# PART C, CHAPTER 2.1:OVERVIEW OF VOCATIONAL REHABILITATION SERVICES

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 2.1 | 34 CFR [§361.48](https://www.ecfr.gov/current/title-34/section-361.48) and TWC Rule [§856 Subchapter B](https://texreg.sos.state.tx.us/public/readtac%24ext.ViewTAC?tac_view=5&ti=40&pt=20&ch=856&sch=B&rl=Y) | 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 services available from TWC-VR to individuals with disabilities, necessary to participate in the assessment process for determining eligibility, identifying the scope of VR needs, and, ultimately, obtaining and maintaining CIE.

## DEFINITIONS

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

Integrated Setting: Setting typically found in the community in which the customer interacts with non-disabled individuals, not including non-disabled individuals who are providing their services (e.g., job coach).

## POLICY

### General Overview

Services are available to TWC-VR customers when they are necessary to prepare for, secure, retain, advance in, or regain the employment goal that is identified on the customer's individualized plan for employment (IPE). TWC-VR will ensure the availability of these services to customers who have applied for or been determined eligible for VR services, as appropriate for each customer.

### Categories of VR Services

TWC-VR provides services that are crucial for addressing the holistic needs of customers seeking employment and training opportunities, to assist with removing barriers that may otherwise prevent them from fully participating in and benefiting from the VR program.

TWC-VR services are broken into the following three categories:

1. Career Services: TWC-VR services designed to assist customers in developing their career goals and pathways. These services include VR counseling and guidance, job search assistance and placement (i.e., employment services), supported employment, labor market information, training and employment accommodations, assessments and diagnostic/ treatment, resume writing, interview preparation, benefits planning, and information and referral services. Career services aim to help customers make informed decisions about their career choices, develop the skills necessary to achieve their goals, and successfully enter or re-enter the workforce in CIE.
2. Training Services: TWC-VR services (provided in an IPE) that improve a customer’s occupational skills through job-driven training programs that lead to a recognized postsecondary credential, such as a degree or certification, and employment. Training services can include classroom instruction (i.e., postsecondary education), on-the-job training (OJT), work experience, customized training, and registered apprenticeship programs. These services are intended to help customers acquire the skills needed to obtain and advance in employment within their chosen career pathway.
3. Other Services: Additional TWC-VR services provided to customers to help them overcome barriers to employment and succeed in their training or career services. These support services (e.g., transportation, maintenance) are essential for addressing the diverse needs of job seekers and workers, particularly those facing significant barriers to employment. By addressing these barriers, support services play a vital role in helping customers achieve economic self-sufficiency and long-term success in employment.

### Scope of Services

TWC-VR will ensure that the following services are available to assist the customer, as appropriate to meet the needs of the individual, in preparing for, securing, retaining, advancing in, or regaining a CIE outcome that is consistent with the customer's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice:

* Pre-Employment Transition Services (Pre-ETS): Services available only to those who meet the definition of students with disabilities; and
* VR Services: Services for customers who have applied for or have been determined eligible, and consistent with each individual’s IPE, are as follows:
	+ Assessment for determining eligibility and priority for services;
	+ Assessment for determining VR needs;
	+ VR counseling and guidance services;
	+ Information and referral services;
	+ Physical and mental restoration services;
	+ Education and training services;
	+ Maintenance services;
	+ Transportation services;
	+ VR services to family members of a customer if necessary to enable the customer to achieve an employment outcome;
	+ Interpreter services, including sign language and oral interpreter services, by qualified personnel;
	+ Reader services, rehabilitation teaching services, and orientation and mobility services for customers who are blind;
	+ Employment-related services, including job-seeking skills training, job search and placement assistance, job retention services, follow-up services, and follow-along services;
	+ Supported Employment services, including Customized Employment;
	+ Personal assistance services, including training in the management of these services;
	+ Post-employment services;
	+ Occupational licenses, tools, equipment, initial stocks, and supplies;
	+ Rehabilitation technology, including vehicle modification, telecommunications, sensory, and other technological aids and devices and training in the management of these services;
	+ Transition services for students and youth with disabilities, including Pre-ETS;
	+ Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent those resources are authorized to be provided through the Statewide workforce investment system, to customers who are pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; and
	+ Other goods and services determined necessary to assist a customer with achieving a CIE outcome.

### Provision of Services

TWC-VR must ensure that each customer receives only those services required to determine eligibility, address the VR needs of the customer, and assist the customer to achieve the CIE outcome identified in the IPE. VR counseling and guidance is a core service all TWC-VR customers receive as part of their rehabilitation path. This service is provided to customers from application to IPE development, through IPE implementation and service provision, and throughout the life of the case.

TWC-VR services must—

* Be allowable, allocable, necessary, and reasonable;
* Assist a customer with a disability in preparing for, securing, retaining, advancing in, or regaining a CIE outcome; and
* Be consistent with their strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

TWC-VR services are provided, in whole or by part, in the following ways:

* TWC-VR staff directly provide services (in-house services);
* TWC-VR staff purchase services utilizing an outside provider (purchased services); and/or
* TWC-VR staff coordinate services that can be provided through another agency or funding source— comparable service or benefit (arranged services).

When providing purchased services, TWC-VR must consider the following:

* Best value;
* Use of comparable services and benefits;
* Required customer participation in cost of services;
* Separation of duties; and
* Ethics and purchasing.

TWC-VR must provide services within a reasonable timeframe and in collaboration with the customer. General provision expectations include, but are not limited to, the following:

* Services must be provided in the most integrated setting possible; and
* A support service (i.e., other services), such as transportation or maintenance, is only provided if it is in support of planned services (i.e., career or training services).

TWC-VR must ensure that customers, and/or their representatives, participate fully in the development of the IPE and that informed choice is provided when selecting vendors.

TWC-VR establishes and maintains policies governing the rates of payment and fee schedules for all purchased VR services.

### Eligibility to Work in the U.S.

Authorization for eligibility to work in the United States is required for all work experience services. TWC-VR staff may help customers prepare the I-9 and sign the I-9 as a preparer or translator; however, they must be aware that they are attesting under oath that they have helped to complete the form and that, to the best of their knowledge, the information is true and correct. The employer of record completes and signs the employer section of the I-9 before employment commences.

### Child Labor Laws

When making decisions about work-based training that include work experience services, child labor laws must be observed.

* Minors 14 and 15 Years of Age: There is no special work permit required for this age range, but there are restrictions on—
	+ Number of hours that 14- and 15-year-olds may work;
	+ Times that they may work; and
	+ Type of work that they may do.

For example—

* + When school is not in session, minors may not work more than eight hours a day and 40 hours a week;
	+ When school is in session, minors may not work more than three hours a day on school days or 18 hours a week outside of school hours;
	+ During the school year, minors may work from 7 a.m. to 7 p.m. only; and
	+ In the summer (June 1 through Labor Day), minors may work from 7 a.m. to 9 p.m.

Limitations are placed on the work that 14- and 15-year-olds may do when they work in retail, food service, and gasoline service establishments.

* Minors 16 and 17 Years of Age: There are no child labor law restrictions on the number of hours and times that 16- and 17-year-olds may work.

However, there are restrictions on working in occupations declared hazardous by the US Department of Labor.

For more detailed information on child labor laws, refer to [Texas Child Labor Laws](https://www.twc.texas.gov/jobseekers/texas-child-labor-law).

### 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 comparable services and benefits from other sources to pay for services. Only specific services are exempt from this requirement.
* 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. Only specific services are exempt from this requirement.
* 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

### Authorizing Services Prior to an IPE

TWC-VR goods or services may be authorized before the service is included in the IPE and the IPE is signed by both the customer and the VR Counselor only if—

* The good or service is necessary for the customer to participate in assessments that are required to determine eligibility or develop the IPE;
* Participation in the assessment cannot occur without the provision of the good or service; and
* Comparable benefits for the good or service are not readily available.

Goods or services purchased with TWC-VR funds prior to completing the IPE must be authorized in advance with a service authorization.

### Authorizing Services After an IPE

TWC-VR goods or services may only be authorized once the specific service is included in the IPE, or an IPE amendment, and signed by both the customer and the VR Counselor.

### Provision of TWC-VR Services

TWC-VR staff must follow the policies and procedures for each service chapter in Part C for specific service requirements and Part D for budgeting and purchasing requirements.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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