

1 Chapter 856. VOCATIONAL REHABILITATION SERVICES

2  
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4 PURPOSE

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3                   **SUBCHAPTER A. VOCATIONAL REHABILITATION SERVICES: PROGRAM AND**  
4                   **PURPOSE**

5  
6                   **§856.1. Purpose.**

7  
8                   The Vocational Rehabilitation Services Program is a joint state- and federal-funded  
9                   program administered by the Texas Workforce Commission (TWC), Vocational  
10                  Rehabilitation Division (VRD) to assess, plan, develop, and provide vocational  
11                  rehabilitation services for eligible individuals with disabilities, consistent with their  
12                  unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and  
13                  informed choice so that these individuals can prepare for and engage in competitive  
14                  integrated employment and achieve economic self-sufficiency. In accordance with the  
15                  Rehabilitation Act of 1973, as amended, the Vocational Rehabilitation Division is the  
16                  single designated state unit for the VR program.

17  
18                  *The provisions of this §856.1 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
19                  *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
20                  *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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23  
24                  **§856.3. Definitions.**

25  
26                  In addition to the definitions contained in Texas Labor Code §352.001 and 34 CFR  
27                  §361.5 vocational rehabilitation, the following words and terms, when used in this  
28                  chapter, shall have the following meanings.

- 29
- 30                  (1)   Applicant--An individual who applies to VRD for vocational rehabilitation  
31                  services.
  - 32
  - 33                  (2)   Blind--An individual having not more than 20/200 visual acuity in the better  
34                  eye with correcting lenses or visual acuity greater than 20/200 but with a  
35                  limitation in the field of vision such that the widest diameter of the visual field  
36                  subtends an angle no greater than 20 degrees.
  - 37
  - 38                  (3)   Customer--An individual with a disability who has applied for or is receiving  
39                  vocational rehabilitation services.
  - 40
  - 41                  (4)   Visually Impaired--A visual acuity of not more than 20/70 in the better eye  
42                  with correcting lenses, or visual acuity greater than 20/70 but with a limitation  
43                  in the field of vision such that the widest diameter of the visual field subtends  
44                  an angle no greater than 30 degrees.
  - 45

1        *The provisions of this §856.3 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
2        *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
3        *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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6  
7        **§856.4. Statewideness.**

8  
9            The state plan for vocational rehabilitation services is effective in all political  
10          subdivisions of the state.

11  
12        *The provisions of this §856.4 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
13        *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
14        *2016, 41 TexReg 6773*

15  
16        **§856.5. Consultation Regarding the Administration of the State Plan.**

17  
18          (a) The state plan must ensure that, in connection with developing and administering  
19          general policy in the administration of the state plan, VRD seeks and takes into  
20          account the views of:

- 21  
22            (1) individuals who receive vocational rehabilitation services or, as appropriate,  
23            the individuals' representatives;  
24  
25            (2) personnel working in the field of vocational rehabilitation;  
26  
27            (3) providers of vocational rehabilitation services;  
28  
29            (4) the Client Assistance Program (CAP) director; and  
30  
31            (5) the Rehabilitation Council of Texas.

32  
33          (b) The state plan must specifically describe the manner in which VRD will take into  
34          account the views regarding state policy and administration of the state plan that are  
35          expressed in the customer satisfaction surveys conducted by the Rehabilitation  
36          Council of Texas under 34 CFR §361.17(h)(4) or by VRD.

37  
38        *The provisions of this §856.5 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
39        *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
40        *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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1 **SUBCHAPTER B. ELIGIBILITY**

2  
3 **§856.19. Application.**

4  
5 An individual is considered to have submitted an application when the individual or the  
6 individual's representative, as appropriate:

- 7  
8 (1) has completed and signed the VRD application form or has otherwise  
9 requested services;
- 10  
11 (2) has provided the information necessary to initiate an assessment to determine  
12 eligibility and priority for services; and
- 13  
14 (3) is available to complete the assessment process.

15  
16 *The provisions of this §856.19 adopted to be effective November 8, 2017, 42 TexReg 6195*

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19  
20 **§856.20. Eligibility.**

- 21  
22 (a) VRD bases eligibility for vocational rehabilitation (VR) services on the following  
23 requirements only.
- 24  
25 (b) Within 60 days of application, VRD must:
- 26  
27 (1) determine that the applicant has a physical or mental impairment;
- 28  
29 (2) determine that the impairment constitutes or results in a substantial  
30 impediment to employment for the applicant;
- 31  
32 (3) establish that the applicant requires VR services to prepare for, enter, engage  
33 in, or retain gainful employment consistent with the applicant's strengths,  
34 resources, priorities, concerns, abilities, capabilities, interests, and informed  
35 choice; and
- 36  
37 (4) presume that the applicant is capable of achieving an employment outcome,  
38 unless there is a demonstration by clear and convincing evidence in trial work  
39 that the applicant is incapable of achieving an employment outcome because of  
40 the severity of the applicant's disability.
- 41  
42 (c) Social Security disability recipients and beneficiaries are presumed eligible for VR  
43 services, unless there is a demonstration by clear and convincing evidence in trial  
44 work that the applicant is incapable of achieving an employment outcome because of  
45 the severity of the applicant's disability.
- 46

- 1 (d) Eligibility or ineligibility must be determined no later than 60 days after the  
2 applicant, or the applicant's representative, as appropriate, has signed and submitted  
3 an application for VR services in accordance with the provisions of §856.19 of this  
4 subchapter (relating to Application).  
5  
6 (e) Exceptions to the 60-day time frame for determining eligibility or ineligibility may  
7 occur only when:  
8  
9 (1) VRD notifies the applicant that unforeseen circumstances beyond the control  
10 of VRD preclude it from completing the determination in 60 days;  
11  
12 (2) the applicant, or the applicant's representative, as appropriate, agrees to a  
13 specific extension of time; or  
14  
15 (3) VRD requires further time exploring an applicant's abilities, capabilities, and  
16 capacity to perform in work situations through trial work.  
17  
18 (f) Eligibility must be determined before applying Subchapter F of this chapter, if  
19 appropriate (relating to Methods of Administration of Vocational Rehabilitation) and  
20 Subchapter D of this chapter (relating to Customer Participation).  
21

22 *The provisions of this §856.20 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
23 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
24 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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27

28 **§856.21. Prohibited Factors.**  
29

- 30 (a) VRD does not impose, as part of determining eligibility under this subchapter, a  
31 duration-of-residence requirement that excludes from services any applicant who is  
32 present in the state.  
33  
34 (b) In determining eligibility under this subchapter, VRD ensures that:  
35  
36 (1) No applicant or group of applicants is excluded or found ineligible solely on  
37 the basis of the type of disability; and  
38  
39 (2) The eligibility requirements are applied without regard to the:  
40  
41 (A) age, sex, race, color, or national origin of the applicant;  
42  
43 (B) type of expected employment outcome;  
44  
45 (C) source of referral for vocational rehabilitation services;  
46

- (D) particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family;
- (E) applicants' employment history or current employment status; and
- (F) applicants' educational status or current educational credential.

*The provisions of this §856.21 adopted to be effective December 10, 2012, 37 TexReg 9651; duplicated effective September 1, 2016, as published in the Texas Register September 2, 2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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**§856.22. Trial Work.**

- (a) Trial work is used only to determine whether an applicant with a significant disability is capable of achieving an employment outcome.
- (b) VRD provides only the vocational rehabilitation services necessary to determine if the applicant is capable of achieving an employment outcome. Services are provided in the most integrated setting possible, consistent with the informed choice of the applicant.
- (c) VRD may terminate trial work services when:
  - (1) there is sufficient evidence to conclude that the applicant can achieve an employment outcome;
  - (2) the applicant is found ineligible for any additional vocational rehabilitation services on the basis of clear and convincing evidence that the applicant cannot be expected to benefit in terms of an employment outcome from vocational rehabilitation services; or
  - (3) the applicant is unavailable for services.
- (d) When an applicant is determined ineligible for vocational rehabilitation services after trial work, VRD conducts a periodic review at least annually of the ineligibility decision in which the applicant is afforded a clear opportunity for full consultation in the reconsideration of the decision. A periodic review is not required when the applicant has refused services, the applicant has refused a periodic review, the applicant is no longer present in the state, the applicant's whereabouts are unknown, or the applicant's medical condition is rapidly progressive or terminal.



1  
2 *The provisions of this §856.22 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
3 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
4 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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8 **§856.23. Determination of Ineligibility.**  
9

10 When an applicant is determined ineligible for vocational rehabilitation services or a  
11 customer receiving services under an individualized plan of employment (IPE) is no  
12 longer eligible for services, VRD must:  
13

- 14 (1) make the determination only after providing an opportunity for full  
15 consultation with the individual or the individual's representative, as  
16 appropriate;  
17
- 18 (2) inform the individual in writing of the ineligibility determination. The written  
19 determination, to be supplemented as necessary by other appropriate modes of  
20 communication consistent with the individual's informed choice, must include  
21 the reasons for that determination and the means by which the individual may  
22 express and seek remedy for any dissatisfaction, including the procedures for  
23 review of a determination by the VR counselor;  
24
- 25 (3) provide the individual with a description of services available from the Client  
26 Assistance Program established under 34 CFR Part 370 and information on  
27 how to contact that program;  
28
- 29 (4) refer the individual to:  
30
- 31 (A) other programs that are part of the one-stop service delivery system  
32 under the Workforce Innovation and Opportunity Act that can address  
33 the individual's training or employment-related needs; or  
34
- 35 (B) local extended employment providers if the ineligibility determination is  
36 based on a finding that the individual is incapable of achieving, or has  
37 chosen not to pursue, an employment outcome; and  
38
- 39 (5) review within 12 months and annually thereafter, if requested by the individual or, if  
40 appropriate, by the individual's representative, any ineligibility determination that is  
41 based on a finding that the individual is incapable of achieving an employment  
42 outcome. It is not necessary that the review be conducted in situations in which the  
43 individual has refused it, the individual is no longer present in the state, the  
44 individual's whereabouts are unknown, or the individual's medical condition is  
45 rapidly progressive or terminal.  
46

1        *The provisions of this §856.23 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
2        *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
3        *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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6  
7        **§856.24. Case Closure.**

- 8  
9        (a) VRD closes a case when the customer's rehabilitation plan has been completed and  
10        the customer has achieved and maintained continuous employment commensurate  
11        with the established employment outcome for a minimum of 90 days. VRD closes  
12        the case sooner if:  
13  
14        (1) VRD is unable to locate or contact the customer;  
15  
16        (2) the customer's disability is so severely limiting that there is little chance the  
17        customer can be vocationally rehabilitated, as demonstrated by clear and  
18        convincing evidence in trial work, or the customer's medical condition is  
19        expected to progress to such a severely limiting degree in a fairly short period  
20        that rehabilitation services will be of little or no help;  
21  
22        (3) the customer has refused services or further services;  
23  
24        (4) the customer has died;  
25  
26        (5) the customer has been institutionalized;  
27  
28        (6) the customer has been determined to have no disabling condition;  
29  
30        (7) the customer has refused to cooperate with VRD;  
31  
32        (8) transportation is not feasible or available;  
33  
34        (9) the customer has been determined to have no impediment to employment;  
35  
36        (10) extended services for supported employment are not available;  
37  
38        (11) the customer has chosen extended employment (for example, sheltered  
39        workshop); or  
40  
41        (12) the customer's case has been transferred to another agency.  
42  
43        (b) Case closure is made with the customer's full knowledge, when the customer  
44        is available.  
45

1        *The provisions of this §856.24 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
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3        *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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6  
7        **SUBCHAPTER C. PROVISION OF VOCATIONAL REHABILITATION SERVICES**

8  
9        **§856.40. Provision of Services.**

- 10  
11        (a) VRD, as appropriate to the vocational rehabilitation needs of each eligible  
12        individual, provides goods and services necessary to render a customer employable,  
13        subject to certain limitations prescribed in this subchapter and Subchapters D and E  
14        of this chapter (relating to Customer Participation; and Comparable Benefits).  
15  
16        (b) Services are provided only as planned in advance and set forth in the customer's  
17        individualized plan for employment (IPE).  
18

19        *The provisions of this §856.40 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
20        *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
21        *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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24  
25        **§856.41. Comprehensive Assessment.**

- 26  
27        (a) After a customer has been found eligible, VRD conducts assessments for vocational  
28        rehabilitation needs and, if necessary, rehabilitation technology needs for each  
29        customer in order to develop an IPE that is designed to achieve the customer's  
30        employment outcome.  
31  
32        (b) If more information is needed to determine the appropriate employment outcome  
33        and services required to achieve it, VRD, as appropriate in each case, conducts an  
34        assessment of the customer's unique strengths, resources, priorities, concerns,  
35        abilities, capabilities, interests, and needs, including the need for supported  
36        employment services, in the most integrated setting possible, consistent with the  
37        informed choice of the customer.  
38  
39        (c) The assessment is limited to information that is necessary to identify the customer's  
40        rehabilitation needs and develop the IPE and may, to the extent needed, include:  
41  
42        (1) an analysis of medical, psychological, vocational, educational, and other  
43        related factors that bear on the customer's impediment to employment and  
44        rehabilitation needs. Additional examinations are authorized after services are  
45        initiated when conditions arise that jeopardize the customer's IPE;  
46

- 1 (2) an analysis of the customer's personality, career interests, interpersonal skills,  
2 intelligence and related functional capacities, educational achievement, work  
3 experience, vocational aptitudes, personal and social adjustments, and  
4 employment opportunities;  
5  
6 (3) an appraisal of the customer's patterns of work behavior and services needed to  
7 acquire occupational skills and to develop work attitudes, work habits, work  
8 tolerance, and social and behavioral patterns suitable for successful job  
9 performance; and  
10  
11 (4) an assessment, through provision of rehabilitation technology services, of the  
12 customer's capacities to perform in a work environment, including in an  
13 integrated setting, to the maximum extent feasible and consistent with the  
14 customer's informed choice.  
15  
16 (d) VRD uses, to the maximum extent possible and appropriate and in accordance with  
17 confidentiality requirements, existing information, including information that is  
18 provided by the customer, the family of the customer, and education agencies.  
19

20 *The provisions of this §856.41 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
21 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
22 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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#### 26 **§856.42. Counseling, Guidance, and Referral.** 27

28 VRD provides counseling, guidance, and referral services as necessary for the customer's  
29 vocational rehabilitation. Counseling is a process in which a VR counselor works with  
30 the customer to help the customer understand both problems and vocational potential.  
31 Counseling is a continuous process throughout the rehabilitation program to help the  
32 customer make the best possible vocational, personal, and social adjustment. Referral  
33 means referral of the customer to other agencies for assistance not available from VRD.  
34

35 *The provisions of this §856.42 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
36 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
37 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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#### 41 **§856.43. Physical Restoration Services.** 42

43 VRD provides physical restoration services that are necessary to correct or substantially  
44 modify the customer's physical condition within a reasonable period. The physical  
45 conditions for which the services are rendered must be stable or slowly progressive.  
46

1        *The provisions of this §856.43 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
2        *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
3        *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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6  
7        **§856.44. Mental Restoration Services.**

- 8  
9        (a) VRD provides mental restoration services for mental conditions that are stable or  
10        slowly progressive.  
11  
12        (b) VRD provides psychiatric treatment as a limited service on a short-term basis only to  
13        support achievement of the employment outcome.  
14  
15        (c) VRD provides psychotherapy as a limited service on a short-term basis only to  
16        support achievement of the employment outcome.  
17

18        *The provisions of this §856.44 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
19        *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
20        *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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23  
24        **§856.45. Vocational and Other Training Services.**

- 25  
26        (a) VRD purchases vocational and other training services for customers who require  
27        additional knowledge or skills to enter employment consistent with their aptitudes  
28        and ability, and compatible with their physical or mental impairments.  
29  
30        (b) VRD purchases vocational and other training services through an appropriate  
31        facility. These facilities include accredited colleges and universities, certified public  
32        or private businesses, technical and vocational schools, on-the-job training,  
33        correspondence course training, tutorial training, and community rehabilitation  
34        program training.  
35  
36        (c) Academic training in institutions of higher education (universities, colleges,  
37        community or junior colleges, vocational schools, technical institutes, or hospital  
38        schools of nursing) is subject to the following:  
39  
40            (1) Academic training in vocational schools and technical institutes must be  
41            provided only in schools that are certified by the State of Texas.  
42  
43            (2) No vocational rehabilitation funds may be used to pay for academic training  
44            unless VRD and the customer have made maximum efforts to secure grant  
45            assistance in whole or in part from other sources to pay for the training.  
46

- 1 (3) The PELL grant, like any other comparable services and benefits, must be  
2 applied to the educational process before the expenditure of VRD funds for  
3 services under this section. Services must not be denied pending receipt of a  
4 PELL grant, but must be contingent upon the customer's making application if  
5 eligible.  
6
- 7 (4) Academic training must be provided through public, tax-supported colleges  
8 and universities in Texas unless:  
9
- 10 (A) a specific curriculum related to the customer's academic major is not  
11 available at a Texas public institution;  
12
- 13 (B) academic training elsewhere is determined to be more economical; or  
14
- 15 (C) academic training elsewhere provides specialized services needed by the  
16 customer.  
17
- 18 (5) If the customer chooses to obtain academic training at a private college or  
19 university in Texas or at a college or university outside Texas and the  
20 provisions in paragraph (4) of this subsection do not apply, academic support  
21 must be limited to that which the customer would receive if he or she attended  
22 a state-supported college or university in Texas.  
23
- 24 (6) A customer who is blind, does not meet the residency requirements of a  
25 particular institution, and is not eligible for tuition exemption under Texas  
26 Education Code §54.364 may receive VRD tuition assistance based on the  
27 customer's economic need, but the payments must not exceed the tuition paid  
28 for a customer who does meet the residency requirements.  
29
- 30 (7) Tuition and fee exemption is an exemption from payment of tuition and/or  
31 required fees normally charged by a state-supported college or university.  
32 Required fees include student services, building use, health center use, lab fees,  
33 and property deposits not reimbursable to the student. Required fees do not  
34 include optional fees.  
35
- 36 (8) Any equipment purchased for the customer during academic training must be  
37 needed by the customer to help maintain academic success so that the customer  
38 can meet the employment outcome.  
39
- 40 (9) Academic training does not include continuing education required for  
41 maintaining certification in a field in which the customer is already gainfully  
42 employed.  
43
- 44 (10) Once admitted to academic training:  
45

- 1 (A) the customer must maintain and complete a full-time course load as  
2 defined by the college or university. This requirement may be waived if:  
3  
4 (i) the customer is a graduating senior;  
5  
6 (ii) the customer is an incoming freshman (first two semesters or  
7 quarters);  
8  
9 (iii) the customer is a returning adult (first academic year only);  
10  
11 (iv) the customer is in summer school; or  
12  
13 (v) other extenuating circumstances prevent the customer from  
14 participating in a full-time course load; and  
15  
16 (B) the customer is required to meet with the VR counselor at least once each  
17 semester, to submit add or drop slips as changes occur, and to provide  
18 grade slips or transcripts to the VR counselor at the end of each semester.  
19

- 20 (d) VRD requires that each customer who is provided with vocational or other training  
21 services by VRD apply for financial assistance where reasonably available. This  
22 assistance can include federal, state, or local grants-in-aid and private scholarships  
23 where applicable. If the customer has not done so before the time of application for  
24 vocational rehabilitation services, the VR counselor assists the customer in doing so.  
25  
26 (e) VRD does not pay tuition and fees to a business, technical, or vocational school in  
27 excess of the published fees.  
28

29 *The provisions of this §856.45 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
30 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
31 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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34

35 **§856.46. Maintenance.**  
36

37 VRD may pay maintenance to the customer. Maintenance is a payment to the customer  
38 made during any stage of the rehabilitation process to cover basic living expenses, such  
39 as food, shelter, clothing, and other subsistence expenses that are in excess of the

1 customer's normal expenses, and are necessary for the customer to derive the full benefit  
2 of other vocational rehabilitation services.

3  
4 *The provisions of this §856.46 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
5 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
6 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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9  
10 **§856.47. Transportation.**

11  
12 VRD may pay for transportation services for the customer in connection with other  
13 vocational rehabilitation services.

14  
15 *The provisions of this §856.47 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
16 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
17 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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20  
21 **§856.48. Services for Customers Who Are Deaf, Hard of Hearing, or Deafblind.**

- 22
- 23 (a) VRD may provide interpreter services for a customer who is deaf, hard of hearing, or  
24 deafblind when the services will help the customer to attain the employment  
25 outcome.
  - 26
  - 27 (b) VRD may provide telecommunications, sensory, and other technological aids and  
28 devices to facilitate training, employability, and job opportunities for customers with  
29 significant disabilities, particularly customers who are deaf, deafblind, or have  
30 profound hearing or speech impairments.
  - 31
  - 32 (c) When delivering interpreter services, note-taking services, or tactile interpreting to  
33 individuals who are deaf, hard of hearing, or deafblind, VRD uses interpreters, if  
34 available, certified by one of the following:  
35
    - 36 (1) Texas Health and Human Services Commission, Board for Evaluation of  
37 Interpreters; or
    - 38
    - 39 (2) The Registry of Interpreters for the Deaf.
- 40

41 *The provisions of this §856.48 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
42 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
43 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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1  
2 **§856.49. Job Development, Placement and Retention.**  
3

- 4 (a) The principal objective of vocational rehabilitation services is a competitive  
5 integrated employment outcome for each customer that is consistent with the  
6 individual's strengths, resources, priorities, concerns, abilities, capabilities, interests,  
7 and informed choice.  
8  
9 (b) Employment outcomes include entering, advancing in, or retaining full-time or, if  
10 appropriate, part-time competitive employment in the integrated labor market;  
11 supported employment; or any other type of employment in an integrated setting,  
12 including self-employment, telecommuting, or business ownership.  
13

14 *The provisions of this §856.49 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
15 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
16 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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19

20 **§856.50. Post-Employment Services.**  
21

- 22 (a) VRD may provide post-employment services to customers who have been  
23 determined rehabilitated in order to maintain or strengthen the customer's  
24 employment. A customer may be considered for post-employment services if he or  
25 she has an employment-related problem that does not entail a complex rehabilitation  
26 effort or address a new and distinct substantial impediment to employment.  
27  
28 (b) Post-employment services are services that are necessary for the customer to  
29 maintain, regain, or advance in an employment outcome that is consistent with the  
30 customer's strengths, resources, priorities, concerns, abilities, capabilities, interests,  
31 and informed choice.  
32  
33 (c) Post-employment services must be related to the previously planned employment  
34 outcome.  
35

36 *The provisions of this §856.50 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
37 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
38 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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41

42 **§856.51. Occupational Licenses, Tools, Equipment, Initial Stocks, and Supplies.**  
43

- 44 (a) VRD may engage in or contract for activities to provide the customer with  
45 occupational licenses, including any license, permit, or other written authority that a

1 state, city, or other governmental unit requires an individual to obtain before entering  
2 an occupation or self-employment.

3  
4 (b) VRD may provide the customer with tools, equipment, initial stocks, goods, and  
5 supplies necessary to enter an occupation or self-employment.

6  
7 (c) Customers must safeguard and maintain in a serviceable condition nonconsumable  
8 supplies, tools, and equipment and will not sell, give away, or otherwise wrongfully  
9 dispose of them.

10  
11 (d) The customer must sign a prescribed form agreeing to the terms of subsection (c) of  
12 this section at the time that the customer receives tools and equipment.

13  
14 *The provisions of this §856.51 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
15 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
16 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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19  
20 **§856.52. Individualized Plan for Employment.**

21  
22 (a) VRD initiates and continuously develops an individualized plan for employment  
23 (IPE) for each individual eligible for vocational rehabilitation services and for each  
24 individual being provided such services in trial work. All IPEs must be written using  
25 the form prescribed by VRD for this purpose.

26  
27 (b) VRD advises the customer or, the customer's parent, guardian, or other  
28 representative, as appropriate, of the customer's options and all VRD procedures and  
29 requirements affecting the development and review of an IPE, including the  
30 availability of special modes of communication.

31  
32 (c) The VR counselor and customer or, as appropriate, the customer's parent, guardian,  
33 or other representative, uses information obtained during the assessment to help the  
34 customer make informed choices about vocational rehabilitation needs, employment  
35 outcome, intermediate rehabilitation objectives, and the nature and scope of  
36 vocational rehabilitation services and the service providers to be included in the IPE.

37  
38 (d) The VR counselor must provide the customer or, as appropriate, the customer's  
39 representative, with a copy of the IPE and its amendments, in the mode of  
40 communication specified by the customer or representative.

41  
42 (e) All substantive revisions necessary to reflect changes in the customer's employment  
43 outcome, specific vocational rehabilitation services, service providers, and the  
44 methods used to procure services must be incorporated into the customer's IPE.  
45

- 1 (f) The customer may develop all or part of the IPE with assistance from the VRD VR  
2 counselor, a qualified VR counselor not employed by VRD, or another resource  
3 outside VRD. VRD does not pay for non-VRD assistance with IPE development.  
4 The IPE is not final until approved by the VRD VR counselor. A copy of the plan  
5 and any amendments are provided to the customer or the customer's parent, guardian,  
6 or other representative, as appropriate.  
7
- 8 (g) The data used to prepare the IPE must include the information necessary to satisfy  
9 federal requirements and to adequately document the customer's plan of services.  
10 Regardless of the approach selected by the customer to develop the IPE, the IPE  
11 must, at a minimum, contain the following mandatory components:  
12
- 13 (1) a description of the customer's specific employment outcome;  
14
- 15 (2) a description of the specific vocational rehabilitation services that are needed  
16 to achieve the employment outcome, including, as appropriate, the provision of  
17 assistive technology devices and assistive technology services; personal  
18 assistance services, including training in the management of those services;  
19 and timelines for initiating the services and for achieving the employment  
20 outcome;  
21
- 22 (3) a description of the entity chosen by the customer or, as appropriate, the  
23 customer's representative, that will provide the vocational rehabilitation  
24 services, and the methods used to procure the services;  
25
- 26 (4) a description of criteria to evaluate progress toward achievement of the  
27 employment outcome;  
28
- 29 (5) the terms and conditions of the IPE, including, as appropriate, information  
30 describing:  
31
- 32 (A) VRD responsibilities; and  
33
- 34 (B) customer responsibilities, including:  
35
- 36 (i) the customer's responsibilities related to his or her employment  
37 outcome;  
38
- 39 (ii) if applicable, the customer's participation in paying for the costs of  
40 the plan;  
41
- 42 (iii) the customer's responsibility to apply for and secure comparable  
43 benefits; and  
44
- 45 (iv) the responsibilities of other entities resulting from arrangements  
46 made under comparable services or benefits;

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- (6) for a customer with the most significant disabilities for whom an employment outcome in a supported employment setting has been determined to be appropriate, information identifying:
  - (A) the extended services that the customer needs; and
  - (B) the source of extended services or, if the source of the extended services cannot be identified at the time that the IPE is developed, a description of the basis for a reasonable expectation that a source will become available; and
- (7) as determined to be necessary, a statement of projected need for post-employment services.
- (h) In developing an IPE for a student with a disability who is receiving special education services, VRD must consider the student's individualized education program.
- (i) The VR counselor must advise the customer of the customer's rights and the means by which the customer may express and seek remedy for dissatisfaction with the plan, including the opportunity for an administrative review of VRD action and a fair hearing in accordance with the Administrative Procedure Act, Texas Government Code, Chapter 2001, and the rules in Chapter 850 of this title (relating to Vocational Rehabilitation Services Administrative Rules and Procedures).
- (j) The VR counselor reviews the IPE as often as necessary, but on at least an annual basis, at which time the customer or the customer's parent, guardian, or other representative, as appropriate, is afforded an opportunity to review the plan and, if necessary, jointly redevelop its terms.
- (k) The IPE is a joint commitment that must be signed by both the VR counselor and the customer.
- (l) VRD may provide only goods and services that are reasonable and necessary to achieve the employment outcome identified in customer IPEs.
- (m) Before suspending, reducing, or terminating any planned service in the IPE, VRD shall send written notification of intent to the customer's last known address.

- 1  
2 (n) VRD must suspend, reduce, or terminate the customer's planned services no sooner  
3 than 10 working days after written notice has been mailed to the customer.  
4

5 *The provisions of this §856.52 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
6 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
7 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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10  
11 **§856.53. Customers Determined to Have Achieved Employment Outcome.**  
12

- 13 (a) VRD determines a customer to have achieved an employment outcome when the  
14 following requirements are met:  
15  
16 (1) the provision of services under the customer's IPE has contributed to the  
17 achievement of the employment outcome;  
18  
19 (2) the customer has achieved the employment outcome that is described in the  
20 customer's IPE and that is consistent with the customer's strengths, resources,  
21 priorities, concerns, abilities, capabilities, interests, and informed choice;  
22  
23 (3) the employment outcome is in an integrated setting;  
24  
25 (4) the customer has maintained the employment outcome for at least 90 days; and  
26  
27 (5) the customer and the VR counselor consider the employment outcome to be  
28 satisfactory and agree that the customer is performing well on the job.  
29  
30 (b) After a customer has been determined to have achieved an employment outcome,  
31 VRD may provide post-employment services as required to maintain, regain, or  
32 advance in employment.  
33

34 *The provisions of this §856.53 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
35 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
36 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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39  
40 **§856.54. Services to Family Members.**  
41

- 42 (a) VR services are provided to family members only if without the services the  
43 applicant or customer would be unable to begin or continue the rehabilitation  
44 program, and the customer's employment would be unnecessarily delayed or could  
45 not be achieved.  
46

1 (b) Only family members whose receipt of services would further the applicant's or  
2 customer's vocational adjustment or rehabilitation may receive services.

3  
4 (c) Family member, for purposes of receiving vocational rehabilitation services in  
5 accordance with this section, means an individual:

6  
7 (1) who either:

8  
9 (A) is a relative or guardian of the applicant or customer; or

10  
11 (B) lives in the same household as the applicant or customer;

12  
13 (2) who has a substantial interest in the well-being of the applicant or customer;  
14 and

15  
16 (3) whose receipt of services is necessary to enable the applicant or customer to  
17 achieve an employment outcome.

18  
19 *The provisions of this §856.54 adopted to be effective November 8, 2017, 42 TexReg 6195*

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22  
23 **§856.55. Reader Services.**

24  
25 (a) Reader services are available only to customers who are blind and who are receiving  
26 vocational or academic training.

27  
28 (b) The customer must use all other available reading sources to the greatest extent  
29 possible before seeking reimbursement from VRD for reader services.

30  
31 (c) The maximum amount allowed per month for reader services is calculated according  
32 to the number of semester hours the customer is taking, whether during a fall, spring,  
33 or summer semester, and whether the customer is an undergraduate or graduate  
34 student. The rate of reimbursement is available from any VRD office during business  
35 hours.

36  
37 (d) VRD does not pay for reader services rendered by a member of the customer's  
38 family.

- 1  
2 (e) To receive reimbursement for reader services, the customer must submit the  
3 information required by VRD using the prescribed form.  
4

5 *The provisions of this §856.55 adopted to be effective November 8, 2017, 42 TexReg 6195*  
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8

9 **§856.56. Assistive Technology Devices.**

- 10  
11 (a) Assistive technology devices are purchased only after evaluation of the customer's  
12 need and the cost. Simple and less expensive alternatives must be considered first.  
13  
14 (b) The customer must return to VRD any assistive technology device no longer needed  
15 for training, employment, or pursuit of employment.  
16

17 *The provisions of this §856.56 adopted to be effective November 8, 2017, 42 TexReg 6195*  
18

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20

21 **§856.57. Alternative Purchasing Methods - Rates for Medical Services.**

22  
23 Under Texas Labor Code §352.054, this rule adopts standards governing the  
24 determination of rates paid for medical services provided by the Agency. The rates  
25 determined under these standards are reevaluated annually:  
26

- 27 (1) Rates shall be established based on Medicare and Medicaid schedules for  
28 current procedural terminology. Where Medicare and Medicaid schedules are  
29 not applicable, rates that represent best value shall be established based on  
30 factors that include reasonable and customary industry standards for each  
31 specific service.  
32  
33 (2) Rates shall be established at a level adequate to ensure that enough qualified  
34 providers are available to provide assessment and treatment within a  
35 geographic distribution that reflects customer or claimant distribution.  
36  
37 (3) Exceptions to established rates may be made on a case-by-case basis by the  
38 Agency's medical director or optometric consultant.  
39

40 *The provisions of this §856.57 adopted to be effective August 21, 2018, 43 TexReg 5398*  
41

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43  
44  
45  
46

1 **SUBCHAPTER D. CUSTOMER PARTICIPATION**

2  
3 **§856.59. Purpose of Customer Participation.**

- 4  
5 (a) Establishing customer participation in service costs encourages customer  
6 commitment to an employment outcome, creates a cooperative relationship between  
7 the customer and VRD, and maximizes VRD's limited funds.  
8  
9 (b) VRD requires customers to participate in the cost of services based on financial  
10 need.

11  
12 *The provisions of this §856.59 adopted to be effective November 8, 2017, 42 TexReg 6195*

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15  
16 **§856.60. Basic Living Requirements (BLR).**

- 17  
18 (a) The purpose of basic living requirements (BLR) is to establish a framework for  
19 determining whether the customer should pay any of the service cost. VRD does not  
20 consider BLR in determining eligibility for vocational rehabilitation services, but  
21 VRD does apply BLR to determine whether the customer must contribute to the cost  
22 of certain services. VRD applies BLR uniformly to ensure that all customers in  
23 similar circumstances receive equitable treatment.  
24  
25 (b) All services are subject to required customer participation except for the following:  
26  
27 (1) services paid for, or reimbursed by, a source other than VRD;  
28  
29 (2) counseling, guidance, and referral provided by VRD;  
30  
31 (3) employment assistance services provided by VRD;  
32  
33 (4) diabetes education training;  
34  
35 (5) VR teacher services (including consumable supplies);  
36  
37 (6) orientation and mobility services;  
38  
39 (7) assessment services, to determine eligibility and rehabilitation needs;  
40  
41 (8) interpreter services;  
42  
43 (9) reader services;  
44  
45 (10) translator services;  
46



- 1 (11) personal assistant services; and/or
- 2
- 3 (12) job-related services: job placement, services leading to supported employment,
- 4 and job coach services.
- 5
- 6 (c) Customers who are recipients of Social Security disability benefits, either SSI or
- 7 SSDI, are not required to participate in the cost of services.
- 8
- 9 (d) The VR counselor informs each customer of the services that require customer
- 10 participation in the cost of services and the services that do not require customer
- 11 participation.
- 12
- 13 (e) If a customer declines to provide financial information to determine BLR, it is
- 14 assumed that the customer has resources that exceed the BLR and therefore must
- 15 fully participate in the cost of planned services.
- 16

17 *The provisions of this §856.60 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
18 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
19 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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22

23 **SUBCHAPTER E. COMPARABLE BENEFITS**

24

25 **§856.71. Availability of Comparable Services and Benefits.**

- 26
- 27 (a) If comparable services or benefits exist under any other program and are available to
- 28 the customer at the time needed to achieve the employment outcome in the
- 29 customer's IPE, VRD must use those comparable services or benefits to meet, in
- 30 whole or in part, the cost of VR services.
- 31
- 32 (b) If comparable services or benefits exist under any other program, but are not
- 33 available to the customer at the time necessary to satisfy the employment outcome in
- 34 the consumer's IPE, VRD must provide VR services until those comparable services
- 35 and benefits become available.
- 36
- 37 (c) The following services are exempt from determination of the availability of
- 38 comparable services and benefits:
- 39
- 40 (1) assessment for determining eligibility and priority for services;
- 41
- 42 (2) assessment for determining VR needs;
- 43
- 44 (3) VR counseling, guidance, and referral services;
- 45
- 46 (4) placement services;

- 1  
2 (5) rehabilitation technology services; and  
3  
4 (6) post-employment services consisting of the services listed under paragraphs  
5 (1) - (5) of this subsection.  
6

7 (d) The requirements of subsection (a) of this section also do not apply if:  
8

- 9 (1) determining the availability of comparable services and benefits under any  
10 other program would delay the provision of vocational rehabilitation services  
11 to any customer whom VRD has determined to be at extreme medical risk,  
12 based on medical evidence provided by an appropriate qualified medical  
13 professional; or  
14  
15 (2) an immediate job placement would be lost because of a delay in the provision of  
16 comparable services and benefits.  
17

18 *The provisions of this §856.71 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
19 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
20 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*  
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23

24 **SUBCHAPTER F. METHODS OF ADMINISTRATION OF VOCATIONAL**  
25 **REHABILITATION**  
26

27 **§856.80. Statewide Studies and Program Evaluation.**  
28

- 29 (a) VRD conducts continuing statewide studies of the needs of individuals with  
30 disabilities within the state and the methods by which these needs may be most  
31 effectively met.  
32  
33 (b) The studies are directed toward:  
34  
35 (1) assessing the rehabilitation needs of individuals with significant disabilities  
36 who reside in the state;  
37  
38 (2) reviewing the effectiveness of outreach procedures used to identify and serve  
39 individuals with disabilities who are minorities and individuals with  
40 disabilities who are unserved or underserved by the vocational rehabilitation  
41 system;  
42  
43 (3) reviewing a broad variety of methods to provide, expand, and improve  
44 vocational rehabilitation services to individuals with the most significant  
45 disabilities, including individuals receiving supported employment services;  
46

- 1 (4) ensuring the orderly and effective development of vocational rehabilitation  
2 services; and
- 3
- 4 (5) reviewing the efficacy of the criteria employed by VRD in making ineligibility  
5 decisions with respect to applicants for vocational rehabilitation services.
- 6

7 (c) Reports of the studies are available to the public for review.

8  
9 *The provisions of this §856.80 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
10 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
11 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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14  
15 **§856.81. Annual Evaluation.**

- 16
- 17 (a) VRD conducts an annual comprehensive evaluation of the effectiveness of the state's  
18 vocational rehabilitation program in achieving:
  - 19
  - 20 (1) service goals and priorities established in the state plan and annual  
21 amendments to the state plan; and
  - 22
  - 23 (2) compliance with the performance accountability measures established by the  
24 Act.
  - 25
- 26 (b) The evaluation measures the adequacy of VRD performance in providing vocational  
27 rehabilitation services, especially to individuals with the most significant disabilities,  
28 considering the state's vocational rehabilitation program financial resources. The  
29 evaluation has the following minimum objectives:
  - 30
  - 31 (1) to ensure that the rehabilitation program is serving the target population and  
32 that the services are provided in an equitable manner;
  - 33
  - 34 (2) to ensure that customers are placed in gainful employment suitable to their  
35 capabilities, interests, and informed choice;
  - 36
  - 37 (3) to measure the extent to which undue delays are avoided in providing  
38 customers with services;
  - 39
  - 40 (4) to ensure that available resources are used effectively to achieve maximum  
41 efficiency;
  - 42
  - 43 (5) to ensure that VR counselors maintain manageable-sized caseloads and  
44 provide timely and adequate services to individual customers;
  - 45

- 1 (6) to ensure that customers retain the benefits obtained from the rehabilitation  
2 process;  
3  
4 (7) to ensure that the need for post-employment services is satisfied;  
5  
6 (8) to identify reasons why customers are not successfully rehabilitated; and  
7  
8 (9) to ensure that the customer is satisfied with the individualized plan for  
9 employment.

10  
11 *The provisions of this §856.81 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
12 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
13 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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16  
17 **§856.82. Order of Selection.**

- 18  
19 (a) An order of selection is authorized in Rehabilitation Act of 1973 §101, as amended,  
20 to ensure that in times of limited funding customers with the most severe disabilities  
21 are selected for service before other customers.  
22  
23 (b) In determining whether to invoke an order of selection, the director for VR services  
24 applies the criteria set out in 34 CFR §361.36, as amended, and the state plan.  
25  
26 (c) The order of selection, if invoked, is applied after eligibility for services is  
27 determined.  
28

29 *The provisions of this §856.82 adopted to be effective December 10, 2012, 37 TexReg 9651;*  
30 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*  
31 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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34  
35 **SUBCHAPTER G. CRISS COLE REHABILITATION CENTER**

36  
37 **§856.83. Definitions.**

38  
39 The following words and terms, when used in this subchapter, have the following  
40 meanings, unless the context clearly indicates otherwise:

- 41  
42 (1) **Blind**--An individual whose visual acuity with best correction is 20/200 or less  
43 in the better eye; or an individual with a limitation in the field of vision such  
44 that the widest diameter of the visual field subtends an angle no greater than 20  
45 degrees, which means a visual field of no greater than 20 degrees in the better  
46 eye.

- 1  
2 (2) Customer--An individual with a disability who has applied for or who is  
3 receiving VR services.  
4  
5 (3) Deafblind--An individual:  
6  
7 (A) who has a central visual acuity of 20/200 or less in the better eye with  
8 corrective lenses, or a field defect such that the peripheral diameter of  
9 visual field subtends an angular distance no greater than 20 degrees, or a  
10 progressive visual loss having a prognosis leading to one or both of these  
11 conditions;  
12  
13 (B) who has a chronic hearing impairment so severe that most speech cannot  
14 be understood with optimum amplification, or a progressive hearing loss  
15 having a prognosis leading to this condition; and  
16  
17 (C) for whom the combination of impairments described in subparagraphs  
18 (A) and (B) of this paragraph cause extreme difficulty in attaining  
19 independence in daily life activities, achieving psychosocial adjustment,  
20 or obtaining a vocation;  
21  
22 (D) who, despite the inability to be measured accurately for hearing and  
23 vision loss due to cognitive or behavioral constraints, or both, can be  
24 determined through functional and performance assessment to have  
25 severe hearing and visual disabilities that cause extreme difficulty in  
26 attaining independence in daily life activities, achieving psychosocial  
27 adjustment, or obtaining vocational objectives; or  
28  
29 (E) who meets such other requirements as the Secretary of Education may  
30 prescribe by regulation.  
31

32 *The provisions of this §856.83 adopted to be effective August 21, 2018, 43 TexReg 5398*  
33

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36 **§856.84. Initial Eligibility.**  
37

- 38 (a) To be eligible for VR services at CCRC, an individual must be:  
39  
40 (1) at least 18 years of age;  
41  
42 (2) legally blind or Deafblind;  
43  
44 (3) a Texas resident;  
45  
46 (4) a current VR customer; and

1  
2 (5) referred by a VR counselor for services at CCRC.  
3

4 (b) Any individual described in subsection (a) of this section shall be subject to a  
5 computerized criminal history (CCH) check, and the results of the CCH will be  
6 evaluated as to the individual's eligibility for VR services at CCRC. A risk  
7 evaluation must be completed if the CCH check identifies a criminal history. TWC  
8 will perform a risk evaluation to include the following factors, but not be limited to  
9 the:

10  
11 (1) severity of the offense;

12  
13 (2) time frame of the offense;

14  
15 (3) rehabilitation of the customer; and

16  
17 (4) parole and community supervision terms.  
18

19 (c) Notwithstanding subsection (a)(3) of this section, a non-Texas resident who is  
20 receiving services from an entity in another state and who otherwise meets the  
21 requirements set out in subsections (a) and (b) of this section may be considered for  
22 admission and training on a space-available basis, subject to an agreement between  
23 the out-of-state entity and the Agency on payment of cost of services provided to the  
24 individual.  
25

26 *The provisions of this §856.84 adopted to be effective August 21, 2018, 43 TexReg 5398*  
27

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30 **§856.85. Continuing Eligibility.**

31  
32 (a) To maintain eligibility while receiving CCRC services, the customer (student) must  
33 comply with:

34  
35 (1) the Student Handbook; and

36  
37 (2) relevant state and federal laws.

- 1  
2 (b) Upon finding that the customer no longer complies with subsection (a) of this  
3 section, continuing eligibility for services may be revoked and CCRC services  
4 discontinued.

5  
6 *The provisions of this §856.85 adopted to be effective August 21, 2018, 43 TexReg 5398*

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9  
10 **§856.86. Services.**

- 11  
12 (a) CCRC may provide services such as:

- 13  
14 (1) assessment;  
15  
16 (2) individualized and small-group training;  
17  
18 (3) home and personal-management training;  
19  
20 (4) orientation and mobility training;  
21  
22 (5) braille training;  
23  
24 (6) low-vision assessment and training;  
25  
26 (7) recreation activities;  
27  
28 (8) social skills training;  
29  
30 (9) communication systems and tools;  
31  
32 (10) technology; and  
33  
34 (11) career guidance.

- 35  
36 (b) This list should not be interpreted as comprehensive; ancillary services may also be  
37 available.

- 38  
39 (c) Services are provided in accordance with VR as listed on the customer's  
40 individualized plan for employment.

41  
42 *The provisions of this §856.86 adopted to be effective August 21, 2018, 43 TexReg 5398*

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4 **§856.87. Customer Participation and Comparable Services and Benefits.**  
5

6 For information about customer participation and comparable benefits, refer to §856.59,  
7 relating to Purpose of Customer Participation, and §856.71, relating to Comparable  
8 Services and Benefits.  
9

10 *The provisions of this §856.87 adopted to be effective August 21, 2018, 43 TexReg 5398*  
11

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14 **§856.88. Payment of Shift Differentials.**  
15

- 16 (a) The Agency's VR Division (VRD) director is authorized to pay a shift differential to  
17 eligible VR employees. The shift differential is paid in addition to the employee's  
18 regular base pay, exclusive of longevity and benefit replacement pay.  
19
- 20 (b) The VRD director is authorized to determine the VR positions that are eligible to  
21 receive shift differential payments. The rate of payment is a percentage of the  
22 employee's monthly regular base pay, not to exceed the maximum allowed by state  
23 law, in relation to the number of hours the employee regularly works outside the  
24 work hours of Monday through Friday, 8:00 a.m. to 5:00 p.m.  
25
- 26 (c) This section does not apply to employees whose work hours have been adjusted according to  
27 Agency policies that concern staggered work hours.  
28

29 *The provisions of this §856.88 adopted to be effective August 21, 2018, 43 TexReg 5398*  
30

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33 **SUBCHAPTER H. CERTIFICATE OF BLINDNESS FOR TUITION WAIVER**  
34

35 **§856.90. Purpose.**  
36

37 The purpose of this subchapter is to set out the administration and general procedures  
38 governing the Certificate of Blindness for Tuition Waiver established in Texas Education  
39 Code §54.364. VRD provides a certificate of blindness to an individual who applies for a  
40 tuition waiver at a state-supported postsecondary school in Texas.  
41

42 *The provisions of this §856.90 adopted to be effective November 8, 2017, 42 TexReg 6195*  
43

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45



1  
2 **§856.91. Definitions.**  
3

4 The following words and terms, when used in this subchapter, have the following  
5 meanings.  
6

- 7 (1) Applicant--An individual applying to VRD for a Certificate of Blindness for  
8 Tuition Waiver.  
9
- 10 (2) Certificate of Blindness for Tuition Waiver--The certificate issued by VRD to  
11 certify that the applicant is blind. The applicant may use the certificate to apply  
12 for a tuition waiver at any Texas state institution of higher education using  
13 public funds, as set forth in Texas Education Code §54.364.  
14

15 *The provisions of this §856.91 adopted to be effective November 8, 2017, 42 TexReg 6195*  
16

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18

19 **§856.92. Eligibility.**  
20

- 21 (a) To obtain a certificate, a VRD customer must make a request through his or her VR  
22 counselor.  
23
- 24 (b) For an individual who is not a VRD customer to obtain a certificate, the individual  
25 must submit a request in person or by mail to any VRD office, and present visual  
26 diagnostic information confirming that the individual is blind.  
27
- 28 (c) Visual diagnostic information must include eye exams from an optometrist,  
29 ophthalmologist, or low-vision specialist.  
30
- 31 (d) VRD does not pay for diagnostic exams for the sole purpose of obtaining this record.  
32
- 33 (e) Eligibility for a Certificate of Blindness for Tuition Waiver is determined by VRD,  
34 and the determination is final.  
35
- 36 (f) The Certificate of Blindness for Tuition Waiver issued by VRD is not a  
37 determination that an applicant satisfies the residency requirement, or any other  
38 requirement set forth under Texas Education Code §54.364, for tuition waiver at any  
39 eligible institution.  
40

41 *The provisions of this §856.92 adopted to be effective November 8, 2017, 42 TexReg 6195*  
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