# PART B, CHAPTER 2.3: INFORMED CHOICE

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part B, Chapter 2.3 | Section 102(d) of the [Rehabilitation Act](https://rsa.ed.gov/sites/default/files/downloads/rehabilitation-act-of-1973-amended-by-wioa.pdf) of 1973, as amended, 34 CFR [§361.52](https://www.ecfr.gov/current/title-34/section-361.52), and TWC Rule [§856.52](https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=52) | All TWC-VR staff | 9/3/2024 |

## 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

### 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.

### 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.

### 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.

### 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

### 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.

### 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.

### 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.

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| **Date** | **Type** | **Change Description** |
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