side 4.
- Side 5: Documentation of equipment purchases and general correspondence in the following order from top to bottom, chronologically, and separated by a divider:
  - All documentation related to equipment purchases (i.e., purchase packets, equipment receipts, Rehabilitation Equipment, Item, and Bus Pass Receipt and Agreement (VR2014); and
  - General correspondence, including letters to and from family, letters to and from vendors, and Social Security packets.

  Flyers and other mail-outs to customers do not have to be printed and filed in the paper case file. A scanned copy of a mail-out can be pasted in case notes, or a brief case note can be entered summarizing a mail-out.
- Side 6: Service authorizations (SA) and invoices with references to SAs in chronological order with the most recent on top and separated by a divider.

  A hard copy of the SA is required in the paper case file. Copies of requisitions and vouchers should include the invoice and/or reader service statement attached before filing. SA numbers must be written on invoices.

Second Paper Case File: When the volume of information on a customer is more than a single paper case file can physically hold, a second paper case file can be used.

The following information must be transferred to the second paper case file:

- Medical release forms;
- The most current IPE;
- The most current eye report; and
- All documentation necessary for the current management of a customer's case.

The original paper case file retains extensive past training reports and pertinent information regarding customer purchases.

Potentially Eligible Students: A paper and/or virtual case file is required for each potentially eligible student with a disability. The paper case file for a potentially eligible student must include the following:

- Request to Receive Pre-Employment Transition Services (VR1820);
- Documentation verifying the student's disability;
- Release forms;
- Referral forms, reports, invoices, and relevant documentation related to Pre-ETS; and
- Documentation of legal status to work in the United States (this documentation is required only when a potentially eligible student is participating in a work placement as part of work-based learning).

D. Reopening a Case

When opening a new case for a customer that was previously active, TWC-VR staff must copy or download significant documents from the closed case record to include in the new paper, virtual, and electronic case file. TWC-VR staff must not remove forms, reports, and other data from the old file.

E. Records and Reports from Outside Sources

Records and reports received from other sources, such as medical providers or training institutions, must be reviewed by the VR Counselor before they are filed in the customer's case record. The VR Counselor must initial and date next to each date stamp to confirm they have reviewed the content.

With the exception of the required date stamps and VR Counselor date and initials to confirm review of content, TWC-VR staff should avoid making permanent marks on records and reports that are received from sources outside of TWC-VR. The use of a yellow highlighter to draw attention to specific content is acceptable.

CCH records must not be added to a customer's case record under any circumstances.

Content that is not relevant to the customer's TWC-VR services should not be maintained in the customer's case record. When content is received that is not relevant to the customer's TWC-VR case, the VR Counselor should dispose of this information.

F. Maintaining Closed Case Records

TWC-VR must maintain the full case record for a total of seven years after closure.

TWC-VR local offices are responsible for securely storing closed paper case files in the current and preceding fiscal year of the case closure.

TWC-VR staff may retrieve closed paper case files from the RMC in accordance with TWC Records and Information Management Manual, Records Storage. TWC-VR staff may retrieve closed electronic case files from the Management Unit where the electronic case file was closed.

G. Processing Closed Case Files

At the end of the fiscal year, closed paper case files from the previous fiscal year are boxed, sent, and stored at the Texas Workforce Commission Records Management Center (RMC) in accordance with procedures in the TWC Records and Information Management Manual, Records Storage.

Each office is responsible for completing an Inventory and Transmittal Spreadsheet. TWC-VR staff must request blank spreadsheets from Claimant Files (claimant.files@twc.texas.gov). TWC-VR staff must email the completed spreadsheets back to Claimant Files. TWC-VR staff must box and ship the closed paper case files to the RMC.

Pulling Closed Case Files for Storage: For each paper case file on the inventory sheet that is pulled for storage, TWC-VR staff should use the following process:

- Remove the sealed CCH report from the case file; write the customer's last name, first initial, and case ID on the confidential envelope. In addition, TWC-VR staff place the envelope in a separate box bound for RMC for storage.
- Print any necessary records stored on CD and file the copies in the paper case file, or upload into the electronic case file. Remove the CD from the case file and place it in the locked confidential shredding container.
- Secure any loose papers to the file prongs and remove staples, clips, and post-it notes from the entire file. Small sheets of paper must be copied to a standard 8 1/2 by 11-inch letter size paper.
- Remove documents in six-sided files and place into a regular two-sided file, using the organization instructions of the two-sided file.
- Envelopes, with the exclusion of the sealed CCH envelopes, must be opened and the documents removed from the envelope. If the documents are folded, they must lay flat in the file.
- Record on the tab label the customer's last name, first name, and case ID.

- Stamp "Confidential" on the front and back of each file.
- Using a black felt-tip marker, write the fiscal year in which the case was closed on the outside of the file jacket.
- Change the file location status in RHW to Records Center.

Adding Files to Boxes: When adding the closed paper case files to boxes to be shipped, TWC-VR staff must ensure that:

- Each box must contain only the closed paper case files from the previous fiscal year.
- There is approximately 2" of space in each box in case of interfiles (i.e., boxes are not over packed).
- Only standard records storage boxes (not copy paper boxes) are used (handholds on either end, with a removable lid, 10" x 12" x 15").
- Files are arranged within the box in alphabetical order by last name.
- Only 10 boxes are sent to RMC per shipment.
- Each box is labeled with "Box [number]" on the left side of the handhold. Underneath the "Box [number]" the label must contain the "Cost Center [number]" and "Location Code [number]." The box lid should not cover the box number.

Completing the Box Inventory Spreadsheet: All files in each box must be listed on the Box Inventory Spreadsheet. Ten boxes are sent per shipment to RMC. To complete a Box Inventory Spreadsheet, TWC-VR staff must update the fields "box_nbr" and "rhw_updated" for each file on listed on the TWC Inventory Spreadsheet as follows:

- For "box_nbr", number each box in the set as "[department cost center number]-001", "[department cost center number]-002", etc. (e.g., 4584-001).
- For "rhw_updated", add "Yes" after RHW has been updated to reflect the new location of that file.
- Once the inventory is complete, TWC-VR staff must filter the "box_nbr" field for each box and print the inventory sheet.
- TWC-VR staff must place a hard copy in front of the first file of the corresponding box and keep one for the unit reference.

Completing the Transmittal Spreadsheet: Once TWC-VR staff have completed the file inventory, a Transmittal Spreadsheet for all the files will need to be completed.

For each line of the transmittal, TWC-VR staff must list information about one box within the batch:

- Customer Box Number (4-digit cost center and box number);
- Major and Minor Description (e.g., Major Description - FY'20 closed customer case files); leave Minor description blank;

- Alpha FROM and TO (i.e., last name of the first customer in box and last name of the last customer in the box);
- Destruction Date (i.e., the close date of the fiscal year plus seven years).
- Date FROM and TO (e.g., FROM date: Beginning of fiscal year. For FY'20, this would be 9/1/19. TO date: End of fiscal year. For FY'20, this would be 8/31/20.)

Preparing Computerized Criminal History in Closed Case Files: TWC-VR staff must store all CCH records from the previous fiscal year in a separate box.

- CCHs must be in a sealed confidential envelope;
- Envelopes are arranged within the box in alphabetical order by last name;
- A separate Box Inventory Spreadsheet and Transmittal Spreadsheet is completed.

TWC-VR staff should label each box with the Region number, Unit name, and "Confidential CCH Records" on the left side of the handhold and the top of the box.

Requesting Pickup: TWC-VR staff must email both the File Inventory and Transmittals worksheets in Excel format to claimant.files@twc.texas.gov for approval and upload.

TWC-VR staff must include the following information in the email:

- In the subject line: Cost Center number, FY 20__ Closed Customer Case, City of Field Office;
- Contact information (Contact Name and Phone number);
- Physical pickup location (street address, room or suite number, city, state, ZIP code);
- Special instructions for location access, if any; and
- Number of boxes to be picked up (no more than 10 per shipment).

TWC-VR staff must send a separate email for CCH records. The following information is included in the email message:

- In the subject line: CCH files;
    - Contact information (Contact Name and Phone number);
- Physical pickup location (street address, room or suite number, city, state, ZIP code);
- Special instructions for location access, if any;
- Number of boxes to be picked up.

RMC staff will review the inventory and transmittals sheets for approval. Within five business days upon approval from the RMC, the local TWC-VR office will schedule the shipment of file boxes on the approved inventory worksheets to the address below:

Texas Workforce Commission

Records Management Center

4405 Springdale Road Suite C

Austin, TX 78723

Once records are sent through FedEx, TWC-VR staff must email all FedEx tracking numbers to claimant.files@twc.texas.gov on the day the records are picked up by FedEx.

RMC staff will confirm the receipt of the records by notifying the TWC-VR staff member who submitted the tracking numbers once the shipment is received. If TWC-VR staff have not received the confirmation that the shipment has arrived to TWC RMC within three business days of the expected delivery date, TWC-VR staff must email claimant.files@twc.texas.gov to coordinate follow-up with FedEx.

TWC-VR staff must:

- Ensure personally identifiable information (PII) is not exposed;
- Ensure all boxes are double-taped (not covering the handholds) to ensure that no records will spill during transit; and
- Save file inventories in a secure place.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures; however, consultation with VR Supervisors is recommended when there is potentially sensitive information that is relevant to the identified disability or TWC-VR services, prior to including this information in a case note to ensure that it is appropriate to do so.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite
02/10/2025	Revised	Revised to align with signature policy updates. Revised to remove the requirement to complete the TWC EMA 65 Express Mail Authorization form.

PART E, CHAPTER 3.2: OPENING, TRANSFERRING, AND PHASE ADJUSTING CASE RECORDS

Policy Number	Authority	Scope	Effective Date
Part E, Chapter 3.2	N/A	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to opening, phase adjusting, and transferring case records.

DEFINITIONS

Case Record: Refers to the entirety of the case record, including electronic data in RHW, the paper file, and virtual case file.

Caseload: Refers to case records assigned to a VR Counselor.

Electronic Case File: Refers to information pertaining to a case entered into RHW, TWC-VR's case management system. Database record that documents the process and contains all the information collected and the documents generated throughout the VR process for an individual customer by TWC-VR staff, such as the Initial Contact, Application, Case Notes, and Plans phases.

Good Faith Effort: When TWC-VR staff make three or more attempts to contact the customer, on more than one date, and using more than one method of contact (e.g., phone, email, SARA).

Paper Case File: The hard copy or printed records associated with a customer’s TWC-VR case.

Phases: Specific points in RHW assigned to track the movement of a case through the VR process (e.g., application); also referred to as a "status."

Phase Adjustments: When changes are made to a closed case (e.g., case was closed but is phase adjusted to “active” status to provide additional services).

Virtual Case File: A non-paper version of the case file hosted electronically and ultimately residing in TEAMS. The virtual case file is used to organize and logically provide access to customer-related information obtained from, relevant to, and/or used on behalf of the customer during or as the result of the receipt of TWC-VR or OIB services.

POLICY

A. General Overview

TWC-VR staff open case records for a variety of reasons, such as potentially eligible students with disabilities, referrals, and applicants, including phase adjustments under certain circumstances. It is crucial for TWC-VR staff to adhere to outlined requirements and procedures to ensure compliance with regulations, accurate documentation, and effective service delivery.

Following these requirements ensures that each case is managed consistently and transparently, facilitating optimal outcomes for customers. Detailed record-keeping also supports accountability and enables effective monitoring and evaluation of the services provided.

Case records may be transferred to another TWC-VR office or caseload for several reasons, including changes in the customer's location, the need for specialized services available in a different office, or caseload vacancies. Transfers ensure that customers continue to receive appropriate and timely support, tailored to their evolving needs and circumstances. Proper management and transfer of case records are vital for maintaining continuity of care and for the customer to successfully achieve an employment outcome.

PROCEDURES

A. Customer with an Open VR Case

When a customer makes contact with a TWC-VR office but has an open VR case in a different management unit, the VR Counselor must clarify whether the customer is requesting a case transfer.

If the customer wants to continue receiving services through the assigned management unit, the VR Counselor provides the customer with the contact information for:

- The assigned unit; and
- The assigned VR Counselor.

The VR Counselor must document the contact in RHW.

B. Transferring Cases and Caseloads

A customer's case record can be transferred from one caseload to another caseload for a variety of reasons; however, a case record must not be transferred when a customer temporarily moves outside of the service area to:

- Attend training;
- Live in a supportive residential facility;
- Participate in services from a comprehensive rehabilitation center other than Criss Cole Rehabilitation Center (CCRC); or
- Participate in other planned services outside of the service area.

A request for case transfer can be made by the customer either verbally or in writing.

The request can be submitted to:

- The VR Counselor of record; or
- Any TWC-VR office.

The VR Counselor or office receiving the request for transfer must:

- Document the request in a case note; and
- If necessary, notify the TWC-VR staff of the request.

C. Transferring Open Cases

Within three business days of receiving a request to transfer an open case, the current VR Counselor and RA team must:

- Document the request for a transfer, including the reason that the case is being transferred and the office to which it is being transferred;
- Update all demographic information in RHW;
- Review and/or update the IPE, joint annual review (JAR), or IPE amendment (for the VR Counselor only);
- Review and/or update disability information in RHW (for the VR Counselor only);
- Close or update all service records;
- Pay and/or close all service authorizations (SA); and
- Notify the VR Manager about the request for a case transfer.

Providers must be notified when SAs are closed without payment. The receiving TWC-VR office must issue a new SA when the case is received for ongoing services, when applicable.

Transferring within the Same Management Unit: A formal case review is not required for cases that are transferred within the same management unit; however, the VR Manager, VR Supervisor, or designee must transfer the case and enter a RHW case note to verify that the transfer has been completed.

The VR Counselor to which the case is assigned must contact the customer in a timely manner to schedule an appointment to resume services.

Transferring to a Different Management Unit: Within five business days of receiving a request for a case transfer, the transferring VR Manager, VR Supervisor, or Unit Support Coordinator:

- Completes a partial Vocational Rehabilitation/Older Individuals Who are Blind Process (VR/OIBP) Review to include Process B: Application and Diagnostic Interview and Process D: Eligibility in TxROCS. (If applicable, reviewers must also complete Process C: Trial Work Services);
- Prints or adds to the electronic case file a copy of the completed case review;
- Sends the case file and the copy of completed case review to the receiving office by using email for electronic case files or certified mail for paper case files;
- Completes Case Transfer Letter (VR1025), notifying the customer that their file has been sent to the receiving office; and
- Files a copy of the transfer letter in the customer's case file.

Within three business days of receiving the paper case file, the receiving VR Manager, VR Supervisor, or designee must:

- Assign the case to the receiving counselor in RHW;
- Enter a case note verifying that the case was received and assigned; and
- Notify the VR Counselor that the case was assigned.

Transferring a Transition Services Case: An individual who is a student with a disability and is working with a Transition VR Counselor (TVRC) is transferred to a general VR caseload after they no longer meet the "student with a disability" definition and have demonstrated regular participation in planned services. Typically, students who are assigned to a VR Counselor with a dual caseload (one that includes adults as well as students and youth) are not transferred to another caseload. Instead, they continue services with the same VR Counselor until they are ready for closure of the case.

When a student no longer meets the "student with a disability" definition, the TVRC can transfer the case to a general VR Counselor caseload, unless they are ready for successful closure. In that case, the TVRC may close the case successfully.

Unless the student is moving to a new region, the student should have at least one joint contact with the TVRC and the receiving VR Counselor before the transfer to discuss pertinent issues and facilitate the process. The student's IPE must be followed unless amended by the VR Counselor and the student.

When there are questions related to transferring a student from transition services to general VR services, they are addressed by the VR Manager. In some cases, it may be appropriate for a case to be transferred before the end of the student's eligibility for Pre-Employment Transition Services (Pre-ETS). VR Manager exceptions may be documented to allow for individual circumstances when the "Other" transfer reason is used in RHW, such as when a customer is enrolled and making progress in postsecondary education but will be continuing with Pre-ETS.

D. Transferring Closed Cases

If the customer will be reapplying for services and the paper case file is still at a local TWC-VR office at the time of the request, the closed case file must be sent using certified mail to the receiving office within three business days of the request for a transfer.

If a customer's closed paper case file has been transferred to the RMC, TWC-VR staff retrieves the paper case files from the RMC in accordance with TWC Records and Information Management Manual, Records Storage.

A closed case must not be transferred from one caseload to another caseload in RHW.

Transfer of an Entire Caseload: To transfer an entire caseload, the Regional Director will send a memorandum to the TWC-VR Director requesting:

- Approval; and
- Coordination of the transfer.

Additional guidance for transfer of an entire caseload will be provided by State Office Executive Management.

Transfer of a Case Record Using RHW: Once the case record is delivered to the receiving local TWC-VR office, the receiving VR Manager, VR Supervisor, or designee must transfer the case in RHW. If the case is sent to TWC RMC, the management unit mailing the case must transfer the case in RHW.

E. Notifying the Customer of the Transfer

When a customer is reassigned from one VR Counselor to another, the customer must be notified by the current VR Counselor or a rehabilitation assistant (RA) before the case is reassigned.

The notification must include the following:

- Date of the anticipated change; and
- Name and contact information of the new VR Counselor.

If the date and contact information are not known at the time of the notification, the customer is provided with the VR Manager's contact information until information for the new VR Counselor is available.

Case transfers must be processed in a timely manner to ensure that the transfer does not disrupt or delay the provision of services or cause undue hardship for the customer.

In all case transfers, the receiving VR Counselor must contact the transferring VR Counselor within five business days of receiving the customer's file to staff the case and discuss any outstanding issues.

F. Opening a New Case and Phase Adjustments

When a customer has a TWC-VR case that was previously closed and is requesting services again, the VR Counselor determines whether to:

- Open a new case;
- Adjust the phase of the case to provide post-employment services within the program year quarter a case was closed; or
- Adjust the phase of the case in RHW within the program year quarter the case was closed, only if the case was closed:
    - Successfully or unsuccessfully after Individualized Plan for Employment (IPE); or
    - Before case assignment.

The customer's request to apply for additional services must not be delayed or denied on the basis that the customer has received services from TWC-VR in the past.

G. Opening a New Case for a Closed Case

TWC-VR staff must follow the procedures for each type of closed case.

Opening a New Case for a Previous Unsuccessful Closure: A new case may be opened for a customer who has received TWC-VR services in the past. The VR Counselor opens a new case record in the same way as for any other individual requesting services.

As a part of the diagnostic interview and the comprehensive assessment, the VR Counselor must:

- Review the circumstances related to the previous unsuccessful closure by reading the documentation for that previous case,
- When necessary, obtain a copy of the previous virtual and/or paper case file; and
- Document in RHW the reasons for opening a new case.

Opening a New Case for a Previous Successful Closure: When a customer requests additional TWC-VR services after the customer's case has been closed successfully, the VR Counselor must first consider what level of services the customer requires.

If the customer requires only limited services to maintain, regain, or advance in employment, the VR Counselor must phase adjust the case if it is within the program year quarter of the successful closure.

The VR Counselor opens a new case record if the:

- Customer requires more complex and comprehensive services, or
- Successful closure is outside of the program year quarter in which the case was closed.

As a part of the diagnostic interview and the comprehensive assessment process, the VR Counselor must:

- Review the circumstances related to the previously successful closure by reading the documentation on the previous case; and
- Document in RHW the reasons for opening a new case.

H. Phase Adjustments for a Closed Case

Phase adjustments must be used only when the--

- Case was closed either successfully or unsuccessfully after the Individualized Plan for Employment (IPE); or
- Case was closed before application (potentially eligible cases only); and
- Phase adjustment is within the program year quarter the case was closed.

TWC-VR staff must follow the procedures for each type of phase adjustment.

Closure after IPE Is Returned to Active Status: To request and complete a phase adjustment from a closed status after IPE back to an active status, the VR Counselor must:

- Review the case and gather information from the customer to ensure that a phase adjustment is appropriate;
- Select the Phase Adjustment Request tab from the case in RHW;
- Select the Save tab to set the approval status to pending and to generate an action for the VR Supervisor in RHW; and
- Document the justification for the phase adjustment in a case note that will automatically open in RHW when the phase adjustment request is saved.

The VR Supervisor must take the following steps:

- Review and approve or deny the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab:

- Document the approval or non-approval of the decision for the phase adjustment in a case note in RHW; and
- Notify the VR Counselor that the phase adjustment was approved or denied.

Unsuccessful Closure Changed to a Successful Closure after IPE: If a customer whose case was closed as an unsuccessful closure became employed during the same program year quarter in which the case was closed, the VR Counselor must first complete the phase adjustment process.

To change an unsuccessful closure after IPE to a successful closure, the VR Counselor must take the following steps:

- Review the case to ensure that all criteria for Successful Closure are met;
- Update the employment information in RHW;
- Select the Phase Adjustment Request tab from the case in RHW;
- Select the Save tab to set the approval status to pending and to generate an action for the VR Supervisor in RHW; and
- Document the justification for the phase adjustment in a case note that will automatically open in RHW when the phase adjustment request is saved.

The VR Supervisor must take the following steps:

- Review and approve or deny the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab;
- Document the approval or non-approval of the decision for the phase adjustment in a case note in RHW; and
- Notify the VR Counselor that the phase adjustment was approved or denied.

If the phase adjustment is approved, the VR Counselor closes the case as a successful closure in RHW.

Successful Closure Changed to Unsuccessful Closure after IPE: If a case was closed as a successful closure but did not meet the criteria for a successful closure, the VR Counselor must first complete the phase adjustment process above.

The VR Supervisor must review and approve or deny the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab from the case in RHW.

If the change is approved, the VR Counselor must close the case as an unsuccessful closure in RHW.

Closure Before Application is Returned to Potentially Eligible with Case Assignment (for Pre-ETS only): In order to request and complete a phase adjustment from a Closure before Application to Potentially Eligible with Case Assignment, the VR Counselor must take the following steps:

- Review the case and gather information from the customer to ensure that a phase adjustment is appropriate;
- Select the Phase Adjustment Request tab from the case in RHW;
- Select the Save tab to set the approval status to pending and to generate an action for the VR Supervisor in RHW; and
- Document the justification for the phase adjustment in a case note that will automatically open in RHW when the phase adjustment request is saved.

The VR Supervisor must take the following steps:

- Review and approve or deny the phase adjustment request in RHW by selecting the Phase Adjustment Approval tab from the case in RHW;
- If the phase adjustment is approved, save the Phase Adjustment Approval page as approved in the Management Unit Supervisor Approval drop-down;
- If the phase adjustment is denied, save the Phase Adjustment Approval page with Denied in the Management Unit Supervisor Approval drop-down;
- Documents the approval or non-approval of the decision for the phase adjustment in a case note in RHW;
- Notify the VR Counselor that the phase adjustment was approved or denied.

If the case does not meet the criteria for Pre-ETS eligibility (e.g., student with a disability), the case will not be phase adjusted.

APPROVALS & CONSULTATIONS

TWC-VR staff must follow the following approvals and consultations:

- VR Supervisor approval is required when a phase adjustment is within the same program year quarter.
- Deputy Division Director of Field Services Delivery approval is required when a phase adjustment is outside of the program year quarter and must be sent by email to vr.rhwsupport@twc.texas.gov to phase adjust the case after approval.
- Deputy Division Director of Field Services Delivery approval is required for exceptions to standard TxROCS User Roles.
- VR Regional Director approval is required when transferring an entire caseload.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

Date	Type	Change Description
09/03/2024	New	VRSM Policy and Procedure Rewrite

PART E, CHAPTER 4: CASE SERVICE REPORT (RSA-911) AND DATA VALIDATION

Policy Number	Authority	Scope	Effective Date
Part E, Chapter 3.2	N/A	All TWC-VR staff	09/03/2024

PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy is to ensure adherence to meeting the standards outlined in the Rehabilitation Act, as amended, its regulations and WIOA for effectively reporting accurate and valid data, including data validation and internal control practices.

DEFINITIONS

There are no specific definitions for this policy and these procedures.

POLICY

A. General Overview

The Rehabilitation Services Administration (RSA) uses the data collected through the Case Service Report (RSA-911) to describe the performance of the VR and Supported Employment programs in the Annual Report to the Congress and the President as required by the Rehabilitation Act.

RSA also uses these data:

- To assess the performance of the VR program through the calculation of the WIOA performance indicators;
- To support its other responsibilities under the Rehabilitation Act, such as:
    - Conducting annual reviews and monitoring of VR agencies;
    - The provision of technical assistance;

    - Program planning; and
    - Budget development; and
- In the exchange of data with the Social Security Administration, and the National Institute on Disability, Independent Living, and Rehabilitation Research within the U.S. Department of Health and Human Services.

These data are also used widely by researchers for disability-related analyses and reports.

Data validation requirements are outlined in WIOA Section 116 in relation to the WIOA performance indicators, including shared data elements with the core programs under WIOA.

Policy Status

TWC-VR is in the process of developing policy and procedures for how it manages the requirements in both the RSA-911 and data validation guidelines.

When this policy and its procedures are developed, approved, and implemented, the final policy will be published here.

PROCEDURES

There are currently no procedures requirements for this policy.

APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

REVIEW

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

VRSM REVISION LOG

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for updating the policies and procedures in this manual. To see a complete revision history, review the VRSM Revision Log.