# PART C, CHAPTER 13: SUPPORTED EMPLOYMENT SERVICES

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 13 | 34 CFR [§361.48(b)(13)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(13)), [§361.5(c)(54)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(54)), [§361.5(c)(53)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(53)), [§361.5(c)(37)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(37)), [§361.5(c)(32)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(32)), [§361.5(c)(29)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(29)), [§361.5(c)(19)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(19)), [§361.5(c)(18)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(18)), [§361.5(c)(15)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(15)), [§361.5(c)(9)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(9)), 34 CFR [Part 363](https://www.ecfr.gov/current/title-34/part-363), and TWC Rule [§856.49](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=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 Supported Employment (SE) Services to customers who have a most significant disability to increase their ability to successfully gain and maintain CIE in SE.

## DEFINITIONS

Career Planning Assessment (CPA): Functional assessment designed to evaluate the customer's work skills, determine support needs, and provide information needed to plan for future employment.

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 Supported Employment services and the providers of those services.

Job Stability: When an individual's work performance reaches a performance level acceptable to the employer, and the related ongoing support services have diminished to the level necessary to maintain the individual in employment.

Place, Then Train: Model of employment placement to place customers in a job and then train them in order to help them find and keep long-term competitive integrated employment.

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

Supported Employment (SE) services enable customers with the most significant disabilities to enter competitive integrated employment (CIE) by—

* Providing individualized assistance in finding an appropriate job match;
* Providing Ongoing Support Services; and
* Establishing Extended Services, sometimes called long-term supports, to help the customer maintain a long-term CIE.

Often, customers in SE have been—

* Excluded from community services;
* Institutionalized; or
* In segregated work programs, such as sheltered workshops or enclaves, for extended periods of time.

SE can be used with customers with any disability, but it is most commonly used with customers who have a neurodevelopment disability, complex physical disabilities such as brain injury, cerebral palsy, etc., and significant behavioral health conditions that cause the customer to have significant functional capacity limitations.

### Supported Employment Eligibility

SE services may be provided to customers with any type of disability, but a customer must—

* Have a most significant disability (level of significance);
* Require individualized assistance in finding an appropriate job match;
* Require ongoing supports to learn the job and establish accommodations; and
* Require extended services (long-term supports) to maintain the employment after VR closes the case.

The customer must also—

* Benefit from the Place, Then Train model of job placement;
* Need extensive comprehensive training and support to compete in the labor market;
* Need ongoing supports to maintain an employment outcome;
* Require considerable help competing in the open job market;
* Has not had CIE or has experienced interrupted or intermittent employment; and/or
* Be likely to be able to find and keep a competitive integrated job when necessary supports are in place.
* SE services are available for customers who are “youth with disabilities,” adults, and in Trial Work Experiences (TWE).

### Restrictions

The following TWC-VR services may not be purchased while a customer is receiving SE services from an Employment Service Provider:

* Bundled Job Placement;
* Job Skills Training, except when the Job Skills Training is used to provide Extended Services;
* Non-bundled Job Placement;
* On-the-Job Training (OJT);
* Personal Social Adjustment Training (PSAT);
* Vocational Adjustment Training (VAT);
* Environmental Work Assessment (EWA);
* Vocational Evaluation;
* Project SEARCH;
* Work Adjustment Training (WAT); and
* Work Experience Services (WE).

### Most Significant Disability (MSD)

TWC-VR customers are considered MSD when they have a severe physical or mental impairment which seriously limits three or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome and is expected to require multiple VR services over an extended period of time.

### Youth with Disabilities

A youth with a disability is an individual who is between the ages of 14-24. Youth can receive extended services from TWC-VR for up to four years, or until they turn 25. TWC-VR is required to reserve 50% of their Supported Employment (Title VI) funds to provide SE services to youth with disabilities.

### Customized Employment

Customized Employment is an SE strategy tailored specifically for individuals with significant and most significant disabilities. It involves assessing the individual's strengths, needs, and interests, designing employment opportunities to match both their abilities and the employer's needs, implementing flexible strategies like job exploration and collaboration, customizing job descriptions, duties, and work schedules, utilizing professional representatives or self-representation for employer engagement, and providing necessary services and supports at the job location to ensure success.

### Additional Policy Considerations

* Comparable Services and Benefits: SE 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: SE 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

### Referral for SE Services

When a customer meets the SE criteria, the VR Counselor can refer them for SE services.

Before a referral for SE services can be made—

* A Career Planning Assessment (CPA) must be completed. If an Environmental Work Assessment (EWA) was conducted, the CPA is prorated to remove the Work Skills Assessments;
* When the customer is a Social Security beneficiary, the VR Counselor must—
  + Complete a BPQY before the CPA; and
  + Coordinate the provision of long-term supports funding from the Texas Health and Human Services Commission, the Texas Department of State Health Services, and the managed care organization, when the customer has a 1915(c) waiver, prior to the referral.

TWC-VR staff must send the *Referral for Provider Services form (VR5000)* and a service authorization (SA) to the SE Specialist before the SE Plan meeting.

In addition, TWC-VR staff must—

* Indicate on the *VR5000* the customer’s resources related to Extended Services; and
* If such a resource cannot be identified when the referral is made, include information about a reasonable expectation for the time that a source for the Extended Services will become available before case closure.

The VR Counselor provides documentation (only when relevant), such as a Benefits Planning Query (BPQY); case notes; psychological, vocational, or medical evaluations; and a copy of the CPA and EWA (if done by a different provider) to prepare the provider to work with the customer.

### Individualized Plan for Employment (IPE) Requirements

SE must be identified as an objective in the IPE for the customer and is based on a comprehensive assessment that determines the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

An IPE for SE must—

* Show that the customer is eligible for and will be receiving SE Services via the checkbox option in RHW;
* Include SE services as a planned service;
* Specify the benefits analysis and planning for customers who receive Social Security benefits to determine whether benefits exist that the customer can access to support employment;
* Specify the maximum number of hours the customer will work in a competitive integrated setting based on the customer's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.
* If unable to identify the number of hours, the customer can be added to an IPE amendment prior to case closure;
* Specify ongoing training and supports such as job skills training needed at the employment site and away from the employment site that will be necessary for the customer to maintain the competitive integrated employment; and
* Specify the Extended Services and supports needs and sources to provide or arrange the Extended Services, including natural supports—
  + The name of the individual, organization, or other resource that is reasonably expected to agree to provide Extended Services after the TWC-VR–funded services cease;
  + If such a resource cannot be identified when the IPE is developed, include information about a reasonable expectation for the time that a source for the Extended Services will become available before case closure; and
  + An explanation of the coordination of services and comparable benefits that will be provided by for other Federal or State programs, when available.

If the initial IPE did not identify SE as a planned service, the IPE must be amended to include SE and the SE service provider once the customer finds employment. All changes to planned SE services must be documented in an IPE or in an IPE amendment. Use of Service Justification case notes instead of an IPE or IPE amendment is not allowed.

### Recipients of Social Security Disability Benefits

Once the customer has an employment and earnings goal on the IPE, TWC-VR staff must arrange for the customer to receive Benefits and Work Incentives Counseling Services, including a Benefits Summary and Analysis/Work Incentive Plan. TWC-VR staff must work with the customer to facilitate use of Social Security work incentives when these resources are determined to benefit the customer.

### Ongoing Supports

Ongoing supports are provided by TWC-VR through SE from the time of job placement until the customer has achieved job stability and has been transitioned to Extended Services. Ongoing support includes the coordination or delivery of services at or away from the job site that are necessary for the customer to maintain stability in employment. Examples include, but are not limited to, the following—

* Job skills training;
* Social skills training;
* Hard-skills training;
* Development of job aids;
* Education on disabilities with business; or
* Establishing accommodation.

### Extended Services

Extended Services assist the customer in maintaining employment long-term, after the intensive ongoing supports and training have led to the stabilization of the customer's employment. Extended Services are provided through comparable service and benefits and must be listed in the customer’s IPE.

Extended Services can be provided either at the employment site or off-site when necessary to maintain stable employment. Examples of Extended Services include, but are not limited to, the following—

* Job skills training (job coaching when provided by Home and Community-Based Services Waivers) to assist with development of soft and hard skills to ensure the customer is meeting the expectation of the employer;
* Transportation;
* Social Security income reporting;
* Medication management;
* Assistance with activities of daily living (ADL); and/or
* Managing the customer's work schedule.

Extended Service Providers: Extended Services are funded by sources other than TWC-VR (with the exception of youth with disabilities) for as long as needed to ensure the customer remains stable in their employment.

Extended Services begin when the customer achieves job stability. The TWC-VR SE Specialist coordinates and trains all Extended Service providers.

Extended Services can be provided by—

* Medicaid Waiver Programs;
* Local Intellectual Developmental Disabilities Agency (LIDDA) and Local Mental Health Authorities (LMHA);
* Public agencies and private nonprofit organizations;
* Natural supports—
  + Supports from supervisors and coworkers such as mentoring, feedback on performance, and/or assistance in learning new skills; and
  + Supports from friends and family members such as arranging transportation, helping with medication management, and helping to solve work-related problems.

Home and Community Based (HCBS) Waivers: Section 1915(c) HCBS Waivers provide opportunities for Medicaid beneficiaries to receive services in their own home or community rather than institutions or other isolated settings. These programs serve a variety of targeted populations groups, such as people with mental illnesses, intellectual disabilities, and/or physical disabilities. A person's services for HCBS waivers are determined on the person's preferences obtained through person-centered planning. Currently, there is an interest list for all Texas HCBS waivers.

When a VR customer is eligible for a HBCS waiver, the VR Counselor must assist the customer in putting their name on the interest list.

Individuals receiving Medicaid HCBS have the right to—

* Seek employment;
* Work in competitive or integrated settings;
* Engage in community life;
* Control their personal resources; and
* Receive services in the community.

Texas HCBS Waivers include—

* Community Living Assistance and Support Services (CLASS);
* Home and Community-Based Service (HCBS);
* Texas Home Living (TxHmL);
* Youth Empowerment Services (YES);
* DeafBlind with Multiple Disabilities (DBMD);
* STAR+PLUS; and
* STAR Kids.

In coordinating a customer's Extended Services in a HCBS Wavier, VR Counselors must verify—

* The customer's HCBS waiver budget has funds available for extended supports; and
* The HCBS waiver provider includes the Extended Services in the customer's HCBS waiver person-centered/directed plan and individual service plan.

When HCBS services are coordinated in a TWC-VR customer's case—

* Extended Services, known as SE in the HCBS waiver, must be identified before the VR Counselor makes a referral for the VR Career Planning Assessment (CPA);
* Available units for HCBS waiver Supported Employment (i.e., TWC-VR Extended Services) must be approved in the customer's HCBS waiver plan no later than the end of the final job retention benchmark in order for extended services to begin at job stability; and
* TWC-VR & HHS Waiver Sequencing of Services document is used as a guide for collaboration.

Youth Customers: The only exception for Extended Services being provided by resources other than TWC-VR is for a customer who is a "youth with a disability" who does not have comparable services or benefits available for Extended Services. TWC-VR can purchase Extended Services for TWC-VR customers who are youth with disabilities through Job Skills Training for a period of up to four years or until the youth reaches age 25, whichever occurs first.

When TWC-VR provides extended services for youth with disabilities, the case must continue to maintain job stability status. The VR Counselor must continue to seek out comparable services and benefits to fund the Extended Services until one is identified or the case is closed.

### Benchmarks

SE services may not exceed 24 months from the time the customer is placed in employment. When the customer needs SE for longer than 24 months to reach job stabilization, the VR Counselor and the customer must agree to extend services and must document an approved extension on the customer’s IPE.

For all benchmarks, the VR Counselor must—

* Work in coordination with the customer and the SE Specialist throughout the SE process to ensure the SE Plan is up to date, and the best possible employment outcome is secured for the customer;
* Facilitate the SE process, providing counseling and guidance throughout, to ensure successful employment for the customer;
* Schedule and/or coordinate meetings with the customer, the customer’s support network, and the SE Specialist;
* Monitor the customer’s case (including scheduling stability/closure meetings to determine when additional job retention services are necessary);
* Review all required documentation for accuracy and completeness prior to payment; and
* Verify that all deliverables have been achieved prior to authorizing payment of the invoice.

For all benchmarks, the Rehabilitation Assistant (RA) must—

* Request records;
* Create service records and issues SAs, ensuring SE funds are used when available;
* Schedule and/or coordinate meetings with the customer, the customer’s support network, the SE Specialist, and the VR Counselor; and
* Return reports and invoices to the provider to correct errors using the *Vendor Invoice Additional Data Request (VR3460)*.

Supported Employment Plan: The *SE Plan and Employment Report (VR1632)* provides the framework for how the SE Specialist will help the customer achieve CIE. The *VR1632* is completed during the *VR1632* meeting by the VR Counselor, using person-centered approaches, in collaboration with the customer, the customers support network, and the SE Specialist. The *VR1632* must align with the customer’s interests, preferences, potential job tasks, and identified employment conditions. If any of these circumstances change, the *VR1632* must be amended. It also identifies the customer’s resources, support needs, extended services (both available and needed), potential employers, and any available premiums. The *VR1632* must be reviewed and agreed upon by the customer, the SE specialist, and the VR Counselor.

When developing or amending the *VR1632*, a meeting is conducted in person or remotely. The VR Counselor, SE Specialist, customer, and, as appropriate, the customer’s representative and support network, must attend the *VR1632* meeting.

When developing the *VR1632*, the VR Counselor must—

* Review the *Career Planning Assessment (VR1630)* with the group, ensuring that the information recorded in *VR1632* represents the information in the CPA and/or EWA and the customer's best interests;
* Complete *VR1632* with the customer, SE Specialist, and support network, recording the customer's identified—
  + Interests, preferences, and potential job tasks;
  + Employment conditions in measurable terms; and
  + Extended services (funded, paid, and/or natural supports);
* Maintain a signed version of the *VR1632* in the TWC-VR case file;
* Provide a signed copy of the *VR1632* to the customer and SE Specialist;
* Provide an electronically fillable copy of the *VR1632* to the SE specialist; and
* Request that TWC-VR staff issue SAs to the SE Specialist for—
  + Supported employment job development and placement benchmark; and
  + Any relevant premiums.

The *VR1632* is amended when agreed upon by the VR Counselor and based on the customer’s informed choice and decision to change the preferences, interests, potential job tasks, and employment conditions listed on the *VR1632*.

To amend the *VR1632*, the VR Counselor must—

* Contact the customer to determine whether an update to the *VR1632* is needed;
* Request that TWC-VR staff issue an SA to the SE Specialist for the *VR1632* Update Meeting;
* Schedule the meeting to update the *VR1632*;
* Revise the *VR1632* with the customer, SE Specialist, and support network;
* Obtain new signatures;
* File the updated, signed copy of the *VR1632* in the customer’s VR case file;
* Provide an updated, signed copy of the *VR1632* to the customer and SE Specialist;
* Provide the updated, electronically fillable copy of the *VR1632* to the SE Specialist; and
* Ensure all required SAs are up to date.

SE Job Development and Placement Benchmark: The SE job development and placement benchmark should be authorized and paid once during the life of the case. On a case-by-case basis, it may be necessary to purchase this benchmark more than once, but this will require approval. The VR Counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the benchmark.

During this benchmark, the VR Counselor must—

* Review all documentation submitted by the provider for accuracy and completion;
* Communicate with the provider and the customer regarding the job search and placement;
* Review the employment placement to see if it meets the definition of CIE and requests that a CIE checklist be completed, when applicable;
* Monitor the customer's employment to ensure that nonnegotiable employment conditions are met throughout the delivery of SE services;
* Verify that the extended services (funded, paid, and/or natural supports) have been identified and that the provider has arranged to train the long-term-support provider;
* Verify that the customer has received ongoing supports as necessary for the customer to learn the job and meet the employer's expectations;
* Request that TWC-VR staff issue SAs to the SE Specialist for one or two job retention periods, the job stability meeting and any relevant premiums based on the customer’s needs;
* Check the SAs for premiums that are still open;
* Issues the necessary SA (or delegates to the RA) after the Job Stability Review Meeting (i.e., Job Retention or SE Closure premiums); and
* When requested by the SE Specialist, schedules a job stability review meeting with the SE Specialist, customer, and support network.

SE Job Retention Benchmark: The VR Counselor may approve and pay up to five job retention benchmarks. Six or more job retention benchmarks require approval.

Each job retention benchmark consists of 28 cumulative calendar days during which the SE Specialist must—

* Visit the customer in person a minimum of two times at or away from the jobsite; however, the provider should visit multiple times to—
  + Provide ongoing supports;
  + Ensure that the customer is meeting the employer’s expectations; and
  + Ensure that extended supports have been identified;
* Make a minimum of one contact with the employer to ensure employer satisfaction; and
* Verify that the customer has competitive integrated employment consistent with the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions identified on the *VR1632*.

The job retention benchmark may be purchased multiple times until the customer either achieves job stability or re-establishes job stability.

If a customer requires more than two job retention benchmark periods, the SE Specialist must request a job stability review meeting.

During the job retention benchmark, the VR Counselor must—

* Review all documentation submitted by the provider for accuracy and completion;
* Request TWC-VR staff issue SAs to the SE Specialist for the job stability review meeting; and
* Schedule the job stability review meeting with the SE Specialist and the customer.

SE Job Stability Review: A job stability review is completed when the customer—

* Appears they will be job stable at the completion of the first job retention benchmark; or
* Appears to need additional job retention services after two 28-day job retention benchmark periods.

The customer must complete at least one 28-day job retention benchmark to be eligible for job stability. To establish job stability, the provider must be prepared to transition any remaining support needs to a funded, paid, and/or natural support extended service provider and notify the VR Counselor.

The job stability meeting may be conducted in person or remotely. During the job stability review meeting, the VR Counselor, SE Specialist, and customer review the customer’s employment and whether they meet the definition of “job stability” or need one additional job retention benchmark.

During the job stability review meeting, the VR Counselor must—

* Evaluate the customer’s job stability status;
* Review all documentation submitted by the provider;
* Change the customers Job Stability status in/after the Job Stability Meeting and document the decision in a case note;
* Provide VR counseling and guidance; and
* Request that TWC-VR staff issue SAs—
  + Before the end of the current Job Retention benchmark for either one job retention benchmark; or
  + The SE closure benchmark and any relevant premiums.

The VR Counselor must document in a case note why the customer requires another placement and what interventions and/or services have been provided to the customer to address needs, circumstances, behaviors, and/or other employment barriers since the first purchase of the benchmark.

When Job stability is lost—

* The customer returns to Job Retention benchmarks and remains in Job Stability benchmarks until the customer meet Job Stability status.
* The Job Stability Meetings continue every Job Retention period until the customer returns to SE Closure.

SE Closure Benchmark: The SE closure benchmark is completed when the customer has maintained job stability for 90 cumulative calendar days and the SE closure meeting has been completed.

To establish SE closure, the provider notifies the VR Counselor, and the VR Counselor must arrange for the SE closure meeting. The VR Counselor and customer make the final determination about SE closure.

The VR Counselor must schedule the SE closure meeting, which must occur after the customer’s 90th day of employment after job stability has been determined.

The SE Specialist must provide the updated and complete *VR1632* to the VR Counselor without signatures before or at the meeting.

The VR Counselor makes the determination that the case meets the SE closure benchmark by verifying that the customer has maintained Job Stability for 90 days, has all extended services in place, and is working in CIE that meets the preferences, interests, at least two potential job tasks, and all nonnegotiable employment conditions identified in the SE Plan*.*

### Closing an SE Case

Before successfully closing a case with an SE outcome, the VR Counselor must—

* Conduct the SE Closure Meeting to determine the customer has remained Job Stable for 90 days and has all extended services in place and working;
* Verify the employment with the employer;
* Complete the CIE checklist, when applicable; and
* Update the IPE with maximum hours the customer is working, a description of the Ongoing Supports provided during Job Retention and the extended support needs and the provider of the Extended supports; and. when applicable. how Extended Service Providers were coordinated when Federal programs (Medicaid and Social security waivers) are in use by the customer.

## APPROVALS & CONSULTATIONS

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

* *VR Supervisor approval is required when the customer requires six or more Job Retention Benchmarks.*
* *VR Supervisor approval is required before issuing an SA to purchase a Job Development and Placement benchmark more than once.*
* *VR Director approval is required for any request to change requirements for SE Services, including extending SE services beyond 24 months, using the Contracted Service Modification Request (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.

|  |  |  |
| --- | --- | --- |
| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |