# PART C, CHAPTER 12.1.c:VOCATIONAL EVALUATION SERVICES

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 12.1.c | 34 CFR [§361.48(b)(12)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(12)), and TWC Rule [§856.49](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=49) | 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 Vocational Evaluation services.

## DEFINITIONS

Bilateral Contractor: A service contractor that agrees to specific duties or deliverables under the terms of a contract with TWC-VR.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, as it relates to choosing employment assessments and the providers of those services.

Trial Work Experience (TWE): Exploration of an individual's abilities, capabilities, and capacity to perform in realistic work situations in order to determine whether or not there is clear and convincing evidence to support a determination that an individual with a disability is incapable of benefiting from VR services in terms of an employment outcome.

## POLICY

### General Overview

Vocational evaluation (VE) is an assessment of an individual's work and training background, general functional capacities, and social and/or behavioral characteristics. The evaluation must include an assessment of the customer's employment-related strengths and limitations.

### VE Parameters

The VE must be designed to determine the customer's present and future vocational potential and include an assessment of the customer's employment-related strengths and limitations.

VE**—**

* Is purchased through a bilateral contract;
* Must be conducted by a vocational evaluator, not an aide;
* Cannot be conducted remotely;
* Can only be purchased one time per customer;
* Cannot be purchased if a Career Planning Assessment (CPA) was previously purchase;
* Has no premiums available to be purchased with the service.
* Must result in a vocational objective or alternative vocational objectives identified by the Vocational Evaluator;
* Must include—
	+ Standardized tests that measure the customer's academic achievement, cognitive abilities, aptitude, personality, vocational interests, sensory and/or motor skills, and independent living skills and compare the individual’s performance with the performance of an appropriate sample population; and
	+ Work samples that provide a close simulation of an actual industrial task, business operation, or component of an occupational area; and
* Has no fixed guidelines for the number of days required for completion. The VR Counselor determines the appropriate length of the evaluation based on the customer’s individual needs and circumstances.

### Standards for Providers Manual (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 4: Employment Assessments.

### Additional Policy Considerations

* Comparable Services and Benefits: VE services are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
* Customer Participation in the Cost of Services: VE services are exempt from applying Basic Living Requirements (BLR) and, therefore, the customer is not required to participate in the cost of services.
* 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 VE

TheVR Counselor and the customer may determine that VE is necessary to determine a customer's present and future vocational potential and to evaluate the customer's employment-related strengths and limitations.

### VE Referral and Service Provision

When the VR Counselor and customer agree to the receipt of VE services, it must be included in the Individualized Plan for Employment (IPE), TWE plan, IPE amendment, or a Service Justification if prior to IPE development.

The VR Counselor must—

* Complete the *Referral for Provider Services (VR5000)*, including the reasons for the referral and includes specific questions to be addressed during the evaluation;
* Ensure TWC-VR staff send the service authorization (SA) and *VR5000*;
* Monitor the customer's progress;
* Provide any needed instruction or intervention necessary to foster the customer's success;
* Review and approve *Report for Vocational Evaluation (VR1837)* or an electronic report that includes elements found on the *VR1837* completed by the Vocational Evaluator, ensuring that all outcomes required for payment are achieved and that the staff qualifications were held by the individual providing the service to the customer; and
* Ensure that the invoice is paid.

The contractor, no later than 10 days of the completion of the assessment, must—

* Address the reasons for the referral and address the specific questions included in the *VR5000 and* any special instructions on the referral or the SA;
* Use standardized testing and work samples to conduct the evaluation and complete the *VR1837*, or an electronic report with all required elements, including—
	+ List of assessments administered, evaluation summary, recommendations, response to the referral questions;
	+ Potential for competitive integrated employment (CIE), or the reasons that CIE is not appropriate, when applicable;
	+ Job recommendations related to the current job market using the Standard Occupational Classification (SOC) codes for the customer's geographic area;
	+ Specific training options that match the customer's capabilities; and
	+ Specific job modifications and/or accommodations necessary to achieve the employment goal; and
* When requested on the *VR5000* or on the SA, the Vocational Evaluator must complete a feedback session with the customer, the customer's representative, if any, and the VR Counselor, to review the Evaluator's recommendations and the customer's vocational interests, strengths, and challenges.

The *VR1837* or electronic report must be signed by the evaluator who conducted the evaluation.

### Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the VR Counselor or by TWC-VR staff member’s contact with the customer, documented in a case note.

### VE Payment

Payment for VE is made to the contractor when the VR Counselor approves a complete, accurate, signed, and dated—

* *VR1837*, or equivalent; and
* The invoice.

TWC-VR will not pay any fees related to excused or unexcused absences or holidays.

## APPROVALS & CONSULTATIONS

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

* *VR Director approval is required to request partial payment for work that has not been completed in its entirety, through a Contracted Service Modification Request (VR3472). Justification for why the vocational evaluation cannot be completed in its entirety must be included on the VR3472.*
* *VR Director approval is required for any request to change requirements for Vocational Evaluation, using the VR3472 prior to changes being implemented.*

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