# PART C, CHAPTER 8.1: PRE-EMPLOYMENT TRANSITION SERVICES (PRE-ETS)

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 8.1 | 34 CFR [§361.48(a)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(a)), [§361.5(c)(51)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(51)), [§361.65(a)(3)](https://www.ecfr.gov/current/title-34/part-361/section-361.65#p-361.65(a)(3)), [§361.5(c)(2)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(2)), [§361.22](https://www.ecfr.gov/current/title-34/section-361.22), Labor Code [§352.108](https://statutes.capitol.texas.gov/Docs/LA/htm/LA.352.htm#:~:text=352.108.,programs%20or%20competitive%20integrated%20employment.), and Final Interpretation [87 FR 15889](https://www.federalregister.gov/documents/2022/03/21/2022-05940/state-vocational-rehabilitation-services-program) | All TWC-VR staff, particularly those who provide Pre-ETS to students with disabilities | 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 Pre-Employment Transition Services (Pre-ETS) to students with disabilities who are either potentially eligible or eligible for TWC-VR services. Additionally, TWC-VR is required to reserve funding from Basic TWC-VR funds in order to provide and coordinate these services.

## DEFINITIONS

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 Pre-ETS services and the providers of those services.

## POLICY

### General Overview

Pre-ETS are designed to support students with disabilities as they transition from school to post-school activities, including further education, vocational training, and competitive integrated employment (CIE). These services are the earliest set of services provided by VR agencies to students with disabilities (SWD) for the purpose of beginning employment exploration and identifying career interests.

The overarching purpose of these services is to empower students with disabilities to make informed choices about their careers, develop essential skills for the workplace, and successfully transition into the workforce or higher education settings.

### 15% Reservation of Funds

WIOA requires TWC-VR to reserve and expend a minimum of 15% of their Federal funding solely for the provision of Pre-ETS.

Pre-ETS activities are provided to individuals who—

* Meet the definition of a student with a disability; and
* Are eligible or potentially eligible for TWC-VR services.

Customer participation in the cost of TWC-VR services cannot be applied to the provision of Pre-ETS required activities.

### Pre-Employment Transition Services

Pre-ETS are a set of services intended to occur in the earlier phases of the career exploration and work preparation continuum. However, Pre-ETS can be provided or purchased for students with disabilities at any point in the VR process. For students who are eligible for TWC-VR services and have developed an (Individualized Plan for Employment (IPE) (i.e., Active Services Status), Pre-ETS activities must be based on the needs identified and included in that IPE.

The primary focus is on experiences and learning opportunities for students with disabilities. While Pre-ETS' required and coordinated activities can be provided in many phases of the VR process, Pre-ETS funds may not be used to provide services in the employment or post-employment phases of the VR process.

There are three types of Pre-ETS— required, coordinated, and authorized:

Five Required Activities: The five required activities are as follows:

1. Career exploration counseling;
2. Work-based learning experiences which may include in-school or after-school opportunities, or experiences outside the traditional school setting (including internships) that are provided in an integrated environment to the maximum extent possible;
3. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
4. Workplace readiness training to develop social skills and independent living; and
5. Instruction on self-advocacy, including peer mentoring.

Four Coordinated Activities: The four coordinated Pre-ETS activities are as follows:

1. Attending Individualized Education Plan (IEP) meetings, when invited;
2. Working with the TWC Local Workforce Development Boards (Boards), Workforce Solutions Offices, and employers to develop work opportunities for students with disabilities;
3. Working with schools to coordinate and ensure the provision of Pre-ETS; and
4. Attending, when invited, person-centered planning meetings for students with disabilities who receive services under Medicaid (Title XIX of the Social Security Act).

Nine Authorized Activities: The nine authorized activities are provided primarily by the TWC-VR State Office and regional staff members. These services can only be charged to the 15% reserve (Pre-ETS funds) if TWC-VR has completed a fiscal forecast to determine if funds are available.

The nine authorized Pre-ETS activities are as follows:

1. Implementing effective strategies to increase the likelihood of independent living and inclusion in communities and competitive integrated workplaces;
2. Developing and improving strategies for individuals with intellectual disabilities and/or significant disabilities to live independently, participate in postsecondary educational experiences, and obtain and retain CIE;
3. Providing instruction to VR Counselors, school transition staff, and others who support students with disabilities;
4. Disseminating information about innovative, effective, and efficient approaches to achieving WIOA goals;
5. Coordinating activities with transition services provided by local education agencies (LEAs) under the Individuals with Disabilities Education Act (IDEA);
6. Applying evidence-based findings to improve policy, procedure, practice, and staff preparation to achieve WIOA goals;
7. Developing model transition demonstration projects;
8. Establishing or supporting multistate or regional partnerships that involve states, LEAs, designated state units, developmental disabilities agencies, private businesses, and other participants to achieve WIOA goals; and
9. Disseminating information and developing strategies to improve the transition to postsecondary activities for individuals who are members of traditionally unserved populations.

### Student with a Disability (SWD)

In the State of Texas, a student with a disability is defined as an individual between the ages of 14 and 22 who is—

* Enrolled in a recognized educational program, which may include public schools (including charter schools), private schools, home schools, recognized postsecondary programs, or other recognized settings, such as the schooling provided by juvenile justice facilities;
* Receiving services through IDEA (Special Education); or
* Considered eligible for Section 504 services (includes individuals who are receiving TWC-VR services).

Customers who meet the requirements above but who turn 22 years old before September 2 of the current fiscal year no longer meet the definition of an SWD. For example, if a customer is 21 on September 2, they will meet the definition of a student with a disability until August 31 of the following year if they remain enrolled in a recognized educational program as described above.

Educational programming under the definition of a student with a disability would include programs that provide a recognized credential of education, such as a certified nursing assistant (CNA) program.

Individuals who are eligible for TWC-VR but do not meet the definition of a student with a disability can receive individualized transition services and other TWC-VR services; however, they are not eligible to receive Pre-ETS, and the services and goods must be paid for with Basic VR funds, not with Pre-ETS funds.

### Potentially Eligible SWD

Students are not required to apply for TWC-VR services in order to receive Pre-ETS; however, they must provide documentation to demonstrate they satisfy the definition of a student with a disability as described above, which includes documentation of a disability and enrollment in an educational program prior to beginning those services. Documentation that can be used includes a copy of their IEP, 504 Plan, or other formal documentation.

If a student requires additional VR services outside of Pre-ETS, they must apply and receive an eligibility determination. Those additional services, as well as their Pre-ETS, are provided as part of an approved IPE.

### Auxiliary Aids and Services

TWC-VR will ensure no SWD is denied Pre-ETS based on their disability. If an SWD requires reasonable accommodation, auxiliary aid, or other service in order to access or participate in Pre-ETS, TWC-VR must provide the required accommodation when no other entity is responsible for its provision.

Auxiliary aids and services for individuals with sensory disabilities include, but are not limited to, the following:

* Qualified interpreters (including sign language);
* Note-takers and readers;
* Assistive listening devices;
* Videophones;
* Audio recordings;
* Braille materials and displays;
* Screen reader software;
* Magnification software;
* Large print materials.

Auxiliary aids and services for Pre-ETS do not include the following:

* Personal devices (e.g., computers, laptops, tablets);
* Prescribed devices (e.g., eyeglasses, hearing aids, wheelchairs);
* Readers for personal use or study;
* Home or vehicle modifications;
* Attendant care or other activities of daily living (ADL) services.

### Discontinuation of Pre-ETS

Pre-ETS are discontinued for the following reasons:

* The individual no longer meets the definition of a student with a disability due to one or both of the following:
  + The individual is over the age of 22; or
  + They are no longer enrolled in a recognized education program.

### Outreach and Coordination with Education

VR programs are required to demonstrate coordination between TWC-VR and the Texas Education Agency (TEA), responsible for the public education of students with disabilities. TEA is designed to facilitate the transition of students with disabilities from the receipt of educational services, including Pre-ETS, in school to the receipt of TWC-VR services.

Coordination must include the following:

* Development and approval of an IPE as early as possible during the transition services process and not later than the time a student with a disability determined to be eligible for TWC-VR services leaves the school setting; and
* A formal interagency agreement that establishes the framework for coordinated transition services, including Pre-ETS.

### Additional TWC-VR Services for Students with Disabilities in an IPE

In accordance with the Federal Register Final Notice of Interpretation (NOI), 15% reserved funds may be used for costs associated with providing certain TWC-VR services to eligible students with disabilities, in accordance with approved IPEs, who need those services to benefit from Pre-ETS. Those additional VR services include the following:

* Assessment Services;
* VR Counseling and Guidance;
* Information and Referral Services;
* Maintenance;
* Transportation;
* Personal Assistance Services;
* VR Teacher Services & Orientation and Mobility Services;
* Rehabilitation and Assistive Technology;
* Family Services; and
* Job Training/Coaching Services.

### Construction Clause

Nothing in this policy will be construed to reduce the obligation under the IDEA of an LEA or any other agency to provide or pay for any transition services that are also considered special education or related services and that are necessary for ensuring a free appropriate public education to children with disabilities.

### Standards for Providers (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 15: Pre-Employment Transition Services.

### Additional Policy Considerations

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

Eligible TWC-VR customers who require other VR services are not exempt, and therefore, if their 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

### Working with Potentially Eligible Students

The purpose of the potentially eligible designation is to provide more SWD the opportunity to participate in Pre-ETS. Once an SWD chooses to apply for TWC-VR services, all requirements of the program are applied at the time they are determined eligible. In order for potentially eligible SWD to continue receiving Pre-ETS without an IPE, they must have begun receiving at least one Pre-ETS prior to application for TWC-VR services.

Potentially eligible SWD are afforded the right to informed choice, confidentiality, and access to the client assistance program (CAP).

Potentially eligible SWD may receive a single Pre-ETS or multiple Pre-ETS according to their need and desire to participate. Providing or purchasing Pre-ETS for potentially eligible SWD is not intended to be an avenue to circumvent the VR process, and, at some point, a potentially eligible SWD may need additional TWC-VR services. The VR Counselor assigned to a potentially eligible SWD case should counsel and provide them with appropriate information related to the following options:

* The SWD may continue receiving Pre-ETS as a potentially eligible SWD;
* The SWD may apply for TWC-VR services to have access to additional services, including, but not limited to, Pre-ETS, transition services, and all other TWC-VR services, as necessary; or
* The SWD case may be closed if the SWD does not wish to access additional Pre-ETS or to apply for TWC-VR services.

As long as the definition of an SWD is met, the individual will continue to be potentially eligible until they no longer meet the definition of an SWD or they apply for TWC-VR services and they are determined eligible. If a potentially eligible SWD has completed the application process and has been determined ineligible, they may no longer receive Pre-ETS.

### SWD Documentation Requirements

There are specific documentation requirements depending on whether the SWD is receiving Pre-ETS as a potentially eligible SWD or if they have been determined eligible for TWC-VR services.

Potentially Eligible SWD: The data required for a potentially eligible SWD are captured on the *Request to Receive Pre-Employment Transition Services (VR1820)*, which includes fields for entering the SWD's—

* Social Security number (preferable, if available) or another unique identifier such as a student school identification number, a state-issued identification card number, or driver's license number;
* Date of birth;
* Race (required if student is in secondary education);
* Ethnicity (required if student is in secondary education); and
* Student's disability (as indicated in supporting documentation listed below).
* Applicable release forms must also be obtained to allow the exchange of information and establish parental permission to participate in services.
* The *VR1820* and release forms paired with verification of disability from the list below completes the requirements to begin providing Pre-ETS.

Supporting documentation that is required to verify the student's disability includes, but is not limited to, the following:

* Case notes documenting VR Counselor observations, review of school records, and statements of education staff;
* A signed statement from a school professional with the identification of a student's disability and school enrollment status (A template of the VR Disability Verification Letter is available to capture this information.);
* A copy of an IEP, Social Security Administration (SSA) beneficiary award letter, school psychological assessment, documentation of a diagnosis or disability determination, or documentation relating to Section 504 accommodations.

When a potentially eligible SWD is participating in a work placement as part of work-based learning, whether paid or unpaid, the requirements for documentation of legal status to work in the United States must be met. However, for all other Pre-ETS activities, only the information listed above and found on the *VR1820* are required.

TWC-VR Eligible SWD: When an individual applies for TWC-VR services, whether they are a potentially eligible SWD or not, all documentation and program requirements apply. In order for an SWD to begin receiving Pre-ETS after being determined eligible for TWC-VR services, they must demonstrate a need and included Pre-ETS in the IPE.

The VR Counselor must follow all TWC-VR policies and procedures to effectively move these SWD through the VR process, including assessing their need for Pre-ETS as a service in their IPE.

### Work Placement

An activity is considered a work placement when it is treated as an employment relationship and when paperwork (e.g., *Employment Eligibility Verification [I-9]*) becomes part of the process.

Examples of work placement include the following:

* Internships;
* Apprenticeships;
* Volunteer opportunities where the employer requires paperwork; and
* Placements through Paid Work Experience or Work Experience.

Other work-based learning activities that do not require that an employment relationship be established are allowable for potentially eligible SWD who do not have employment authorization documents. Examples include the following:

* Job shadowing;
* Informational interviews; and
* Tours of businesses.

### Pre-ETS Funding

Pre-ETS can be provided by TWC-VR staff (in-house) or by purchase (SA or contract), using Pre-ETS funds. For SWD receiving services in an IPE, additional TWC-VR services can be provided using either Basic VR or Pre-ETS funds, depending on the service.

TWC-VR Staff (in-house) Pre-ETS: TWC-VR uses the TWC Time Tracking System (TTS) to track TWC-VR staff time, when providing Pre-ETS to SWD. The TTS is used to allocate TWC-VR staff salaries to the Pre-ETS funds (i.e., 15% reserve).

When TWC-VR staff are providing required and/or coordinated services to SWD, this time (including travel time) would be allocated to the Pre-ETS funds.

When TWC-VR staff participates in an authorized activity, this time is allocated to Pre-ETS funds; however, other expenses are not included and are allocated to VR Basic funds (e.g., travel time).

Purchased Pre-ETS: TWC-VR also provides Pre-ETS through third party providers through a contract or by issuing an SA. When providing TWC-VR services to eligible SWD, it may be necessary to access both Basic VR and Pre-ETS funds. TWC-VR staff are encouraged to use both types of funding to help assist the SWD achieve their employment goal. Whether the services are Pre-ETS or other TWC-VR services will determine which fund should be used.

Additional TWC-VR Services Allowable Using Pre-ETS Funds:For SWD that are receiving TWC-VR services on their IPE (i.e., excludes potentially eligible SWD), there are specific services, in addition to Pre-ETS, which can be provided using Pre-ETS funds. Pre-ETS funds can ONLY be used for these services when they are required for the SWD to participate in one or more of the Pre-ETS services included in their IPE.

Examples of these services include:

* Auxiliary Aids and Services;
* Transportation;
* Maintenance;
* Assistive technology;
* Job skills training;
* Personal attendant services;
* Assessments;
* Food and lodging when it supports participation in a residential Pre-ETS program;
* Referral Services;
* Family Services; and
* Job Skills Training (i.e., coaching services).

For additional information and guidance, see the Pre-ETS Desk Aid: Pre-ETS Time Tracking Guidance.

### Optional Pre-ETS Provision

Pre-ETS can also be provided through temporary learning experiences, Camps, Workshops/Seminars, contracts and more.

Temporary Learning Experience: Temporary learning experiences include Pre-ETS-funded activities such as camps, seminars, workshops, and conferences. A contract will be required with the provider if the costs related to an approved Temporary Learning Experience exceed $10,000.

TWC-VR staff must submit information about the activity to [VR.Pre-ETS@twc.texas.gov](mailto:vr.pre-ets@twc.texas.gov) for verification that the activity does meet the requirements for a Pre-ETS and to be guided through the rest of the process by the State Office Program Specialist for Transition.

Camps: Camps can increase an SWD's self-confidence by providing opportunities to participate in challenging activities. Camps generally focus on career exploration activities or increasing the SWD work readiness skills. Each camp must have clear vocational goals with associated objectives to demonstrate how the activity will meet the goals. A camp must not be a solely or predominantly social or recreational event.

Camp-related expenses can include costs that are considered Pre-ETS (e.g., career exploration) as well as related costs that are also considered Pre-ETS (e.g., travel, room, and board) for TWC-VR eligible students.

TWC-VR staff must submit information about the activity to [VR.Pre-ETS@twc.texas.gov](mailto:vr.pre-ets@twc.texas.gov) for verification that the activity does meet the requirements for a Pre-ETS and to be guided through the rest of the process by the State Office Program Specialist for Transition.

Workshops and Seminars: Workshops and Seminars may be held for a few hours or a few days. Topics may include focus areas such as making the transition from school to work, driving with low-vision aids, succeeding in college, and the services provided by guide dogs. Topics may or may not be considered Pre-ETS. The TWC-VR staff is expected to determine the type of service being provided and provide it under its respective policy and procedures.

TWC-VR staff must submit information about the activity to [VR.Pre-ETS@twc.texas.gov](mailto:vr.pre-ets@twc.texas.gov) for verification that the activity does meet the requirements for a Pre-ETS and to be guided through the rest of the process by the State Office Program Specialist for Transition.

### Gap Year Documentation

Graduating seniors in high school who will not be pursuing postsecondary training, or any other type of recognized educational program after high school, cease to meet the definition of an SWD upon graduation from high school; therefore, these individuals are not eligible for additional Pre-ETS. Graduating high school seniors who are attending postsecondary training or another recognized educational program in the subsequent fall term are still considered students with disabilities and remain eligible for Pre-ETS during the gap months of the summer, as long as they continue to meet the age requirement for a student with a disability.

The following documentation should be used to document enrollment in a postsecondary program:

* Documentation that the individual with a disability graduated from secondary education;
* Documentation that the individual with a disability has been accepted into a postsecondary educational institution or program;
* Documentation of the individual's intention to enter the postsecondary institution or program or confirmation that they accepted the invitation to enter the postsecondary institution or program; and
* Documentation that the individual with a disability has been informed by the institution or program that a place is being held for them.

## APPROVALS & CONSULTATIONS

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

*Approvals*

* *VR Supervisor approval is required when utilizing WorkQuest in lieu of a Workforce Development Board (WDB) for the wage services for SWD when they are available.*
* *VR Supervisor approval is NOT required when the WDB does not provide wage services.*

*Consultations*

* *State Office Program Specialist for Transition consultation is required when assistive technology purchases are made before the completion of the student's senior year of high school to ensure that the school in unable to provide the assistive technology and that the appropriate funding is used.*
* *VR Supervisor consultation is required when uncertainty exists regarding if TWC-VR staff services should be entered into TTS as a required activity or coordinated activity. Additionally, an inquiry may be submitted to the VR Pre-ETS mailbox at* [*vr.pre-ets@twc.texas.gov*](mailto:vr.pre-ets@twc.texas.gov)*.*

**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** |
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