# Board VR Requirements Chapter 1: Summer Earn and Learn (SEAL)

Revisions effective October 19, 2020

## Introduction

TWC will execute a fee-for-service contract with Boards to deliver Summer Earn and Learn services to students with disabilities. Boards will be paid established fees based on completion of the deliverables as specified in Section [1.8.3 SEAL Services Payment Structure](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-8-3). The fees are intended to pay for delivery of the service or services associated with the deliverable, including materials and supplies. This chapter describes the contract statement of work and associated deliverables and requirements. Board subcontractors providing services for the SEAL program must meet the same requirements and level of experience as required of the Board. The Board and Board contractor staff that provide services described in this chapter must comply with the requirements in the following sections.

## 1.1 Overview of Summer Earn and Learn Program

The Summer Earn and Learn (SEAL) Program establishes a mechanism by which pre-employment transition services (Pre-ETS) are provided to students with disabilities, as required under Title IV of the Workforce Innovation and Opportunity Act (WIOA), which modified the Rehabilitation Act of 1973 (Rehabilitation Act). SEAL is a statewide strategy that includes Work Readiness Training and Paid Work Experience for students with disabilities. It will be offered in each local workforce development area (LWDA) during the summer months, when students are out of school.

SEAL includes basic work-based learning and training services for students with disabilities that provide:

* pre-employment work readiness training and preparation for the work experience placement;
* work experience to help participants gain familiarity with the workplace environment and develop transferable job skills; and
* paid compensation for time worked on the job.

## 1.2 Objective of Summer Earn and Learn Program

The objective of the SEAL program is to increase work-based learning opportunities for students with disabilities through Texas' integrated workforce system, thereby providing participants with foundational employment skills and better preparing them for successful transition to postsecondary education and employment.

## 1.3 Scope of Summer Earn and Learn Program

Provide to students with disabilities workplace readiness training, work experience, and transferable skill learning opportunities while they earn compensation for time worked on the job site.

## 1.4 Summer Earn and Learn Preparation

Before SEAL Program services are provided to participants, the Board must:

* establish a joint planning committee, team, or similar coordinating body (the joint planning committee must include at least one VR counselor);
* identify points of contact as needed to ensure orderly coordination and communication between the Board and VR staff;
* identify participating employers and develop work sites;
* coordinate with VR contacts to conduct outreach and recruitment; and
* develop local processes and strategies to support and facilitate ongoing coordination and communication between the Board, its subcontractors, VR staff, schools, parents and students.

### 1.4.1 Joint Planning Committee

Joint planning committees assist in:

* Identifying and providing necessary orientation, training and/or disability awareness information for participating Board, contractor, and VR staff. The planning committee may include any other partners in this training, such as local employers.
* Coordinating with local VR contacts to develop local processes for the identification and referral of participants,
* Determining the designated points of contact for the Board and for the VR program staff and share necessary contact information.
* Sharing and exchanging information about the jobs and worksites that are available to the program.
* Addressing any needs or concerns shared by the employers. As needed, the Boards can request assistance from VR staff to address identified employer needs or concerns, including completing a work site analysis to identify and address barriers experienced by an individual with a disability.
* Determining the process for transmitting personally identifiable information (PII), including the use of encryption software for email correspondence.
* Sharing and exchanging information and documentation about VR participants and potential participants to choose the appropriate SEAL program participants, and ensure an appropriate work site match. The committee should discuss any accommodation needs or concerns for the participants. The committee should also discuss coordination and availability of VR-funded work experience trainers to support the SEAL participants.
* Determining a process for handling of participant needs or issues as they arise and how the committee will maintain communication with all parties to ensure awareness of such issues and coordination of efforts to resolve such issues.
* Coordinating with VR staff to ensure information is collected as required for VR case files and federal reporting, and to develop processes for collection and submission of such information; and
* Coordinating with VR staff on a Program Summary Report at the end of the SEAL program.

### 1.4.2 Worksite Development

Boards are responsible for identifying, recruiting, and developing employment opportunities and worksites in both the public and private sector for paid work experience placements.

Board efforts to develop work experience opportunities should target high-growth occupations, skilled trades and crafts, and other high-demand occupations in the local workforce development area.

Work experience placements must be designed to help the participants gain work skills, build self-confidence, network with others, receive guidance and feedback on performance, and explore various career fields.

As the area job market grows or changes, Boards are encouraged to provide work experiences that enable a greater number and variety of career choices for the program participant.

#### 1.4.2.1 Paid Work Experience at Worksite

Boards will develop worksites with employers that are able to provide a minimum of five weeks of paid work experience at a single hourly wage that is determined by the Board to be appropriate for the Local Workforce Board area in which the work is performed. VR participants may not work over 40 hours per week.

The hourly wage must also comply with the Fair Labor Standards Act (FLSA). Boards can negotiate the number of hours per week of work available for each participant with identified employers. Boards will also explain the employer supervisor and/or manager responsibilities for the SEAL participants as described in Section 1.5.4.1 Worksite Placement.

VR participant wages must be paid in a timely manner and must include other costs associated with payroll, such as federal income tax withholding, Federal Insurance Contributions Act expenses, workers' compensation insurance, and any fees associated with payroll processing. Boards may set an hourly wage rate for the paid work experience component that is consistent with or based on the hourly wage the Board uses for paid work experience under the WIOA Title I formula youth program.

#### 1.4.2.2 Board/VR Worksite Development Collaboration

Board and VR staff must coordinate and partner to build relationships with employers. VR staff will contribute their knowledge of employers who have successfully hired VR participants in the area.

VR staff will assist the Board in providing disability awareness presentations, worksite analysis, or other forms of assistance to support the Board in working with employers to identify needed participant accommodations, if any, and address any issues or concerns.

Coordinated Board and VR staff efforts to support participating employers will encourage employers to continue serving as SEAL program partners, and to participate in planning, organization, recruitment, and possible retention of employment opportunities for students with disabilities.

### 1.4.3 Outreach and Recruitment

VR counselors in local VR offices will identify current VR participants who may be appropriate for the SEAL program and initiate the referral process to the Boards as determined by the joint planning committee for that LWDA.

If available slots for the program are not filled, Boards will be required to engage in additional outreach and recruitment efforts in coordination with local VR offices.

#### 1.4.3.1 SEAL Candidates

In addition to students who are current VR participants, candidates for SEAL can also include potentially eligible students who have not applied and been determined eligible for VR services but meet the definition of Student with a Disability as established by WIOA.

Both current VR participants and potentially eligible students must meet the following criteria to participate in SEAL:

* The student must be 14–22 years of age, and must be less than 22 years of age as of September 1 of the previous year (in other words, participants aged 22 during the summer SEAL program must have turned 22 on or after September 1 of the prior year);
* The student is eligible for and receiving special education or related services under the federal Individuals with Disabilities Education Act, or is an individual with a disability for purposes of §504 of the Rehabilitation Act; and
* The student is in an educational program, including:
  + secondary education;
  + nontraditional or alternative secondary education programs, including home schooling;
  + postsecondary education programs; or
  + other recognized educational programs, such as those offered through the juvenile justice system.

#### 1.4.3.2 SEAL Candidates Potentially Eligible for VR Services

When the Board is aware of students who are candidates for SEAL participation who also are potentially eligible for VR services, the Board must share necessary information with VR staff about these candidates so that VR can:

* keep track of the student's progress,
* gather information to comply with federal VR reporting requirements, and
* monitor the funding related to the student's SEAL participation.

During the planning process, the joint planning committee shall determine how required information and documentation will be gathered for student candidates who are potentially eligible for VR services.

#### 1.4.3.3 SEAL Outreach and Recruitment

Boards must work collaboratively with the local VR staff to plan, identify, and recruit candidates for SEAL. The joint planning committee must work together to develop outreach and recruitment materials for SEAL and must share information regarding outreach activities or opportunities in the local workforce development area.

VR staff can assist Boards in ensuring that all outreach and recruitment materials are available in formats accessible to students with disabilities.

If any outreach materials or activities contain identifying information about current VR participants, then the joint planning committee is responsible for ensuring confidentiality as well as securing required releases of information.

#### 1.4.3.4 Potential SEAL Candidates Who Are Out-of-School Students

Boards may include out-of-school students funded by WIOA Title I in SEAL after filling all VR-funded slots.

#### 1.4.3.5 Documenting SEAL Candidate Eligibility

VR staff will determine eligibility for participation in SEAL and/or for other VR-funded services. Boards must work closely with VR staff to provide necessary documentation for Board-referred participants.

This information will be identified by VR staff during SEAL planning and specified in local procedures for SEAL participants.

Boards may co-enroll students and enter their information into The Workforce Information System of Texas (TWIST) if the Board decides to provide additional non-VR services to the students, provided that those services are funded through other sources available to the Board.

## 1.5 Summer Earn and Learn Services

### 1.5.1 Service Description

Boards must provide the following services to SEAL participants:

* pre-employment work readiness training and preparation for the work experience placement, unless the Board chooses not to provide this training as permitted in Section [1.5.3 Work Readiness Training](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-5-3);
* work experience to help participants gain familiarity with the workplace environment and develop transferable job skills; and
* paid compensation for time worked on the job.

### 1.5.2 Staff Qualifications

Boards must review the qualifications and experience of Board and contractor staff who will provide Work Readiness Training to ensure appropriate knowledge, skills and abilities regarding instructional techniques, working with youth, and methods for appropriately matching a student with a disability to a work site.

Staff working directly with SEAL participants must have:

* at least a high school diploma or GED; and
* a varied and successful work history.

It is preferred but not required that these staff also have experience working with people with disabilities.

### 1.5.3 Work Readiness Training

Students participating in the SEAL program must receive between six (6) to ten (10) hours of Work Readiness Training. The Board may elect to provide the training, or, if the Board chooses not to provide the training, the Board must notify VR staff to allow VR staff sufficient time to arrange for the student to receive similar training from a VR provider. Work Readiness Training provided by the Board may occur prior to or during the paid work experience component. Topics that must be covered include:

* Workplace Basics (such as transportation, paycheck basics, and time keeping)
* Professional Conduct and Employer Expectations
* Communication and Teamwork
* Decision-Making and Problem-Solving
* Timesheet Requirements and Processes

The Board must specify the curriculum used to deliver Work Readiness Training and provide this information to TWC per section 1.7. The Board must implement services using instructional approaches that meet each VR participant's educational and disability needs. All training materials must be available in a format that is appropriate to the VR participant's needs, including regular print, large print, braille, recorded audio and/or video files on flash memory, and must be provided in the VR participant's preferred language.

Work Readiness trainers are responsible for maintaining attendance records, curriculum, lesson plans, and documentation as proof required training topics were completed.

All curricula and attendance records must be available for review by VR staff upon request. VR staff can assist in making sure all materials and media used in the training are accessible to the VR participants who have accessibility needs.

Boards must ensure that students completing Work Readiness Training are offered a worksite placement.

If the Board does not choose to deliver Work Readiness Training, VR staff may be able to arrange similar training through an existing Vocational Adjustment Training (VAT) provider. This determination should be made as early as possible in the planning process, to allow VR sufficient time to identify potential VAT providers. This determination should also consider the number of participants relative to the number of VAT providers in the area.

When the decision has been made to provide Work Readiness Training through a VAT provider, the training must be provided with adequate time to complete the training before the SEAL job placement begins.

VAT services will be provided as they would for participants outside of SEAL, in compliance with the VR Standards for Providers and the Vocational Rehabilitation Services Manual.

Payment for VAT will be made by the VR counselor directly to the provider. In instances where VAT is provided, the Boards will not be paid for Work Readiness Training.

### 1.5.4 Work Experience Placement, Monitoring, and Oversight

#### 1.5.4.1 Worksite Placement

After the completion of the Work Readiness Training, the participant will be assigned to a worksite that has been selected by the Board or the Board's contractor.

Boards are responsible for developing the worksite placement. Boards must collaborate with VR staff to identify appropriate work placements for each SEAL participant, as well as accommodations that may be needed at a particular worksite.

The work experience placement must consider the participant's interests, abilities, capabilities, informed choice, and proximity to home. Work experience placements should also be determined based upon feedback and information provided by VR staff.

Once it has been determined that a worksite is appropriate for a SEAL participant, it is recommended that the Boards meet with VR staff, the participant, the participant's parent or legal guardian, and any other representatives as appropriate to discuss strategies, services and expectations for successful participation.

Boards will place the participant at the worksite and provide a point of contact for the participant to utilize in the event of any concerns about the placement. Boards are responsible for notifying the VR counselor, the participant, and the participant's parents or guardian of the VR participant's worksite placement at least one week prior to the first day of work experience to ensure sufficient time for the participant to make any necessary arrangements to participate.

It is the intent of the SEAL program that the paid work experience will give a participant the opportunity to:

* develop skills and competencies;
* build self-confidence;
* network with other employees of the organization; and
* receive feedback on his or her performance related to meeting the expectations of the employer.

The Board is responsible for recruiting employer participation and developing worksites for placement of SEAL participants. As part of this responsibility, the Board is responsible for orienting the employer supervisor and/or manager to their responsibilities, which are as follows:

* modeling expectations;
* giving clear, detailed, and repeated directions;
* communicating expectations for job performance, behavior, and social interactions;
* explaining consequences for inappropriate behavior;
* discussing progress and improvements in performance with both the participant and contractor;
* teaching skills needed for successful job performance; and
* communicating regularly with both the participant and the Board.

When a Board subcontracts SEAL functions to a third party, a participant may not be placed in a worksite that is within the subcontractor's organization. SEAL participants are expected to be placed within public or private employers outside of TWC, the Board, and any subcontractor organizations. While VR will pay Boards for deliverables as detailed in [Section 1.8.3](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-8-3), VR participants must complete at least five weeks of paid work experience to qualify as successful completion of the program.

Should an employer require drug screening and/or background checks, the Board or its subcontractor must notify the VR counselor in advance. The Board may pay for the cost of the VR participant and/or support providers drug screening and/or background check where necessary.

#### 1.5.4.2 Worksite Monitoring, Oversight

The Boards will provide ongoing worksite monitoring to ensure the participant is successful at the job and address any issues. The Boards will be responsible for keeping the VR staff informed about participant progress and/or issues on a consistent basis, while collaborating with the VR staff to resolve worksite issues or make needed changes. The Boards will be responsible for conducting at least one in person monitoring visit for each SEAL participant. If appropriate, subsequent monitoring visits may be conducted electronically.

Boards must coordinate with the VR participant's VR counselor to ensure that all verbal and written communications between the Board and the VR participant are conducted in the VR participant's preferred language. If the participant needs additional individualized supports, the VR staff will provide case management services to arrange, provide, and/or purchase those supports. As Boards become aware of the need for these supports, they must timely consult with the VR counselor. The VR counselor will determine if the supports are appropriate for purchase with VR funds.

VR counselors can purchase the following support goods or services for both eligible and potentially eligible students who are SEAL participants:

* American Sign Language interpreters or language translation services;
* Screen reader or screen magnification software;
* Other assistive devices and equipment needed as an auxiliary aid for a student to access or participate in SEAL; and
* Work Experience trainers to provide on-site one-on-one or group training to ensure that the participants receive needed training and meet the employer's expectations.

VR counselors must have sufficient notice to arrange for and purchase needed support goods or services.

If a potentially eligible student participating in SEAL needs additional services and supports (such as transportation assistance or equipment), the student must apply for VR services and be determined eligible by the VR counselor for VR to purchase these services.

#### 1.5.4.3 Work Experience Training and Interpreter Services

VR staff may arrange and purchase work experience trainers as needed for VR participants in SEAL. Work Experience training services are provided by a Work Experience trainer when a VR participant needs more training and support than is occurring at the Work Experience site.

Training provided by the Work Experience trainer can include:

* teaching skills;
* reinforcing skills; and
* establishing natural supports and setting up accommodations and/or compensatory techniques to increase the VR participant 's independence and ability to meet the Work Experience site's expectations.

Work Experience training occurs after Worksite Placement has been secured. Work Experience training can only be authorized by VR staff and is based on the amount of assistance and/or supervision the VR participant will need to meet the job expectations. The work experience trainer will gradually reduce the time spent with the VR participant at the Work Experience site as the VR participant becomes better adjusted, more independent and no longer needs training support.

VR staff may arrange and purchase interpreter services as needed for VR participants in SEAL. An interpreter conveys messages between individuals without contributing to the dialogue.

Interpreter services are provided by qualified interpreters and include:

* sign language and oral interpretation for VR participants who are deaf or hard of hearing; and
* tactile interpretation for VR participants who are deafblind.

Board or contractor staff are responsible for contacting VR staff at least one week in advance to request an Interpreter or Work Experience Trainer to support a student's placement at the worksite. VR staff must be in agreement that a Work Experience Trainer or Interpreter is necessary for the student, based on the student's support needs, prior to arranging the service.

#### 1.5.4.4 Termination of Service Delivery

If a VR participant's behavior is a concern, Boards must address the behavior before termination because of the behavior. If behaviors are harmful to the VR participant or others, appropriate actions must be made to ensure that all parties remain safe.

Reasons for terminating services based on behavior may include:

* behaviors dangerous to oneself or others;
* serious infraction of the provider's rules;
* frequent unexcused absenteeism;
* frequent unexcused tardiness; or
* lack of cooperation on assigned tasks.

Every effort must be made to inform the VR counselor before termination of SEAL services. When the VR counselor cannot be informed before termination, the VR counselor must be informed in writing within one work day after termination. The Board must maintain documentation that the VR counselor was informed of termination.

#### 1.5.4.5 Allegations or Incidents of Abuse, Neglect, or Exploitation

[Texas Family Code §261.101](http://www.statutes.legis.state.tx.us/SOTWDocs/FA/htm/FA.261.htm#261.101) requires a professional person who has cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any individual to immediately (within 48 hours) report the suspected abuse.

[Texas Human Resources Code §48.051](http://www.statutes.legis.state.tx.us/SOTWDocs/HR/htm/HR.48.htm#48.051) requires a professional individual (such as any TWC contractor) to make a report if there is cause to believe that an individual age 65 or older or an individual with a disability is being abused, neglected, or exploited.

Any TWC contractor is a professional and is required to report any allegations or incidents of abuse, neglect, or exploitation.

#### 1.5.4.6 Reporting and Documenting Allegations of Abuse, Neglect, or Exploitation

To report allegations of abuse, neglect, or exploitation, the individual who has cause to believe that abuse, neglect, or exploitation has occurred:

1. immediately contacts law enforcement, if the incident is a threat to health or safety;
2. secures the individual's safety;
3. immediately reports the incident to the appropriate investigatory agency, as listed in 1.5.4.7 Reporting to Investigatory Agencies;
4. documents in the VR participant's case file which investigatory agency was contacted, including the reference number provided by the investigatory agency; and
5. notifies the VR counselor, program specialist, and/or appropriate contract manager about the allegation.

If a licensed professional is involved as an alleged perpetrator, the information must also be reported to the appropriate professional licensing agency.

If injuries are sustained during an alleged incident, appropriate medical personnel must be contacted.

#### 1.5.4.7 Reporting to Investigatory Agencies

Any Board or Board's employee or subcontractor that has cause to believe that a child who is a minor, an adult with a disability, or an individual 65 years of age or older is at risk of or in a state of harm due to abuse, neglect, or exploitation must immediately report the information to the appropriate investigatory agency (see the table below). If the incident is a threat to health or safety, the local law enforcement agency must also be notified.

Reporting suspected abuse, neglect, or exploitation directly to the appropriate investigatory agency is required, regardless of the circumstances.

#### 1.5.4.8 Reporting Process

| **If the alleged abuse, neglect, or exploitation occurs in…** | **…then the Board that has cause to believe abuse, neglect, or exploitation has occurred, reports the information to the following:** |
| --- | --- |
| * a child care operation licensed by the Texas Department of Family and Protective Services, 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 that has three or fewer VR participants and is not licensed by the Texas Department of Aging and Disability Services (DADS); * an unlicensed room and board facility; * a school; or * an individual's own home | Texas Department of Family and Protective Services Statewide Intake Program P.O. Box 149030 Austin, Texas 78714-9030  Voice 1-800-252-5400 Fax (512) 832-2090  [Texas Abuse Hotline](http://www.txabusehotline.org/) |
| * an assisted-living care facility licensed by DADS; * a nursing home, adult day care; * a private intermediate care facility for individuals with intellectual disabilities; or * an adult foster care facility | Texas Department of Aging and Disability Services Complaints Management and Investigations P.O. Box 149030, Mail Code E-340 Austin, Texas 78714-9030  1-800-458-9858 |
| 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 Street Austin, Texas 78756 Mail Code 2823  1-800-832-9623 |
| the Criss Cole Rehabilitation Center at:  Texas Workforce Commission 4800 N. Lamar Blvd. Austin, Texas 78756 | Report incident to the incident report mailbox for TWC Risk and Security Management at [IncidentReports.RSM@twc.state.tx.us](mailto:IncidentReports.RSM@twc.state.tx.us)  The [Criss Cole Rehabilitation Center Policy Manual (Word)](https://www.twc.texas.gov/files/jobseekers/ccrc-policy-manual-twc.docx) has additional reporting requirements. |
| a hospital licensed by the Texas Department of State Health Services | Texas Department of State Health Services Facility Licensing Group 1100 W. 49th Street Austin, TX 78756  Complaint Hotline 1-888-973-0022 |

#### 1.5.4.9 Reporting Abuse, Fraud, Misconduct, and Waste

A Board is responsible for any abuse, fraud, misconduct, or waste that is committed by the Board's staff or subcontractors.

If abuse, fraud, misconduct, or waste is reported, the Board must provide the assigned TWC contract manager with:

* the name of the individual providing the information;
* the name of the individual submitting the information (if different from the individual providing the information);
* the name of an additional contact person;
* details about whether and when law enforcement was notified;
* the names of witnesses;
* the name of the individual or facility being reported; and
* detailed information about the abuse, fraud, misconduct, or waste.

Boards must report all allegations of fraud, misconduct, and waste to [TWC Fraud Reporting](https://www.twc.texas.gov/reporting-fraud).

#### 1.5.4.10 Reporting Substance Abuse by VR Participants

If a VR participant is observed using alcohol or drugs, or any other evidence of substance abuse by the VR participant exists, the Board must:

* report the information immediately to the VR counselor; and
* document that the VR counselor was informed of the observations and other evidence.

## 1.6 Board Contract Standards

### 1.6.1 Documentation, Recordkeeping, and Monitoring

Boards must maintain sufficient records of SEAL participants and deliverables for the purposes of documenting, invoicing, program planning, monitoring, and service delivery. These records are considered supplemental information needed by the Board and its subcontractors for operational, documentation, and invoicing purposes.

Boards and any subcontractors associated with the SEAL program must retain financial and supporting documents, statistical records, and any other records pertinent to the services provided under the SEAL program. All records must be maintained in a paper or secure electronic format and in a safe and confidential manner. The records and documents must be kept for seven (7) years after the date of submission of the final invoice or until all billing-related questions are resolved, whichever is later.

Boards and any subcontractors associated with the SEAL program must allow on-site monitoring visits and desk reviews, as deemed necessary by TWC to review all pertinent records.  Boards and any subcontractors associated with SEAL must remedy in a timely manner, any weaknesses, deficiencies, or program noncompliance found as a result of a review, audit or investigation, and monitoring visit conducted by TWC.

### 1.6.2 Records Storage

#### Paper Record Storage

Paper is the preferred method for storing records.

Stored paper documents must be protected:

* as required in [1.6.3 Confidentiality](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-6-3); and
* in a retrievable and organized manner that prevents the documents from being stolen, tampered with, or damaged.

The Board assumes all business risk associated with lost records. Lost records could result in adverse action against the Board.

#### Electronic Storage (Not Cloud-Based or on a Third-Party Server)

Records stored on desktop computers or on portable devices (for example, on laptops, USB flash drives, hard drives, CDs, and DVDs) must be protected as required in [1.6.3 Confidentiality](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-6-3) and [1.6.4 Data Encryption](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-6-4).

Portable devices must be protected from theft, tampering, or damage. The Board is responsible for all data collection and assumes all business risk associated with lost data. Lost data could result in adverse action against the Board.

#### Cloud-Based Storage

Records that are stored entirely or partially in the cloud must be stored in compliance with the [Federal Risk and Authorization Management Program (FedRAMP)](https://www.fedramp.gov/), or must be able to be made compliant in a short, defined period of time, as independently verified and validated by a FedRAMP-accredited [third-party assessment organization (3PAO)](https://marketplace.fedramp.gov/#/assessors?sort=assessorName).

The Board must comply with TWC's requirement that all data remain in the United States and meet TWC's stringent privacy and security requirements.

TWC's privacy and security requirements include the following:

* Protecting confidential TWC information, including personally identifiable information, from—at a minimum—unauthorized disclosure, unauthorized access, and misuse in accordance with the [National Institute of Standards and Technology's (NIST) Special Publication 800-122, Guide to Protecting the Confidentiality of Personally Identifiable Information (PII)](https://csrc.nist.gov/publications/detail/sp/800-122/final), by establishing controls such as role-based access, encryption at rest, and encryption in transit
* Disposing of data in a manner that complies with [NIST Special Publication 800-88, Guidelines for Media Sanitization](https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-88r1.pdf)
* Complying with TWC's minimum encryption standards, that is, with the Federal Information Processing Standard (FIPS) 140-2, validated 256 bit, Advanced Encryption Standard (AES), and SHA-256 Cryptographic Hash Algorithm
* Complying with TWC's minimum cryptographic protocol Transport Layer Security (TLS) 1.1 (TLS 1.2 preferred) for protecting the security and privacy of communications over a computer network, including over the internet
* Maintaining continuous process improvement and vigilance to assess risks, monitor and test security protection, and implement changes needed to protect TWC data
* Cooperating fully with TWC's chief information security officer to detect and remediate vulnerability of the hosting infrastructure and/or the application
* Giving TWC access to the Board's facilities, installations, technical capabilities, operations, documentation, records, and databases, to the extent required to carry out FedRAMP assessments and FedRAMP continuous monitoring, to safeguard against threats and hazards to the security, integrity, and confidentiality of the nonpublic TWC data that are collected and stored by the Board

The Board must notify TWC about new or unanticipated threats or hazards or about safeguards that cease to function, as the issues are discovered.

* Complying with any additional FedRAMP privacy requirements
* Understanding that TWC has the right to perform manual or automated audits, scans, reviews, or other inspections of the IT environment being used to provide or facilitate services for TWC

In accordance with Federal Acquisition Regulation 52.239-1, the Board must do as follows:

* Obtain the contract officer's written consent before publishing or disclosing the details of safeguards that the Board designs, develops, or otherwise provides to TWC under contract (exception: disclosures to a consumer agency for the purposes of certifying or verifying authorization)
* Give TWC access within 72 hours to the Board's facilities, installations, technical capabilities, operations, documentation, records, and databases, to the extent required to conduct an inspection to safeguard against threats and hazards to the security, integrity, and confidentiality of TWC data
* Inspections include vulnerability scans of authenticated and unauthenticated:
  + operating systems and networks;
  + web applications; and
  + database applications.
* Automated scans can be performed by TWC personnel (or agents acting on behalf of TWC) using equipment operated or authorized by TWC and using TWC-specified tools.
* Notify TWC immediately, if new or unanticipated threats or hazards are discovered, or if safeguards cease to function

If the Board chooses to run its own automated scans or audits, results from the scans or audits may, at TWC's discretion, be accepted in lieu of vulnerability scans performed by TWC; however:

* the scanning tools and their configurations must be approved by TWC; and
* the complete results must be provided to TWC

### 1.6.3 Confidentiality

All Boards, contractor employees, and subcontractors must keep VR participant and employee information confidential.

The Board must provide physical safeguards for confidential records, such as locked cabinets or encrypted file storage, and ensure that the records are available only to authorized staff members as needed to provide goods or services. VR participant case records must be stored in a secured location where there is maximum protection against fire, water damage, theft, and other hazards.

If a breach of confidentiality is discovered, the Board must report it immediately to the:

* assigned VR counselor; or
* TWC contract manager.

### 1.6.4 Data Encryption

VR policy and federal law requires that all email messages that contain confidential information must be sent using the level of encryption required by publication 140-2 of the Federal Information Processing Standard (FIPS).

If a Board is not equipped to use the FIPS 140-2 level of encryption, the Board must ask a VR staff member who is equipped to send the email message. The same message can then be used to send encrypted information back to VR, when the directions are followed accurately.

If the Board fails to use the FIPS 140-2 level of encryption, the Board must report a breach of confidentiality to the assigned TWC contract manager.

### 1.6.5 Sound Fiscal and Business Practices

Boards must demonstrate business procedures and internal controls that prevent the following practices:

* Abuse—practices that are inconsistent with sound fiscal or business practices and that result in unnecessary costs, such as intentional destruction, diversion, manipulation, misapplication, or misuse of public resources in both financial or nonfinancial settings
* Fraud—any intentional conduct designed to deceive others, resulting in a loss to the victim and/or a gain or benefit to the actor
* Misconduct—intentional wrongdoing or improper behavior or activity
* Waste—the thoughtless or careless expenditure, consumption, mismanagement, misuse, or squander of public resources, such as incurring unnecessary costs because of inefficient or ineffective practices, systems, or controls

Boards, Board employees and subcontractors must:

* implement and maintain business controls that prevent fraud, waste, or abuse;
* implement, maintain, and strengthen controls over the costs of services; and
* obtain high-quality goods and services that are cost effective for VR participants.

## 1.7 Program Description

Each Board must submit a description of its SEAL program services to TWC by April 1st of each year. The program description must:

* indicate whether the Board will provide Work Readiness Training;
* specify the curriculum and total number of hours for Work Readiness Training if the Board will provide it;
* identify the single hourly wage that participants will receive for the paid work experience component in the workforce area and include the cost of any other associated and necessary costs for the paid work experience; and
* submit a copy of the program application and application deadline.

## 1.8 Financials and Payment Structure

### 1.8.1 Payment

TWC will pay the Boards for achievement of the deliverables described in Sections [1.4 SEAL Preparation](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-4), [1.5 SEAL Services](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-5), and [1.9 Required Reporting](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-9) by applying the payment structure listed in Section [1.8.3 SEAL Services Payment Structure](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-8-3). Boards must retain documentation to support completion of each deliverable. TWC is not obligated to pay unauthorized costs or to pay more than the amounts listed for each deliverable in Section 1.8.3.

TWC will not purchase or pay for stipends for any component of the SEAL program.

If an advance payment for approved working capital expenses is received, the Board shall review and timely submit a complete reconciliation of actual expenditures paid from those funds within seventy-five (75) days of receipt of advanced funds. See Section [1.8.5 Working Capital Advance](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-8-5) for more information.

#### 1.8.1.1 Travel Costs Payment

TWC will pay Board costs for mileage incurred by Board or Board contractor staff associated with performance of the Pre-ETS worksite monitoring deliverable.

TWC will

* pay the Board for travel mileage that exceeds 50 miles round trip; and
* pay at the State rate applicable to the time of travel for mileage amounts greater than 50 miles.

The allowable amount for payment is based on the round-trip travel only and determined on the distance traveled between:

* the Board or Board contractor's listed physical location and the city(ies) or town(s) where the worksite monitoring occurs; and
* the distance traveled from worksite to worksite within the city or town, if the Board is visiting multiple worksites.

Where possible, the Board must include multiple cities and worksites in each worksite monitoring trip for which TWC pays mileage costs.

The supporting documentation for the travel cost billing must be submitted on the [SEAL Travel Log (Excel)](https://www.twc.texas.gov/files/partners/seal-travel-log-sample-twc.xlsx) and includes the following information:

* Pre-ETS worksites visited;
* date of the travel;
* board/contractor location (departure point);
* Pre-ETS worksite(s) (destination point(s);
* total mileage for the round trip; and
* number of round trips for which the travel cost is being invoiced.

The mileage billable amount is equal to the State of Texas reimbursement rate on the date of the travel, as posted on the Comptroller's website. <https://fmx.cpa.texas.gov/fmx/travel/textravel/rates/current.php>

### 1.8.2 Invoicing and Payment for Services

All invoices must include at a minimum:

* the Board's complete name and remittance address including city, state, and ZIP code;
* the Board's 14-digit Texas vendor identification number;
* the Board's contact name and telephone number, email address, or fax number;
* the service authorization number (purchase order);
* the VR office's name and address, or delivery address, as applicable;
* the contract number;
* 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 service authorization;
* 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.

For examples of invoices that include all required elements, see the invoice templates posted to this chapter.

#### 1.8.2.1 Inaccurate Invoice

TWC-VR does not accept invoices that are incorrect or that do not include all the required items.

TWC-VR returns incomplete or incorrect invoices and any associated reports to the Board, asks the Board to make the necessary corrections.

The Board resubmits the correct invoice and required documentation for review and payment.

#### 1.8.2.2 Recoupment of Funds Paid

A Board must promptly settle overpayments discovered by TWC.

If a Board discovers the overpayment, the Board must immediately self-report it to the assigned program specialist, other TWC staff, or the contract manager and arrange for reimbursement.

#### 1.8.2.3 Payments Due

TWC is obligated to pay only for goods and services that lead to the results required for payment, as explained in the Board VR Requirements manual and on the service authorization (purchase order).

#### 1.8.2.4 Payment for Services

TWC will pay, in accordance with the Texas Prompt Payment Act, upon receipt of complete, timely submitted invoices for accepted services in the maximum deliverable payment amount per VR participant served by Board, based on the Payment Schedule listed in Section [1.8.3 SEAL Services Payment Structure](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-8-3). TWC will accept services that are supported by Board documentation of successful completion of the deliverables in the Payment Schedule.

Participants must complete Work Readiness Training if the Board invoices TWC for full payment for that deliverable. If a participant does not complete the Work Readiness training, the Board may request partial payment of $35 per hour for each hour of the training the participant completed.

If the Work Readiness Training is not offered by the Board and the SEAL participants are enrolled in a VAT program conducted by another VR provider, the Board will not receive payment for the Work Readiness Training deliverable.

Boards must offer participants a paid work experience placement that is a minimum of five (5) weeks in duration. If a VR participant does not complete five weeks of paid work experience, a partial payment for completion of less than a full five weeks of work experience will be paid based on the number of hours and weeks of work completed. The participant must work and receive a paycheck for the week in order to constitute as one week of work. All SEAL participants should conclude their work experience assignments no later than August 31st.

Boards will invoice TWC for each VR participant using the SEAL for Students with Disabilities detailed invoice template. Boards must submit the required supporting documentation with this invoice. Required supporting documentation for each deliverable is listed in Section [1.8.3 SEAL Services Payment Structure](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-8-3). The Board must submit these invoices at least monthly and may submit them weekly, or biweekly.

The invoice will include deliverables submitted for payment, allowable worksite monitoring travel reimbursement, if any, and the number of hours the VR participant worked each week and the Board's established hourly wage rate.

Boards must submit detailed invoices and supporting documentation to [APPO@twc.state.tx.us](mailto:APPO@twc.state.tx.us).

Boards must submit one final detailed invoice for the reporting deliverable only and the Program Summary. The final invoice must be submitted within 30 calendar days after the program end date.

Boards may not invoice TWC for an amount that exceeds their contract amount. Boards are responsible for monitoring SEAL expenditures, and if necessary, requesting a contract amendment if the Board anticipates serving more students in SEAL than projected for the initial contract amount. Boards must request a contract amendment by submitting the request to the contract manager with a copy to [APPO@twc.state.tx.us](mailto:APPO@twc.state.tx.us) at least 30 days in advance of incurring costs that exceed the contract amount or at least 30 days prior to the contract end date, whichever comes first, to allow sufficient time for review and processing. Board requests for contract amendments must include the amount requested and justification for the request. Once a contract amendment is approved, the Board will be notified, and the amendment will be executed.

### 1.8.3 SEAL Services Payment Structure

The Board may not collect money from a VR participant or the participant's family for any SEAL services. If VR and another resource is paying for a service for a participant, the total payment received by the Board for the service must not exceed the payment amount specified below.

#### Schedule of Deliverables and Payments

| **Deliverable** | **Payment Per Student or Participant** | **Required Supporting Documentation** |
| --- | --- | --- |
| 1. Planning, Coordination, Registration, and Reporting | $145 | [SEAL Registration List (Excel)](https://www.twc.texas.gov/files/partners/seal-participant-registration-sample-twc.xlsx) |
| 2. Work Readiness Training | $513.75 | [Work Readiness Training Attendance Sheet (Word)](https://www.twc.texas.gov/files/partners/seal-work-readiness-attendance-sample-twc.docx) |
| 3. Worksite Identification and Placement | $700  \*If the student works less than 5 weeks, the placement benchmark is pro-rated based on the number of weeks the participant works. | Participant's first timesheet or payroll record following worksite placement |
| 4. Worksite Monitoring | $225 | [Worksite Monitoring Report (Word)](https://www.twc.texas.gov/files/partners/seal-worksite-monitoring-report-sample-twc.docx) |
| 5. Student Wages | Hourly wage rate plus required fees plus processing fee times the number of hours worked | Participant timesheet or payroll records |
| 6. Reporting | $200 | [SEAL Program Summary Report (Word)](https://www.twc.texas.gov/files/partners/seal-program-summary-report-twc.docx) and [SEAL Program Summary Participant Worksite List (Excel)](https://www.twc.texas.gov/files/partners/seal-program-summary-lists-twc.xlsx)  SEAL Monthly Monitoring Report |

\*Payment for the Reporting deliverable will be based on the number of participants, which includes students who participate in Work Readiness Training and Paid Work Experience, but excludes students who register but do not participate in either activity.

### 1.8.4 Outcomes Required for Payment

To be eligible for payment, Boards must document and submit information to demonstrate that:

* Participants were registered for SEAL;
* Participants completed Work Readiness Training provided by the Board and required topics were covered, if applicable;
* A Work Experience placement was made at a specific worksite for each participant;
* Wages were paid to participants based on actual hours worked;
* Worksite monitoring was conducted for each participant; and
* A final summary report was submitted and accepted by TWC.

Boards will be paid one deliverable payment per participant for Worksite Monitoring, regardless of the number of monitoring visits conducted.

Boards must ensure that timesheets or payroll records submitted as supporting documentation for wage payments are complete and accurate.

### 1.8.5 Working Capital Advance

A Board may request in writing a working capital advance from TWC. This option recognizes the following:

* the needed services' specialized nature;
* that although Boards can offer the specialized expertise needed, Boards have limited or no unrestricted funds with which to provide the needed services; and
* state policies permit advance payment in limited instances, such as when advance payment is required by a vendor offering specialized services.

Boards that require a working capital advance may request up to 85% of the total amount the Board would be paid for the Work Readiness Training deliverable for the Board's target number of students. Boards must submit the [Advance for SEAL for Students with Disabilities invoice (Excel)](https://www.twc.texas.gov/files/partners/seal-working-capital-advance-invoice-twc.xlsx) to [APPO@twc.state.tx.us](mailto:APPO@twc.state.tx.us) prior to the effective start date of the service contract. TWC will determine whether to approve an advance payment allowance.

If an advance payment is authorized, TWC will make payment by direct deposit after the contract is fully executed.

Boards must repay the working capital advance at the end of the contract period by submitting the [TWC Cash Remittance Form](https://www.twc.texas.gov/files/partners/cash-remittance-report-twc.pdf) (available at [http://www.texasworkforce.org/files/partners/cash-remittance-report-twc.pdf](https://www.twc.texas.gov/files/partners/cash-remittance-report-twc.pdf)), along with repayment of the working capital advance, to the address specified on the form within 30 calendar days after submission of the Board's final SEAL for Students with Disabilities detailed invoice. Boards must specify "6" in the Reason Coding column of the TWC Cash Remittance Form, and under the form's Reason Coding descriptions, Boards must type "Remittance of SEAL Advance" in the explanation field for Reason Code 6.

## 1.9 Required Reporting

During the SEAL program, the Boards must track the information listed below and submit the SEAL Monthly Monitoring form to report on the number of students registered and participating to VR. Boards should begin submitting the Monthly Progress report in May, following the Board Program Description. Boards should submit the Monthly Progress Report by the 15th of every month for the program duration.

By the 30th day following the program end date, but in no event later than September 30th following the program end date, Boards must submit a Program Summary report that includes:

* A list and count of all students registered for the SEAL program;
* A count of all students who registered but did not participate in the SEAL program;
* A list and count of VR participants who completed the Work Readiness Training;
* A list and count of VR participants who were placed in paid work experience;
* A list and count of the VR participants who successfully completed the paid work experience (at least five weeks paid work experience), and:
  + the worksite placement of each VR participant,
  + the hourly wage and weekly hours worked,
  + the length of placement (number of weeks) and total hours worked;
* A narrative section identifying and discussing specific successes, challenges, lessons learned and recommendations for future revisions or improvements to the SEAL program.

The Program Summary report must be submitted on the SEAL Program Summary templates, which include a section that summarizes worksites and worksite monitoring activities. This section of the Program Summary report should include a list and total number of worksites, number of VR participants placed per worksite, host site feedback, and any issues identified and how they were handled. The Program Summary report should be submitted electronically to [APPO@twc.state.tx.us](mailto:APPO@twc.state.tx.us).

### 1.9.1 Basic Standards for Boards Providing Services to VR Participants

All Boards must comply with this section.

#### 1.9.1.1 Professionalism

Boards, their employees, and any subcontractors must perform in a professional manner and dress in business casual attire that is appropriate for the work activity and workplace:

* when interacting with VR participants and staff; and
* when providing services and visiting VR offices.

A professional manner is defined as:

* maintaining the confidentiality of all customer information in full compliance with state and federal regulations;
* obtaining a written confidentiality release when sharing information with others who are not VR staff or are not the customer's legal guardian;
* not representing oneself as a state of Texas employee;
* not representing the Board as a state agency;
* reporting in a timely manner and to appropriate authorities the abuse or neglect of any customer or customer's family member;
* considering the negative impacts of action or inaction on the part of the individual or contractor to the health, safety, or welfare of any customer or customer's family member;
* avoiding relationships with VR participants or VR staff that would impair the contractor's objectivity in performing his or her duties or that would endanger confidentiality;
* not engaging in activities or relationships with VR participants that might be misconstrued by the VR participant; or
* not allowing a third party to be present when meeting with a VR participant at the VR participant's home or business, unless the VR participant has signed a release allowing the third party to be present or unless the third party is a potential employer.

#### 1.9.1.2 Conflict of Interest

Boards and potential contractors must not offer, give, or agree to give TWC staff anything of value.

Anything of value includes prepared foods, gift baskets, promotional items, awards, gift cards, meals, or promises of future employment.

If a violation occurs, corrective action is required and may include contract termination or disqualification from receiving a future contract with TWC.

Real or apparent conflicts of interest might occur when a former VR employee becomes an employee or a subcontractor of a Board.

A Board must not:

* hire, contract with, or accept as a volunteer any current employees of TWC-VR
* hire, contract with, or accept as a volunteer any former employees of TWC-VR earlier than 12 months after the separation date, if the former employee will provide contracted services as defined in the Board VR Requirements manual and/or [Texas Government Code §572.069](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.572.htm#572.069); or
* knowingly request or obtain confidential information from a state employee for the benefit of the contractor, personally or professionally.

The scenarios above do not make up a complete list of real or apparent conflicts of interest. Failure to disclose a conflict of interest can result in contract termination, disqualification from receiving a future contract, and/or recoupment of payments.

Each Board must have a current [VR3444, Conflict of Interest Certification](https://www.twc.texas.gov/forms/index.html), on file with its contract manager.

#### 1.9.1.3 Board Required Policy and Procedures

The Board must develop and adhere to policies and procedures to protect VR participants, VR participant interests, visitors, and the Board's staff.

Boards must have policies and procedures in place before providing services to VR participants and must review and update their policies to ensure continued compliance with the standards. Boards must ensure that their policies and procedures do not conflict with the standards or the requirements of their contract. Boards must develop a written plan and maintain documentation that staff and customers, as appropriate, have been educated on policies and procedures.

At a minimum, Boards must have written policy and procedures on the following:

* Maintaining confidentiality of VR participant and employee information (refer to [1.6.3 Confidentiality](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-6-3) and [1.6.4 Data Encryption](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-6-4)), including:
  + providing physical safeguards;
  + providing authorized access; and
  + reporting a breach of confidentiality
* Managing VR participant expectations and responsibilities
* Managing VR participant grievances
* Providing VR participants with the VR toll-free telephone number (1-800-628-5115) and explaining that the number is for applicants and customers to use to report complaints or compliments about the contractor
* Maintaining the Board's standards on
  + promoting employment of qualified individuals with disabilities;
  + maintaining professionalism;
  + avoiding conflicts of interest;
  + maintaining confidentiality;
  + using data encryption;
  + following sound fiscal and business practices;
  + reporting abuse, fraud, misconduct, and waste;
  + referring customers to VR; and
  + adhering to the terms of the contract.
* Terminating a VR participant's services (refer to 1.5.4.4 Termination from Service Delivery)
* Providing VR participant orientation on the reporting of allegations or incidents of abuse, exploitation, or neglect that involve individuals with disabilities (see 1.5.4.5 Allegations or Incidents of Abuse, Neglect, or Exploitation).
* Reporting observations or evidence that a customer is using alcohol or drugs (see 1.5.4.10 Reporting Substance Abuse by VR participants)
* Reporting unusual or unexpected incidents that compromise or may compromise the health or safety of individuals or the security of property used by the Board's employees or VR participants and visitors, including:
  + how to obtain emergency medical services for VR participants; and
  + how and when to report incidents.

#### 1.9.1.4 Safe and Secure Environments

Boards must provide a safe and secure environment for their employees, VR participants, and visitors.

The Board must report all incidents in accordance with:

* the Board's policies and procedures;
* the Board's contract; and
* state and/or federal regulations and laws.

An incident is an unusual or unexpected event that compromises or may compromise the health or safety of individuals or the security of property.

The Board must report incidents that involve VR participants, the Board's employees, or subcontractors.

Examples of incidents include, but are not limited to:

* violence, including domestic violence;
* automobile accidents;
* physical or sexual assault;
* terrorist threats;
* serious medical emergencies, deaths, or suicides;
* breaches of confidential information (refer to [1.6.3 Confidentiality](https://www.twc.texas.gov/partners/board-vr-requirements/summer-earn-and-learn#s01-6-3));
* theft or loss of property or mischievous or malicious destruction of property on loan from or purchased by VR;
* negative behaviors displayed by VR participants;
* fires or accidents involving hazardous materials;
* interruption of service that is due to an emergency or disaster;
* threat of harm to oneself or others by personal contact, letter, phone, or email; and
* abuse, neglect, or exploitation of an individual with a disability.

All incidents must be reported within one business day to the:

* VR counselor; and
* TWC contract manager.

VR policies and procedures require VR employees to report incidents in writing, as required by Texas law, the appropriate licensure and investigating agencies, the standards, and the Board's contract. See 1.5.4.5 Allegations or Incidents of Abuse, Neglect, or Exploitation.