# PART C, CHAPTER 8.4: CONTRACTED PRE-EMPLOYMENT TRANSITION SERVICES

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| **Policy Number** | **Authority** | **Scope** | **Effective Date** |
| Part C, Chapter 8.4 | 34CFR [§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 the provision of Pre-ETS 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 as it relates to choosing Pre-ETS services and the providers of those services.

Non-Traditional Provider: An individual who does not have a bilateral contract and who can help a customer achieve an employment goal.

Transition Educator Provider: An individual who is not a provider with a bilateral contract, holds a master's or bachelor's degree in rehabilitation, psychology, education, or a related field (including certified Texas Educators), and is currently or has been employed by a school system, Texas Education Service Center, college, or university within the past fiscal year.

## POLICY

### General Overview

Pre-Employment Transition Services (Pre-ETS) are designed to support students with disabilities, ages 14-22, as they transition from school to post-school activities, including further education, vocational training, and 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 five required Pre-ETS categories 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;

For information about services that allow a student to be placed in paid or unpaid short-term experience.

1. Counseling on opportunities for enrollment in comprehensive transition or postsecondary educational programs at institutions of higher education;
2. Workplace readiness training to develop social skills and independent living; and
3. Instruction on self-advocacy, including peer mentoring.

### Pre-ETS Parameters

* Pre-ETS are purchased from a bilateral contractor or, when a bilateral contractor is not available, by a Transition Educator or Non-Traditional Provider.
* Pre-ETS must be provided as prescribed on the approved *Pre-ETS Curriculum Checklist (VR1825)* and cannot include the curriculum outlined as a Vocational Adjustment Training.
* Pre-ETS allow no more than 30 hours each of the five required categories per State fiscal year when authorized with a service authorization (SA) approved by the VR Counselor.
* Pre-ETS students-to-trainer ratio must not be greater than six students to one trainer.
* Pre-ETS can be provided remotely, in a setting where the trainer and student are in the same location, or a combination of both.
* Pre-ETS can be purchased for potentially eligible students and customers in IPE.
* Pre-ETS provided to students who have been determined to be eligible for TWC-VR services can have concurrent items purchased to support the student’s engagement in Pre-ETS when approved by the VR Counselor on an item-by-item basis; items cannot be purchased for potentially eligible students.
* When supported by the IPE and authorized by the VR Counselor, items such as uniforms, transportation, and required tools may be purchased on an item-by-item basis for students who have been determined eligible for TWC-VR services; items cannot be purchased for potentially eligible students.
* TWC-VR funds cannot be used to purchase items as an incentive for individuals to attend Pre-ETS programs or trainings, such as tablets, gift cards, or other prizes, including food.
* Per SFP Chapters 13 and 14, a contractor must have an Employment Services Contract.

### 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, refer to 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

### Determining the Need for Pre-ETS

The VR Counselor must consider a student’s cognitive ability, reading level, and specific disability when determining which Pre-ETS are necessary, when—

* The customer needs more training and support than provided by VR Counselor or school;
* The customer needs to address goals related to the five Pre-ETS categories.

### Pre-ETS Referral and Service Provision

When the VR Counselor and customer agree to the receipt of Pre-ETS, it must be included in the IPE, Trial Work Experience (TWE) plan, IPE amendment, or a Service Justification for potentially eligible students with disabilities.

The VR Counselor must—

* Complete the *Referral for Contracted Pre-ETS Services (VR1824)*;
* Provide documentation (only when relevant), such as case notes; psychological, vocational, or medical evaluations to prepare the trainer to work with the customer;
* Determine whether the Pre-ETS will be provided in-person, remotely, or a combination of both.
* Ensure TWC-VR staff send the SA and the *VR1824*;
* Monitor the customer's progress;
* Provide any needed instruction or intervention necessary to foster the customer's success;
* Review and approve the *Pre-ETS Progress Report (VR1823)*, completed by the contractor, 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 must—

* Complete the *VR1823*, which must include evidence that—
  + The training was provided without exceeding the ratio of one trainer to six students;
  + The training was provided in the environment(s) approved by the VR Counselor on the *VR1824*;
  + The training was provided without exceeding the approved number of hours on the SA;
  + The student's training included only Pre-ETS categories included in the contract;
* Be paid only for time attended by students. For under one hour, payment is rounded to the nearest quarter-hour and prorated accordingly; and
* Submit a *VR1823* for each student when multiple students attend.

### Customer's Satisfaction

The customer's satisfaction and service delivery is verified by the customer's signature on the *VR1823* or by a TWC-VR staff member’s contact with the customer, documented in a case note.

### Pre-ETS Payment

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

* *VR1823*; and
* Invoice.

## APPROVALS & CONSULTATIONS

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

* *VR Director approval is required for any request to change a Pre-ETS policy and procedures, using the Contracted Service Modification Request form (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 |
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| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |