# PART C, CHAPTER 8.3:PRE-EMPLOYMENT TRANSITION SERVICESPATHWAYS TO CAREER INITIATIVES

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 8.3 | 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 | 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 TWC-VR rules when developing and providing Pathways to Careers Initiatives (PCI), primarily as Pre-Employment Transition Services (Pre-ETS) to students with disabilities (SWD).

## 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

PCI aims to support students with disabilities (SWD) in their transition from school to employment. These initiatives include the following:

* Summer Earn and Learn (SEAL): This program provides SWD the opportunity to gain paid work experience during the summer. It pairs students with employers for on-the-job training and workplace readiness skills development.
* Student HireAbility Navigator Program: This initiative places navigators in Workforce Solutions offices to help SWD and their families access resources, services, and information about career and educational opportunities. The navigators also work with employers to facilitate inclusive hiring practices.
* Explore STEM!:This program encourages SWD to explore careers in Science, Technology, Engineering, and Mathematics (STEM). It offers hands-on activities, workshops, and mentorship opportunities to build interest and skills in these fields.
* Paid Work Experience: This program offers students with disabilities the chance to gain practical work experience in a real-world setting. It provides opportunities for them to develop job skills, build a work history, and improve their employability through paid employment.

Together, these programs aim to enhance the employability and career readiness of SWD, preparing them for successful transitions to the workforce.

PCI focuses exclusively or primarily on providing one or more of the five Pre-ETS activities:

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

### Construction Clause

Nothing in this policy will be construed to reduce the obligation under the Individuals with Disabilities Education Act (IDEA) of a local educational agency (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.

### 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

### Summer Earn and Learn

Summer Earn and Learn (SEAL) is a statewide strategy that includes employability skills training and paid work experience for SWD. It is offered in each of the 28 local workforce development areas (workforce areas) during the summer, when students are out of school.

Participants in SEAL must meet the definition of an SWD, including current customers and those who may be potentially eligible for TWC-VR services. Most employers prefer students to be at least 16 years old to participate in work experience; however, some employers, particularly those in the public sector, may be willing to offer work experiences for younger students.

Additionally, students must meet the following conditions:

* Exhibit behavior that is appropriate for a work setting. If the student has, at times, displayed behaviors that are not work-appropriate, the student should be able to be redirected with minimal intervention;
* Be receptive to counseling and guidance about the importance of appropriate workplace behavior; and
* Be motivated to participate in the work-based learning program.

If a participant in SEAL needs services to access the program or support successful participation, such as sign language interpreting or Work Experience Training or transportation, these support services can be purchased with Pre-ETS funding, when provided in an IPE.

* Social Security Beneficiaries in SEAL: VR Counselors must consider the effects of SEAL wages on students' Social Security benefits and provide information, as appropriate, to increase student understanding of and compliance with SSA reporting requirements.
* Roles and Responsibilities:TWC-VR enters into contracts with each Workforce Development Board (Board) to—
	+ Purchase work readiness (employability skills) training;
	+ Identify work sites;
	+ Arrange placement and monitoring; and
	+ Pay student wages and associated costs for SEAL students.

Requisitions are generated in TWC's Workforce Reporting Accounting and Procurement System (WRAPS), and invoices are submitted by the Boards to the Accounts Payable mailbox at appo@twc.texas.gov. Processing of invoices for payment will be handled by Accounts Payable staff. As mentioned earlier in this subsection, if additional supports on the work site are needed, including transportation, local TWC-VR staff are responsible for service authorizations (SA) for those services.

TWC-VR staff work in partnership with each Board via a joint planning committee to—

* Identify students who might benefit from the program;
* Conduct outreach and recruitment activities;
* Identify worksites; and
* Provide additional services that are necessary for the students to complete the program.

Although Boards are responsible for certain components and contract deliverables of SEAL, TWC-VR staff members are fully responsible for performing certain functions to support the program and ensure its success for participating students.

The VR Counselor's primary role is to provide support. If an issue arises, the VR Counselor is consulted to address and resolve the issue.

### Student HireAbility Navigator Program

The Student HireAbility Navigator program is a part of the expansion of PCI. The role of the Student HireAbility Navigator is to create strong partnerships between TWC-VR, Workforce Solutions Offices, independent school districts, community organizations, employers, and others to expand and improve access to employment and training services and to increase employment opportunities for students with disabilities.

Student HireAbility Navigators are employees of the Board or Board contractor. There is one Student HireAbility Navigator in each of the 22 small and midsize workforce areas and two Student HireAbility Navigators for each of the six large workforce areas.

The six large workforce areas are—

1. Alamo;
2. Greater Dallas;
3. Gulf Coast;
4. Lower Rio Grande Valley;
5. North Central Texas; and
6. Tarrant County.

Additionally, each Student HireAbility Navigator serves as a resource in the workforce area to support, expand, and enhance the provision of Pre-ETS.

The Student HireAbility Navigators perform duties and provide deliverables in the following three areas:

1. Capacity building and systems development;
2. Partnering and collaboration; and
3. Informing and engaging employers.

The goal of the activities within the three areas is to increase the likelihood that SWD achieve independence and inclusion in communities and competitive integrated workplaces, as well as successful participation in postsecondary education experiences.

### Explore STEM!

The Explore STEM! program is a partnership between TWC-VR and higher education institutions that provides week-long, nonresidential camps for students with disabilities during the summer months. The camps provide students exposure to the fields of science, technology, engineering, and math (STEM). During the camps, students interact with professionals who work in various STEM fields and participate in hands-on, interactive, and accessible activities. Explore STEM! participants learn about postsecondary training opportunities in the areas of STEM and necessary work-readiness skills.

The roles of TWC-VR staff are as follows:

* Work in partnership with higher education institutions to plan for and conduct outreach for the Explore STEM! Program;
* Identify and refer participants to the Explore STEM! program using *Referral Form to Explore STEM! (VR1828)* and review referrals received from institutions;
* Provide disability awareness information to participating institution staff, if requested;
* Provide counseling and guidance to participants regarding Explore STEM! Participation; and
* Ensure that the service authorization is in place before the camp starts and that the invoice and report are received afterward for payment.

### Paid Work Experience

Paid Work Experience (PWE) is intended to increase work-based learning opportunities through Texas' integrated workforce system for TWC-VR customers who are students with disabilities.

TWC has executed fee-for-service contracts with the Boards to purchase wage payment services for students in PWE. PWE placements are for eligible or potentially eligible individuals who are students with disabilities. If the customer has been determined eligible, PWE is an identified service on the IPE. PWE is available throughout the year and is authorized by VR Counselors on an individual basis.

Through PWE services, Boards pay students' wages for time worked, thereby enabling students to be paid as they develop work skills that improve their career preparation and increase their employability.

Students are placed at the work site by TWC-VR, which is responsible for monitoring each work site, providing case management, and providing counseling and guidance, as needed. TWC-VR staff are responsible for ensuring completion of a work site agreement before the start of all PWE assignments.

PWE assignments may not exceed 12 weeks per student per work site assignment. Paid work-experience assignments may not exceed 20 hours per week per student. If the VR Counselor determines that additional assignments will help a student with career exploration and development of work readiness skills, the student may participate in more than one PWE assignments.

Participation in both PWE and WIOA Title 1 programs (e.g., WIOA youth program work experiences) is permitted. TWC-VR and Workforce Solutions Office staff must ensure that the services that are provided are complementary and not duplicative, and that both sets of services are documented in the student's RHW case, indicating which are purchased and which are arranged.

* Staff Roles and Responsibilities for Paid Work Experience:TWC-VR staff are responsible for—
	+ Developing paid work-experience opportunities, placements, and work sites in the public and private sectors. TWC-VR complies with the Board's exclusions and exceptions to the type of work sites or businesses. TWC-VR staff are permitted to coordinate with each Board or contractor staff to identify work sites with which the Board has existing relationships;
	+ Participating in an initial orientation and coordination meeting with the Board and/or, as applicable, the Board's contractor, before initiating work experience services. TWC-VR staff participation in the orientation meeting is determined by VR regional management;
	+ Purchasing work experience services from a TWC-VR contracted Employment Services Provider (ESP) based on the significance of a student's impediments to employment and associated support needs;
	+ Assisting the student with preparing any required I-9 paperwork. TWC-VR staff may sign the I-9 as a preparer or translator; however, staff must be aware that they are attesting under oath that they have assisted in the completion of the form and that to the best of their knowledge the information is true and correct;
	+ Notifying Board staff or designated Board contractor staff of worksite incidents involving injury, property damage, or behavioral concerns that result in termination of the student's placement at the worksite as soon as possible and not later than 48 hours after the incident;
	+ Issuing an SA to the Board or designated Board contractor, authorizing Board payment of wages for a SWD. With the SA, TWC-VR staff include a *Paid Work Experience Worksite Agreement (VR1990).* The form includes—
		- Student's name;
		- RHW Case ID;
		- Name and physical address of the work site;
		- Name of designated work site supervisor or contact person who will be responsible for signing or certifying the student's timesheets;
		- Contact information for the designated work site supervisor or contact person;
		- Work experience begin and end dates; and
		- The student's projected work experience schedule;
	+ Providing additional documentation or information as agreed and documented in the local coordination and referral procedures. TWC-VR staff must ensure that releases are completed before releasing confidential information;
	+ Timely processing of SA and invoices from Boards. Payment is made to Boards for wages paid for actual time worked at the work site and for the other costs associated with payroll, including Federal income tax withholding, Federal Insurance Contributions Act (FICA) expenses, workers' compensation insurance, and fees associated with payroll processing;
	+ Determining eligibility for participation in PWE services;
	+ Obtaining documentation and verifying that potentially eligible individuals meet the SWD definition;
	+ Providing case management services;
	+ Tracking the PWE to ensure that it does not exceed 20 hours per week and is not more than 12 weeks in duration.
* Boards: Boards are responsible for the following:
	+ Setting an hourly wage rate for the PWE component that is consistent with or based on the hourly wage the Board uses for PWE under the WIOA Title 1 Formula Youth Program. Wages must be paid in a timely manner and include the other costs associated with payroll processing;
	+ Notifying TWC-VR of the hourly wage rate that will be paid to students in PWE within 30 days of contract execution. They must include in their notification a description and breakdown of the other costs associated with payroll;
	+ Notifying TWC-VR of the name and contact information of the contractor when contracting with another entity to perform all or part of the PWE services deliverables;
	+ Notifying TWC-VR of exceptions or exclusions to the type of work sites or businesses that may serve as a work site;
	+ Notifying TWC-VR 30 days in advance of changes in the Board's contractor, hourly wage rate, or other payroll costs, and of exceptions or exclusions to the type of work sites or businesses. If such changes are made, the hourly wage rate for a student may not be reduced during the student's PWE assignment;
	+ Conducting an orientation meeting with VR regional management before initiating PWE services. The orientation meeting must include the Board's contractors if such contractors will perform functions. The purpose of the meeting is to—
		- Identify points of contact for the Board, Board contractors, and TWC-VR;
		- Review the Board's hourly rate and associated payroll costs;
		- Review the Board's exceptions and exclusions to the types of businesses or work site, if applicable; and
		- Establish procedures to facilitate local coordination and referral, including the information and documentation (I-9 and W-2 forms) that are necessary to permit a customer to receive wages (Board must document the procedures and provide a copy to TWC-VR);
	+ Maintaining records for the participants, wages paid, and associated fees for PWE services;
	+ Submitting a complete invoice for payment, along with supporting documentation. Boards may invoice TWC-VR weekly, biweekly, or monthly based on the Board or Board contractor's payroll cycle or other billing cycle. TWC-VR will make payment by direct deposit to each Board's account; and
	+ Boards may refer potential students to TWC-VR and should provide appropriate referral documentation when doing so.
* Purchasing Paid Work Experience: The unit cost for student wages is the hourly wage rate paid to the participant plus required taxes and insurance, plus processing and invoice fees. The wage service rates for each Board have been set up in RHW. For the payroll processing fee, setup fee, or invoice fee, TWC-VR staff must enter this information into RHW manually when building the service record. TWC-VR staff must know the number of pay periods that will take place during the service to enter the accurate fees for payroll processing.

## APPROVALS & CONSULTATIONS

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

* *State Office Program Specialist for Transition and Pre-ETS approval is required for any PCI.*
* *VR Manager, Regional Director, and VR Director approval is required to ensure that PCI proposals are complete, accurate, and fully compliant with associated policy and 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.

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