# PART B, CHAPTER 8: INDIVIDUALIZED PLAN FOR EMPLOYMENT (IPE)

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part B, Chapter 8 | 34 CFR [§361.45](https://www.ecfr.gov/current/title-34/section-361.45), [§361.46](https://www.ecfr.gov/current/title-34/section-361.46), TWC Rule [§856.52](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=52), and [§856.40](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=40) | All TWC-VR staff, particularly VR Counselors | 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 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

### 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.

### 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.

### 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.

### 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.

### 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.

### 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.

### 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.

### 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.

### Additional Policy Considerations:

* Comparable Services and Benefits: TWC-VR must not expend funds on TWC-VR services unless there is an exemption, or 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

### 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.

### 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.

### 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.

### PIN and Signatures

A completed IPE must be signed by the customer or, as appropriate, their representative, and approved and signed by a VR Counselor employed by TWC-VR. Signatures are captured in RHW through use of a digital PIN.

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 paper case file using a pseudo PIN, documents the signing of the *VR5163* in a case note, prints, and provides a copy of the document to the customer in their preferred mode of communication.

### 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, in RHW PIN signature or on a printed version of *Individualized Plan for Employment Amendment (VR5159)* 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 case file. 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.

### 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** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |