# PART C, CHAPTER 10.1: EDUCATION AND TRAINING SERVICES OVERVIEW

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 10.1 | 34 CFR [§361.48(b)(6)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(6)), and TWC Rule [§856.45](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=45) | 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 the provision of education and training services provided or purchased by TWC-VR, including factors that affect all education and training programs.

## DEFINITIONS

Best Value Purchasing: Purchasing the least expensive services that meet the customer's vocational needs. Also known as the acquisition cost. Determining the acquisition cost ensures that staff consider all factors that influence the total cost and value to both the customer and TWC-VR.

Computerized Criminal History (CCH): Statewide repository of criminal history information reported to the Department of Public Safety (DPS) by local criminal justice agencies in Texas, as defined by the Code of Criminal Procedure.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the VR program's rules, as it relates to choosing education and training services and the providers of those services.

Normal Living Expenses: Items such as housing, food, clothing, and transportation, and whatever additional expenses would be considered necessary to those broad categories (not directly associated with the receipt of VR services), such as utility costs and vehicle insurance.

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

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

## POLICY

### General Overview

Education and training services are diverse and address various needs and abilities of TWC-VR customers. These services include academic training, career and technical training, credential-specific training, work readiness training programs, registered apprenticeships, on-the-job training (OJT), Project SEARCH, and more.

Training environments encompass community colleges, technical colleges, public universities, health-related institutions, private postsecondary institutions, employment settings, specialized training providers, and the Criss Cole Rehabilitation Center (CCRC).

Furthermore, TWC-VR supports training at different levels, including secondary school diploma, secondary school equivalency, completion of an individualized education program (IEP), vocational adjustment, skill-specific training, training-specific credentials, certificates, associate degrees, bachelor's degrees, master's degrees, and doctorates.

### STEM/Advanced Training

TWC-VR supports advanced training in STEM (science, technology, engineering, mathematics), medicine, law, or business as well as other fields in which there is a specific employment outcome that requires an advanced degree when the customer can meet minimum standards to be accepted in the program. The VR Counselor provides ongoing support through regular VR counseling, guidance, and help with coordinating access to necessary support throughout the customer's VR path.

### Computerized Criminal History

When a customer is participating in education or training services or eligibility for a license and/or employment in an occupation that requires the customer pass a CCH search, the CCH must be performed before including the service in the customer's Individualized Plan for Employment (IPE).

TWC-VR cannot support an IPE goal or related services when the customer does not meet the legal requirements of the associated employment outcome.

### Credential Attainment and Measurable Skill Gains (MSG)

Education and training services may result in MSGs (e.g., report card, training progress) and a recognized credential (e.g., bachelor’s degree, vocational license). All credentials and MSGs achieved during participation in TWC-VR services must be entered in the Education History page in RHW.

### Additional Policy Considerations

* Comparable Services and Benefits: TWC-VR must not expend funds on education and training services unless the VR Counselor and the customer have made maximum efforts to secure assistance from other sources to pay for the services.
* Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Determining the Need for Education or Training Services

VR Counselors play a crucial role in assessing the need for education and training services for their customers. To ensure effective decision-making, VR Counselors should consider the following, as applicable:

* Conduct the Necessary Assessments: Begin by assessing the customer's skills, abilities, interests, and employment goals through standardized assessments, interviews, and vocational evaluations, as needed.
* Utilize Labor Market Information: Research current labor market trends, job demand, and growth projections in relevant industries to identify viable career pathways and training opportunities.
* Explore Educational Options: Research and recommend appropriate educational or training programs based on the customers career goals, considering factors such as program accreditation, reputation, best value purchasing, and potential for employment upon completion.
* Provide Support Services: Assist the customer in exploring the need for support services such as transportation, childcare, disability accommodations, and financial aid resources to address barriers to education and training participation.
* Consider Individual Circumstances: Take into account the customer's personal circumstances, including disabilities, health conditions, family responsibilities, and financial constraints, when determining the feasibility and appropriateness of education or training services.
* Collaborate with Other Professionals: Work collaboratively with other professionals, such as educators, employers, medical professionals, and community agencies, to develop comprehensive plans and support networks for customers pursuing education or training goals.

When it is determined that education or training services are necessary to achieve the customer's employment goal, the services, including any support services, are included in the IPE, or IPE amendment, and signed by both the customer and the VR Counselor.

### Customer Responsibilities

When making the informed choice to participate in education and training services, and those services are included in the IPE, the customer agrees to make all attempts to successfully complete the program. This requires active involvement by the customer and the VR Counselor in all aspects of education and training.

Customers must fulfill several requirements to participate in TWC-VR services, including providing all necessary documentation, completing admission and registration processes, maintaining satisfactory progress in training and TWC-VR services, applying for available financial assistance, and understanding that service authorization (SA) is required for TWC-VR services.

* Required Documents: A customer who is participating in training must provide the VR Counselor with the following documentation, which is kept in their case record:
  + Verification of application for available financial aid and/or verification of financial aid award;
  + A copy of the educational track/plan provided by the training institution;
  + A course schedule for each training period;
  + Documentation that shows progress for each training period, such as a report card, grade report, or transcript;
  + Written documentation of added and dropped courses;
  + Written documentation (e.g., new degree plan) for a change in the major course study; and
  + Documentation of the appropriate certificate of completion.
* Participation in Education and Training Services: Unless otherwise specified, there are no exceptions to the following expectations. To demonstrate customer participation in TWC-VR services, the customer must—
  + Enroll in courses and electives that are included in the institution-approved degree or training plan;
  + Contact the VR Counselor before adding or dropping classes. This includes taking an incomplete for a course. If the course schedule is changed, then payments for reader services, books, tools, supplies, transportation, room and board, and other supports must be recalculated;
  + Maintain and complete a full-time course load as defined by the training institution, unless the customer is—
    - A graduating senior (from a college or university);
    - An incoming freshman (first two semesters or quarters);
    - A returning adult student (first academic year only);
    - Attending summer school, mini-semester; or
    - Subject to other documented extenuating circumstances, such as disability-specific limitations, that prevent the customer from participating in a full-time course load;
  + Communicate with the VR Counselor, teachers, and the training provider's disability office about problems or accommodation needs;
  + Use the services and supports that are available through the training provider's disability office, as needed;
  + Maintain consistent enrollment and attendance in all coursework, consistent with the training commitments made in the IPE; and
  + Maintain satisfactory progress.
* Satisfactory Training Progress: Satisfactory training progress is defined by the training provider and included in the customer's IPE. The customer must meet satisfactory training progress requirements for each semester or grading period to receive TWC-VR funding for subsequent semesters or grading periods, and to document MSGs and recognized credentials.

The VR Counselor can make exceptions to this requirement for no more than one semester or grading period and on a case-by-case basis if justification for the exception is documented clearly in a case note.

### VR Counselor Responsibilities

The VR Counselor provides ongoing support through regular counseling, guidance, and help with coordinating access to necessary support throughout the life of the case. This can include assisting the customer in applying for other types of assistance such as federal aid.

* Informed Choice: When there is an expressed desire or need for the customer to participate in training services to reach an identified employment goal, the VR Counselor works with the customer through the process of informed choice to explore a variety of options. This must be documented clearly in a case note or series of case notes as part of the assessing and planning process to complete the comprehensive assessment and IPE or IPE amendment.
* VR Counseling and Guidance: The VR Counselor must provide VR counseling and guidance that emphasizes the importance of the customer's informed choice, participation in, and commitment to successful completion of training and the achievement of the employment outcome.

VR counseling and guidance is provided, at a minimum—

* + Before the beginning of any training period;
  + Once, at a minimum, during each semester or training period (to check the customer's progress); and
  + At the end of each semester or training period (to access grades and to plan for the next semester or training period).

When appropriate, VR Counselors provide VR counseling and guidance on opportunities for advanced training in STEM occupations and other occupations requiring advanced training so the customer can make informed decisions about their career and training choices.

* Evaluating Training Progress: Each semester or training period, the VR Counselor ensures that the customer is maintaining satisfactory progress by reviewing the following, as appropriate:
  + The customer's grades or progress report, but does not delay services when grades cannot be obtained before registration for the next semester or grading period;
  + The customer's degree plan and the progress made to reach the training goal;
  + Financial aid and tuition bill;
  + All courses the customer plans to take during the next semester or training period to ensure they are a part of the customer's required coursework; and
  + The attainment of MSGs and/or recognized credentials.

If the customer struggles to maintain satisfactory training progress, the VR Counselor reviews the customer's use of available resources and supports, such as tutoring, accommodations, and assistive technology, to see if the customer could improve the use of available resources and supports or needs additional supports from TWC-VR.

When a customer withdraws from a course or TWC-VR terminates services before the customer completes the course, the VR Counselor pursues a refund per the school's policy.

### Comparable Services and Benefits Types

Comparable services and benefits and required customer financial participation in the cost of services must be applied to the cost of all training services before TWC-VR funds are used, because TWC-VR is the payer of last resort. The VR Counselor must provide as much support as the customer requires to complete any required activities to access these benefits.

The following comparable benefits options can be selected to document the use of comparable benefits when service records, IPEs, and Closure Services pages are developed in RHW:

* Disability services offices on college and university campuses;
* Educational service center;
* Federal student aid (such as Pell Grants, Supplemental Educational Opportunity Grant [SEOP], and work-study);
* Intellectual and developmental disabilities agencies;
* Other State agencies;
* Other VR State agencies;
* Tuition waiver (non-blind, non-deaf);
* Tuition waiver–Blind;
* Tuition waiver–Deaf;
* Tuition waiver–Foster Care;
* Veteran's Administration;
* Waiver programs—MDCP In-Home, CLASS & Family Support Class; and
* Other entitlement programs.
* Comparable services and benefits do not include merit scholarships and awards.

### Free Application for Federal Student Aid (FAFSA)

The customer must apply for financial aid. No TWC-VR funds can be used to pay for training until the VR Counselor and the customer have made maximum efforts to secure grants and/or other assistance to pay for the training. Verification of application for available financial aid and/or verification of financial aid award must be included in the customer's case file.

The [Free Application for Federal Student Aid (FAFSA)](https://studentaid.gov/h/apply-for-aid/fafsa) is a form that can be prepared annually by current and prospective students (undergraduate and graduate) in the United States to determine eligibility for student financial aid. All customers must complete the FAFSA. If the institution does not accept Federal financial aid, the customer must complete the institutions financial aid application to receive TWC-VR funds for training and related expenses.

* Pell Grant: The Pell Grant and other comparable benefits are applied to the cost of tuition, fees, and other educational expenses before any VR funds can be used. No exceptions are permitted to the use of the Pell Grant. If the Pell Grant is greater than the tuition and fees owed by the customer, the remaining funds should be applied to the cost of other educational expenses, such as books, supplies, room and board, and transportation, under the terms of the grant.

Student financial assistance, such as a loan that requires repayment or scholarships that are not based on student income, are excluded from the financial aid requirement.

* Defaulted Student Loans: If the student has defaulted on a Guaranteed Student Loan, the student is denied a Pell Grant and other forms of financial aid. Before receiving TWC-VR funds for training, the customer must—
  + Initiate the process of getting the loan out of default; and
  + Provide written documentation, such as copies of correspondence, to confirm that they have initiated this process.
  + For more information, refer to The Federal Student Aid website for [Getting Out of Default](https://studentaid.gov/manage-loans/default).
* Tuition and Fee Waivers: Students who are eligible for a tuition waiver are exempt from paying tuition and fees for any State-supported college or university in Texas. A waiver includes exemption from all required fees and charges, with the exception of—
  + Fees or charges for lodging;
  + Costs of boarding and/or clothing; and
  + Refundable deposits.

For more information about these tuition waivers, refer to [College for All Texans: Financial Aid](http://www.collegeforalltexans.com/apps/financialaid/tofa.cfm?Kind=W).

* Deafness Tuition and Fee Exemption: Customers who are deaf or hard of hearing who request academic training must—
  + Be referred to the Health and Human Services Commission (HHSC) Office for Deaf and Hard of Hearing Services (DHHS); and
  + Complete [*Application for Certificate of Deafness for Tuition Waiver (HHSC 3900)*](https://hhs.texas.gov/sites/default/files/documents/laws-regulations/forms/3900/3900.pdf).

For more information, go to [Texas Health and Human Services Deaf and Hard of Hearing](https://www.hhs.texas.gov/services/disability/deaf-hard-hearing).

* Blindness Tuition and Fee Exemption: Individuals who are legally or totally blind and meet residency requirements for the college or university are exempt from paying tuition and fees for State-supported colleges and universities in Texas.

The VR Counselor provides the customer with a copy of the *Certification of Blindness (VR3119)*, certifying that the individual is legally or totally blind. The *VR3119* is distributed as follows—

* + The original is given to the customer; and
  + A copy is placed in the customer's case.

It is the responsibility of the customer requesting the waiver to—

* + Submit documentation of blindness to VR;
  + Submit a Certificate of Blindness to the educational institution;
  + Provide proof that they meet the institution's entrance requirements; and
  + Follow the institution's procedures regarding tuition exemption.

To meet the eligibility for tuition exemption, the customer must—

* + Be a resident of Texas as defined by the Texas Higher Education Coordinating Board;
  + Be a high school graduate or have received a GED;
  + Present a letter of recommendation from the principal of the high school attended, from a public official, or from another responsible person who knows the blind individual; and
  + Present a self-written statement that—
    - Explains their purpose in pursuing higher education; and
    - Indicates the certificate or degree program to be pursued, or the professional enhancement anticipated from the course of study for that certificate or degree program.

If a VR customer is legally or totally blind but is not eligible for tuition exemption because they do not meet the State-supported school's residency requirements, TWC-VR can pay for tuition and fees at a public in-State college or university, not to exceed the Texas-resident tuition rate.

### Social Security Recipients

Customers who are eligible for SSI or SSDI because of a disability are exempt from required participation in the cost of training services that are—

* Associated with basic living requirements (BLR) calculations; and
* Associated with payment limitations for universities, colleges, or technical institutions for tuition, fees, and other training-related expenses.

Exceeding the maximum tuition and fees amounts set by policy does not require VR Management approval if the customer is a SSI or SSDI recipient.

SSI and SSDI recipients are not exempt from the requirement to seek comparable services and benefits for all services, such as tuition exemptions, Federal financial aid that does not require repayment, or other free or low-cost services that are readily available to the customer.

### Repeating Courses

Typically, TWC-VR does not pay for courses that must be repeated. If TWC-VR funds are used to pay for a course more than twice, the VR Counselor must consult with the VR Supervisor, and the justification for TWC-VR support of the repeated course must be clearly documented by the VR Counselor in a case note.

Counseling and guidance should be provided to ensure that the customer is using available supports and is complying with customer responsibilities as defined on the IPE or IPE amendment.

### Purchasing Training Services

An SA is the only valid means by which TWC-VR can authorize the purchase of goods and services on behalf of VR customers, including education and training services.

* Encumbrance Period: TWC-VR limits the number of encumbrance periods for training and related services to two semesters, trimesters, quarters, or other school registration periods. For example, the VR Counselor might have issued SAs for the fall semester and must issue SAs for the spring semester when the customer needs to register for the spring semester before the end of fall semester. However, the IPE must include the entire time frame that is required for the customer to complete the approved training that is needed to reach the vocational goal.

### Goods and Services that Support Training Services

In addition to providing education and training services (i.e., tuition and fees), additional goods and services can be included in the customer's IPE or services justification case note, as appropriate, if they are required for the customer to participate in training.

The additional goods and services include the following:

* Textbooks and supplies;
* Reader services;
* Assistive technology equipment and/or software;
* Low-vision devices;
* VR teacher services;
* Employment assistance specialists;
* Training-related supplies);
* Transportation;
* Interpreters;
* Personal assistant;
* Room and board;
* Occupational licenses;
* Computers;
* Orientation and mobility training; and
* Referral to community resources.

When it is determined that additional support goods or service are necessary, the VR Counselor must include them in the IPE, IPE amendment, or Services Justification, in accordance with the services policies and procedures, prior to authorizing such services.

### Textbooks and Supplies

TWC-VR may purchase required textbooks and course-related supplies if they are not already included in the cost of tuition and fees. TWC-VR pays the entire amount for required books and supplies.

* TWC-VR must consider the most cost-effective option when purchasing textbooks and supplies.
* Options for purchasing textbooks include traditional hardcopy textbooks (new or used) and other formats of textbooks, such as audiobooks, electronic books, and/or e-books.

Tools and Equipment required for training but that will be kept and used by the customer for employment after completing training are not considered supplies under this policy.

* Service Authorization: The SA for textbooks or supplies must be itemized with the description of the quoted amount.
* Reselling Textbooks: If a hardcopy of a textbook is purchased but is not needed for a class, for reference, or for the customer's major or minor field of study, the customer can sell the textbook back to the bookstore. When a textbook is sold back to the bookstore, the customer must provide to the VR Counselor a copy of the receipt of sale, which is kept in the case file. The amount that was received from the sale of the book must be applied to the cost of books next semester. The amount on the receipt for that textbook is subtracted from the amount needed for the following semester's required textbooks.

If textbooks are sold back to the bookstore and the customer will no longer be participating in training the following semester, the funds, along with the receipt of sale, must be returned to TWC-VR in person or by mail.

### Tutoring Services

Tutoring services might be needed to support the customer's success in approved training programs. When tutoring services are available through the institution at no cost, these resources must be used as a comparable benefit before using TWC-VR funds.

If the available resources through the training institution do not meet the customer's needs, TWC-VR may purchase tutoring services.

* Purchasing Tutoring Services: Before authorizing the purchase of tutoring services, the VR Counselor must ensure that the tutor has the necessary experience or skills to teach the customer. The VR Counselor must document the tutor's relevant experience and/or skills in a case note and ensures that the provider is set up to receive direct payments for TWC-VR services.

The VR Counselor may authorize—

* + A payment rate up to $20 an hour for tutorial services; and
  + The purchase of tutoring supplies as needed.

Maintenance services cannot be used to pay for tutoring services.

### Supplemental Specialized Academic Support Services

Supplemental specialized academic support services may be needed to support the customer's success in approved training programs. The intent of these services is to provide specialized services focused on specific disabilities (e.g., Autism) to meet the customer's academic needs. The services must be provided by the college or university that the customer is currently attending. The VR Counselor must justify and document the vocational need for the specialized support service and include the service in an IPE or IPE amendment.

To find out whether a supplemental specialized academic support service is under contract, TWC-VR staff consults with the appropriate State Office Program Specialist before completing an SA.

### Room and Board Services

Room and board is a TWC-VR service that can be provided to customers who are participating in college or university classes or other career and technical training.

* Purchasing Room and Board Services: The VR Counselor may approve VR funds to support room and board when—
  + The cost is in excess of the customer's normal living expenses;
  + The funds are required to support the customer's participation in training; and
  + The customer is attending training in person.

If the above requirements are met, VR Manager approval is not required if—

* + The training is not available in the customer's local community (i.e., in the same city as the customer's residence or within a 50-mile radius of the customer's residence);
  + The customer’s disability-related needs justify the purchase of room and board regardless of the training being in the customer’s local community; or
  + The amount is the best-value decision to support the customer’s participation in training regardless of the training being in the customer’s local community (e.g., cost of room and board is lower than the cost of paying for transportation to and from the training location).

Additionally, before an SA for room and board is issued, the VR Counselor must document in RHW the details from bids obtained for room and board. Bids are required only if the cost is greater than $10,000 per grading period.

TWC-VR does not pay refundable deposits associated with room and board.

The case record must contain the following:

* + Documentation confirming that the customer is enrolled in training; and
  + A copy of the lease or housing agreement that—
    - Must be in the case file prior to authorizing a payment; and
    - May be used in lieu of an invoice to authorize payments.

Room and board services must be included on the customer's IPE or IPE amendment.

* Room and Board Payments and Prorating: It is preferred that room and board that is paid to an entity other than a public in-State training institution be issued on one SA for the entire grading period and paid monthly. When paying a public in-State training institution, a single (properly pro-rated, when applicable) payment can be made for the entire grading period.

Room and board must be paid directly to the provider. However, short-term housing maintenance may be used while a provider is initially being established.

Room and board can be paid in advance based on the conditions of the lease or rental agreement.

## APPROVALS & CONSULTATIONS

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

*Approvals*

* *VR Supervisor approval is required when a course of study is changed more than twice, prior to continuation of TWC-VR purchasing further training and related services and supports.*
* *VR Supervisor approval is required when a customer fails to meet satisfactory training progress for two or more consecutive semesters or grading periods, prior to continuation of TWC-VR purchasing further training and related services and supports.*
* *VR Supervisor approval is required when there is a documented need to pay a rate higher than $20 per hour or pay by semester for tutorial services.*
* *VR Manager approval is required for any exception to Room and Board policy and procedures.*
* *VR Manager approval is required to use short-term housing maintenance for these payments for room and board.*
* *VR Manager approval is required for Room and Board purchases if any of the following are not met—*
  + *The cost is in excess of the customer's normal living expenses;*
  + *The amount is required to support the customer's participation in training;*
  + *The customer is attending training in person;*
  + *The training is available in the customer's local community (i.e., the same town as the customer's residence or within a 50-mile radius of the customer's residence) and there is not a disability-related or best-value justification.*

*Consultations*

* *VR Supervisor consultation is required when paying for an academic or vocational course more than twice.*

**REVIEW**

The Policy 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 |