

1 **CHAPTER 850. VOCATIONAL REHABILITATION SERVICES ADMINISTRATIVE**
2 **RULES AND PROCEDURES**

3
4 **ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**
5 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**
6 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY**
7 **OF STATE.**

8
9 The Texas Workforce Commission (TWC) adopts the repeal of the following section of Chapter
10 850, relating to Vocational Rehabilitation Services Administrative Rules and Procedures:

11
12 Subchapter A. Vocational Rehabilitation General Rules, §850.11

13
14 TWC adopts the following new section to Chapter 850, relating to Vocational Rehabilitation
15 Services Administrative Rules and Procedures:

16
17 Subchapter A. Vocational Rehabilitation General Rules, §850.11

18
19 Repealed and new §850.11 are adopted *without changes* to the proposal, as published in the June
20 7, 2024, issue of the *Texas Register* (49 TexReg 4025), and, therefore, the adopted rule text will
21 not be published.

22
23 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

24 The purpose of the Chapter 850 rule change is to clarify TWC's Vocational Rehabilitation
25 Division's (VRD) Comprehensive System of Personnel Development (CSPD) standards for
26 Qualified Vocational Rehabilitation Counselors (QVRCs) in accordance with 34 Code of Federal
27 Regulations (CFR) §361.18, relating to vocational rehabilitation personnel development.

28
29 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

30 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
31 therefore, are not discussed in the Explanation of Individual Provisions.)

32
33 **SUBCHAPTER A. VOCATIONAL REHABILITATION GENERAL RULES**

34 TWC adopts the following amendments to Subchapter A:

35
36 **§850.11. Qualified Vocational Rehabilitation Counselor**

37 Section 850.11 is repealed and added as new to clarify requirements for QVRCs.

38
39 The current rule language in §850.11(a) - (f) is repealed and adopted as new in new §850.11 with
40 the updated QVRC requirements. The current rule language is added throughout new §850.11(e)
41 - (j), except for current §850.11(d) because the rule language is no longer applicable.

42
43 The repealed rule language in §850.11(e) is added into two subsections in new §850.11 as
44 follows:

45 --The rule language regarding the time period for completing the graduate education
46 requirements is added into new §850.11(e).

1 --The rule language regarding transcript reviews and confirming certifications is moved from
2 repealed §850.11(e) to new §850.11(f).

3
4 Additionally, the repealed rule language in current §850.11(a) and (f) is moved, with
5 modifications, to new §850.11(g) and (j), respectively, to align with and clarify the updated
6 QVRC requirements. New §850.11(a) clarifies that VRD develops and maintains the CSPD
7 standards.

8
9 New §850.11(b) specifies what is needed for staff to be classified as a QVRC.

10
11 New §850.11(c) specifies what staff must do to be qualified to perform non-delegable duties.

12
13 New §850.11(d) specifies the minimum education and experience standards required to be hired
14 as a VR counselor.

15
16 New §850.11(e) specifies the graduate education requirements that must be completed within
17 seven years from completion of the initial training year.

18
19 New §850.11(f) specifies that VRD must conduct transcript reviews and/or confirm certifications
20 to determine compliance with standards, coursework, and graduate education requirements.

21
22 New §850.11(g) is the rule language that was repealed from current §850.11(a), with
23 modifications, to align with and clarify the updated QVRC requirements.

24
25 New §850.11(h) relating to QVRC financial assistance is the rule language that was repealed
26 from current §850.11(b).

27
28 New §850.11(i) relating to the requirements for applying for QVRC program assistance is the
29 rule language that was repealed from current §850.11(c).

30
31 New §850.11(j) is the rule language that was repealed from current §850.11(f), with
32 modifications, to align with and clarify the updated QVRC requirements.

33
34 TWC hereby certifies that the rules have been reviewed by legal counsel and found to be within
35 TWC's legal authority to adopt.

36 37 **PART III. PUBLIC COMMENTS**

38 The public comment period closed on July 8, 2024. No comments were received.

39 40 **PART IV. STATUTORY AUTHORITY**

41 The rules are adopted under:

42 --Texas Labor Code §352.103(a), which provides TWC with the specific authority to establish
43 rules for providing vocational rehabilitation services;

44 --Texas Labor Code §352.104(b), which provides TWC with the specific authority to establish
45 rules for monitoring and oversight of VR counselor performance and decision making; and

1 --Texas Labor Code §301.0015(a)(6), which provides TWC with the general authority to adopt,
2 amend, or repeal such rules as it deems necessary for the effective administration of TWC
3 services and activities.

4

5 The adopted rules relate to Title 4, Texas Labor Code, particularly Chapter 352.

6

1 CHAPTER 850. VOCATIONAL REHABILITATION SERVICES ADMINISTRATIVE
2 RULES AND PROCEDURES

3
4 **SUBCHAPTER A. VOCATIONAL REHABILITATION GENERAL RULES**

5 ~~§850.11. Qualified Vocational Rehabilitation Counselor.~~

6
7 ~~(a) The Vocational Rehabilitation Division (VRD) helps vocational rehabilitation (VR)~~
8 ~~counselors to meet the Comprehensive System of Personnel Development (CSPD)~~
9 ~~standard, as set forth in 34 Code of Federal Regulations §361.18, by making funds~~
10 ~~available through the Qualified Vocational Rehabilitation Counselor (QVRC)~~
11 ~~program for the required graduate education except when:~~

12
13 ~~(1) unforeseen circumstances occur that may restrict or prohibit the funding; or~~

14
15 ~~(2) VRD management discontinues a VR counselor's participation in the program~~
16 ~~in the best interests of VRD.~~

17
18 ~~(b) The VRD director or designee must approve QVRC financial assistance. This~~
19 ~~financial assistance is contingent on:~~

20
21 ~~(1) funding;~~

22
23 ~~(2) VRD management approval; and~~

24
25 ~~(3) compliance with qualifications for participation.~~

26
27 ~~(c) Qualifications for participation in the QVRC program require that VR counselors~~
28 ~~and transition VR counselors applying for assistance must:~~

29
30 ~~(1) have completed the initial training year;~~

31
32 ~~(2) be meeting or exceeding job performance expectations;~~

33
34 ~~(3) obtain the appropriate approvals to pursue a graduate degree or prescribed~~
35 ~~coursework;~~

36
37 ~~(4) apply for Rehabilitation Services Administration scholarship and university~~
38 ~~stipend funding, if applicable; and~~

39
40 ~~(5) be accepted by the appropriate institution of higher education.~~

41
42 ~~(d) A VR counselor who meets the CSPD standard is considered a QVRC.~~

43
44 ~~(e) A VR counselor is expected to meet the CSPD standard within seven years from~~
45 ~~completion of the initial training year. VRD must conduct transcript reviews and/or~~
46 ~~confirm certifications to determine compliance with standards or to outline~~

1 ~~coursework to be completed by the VR counselor.~~

2
3 ~~(f) A VR counselor is expected to pay all costs or expenses:~~

4
5 ~~(1) associated with the college application, admission, and GRE exam~~
6 ~~(reimbursement of one GRE exam is allowed);~~

7
8 ~~(2) related to tuition, fees, and books for any coursework that must be repeated~~
9 ~~because of failure to successfully complete; and~~

10
11 ~~(3) related to completing work necessary to remove any grade of "I" (Incomplete)~~
12 ~~within three months, unless there are valid reasons (for example, serious~~
13 ~~illness, or university regulations to the contrary).~~

14
15 **§850.11. Qualified Vocational Rehabilitation Counselor.**

16
17 (a) The Vocational Rehabilitation Division (VRD) develops and maintains a
18 Comprehensive System of Personnel Development (CSPD). This system includes
19 procedures to ensure VRD maintains an adequate supply of qualified personnel,
20 referred to as Qualified Vocational Rehabilitation Counselors (QVRCs).

21
22 (b) To classify as a QVRC, staff must meet specific state requirements related to
23 education and experience. Standards for QVRCs serve as an internal control to
24 ensure staff are sufficiently trained and prepared to effectively serve Texans with
25 disabilities.

26
27 (c) VR counselors are considered qualified to perform non-delegable duties upon
28 meeting the minimum initial standards for hire, successful completion of required
29 training, and an initial probationary period that allows demonstration of
30 performance. The minimum initial standards for hire are aligned with 34 CFR
31 §361.18(c)(1)(ii)(A) and the State of Texas VR Counselor Classification Schedule.

32
33 (d) Minimum initial standards for hire as a VR counselor include the following
34 education and experience requirements:

35
36 (1) A bachelor's degree in a field of study reasonably related to vocational
37 rehabilitation, to indicate a level of competency and skill demonstrating basic
38 preparation in a field of study such as vocational rehabilitation counseling,
39 social work, psychology, disability studies, business administration, human
40 resources, special education, supported employment, customized employment,
41 economics, or another field that reasonably prepares individuals to work with
42 customers and employers; and

43
44 (2) Demonstrated paid or unpaid experience, for not less than one year, consisting
45 of:

1 (A) Direct work with individuals with disabilities in a setting such as an
2 independent living center;

3
4 (B) Direct service or advocacy activities that provide such individual with
5 experience and skills in working with individuals with disabilities; or

6
7 (C) Direct experience in competitive integrated employment environments as
8 an employer, as a small business owner or operator, or in self-
9 employment, or other experience in human resources or recruitment, or
10 experience in supervising employees, training, or other activities.

11
12 (e) Within seven years from completion of the initial training year, a VR counselor is
13 expected to achieve one or more of the following graduate education requirements:

14
15 (1) A master's degree in rehabilitation counseling or clinical rehabilitation
16 counseling;

17
18 (2) A master's degree in counseling or a counseling-related field with required
19 completion of specified coursework identified by the VR division;

20
21 (3) A master's, specialist, or doctoral degree in specific majors with required
22 specified coursework identified by the Agency's VR division;

23
24 (4) A current certified rehabilitation counselor (CRC) certificate from the
25 Commission on Rehabilitation Counselor Certification (CRCC); or

26
27 (5) Current licensure for a licensed professional counselor (LPC).

28
29 (f) VRD must conduct transcript reviews and/or confirm certifications to determine
30 compliance with standards or to outline coursework to be completed by the VR
31 counselor to meet graduate education requirements.

32
33 (g) VRD helps VR counselors to advance as QVRCs by making funds available through
34 the Qualified Vocational Rehabilitation Counselor (QVRC) program for the required
35 graduate education except when:

36
37 (1) unforeseen circumstances occur that may restrict or prohibit the funding; or

38
39 (2) VRD management discontinues a VR counselor's participation in the program
40 in the best interests of VRD.

41
42 (h) The VRD director or designee must approve QVRC financial assistance. This
43 financial assistance is contingent on:

44
45 (1) funding;
46

1 (2) VRD management approval; and

2
3 (3) compliance with qualifications for participation.

4
5 (i) Qualifications for participation in the QVRC program require that VR counselors and
6 transition VR counselors applying for assistance must:

7
8 (1) have completed the initial training year;

9
10 (2) be meeting or exceeding job performance expectations;

11
12 (3) obtain the appropriate approvals to pursue a graduate degree or prescribed
13 coursework;

14
15 (4) apply for Rehabilitation Services Administration scholarship and university
16 stipend funding, if applicable; and

17
18 (5) be accepted by an appropriate institution of higher education.

19
20 (j) A VR counselor participating in the QVRC program is expected to pay all costs or
21 expenses:

22
23 (1) associated with the college application, admission, and GRE exam
24 (reimbursement of one GRE exam is allowed);

25
26 (2) related to tuition, fees, and books for any coursework that must be repeated
27 because of failure to successfully complete; and

28
29 (3) related to completing work necessary to remove any grade of "I" (Incomplete)
30 unless compelling reasons exist and payment is approved by the VR division
31 director or designee (for example, serious illness, or university regulations to
32 the contrary).