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27

1 **CHAPTER 856. VOCATIONAL REHABILITATION SERVICES**

2
3 **SUBCHAPTER A. PROGRAM AND PURPOSE**

4
5 **§856.1. Purpose.**

6
7 The Vocational Rehabilitation Services Program is a joint state- and federal-funded
8 program administered by the Agency's Vocational Rehabilitation Division (VRD) to
9 assess, plan, develop, and provide vocational rehabilitation services for eligible
10 individuals with disabilities, consistent with their unique strengths, resources, priorities,
11 concerns, abilities, capabilities, interests, and informed choice so that these individuals
12 can prepare for and engage in competitive integrated employment and achieve economic
13 self-sufficiency. The Vocational Rehabilitation Services Program seeks to empower
14 individuals with disabilities to maximize employment, economic self-sufficiency,
15 independence, and inclusion in and integration into society. In accordance with the
16 Rehabilitation Act of 1973, as amended, VRD is the single designated state unit for the
17 Vocational Rehabilitation Services Program.

18
19 *The provisions of this §856.1 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;*
22 *amended to be effective December 26, 2022, 47 TexReg 8740*

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25
26 **§856.3. Definitions.**

27
28 In addition to the definitions contained in Texas Labor Code, §352.001 and 34 Code of
29 Federal Regulations §361.5, the following words and terms, when used in this chapter,
30 shall have the following meanings.

- 31
32 (1) Academic training--A postsecondary program of organized instruction or study
33 that may lead to an academic, professional, or vocational degree, certificate, or
34 other recognized educational credential. Academic training does not include
35 continuing education required for maintaining certification in a field in which
36 the customer is already gainfully employed.
37
38 (2) Applicant--An individual who applies to the Vocational Rehabilitation
39 Division for vocational rehabilitation services.
40
41 (3) Blind--An individual having not more than 20/200 visual acuity in the better
42 eye with correcting lenses or visual acuity greater than 20/200 but with a
43 limitation in the field of vision such that the widest diameter of the visual field
44 subtends an angle no greater than 20 degrees.
45
46 (4) Customer--An individual with a disability who has applied for or is receiving

1 vocational rehabilitation services.

- 2
- 3 (5) Visually Impaired--A visual acuity of not more than 20/70 in the better eye
- 4 with correcting lenses, or visual acuity greater than 20/70 but with a limitation
- 5 in the field of vision such that the widest diameter of the visual field subtends
- 6 an angle no greater than 30 degrees.
- 7
- 8 (6) Vocational rehabilitation counselor--An Agency employee who is trained to
- 9 provide vocational guidance and counseling and meets the minimum
- 10 qualifications designated in a functional job description.
- 11

12 *The provisions of this §856.3 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; amended to be effective November 8, 2017, 42 TexReg 6195;*

15 *amended to be effective December 26, 2022, 47 TexReg 8740*

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18

19 **§856.4. Statewideness.**

20

21 The state plan for vocational rehabilitation services is effective in all political

22 subdivisions of the state.

23

24 *The provisions of this §856.4 adopted to be effective December 10, 2012, 37 TexReg 9651;*

25 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*

26 *2016, 41 TexReg 6773*

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29

30 **§856.5. Consultation Regarding the Administration of the State Plan.**

31

- 32 (a) The state plan must ensure that, in connection with developing and administering
- 33 general policy in the administration of the state plan, VRD seeks and takes into
- 34 account the views of:
- 35
- 36 (1) individuals who receive vocational rehabilitation services or, as appropriate,
- 37 the individuals' representatives;
- 38
- 39 (2) personnel working in the field of vocational rehabilitation;
- 40
- 41 (3) providers of vocational rehabilitation services;
- 42
- 43 (4) the Client Assistance Program (CAP) director; and
- 44
- 45 (5) the Rehabilitation Council of Texas.
- 46

- 1 (b) The state plan must specifically describe the manner in which VRD will take into
2 account the views regarding state policy and administration of the state plan that are
3 expressed in the customer satisfaction surveys conducted by the Rehabilitation
4 Council of Texas under 34 CFR §361.17(h)(4) or by VRD.
5

6 *The provisions of this §856.5 adopted to be effective December 10, 2012, 37 TexReg 9651;*
7 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
8 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
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11
12 **SUBCHAPTER B. ELIGIBILITY AND PROVISION OF SERVICES**

13
14 **§856.19. Application.**

15
16 An individual is considered to have submitted an application when the individual or the
17 individual's representative, as appropriate:

- 18
19 (1) has completed and signed the VRD application form or has otherwise
20 requested services;
21
22 (2) has provided the information necessary to initiate an assessment to determine
23 eligibility and priority for services; and
24
25 (3) is available to complete the assessment process.
26

27 *The provisions of this §856.19 adopted to be effective November 8, 2017, 42 TexReg 6195*
28

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30
31 **§856.20. Eligibility.**

- 32
33 (a) The Vocational Rehabilitation Division (VRD) bases eligibility for vocational
34 rehabilitation (VR) services on the following requirements only.
35
36 (b) Within 60 days of application, a VR counselor must:
37
38 (1) determine that the applicant has a physical or mental impairment;
39
40 (2) determine that the impairment constitutes or results in a substantial
41 impediment to employment for the applicant;
42
43 (3) establish that the applicant requires VR services to prepare for, secure, retain,
44 advance in, or regain employment that is consistent with the applicant's unique
45 strengths, resources, priorities, concerns, abilities, capabilities, interests, and
46 informed choice; and

1
2 (4) presume that the applicant is capable of achieving an employment outcome
3 unless there is a demonstration by clear and convincing evidence in trial work
4 that the applicant is incapable of achieving an employment outcome because of
5 the severity of the applicant's disability.
6

7 (c) Social Security disability recipients and beneficiaries are presumed eligible for VR
8 services unless there is a demonstration by clear and convincing evidence in trial
9 work that the applicant is incapable of achieving an employment outcome because of
10 the severity of the applicant's disability.
11

12 (d) Eligibility or ineligibility must be determined no later than 60 days after the
13 applicant, or the applicant's representative, as appropriate, has signed and submitted
14 an application for VR services in accordance with the provisions of §856.19 of this
15 subchapter (relating to Application).
16

17 (e) Exceptions to the 60-day time frame for determining eligibility or ineligibility may
18 occur only when:
19

20 (1) VRD notifies the applicant that unforeseen circumstances beyond the control
21 of VRD preclude it from completing the determination in 60 days;
22

23 (2) the applicant, or the applicant's representative, as appropriate, agrees to a
24 specific extension of time; or
25

26 (3) VRD requires further time exploring an applicant's abilities, capabilities, and
27 capacity to perform in work situations through trial work.
28

29 (f) Eligibility must be determined before applying Subchapter F of this chapter (relating
30 to Methods of Administration of Vocational Rehabilitation), if appropriate, and
31 Subchapter D of this chapter (relating to Customer Participation).
32

33 *The provisions of this §856.20 adopted to be effective December 10, 2012, 37 TexReg 9651;*
34 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
35 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195;*
36 *amended to be effective December 26, 2022, 47 TexReg 8740*
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39

40 **§856.21. Prohibited Factors.** 41

42 (a) VRD does not impose, as part of determining eligibility under this subchapter, a
43 duration-of-residence requirement that excludes from services any applicant who is
44 present in the state.
45

46 (b) In determining eligibility under this subchapter, VRD ensures that:

- 1
2 (1) No applicant or group of applicants is excluded or found ineligible solely on
3 the basis of the type of disability; and
4
5 (2) The eligibility requirements are applied without regard to the:
6
7 (A) age, sex, race, color, or national origin of the applicant;
8
9 (B) type of expected employment outcome;
10
11 (C) source of referral for vocational rehabilitation services;
12
13 (D) particular service needs or anticipated cost of services required by an
14 applicant or the income level of an applicant or applicant's family;
15
16 (E) applicants' employment history or current employment status; and
17
18 (F) applicants' educational status or current educational credential.
19

20 *The provisions of this §856.21 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*
23

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25
26 **§856.22. Trial Work.**

- 27
28 (a) Trial work is used only to determine whether an applicant with a significant
29 disability is capable of achieving an employment outcome.
30
31 (b) VRD provides only the vocational rehabilitation services necessary to determine if
32 the applicant is capable of achieving an employment outcome. Services are provided
33 in the most integrated setting possible, consistent with the informed choice of the
34 applicant.
35
36 (c) VRD may terminate trial work services when:
37
38 (1) there is sufficient evidence to conclude that the applicant can achieve an
39 employment outcome;
40
41 (2) the applicant is found ineligible for any additional vocational rehabilitation
42 services on the basis of clear and convincing evidence that the applicant cannot
43 be expected to benefit in terms of an employment outcome from vocational
44 rehabilitation services; or
45
46 (3) the applicant is unavailable for services.

- 1
2 (d) When an applicant is determined ineligible for vocational rehabilitation services
3 after trial work, VRD conducts a periodic review at least annually of the ineligibility
4 decision in which the applicant is afforded a clear opportunity for full consultation in
5 the reconsideration of the decision. A periodic review is not required when the
6 applicant has refused services, the applicant has refused a periodic review, the
7 applicant is no longer present in the state, the applicant's whereabouts are unknown,
8 or the applicant's medical condition is rapidly progressive or terminal.
9

10 *The provisions of this §856.22 adopted to be effective December 10, 2012, 37 TexReg 9651;*
11 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
12 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
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15
16 **§856.23. Determination of Ineligibility.**

17
18 When an applicant is determined ineligible for vocational rehabilitation services or a
19 customer receiving services under an individualized plan of employment (IPE) is no
20 longer eligible for services, VRD must:

- 21
22 (1) make the determination only after providing an opportunity for full
23 consultation with the individual or the individual's representative, as
24 appropriate;
25
26 (2) inform the individual in writing of the ineligibility determination. The written
27 determination, to be supplemented as necessary by other appropriate modes of
28 communication consistent with the individual's informed choice, must include
29 the reasons for that determination and the means by which the individual may
30 express and seek remedy for any dissatisfaction, including the procedures for
31 review of a determination by the VR counselor;
32
33 (3) provide the individual with a description of services available from the Client
34 Assistance Program established under 34 CFR Part 370 and information on
35 how to contact that program;
36
37 (4) refer the individual to:
38
39 (A) other programs that are part of the one-stop service delivery system
40 under the Workforce Innovation and Opportunity Act that can address
41 the individual's training or employment-related needs; or
42
43 (B) local extended employment providers if the ineligibility determination is
44 based on a finding that the individual is incapable of achieving, or has
45 chosen not to pursue, an employment outcome; and
46

- 1 (5) review within 12 months and annually thereafter, if requested by the individual or, if
2 appropriate, by the individual's representative, any ineligibility determination that is
3 based on a finding that the individual is incapable of achieving an employment
4 outcome. It is not necessary that the review be conducted in situations in which the
5 individual has refused it, the individual is no longer present in the state, the
6 individual's whereabouts are unknown, or the individual's medical condition is
7 rapidly progressive or terminal.
8

9 *The provisions of this §856.23 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 **§856.24. Case Closure.**

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

1 (11) the customer has chosen extended employment (for example, sheltered
2 workshop); or

3
4 (12) the customer's case has been transferred to another agency.

5
6 (b) Case closure is made with the customer's full knowledge, when the customer
7 is available.

8
9 *The provisions of this §856.24 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 **§856.40. Provision of Goods and Services.**

16
17 (a) The Vocational Rehabilitation Division, as appropriate to the vocational
18 rehabilitation needs of each eligible individual, provides goods and services
19 necessary to render a customer employable, subject to certain limitations prescribed
20 in this subchapter and Subchapters D and E of this chapter (relating to Customer
21 Participation; and Comparable Benefits).

22
23 (b) Services are provided only as planned in advance and set forth in the customer's
24 individualized plan for employment (IPE). The IPE must be designed to achieve a
25 specific employment outcome that is selected by the individual consistent with the
26 individual's unique strengths, resources, priorities, concerns, abilities, capabilities,
27 interests, and informed choice.

28
29 *The provisions of this §856.40 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;*
32 *amended to be effective December 26, 2022, 47 TexReg 8740*

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35
36 **§856.41. Comprehensive Assessment.**

37
38 (a) After a customer has been determined eligible for vocational rehabilitation services,
39 the Vocational Rehabilitation Division (VRD) conducts assessments using the
40 criteria in subsection (b) of this section for vocational rehabilitation needs and, if
41 necessary, rehabilitation technology needs for each customer in order to develop an
42 individualized plan for employment (IPE) that is designed to achieve the customer's
43 employment outcome.

44
45 (b) To determine the appropriate employment outcome and services required to achieve
46 it, VRD, as appropriate in each case, may conduct an assessment of the customer's

1 unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and
2 needs, including the need for supported employment services, in the most integrated
3 setting possible, consistent with the informed choice of the customer.
4

5 (c) The assessment is limited to information that is necessary to identify the customer's
6 rehabilitation needs and develop the IPE and may, to the extent needed, include:
7

8 (1) an analysis of medical, psychological, vocational, educational, and other
9 related factors that bear on the customer's impediment to employment
10 and rehabilitation needs. Additional examinations are authorized after
11 services are initiated when conditions arise that jeopardize the customer's
12 IPE;
13

14 (2) an analysis of the customer's personality, career interests, interpersonal
15 skills, intelligence and related functional capacities, educational
16 achievement, work experience, vocational aptitudes, personal and social
17 adjustments, and employment opportunities;
18

19 (3) an appraisal of the customer's patterns of work behavior and services
20 needed to acquire occupational skills and to develop work attitudes,
21 work habits, work tolerance, and social and behavioral patterns suitable
22 for successful job performance; and
23

24 (4) an assessment, through provision of rehabilitation technology services,
25 of the customer's capacities to perform in a work environment, including
26 in an integrated setting, to the maximum extent feasible and consistent
27 with the customer's informed choice.
28

29 (d) VRD uses, to the maximum extent possible and appropriate and in accordance with
30 confidentiality requirements, existing information, including information that is
31 provided by the customer, the family of the customer, and education agencies.
32

33 *The provisions of this §856.41 adopted to be effective December 10, 2012, 37 TexReg 9651;*
34 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
35 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195;*
36 *amended to be effective December 26, 2022, 47 TexReg 8740*
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39

40 **§856.42. Counseling, Guidance, and Referral.** 41

42 VRD provides counseling, guidance, and referral services as necessary for the customer's
43 vocational rehabilitation. Counseling is a process in which a VR counselor works with
44 the customer to help the customer understand both problems and vocational potential.
45 Counseling is a continuous process throughout the rehabilitation program to help the

1 customer make the best possible vocational, personal, and social adjustment. Referral
2 means referral of the customer to other agencies for assistance not available from VRD.
3

4 *The provisions of this §856.42 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 **§856.43. Physical Restoration Services.**

11
12 VRD provides physical restoration services that are necessary to correct or substantially
13 modify the customer's physical condition within a reasonable period. The physical
14 conditions for which the services are rendered must be stable or slowly progressive.
15

16 *The provisions of this §856.43 adopted to be effective December 10, 2012, 37 TexReg 9651;*
17 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
18 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
19

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21
22 **§856.44. Mental Restoration Services.**

- 23
- 24 (a) VRD provides mental restoration services for mental conditions that are stable or
25 slowly progressive.
 - 26
 - 27 (b) VRD provides psychiatric treatment as a limited service on a short-term basis only to
28 support achievement of the employment outcome.
 - 29
 - 30 (c) VRD provides psychotherapy as a limited service on a short-term basis only to
31 support achievement of the employment outcome.
 - 32

33 *The provisions of this §856.44 adopted to be effective December 10, 2012, 37 TexReg 9651;*
34 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
35 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
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38
39 **§856.45. Vocational and Other Training Services.**

- 40
- 41 (a) The Vocational Rehabilitation Division (VRD) purchases vocational and other
42 training services for customers who require additional knowledge or skills to enter
43 employment consistent with their aptitudes and ability, and compatible with their
44 physical or mental impairments.
 - 45
 - 46 (b) VRD purchases vocational and other training services through an appropriate

1 facility. These facilities include accredited colleges and universities, certified public
2 or private businesses, technical and vocational schools, on-the-job training,
3 correspondence course training, tutorial training, and community rehabilitation
4 program training.
5

6 (c) Academic training in institutions of higher education (universities, colleges,
7 community or junior colleges, vocational schools, technical institutes, or hospital
8 schools of nursing) is subject to the following:
9

- 10 (1) Academic training in proprietary vocational schools and technical
11 institutes must be provided only in schools that are licensed or certified
12 by the Agency on the Licensed Career Schools and Colleges Directory
13 website, the Eligible Training Provider System website, or another
14 regulatory agency, before including the training on the individualized
15 plan for employment.
16
- 17 (2) No vocational rehabilitation (VR) funds may be used to pay for
18 academic training unless VRD and the customer have made maximum
19 efforts to secure grant assistance in whole or in part from other sources
20 to pay for the training.
21
- 22 (3) The PELL grant, like any other comparable services and benefits, must
23 be applied to the educational process before the expenditure of VRD
24 funds for services under this section. Services must not be denied
25 pending receipt of a PELL grant, but must be contingent upon the
26 customer's making application if eligible.
27
- 28 (4) Academic training must be provided through public, tax-supported
29 colleges and universities in Texas unless:
30
- 31 (A) a specific curriculum related to the customer's academic major is
32 not available at a Texas public institution;
33
- 34 (B) academic training elsewhere is determined to be more economical;
35 or
36
- 37 (C) academic training elsewhere provides specialized services needed
38 by the customer.
39
- 40 (5) If the customer chooses to obtain academic training at a private college
41 or university in Texas or at a college or university outside Texas and the
42 provisions in paragraph (4) of this subsection do not apply, academic
43 support must be limited to that which the customer would receive if he
44 or she attended a state-supported college or university in Texas, unless
45 the customer is a recipient of Social Security benefits, either
46 Supplemental Security Income (SSI) or Social Security Disability

1 Insurance (SSDI).

2
3 (6) A customer who is blind, does not meet the residency requirements of a
4 particular institution, and is not eligible for tuition exemption under
5 Texas Education Code, §54.364 may receive VRD tuition assistance
6 based on the customer's economic need. Unless the customer is a
7 recipient of Social Security benefits, either SSI or SSDI, payments must
8 not exceed the tuition paid for a customer who does meet the residency
9 requirements.

10
11 (7) Tuition and fee exemption is an exemption from payment of tuition
12 and/or required fees normally charged by a state-supported college or
13 university. Required fees include student services, building use, health
14 center use, lab fees, and property deposits not reimbursable to the
15 student. Required fees do not include optional fees.

16
17 (8) Any equipment purchased for the customer during academic training
18 must be needed by the customer to help maintain academic success so
19 that the customer can meet the employment outcome.

20
21 (9) Once admitted to academic training:

22
23 (A) the customer must maintain and complete a full-time course load as
24 defined by the school or educational institution. This requirement
25 may be waived if:

26
27 (i) the customer is a graduating senior;

28
29 (ii) the customer is an incoming freshman (first two semesters or
30 quarters);

31
32 (iii) the customer is a returning adult (first academic year only);

33
34 (iv) the customer is in summer school; or

35
36 (v) other extenuating circumstances prevent the customer from
37 participating in a full-time course load; and

38
39 (B) the customer is required to meet with the VR counselor at least once
40 each semester, to submit add or drop slips as changes occur, and to
41 provide grade slips or transcripts to the VR counselor at the end of
42 each semester.

43
44 (d) VRD requires that each customer who is provided with vocational or other training
45 services by VRD apply for financial assistance where reasonably available. This
46 assistance can include federal, state, or local grants-in-aid and private scholarships

1 where applicable. If the customer has not done so before the time of application for
2 vocational rehabilitation services, the VR counselor assists the customer in doing so.
3

4 *The provisions of this §856.45 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;*
7 *amended to be effective December 26, 2022, 47 TexReg 8740*
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10
11 **§856.46. Maintenance.**

12
13 VRD may pay maintenance to the customer. Maintenance is a payment to the customer
14 made during any stage of the rehabilitation process to cover basic living expenses, such
15 as food, shelter, clothing, and other subsistence expenses that are in excess of the
16 customer's normal expenses, and are necessary for the customer to derive the full benefit
17 of other vocational rehabilitation services.
18

19 *The provisions of this §856.46 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 **§856.47. Transportation.**

26
27 VRD may pay for transportation services for the customer in connection with other
28 vocational rehabilitation services.
29

30 *The provisions of this §856.47 adopted to be effective December 10, 2012, 37 TexReg 9651;*
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32 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
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35
36 **§856.48. Services for Customers Who Are Deaf, Hard of Hearing, or Deafblind.**

- 37
38 (a) VRD may provide interpreter services for a customer who is deaf, hard of hearing, or
39 deafblind when the services will help the customer to attain the employment
40 outcome.
41
42 (b) VRD may provide telecommunications, sensory, and other technological aids and
43 devices to facilitate training, employability, and job opportunities for customers with
44 significant disabilities, particularly customers who are deaf, deafblind, or have
45 profound hearing or speech impairments.
46

1 (c) When delivering interpreter services, note-taking services, or tactile interpreting to
2 individuals who are deaf, hard of hearing, or deafblind, VRD uses interpreters, if
3 available, certified by one of the following:

4
5 (1) Texas Health and Human Services Commission, Board for Evaluation of
6 Interpreters; or

7
8 (2) The Registry of Interpreters for the Deaf.
9

10 *The provisions of this §856.48 adopted to be effective December 10, 2012, 37 TexReg 9651;*
11 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
12 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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15
16 **§856.49. Job Development, Placement and Retention.**

17
18 (a) The principal objective of vocational rehabilitation services is a competitive
19 integrated employment outcome for each customer that is consistent with the
20 individual's strengths, resources, priorities, concerns, abilities, capabilities, interests,
21 and informed choice.

22
23 (b) Employment outcomes include entering, advancing in, or retaining full-time or, if
24 appropriate, part-time competitive employment in the integrated labor market;
25 supported employment; or any other type of employment in an integrated setting,
26 including self-employment, telecommuting, or business ownership.
27

28 *The provisions of this §856.49 adopted to be effective December 10, 2012, 37 TexReg 9651;*
29 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
30 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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33
34 **§856.50. Post-Employment Services.**

35
36 (a) The Vocational Rehabilitation Division may provide post-employment services to
37 customers in order to maintain or strengthen the customer's employment. A customer
38 may be considered for post-employment services if he or she has an employment-
39 related problem that does not entail a complex rehabilitation effort or address a new
40 and distinct substantial impediment to employment.

41
42 (b) Post-employment services are services that are necessary for the customer to
43 maintain, regain, or advance in an employment outcome that is consistent with the
44 customer's strengths, resources, priorities, concerns, abilities, capabilities, interests,
45 and informed choice.

1
2 *The provisions of this §856.50 adopted to be effective December 10, 2012, 37 TexReg 9651;*
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4 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195;*
5 *amended to be effective December 26, 2022, 47 TexReg 8740*
6

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8

9 **§856.51. Occupational Licenses, Tools, Equipment, Initial Stocks, and Supplies.**
10

- 11 (a) VRD may engage in or contract for activities to provide the customer with
12 occupational licenses, including any license, permit, or other written authority that a
13 state, city, or other governmental unit requires an individual to obtain before entering
14 an occupation or self-employment.
15
- 16 (b) VRD may provide the customer with tools, equipment, initial stocks, goods, and
17 supplies necessary to enter an occupation or self-employment.
18
- 19 (c) Customers must safeguard and maintain in a serviceable condition nonconsumable
20 supplies, tools, and equipment and will not sell, give away, or otherwise wrongfully
21 dispose of them.
22
- 23 (d) The customer must sign a prescribed form agreeing to the terms of subsection (c) of
24 this section at the time that the customer receives tools and equipment.
25

26 *The provisions of this §856.51 adopted to be effective December 10, 2012, 37 TexReg 9651;*
27 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
28 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
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31

32 **§856.52. Individualized Plan for Employment.**
33

- 34 (a) The Vocational Rehabilitation Division (VRD) initiates and continuously develops an
35 individualized plan for employment (IPE) for each individual eligible for vocational
36 rehabilitation (VR) services and for each individual being provided such services in
37 trial work. All IPEs must be written using the form prescribed by VRD for this
38 purpose.
39
- 40 (b) VRD advises the customer or, the customer's parent, guardian, or other
41 representative, as appropriate, of the customer's options and all VRD procedures and
42 requirements affecting the development and review of an IPE, including the
43 availability of special modes of communication.
44
- 45 (c) The VR counselor and customer or, as appropriate, the customer's parent, guardian,
46 or other representative, uses information obtained during the assessment to help the

1 customer make informed choices about VR needs, employment outcome,
2 intermediate rehabilitation objectives, and the nature and scope of VR services and
3 the service providers to be included in the IPE.
4

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

- 1 (i) the customer's responsibilities related to his or her employment
2 outcome;
3
4 (ii) if applicable, the customer's participation in paying for the costs of
5 the plan;
6
7 (iii) the customer's responsibility to apply for and secure comparable
8 benefits; and
9
10 (iv) the responsibilities of other entities resulting from arrangements
11 made under comparable services or benefits;
12
13 (6) for a customer with the most significant disabilities for whom an employment
14 outcome in a supported employment setting has been determined to be
15 appropriate, information identifying:
16
17 (A) the extended services that the customer needs; and
18
19 (B) the source of extended services or, if the source of the extended services
20 cannot be identified at the time that the IPE is developed, a description of
21 the basis for a reasonable expectation that a source will become
22 available; and
23
24 (7) as determined to be necessary, a statement of projected need for post-
25 employment services.
26
27 (h) In developing an IPE for a student with a disability who is receiving special
28 education services, VRD must consider the student's individualized education
29 program.
30
31 (i) The VR counselor must advise the customer of the customer's rights and the means
32 by which the customer may express and seek remedy for dissatisfaction with the
33 plan, including the opportunity for an administrative review of VRD action and a fair
34 hearing in accordance with the Administrative Procedure Act, Texas Government
35 Code, Chapter 2001, and the rules in Chapter 850 of this title (relating to Vocational
36 Rehabilitation Services Administrative Rules and Procedures).
37
38 (j) The VR counselor reviews the IPE as often as necessary, but on at least an annual
39 basis, at which time the customer or the customer's parent, guardian, or other
40 representative, as appropriate, is afforded an opportunity to review the plan and, if
41 necessary, jointly redevelop its terms.
42
43 (k) The IPE is a joint commitment that must be signed by both the VR counselor and the
44 customer.
45
46 (l) VRD may provide only goods and services that are reasonable and necessary to

1 achieve the employment outcome identified in the customer's IPE.

- 2
- 3 (m) VRD provides services in the most integrated setting that is appropriate for the
- 4 services involved and is consistent with the informed choice of the eligible
- 5 individual.
- 6
- 7 (n) Before suspending, reducing, or terminating any planned service in the IPE, VRD
- 8 shall provide notification of intent to the customer.
- 9
- 10 (o) VRD must suspend, reduce, or terminate the customer's planned services no sooner
- 11 than 10 working days after notice has been provided to the customer.
- 12

13 *The provisions of this §856.52 adopted to be effective December 10, 2012, 37 TexReg 9651;*

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16 *amended to be effective December 26, 2022, 47 TexReg 8740*

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19

20 **§856.53. Customers Determined to Have Achieved Employment Outcome.**

21

- 22 (a) The Vocational Rehabilitation Division (VRD) determines a customer to have
- 23 achieved an employment outcome when the following requirements are met:
- 24
- 25 (1) the provision of services under the customer's individualized plan for
- 26 employment (IPE) has contributed to the achievement of the employment
- 27 outcome;
- 28
- 29 (2) the customer has achieved the employment outcome that is described in the
- 30 customer's IPE and that is consistent with the customer's strengths, resources,
- 31 priorities, concerns, abilities, capabilities, interests, and informed choice;
- 32
- 33 (3) the employment outcome is in an integrated setting;
- 34
- 35 (4) the customer has maintained the employment outcome for at least 90 days; and
- 36
- 37 (5) the customer and the vocational rehabilitation counselor consider the
- 38 employment outcome to be satisfactory and agree that the customer is
- 39 performing well on the job.
- 40
- 41 (b) After a customer has been determined to have achieved an employment outcome,
- 42 VRD informs the customer of the availability of post-employment services as
- 43 required to maintain, regain, or advance in employment.
- 44

45 *The provisions of this §856.53 adopted to be effective December 10, 2012, 37 TexReg 9651;*

46 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*

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2 amended to be effective December 26, 2022, 47 TexReg 8740
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6 **§856.54. Services to Family Members.**
7

- 8 (a) VR services are provided to family members only if without the services the
9 applicant or customer would be unable to begin or continue the rehabilitation
10 program, and the customer's employment would be unnecessarily delayed or could
11 not be achieved.
12
- 13 (b) Only family members whose receipt of services would further the applicant's or
14 customer's vocational adjustment or rehabilitation may receive services.
15
- 16 (c) Family member, for purposes of receiving vocational rehabilitation services in
17 accordance with this section, means an individual:
18
- 19 (1) who either:
20
- 21 (A) is a relative or guardian of the applicant or customer; or
22
- 23 (B) lives in the same household as the applicant or customer;
24
- 25 (2) who has a substantial interest in the well-being of the applicant or customer;
26 and
27
- 28 (3) whose receipt of services is necessary to enable the applicant or customer to
29 achieve an employment outcome.
30

31 *The provisions of this §856.54 adopted to be effective November 8, 2017, 42 TexReg 6195*
32

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35 **§856.55. Reader Services.**
36

- 37 (a) Reader services are available only to customers who are blind and who are receiving
38 vocational or academic training.
39
- 40 (b) The customer must use all other available reading sources to the greatest extent
41 possible before seeking reimbursement from VRD for reader services.
42
- 43 (c) The maximum amount allowed per month for reader services is calculated according
44 to the number of semester hours the customer is taking, whether during a fall, spring,
45 or summer semester, and whether the customer is an undergraduate or graduate

1 student. The rate of reimbursement is available from any VRD office during business
2 hours.

3
4 (d) VRD does not pay for reader services rendered by a member of the customer's
5 family.

6
7 (e) To receive reimbursement for reader services, the customer must submit the
8 information required by VRD using the prescribed form.

9
10 *The provisions of this §856.55 adopted to be effective November 8, 2017, 42 TexReg 6195*

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13
14 **§856.56. Assistive Technology Devices.**

15
16 (a) Assistive technology devices are purchased only after evaluation of the customer's
17 need. Simple and less expensive alternatives must be considered first.

18
19 (b) The customer must return to the Vocational Rehabilitation Division any assistive
20 technology device no longer needed for training, employment, or pursuit of
21 employment.

22
23 *The provisions of this §856.56 adopted to be effective November 8, 2017, 42 TexReg 6195;*
24 *amended to be effective December 26, 2022, 47 TexReg 8740*

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27
28 **SUBCHAPTER C. RATES FOR MEDICAL SERVICES**

29
30 **§856.57. Alternative Purchasing Methods - Rates for Medical Services.**

31
32 Under Texas Labor Code, §352.054, this section sets forth the standards governing the
33 determination of rates paid for medical services provided by the Agency. The rates
34 determined under these standards are reevaluated annually:

35
36 (1) Rates shall be established based on Medicare and Medicaid schedules for
37 current procedural terminology. Where Medicare and Medicaid schedules are
38 not applicable, rates that represent best value shall be established based on
39 factors that include reasonable and customary industry standards for each
40 specific service.

41
42 (2) Rates shall be established at a level adequate to ensure that enough qualified
43 providers are available to provide assessment and treatment within a
44 geographic distribution that reflects customer or claimant distribution.

- 1 (3) Notification of the proposed schedule of rates shall be published in the *Texas*
2 *Register* to allow interested persons to present comments to the Agency before
3 the rates are established.
4
5 (4) After the reevaluation process is completed in accordance with the
6 requirements in paragraphs (1) and (2) of this section, the Agency's executive
7 director or deputy executive director may establish the rates for medical
8 services.
9
10 (5) Exceptions to established rates may be made on a case-by-case basis by the
11 Vocational Rehabilitation counselor after consultation with the Agency's
12 medical director or optometric consultant. Exceptions contrary to the Agency's
13 medical director's or optometric consultant's recommendation require approval
14 by the Vocational Rehabilitation Division (VRD) deputy director or VRD
15 director.

16
17 *The provisions of this §856.57 adopted to be effective August 21, 2018, 43 TexReg 5398;*
18 *amended to be effective December 26, 2022, 47 TexReg 8740*
19

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21

22 **SUBCHAPTER D. CUSTOMER PARTICIPATION**

23 **§856.59. Purpose of Customer Participation.**

- 24
25
26 (a) Establishing customer participation in service costs encourages customer
27 commitment to an employment outcome, creates a cooperative relationship between
28 the customer and the Vocational Rehabilitation Division (VRD), and maximizes
29 VRD's limited funds.
30
31 (b) VRD may require customers to participate in the cost of services based on financial
32 need, unless the customer is a recipient of Social Security benefits, either
33 Supplemental Security Income or Social Security Disability Insurance.
34

35 *The provisions of this §856.59 adopted to be effective November 8, 2017, 42 TexReg 6195;*
36 *amended to be effective December 26, 2022, 47 TexReg 8740*
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39

40 **§856.60. Basic Living Requirements (BLR).**

- 41
42 (a) The purpose of basic living requirements (BLR) is to establish a framework for
43 determining whether the customer should pay any of the service cost. VRD does not
44 consider BLR in determining eligibility for vocational rehabilitation services, but
45 VRD does apply BLR to determine whether the customer must contribute to the cost

1 of certain services. VRD applies BLR uniformly to ensure that all customers in
2 similar circumstances receive equitable treatment.

3
4 (b) All services are subject to required customer participation except for the following:

5
6 (1) services paid for, or reimbursed by, a source other than VRD;

7
8 (2) counseling, guidance, and referral provided by VRD;

9
10 (3) employment assistance services provided by VRD;

11
12 (4) diabetes education training;

13
14 (5) VR teacher services (including consumable supplies);

15
16 (6) orientation and mobility services;

17
18 (7) assessment services, to determine eligibility and rehabilitation needs;

19
20 (8) interpreter services;

21
22 (9) reader services;

23
24 (10) translator services;

25
26 (11) personal assistant services; and/or

27
28 (12) job-related services: job placement, services leading to supported employment,
29 and job coach services.

30
31 (c) Customers who are recipients of Social Security disability benefits, either SSI or
32 SSDI, are not required to participate in the cost of services.

33
34 (d) The VR counselor informs each customer of the services that require customer
35 participation in the cost of services and the services that do not require customer
36 participation.

37
38 (e) If a customer declines to provide financial information to determine BLR, it is
39 assumed that the customer has resources that exceed the BLR and therefore must
40 fully participate in the cost of planned services.

41
42 *The provisions of this §856.60 adopted to be effective December 10, 2012, 37 TexReg 9651;*
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44 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
45

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2
3 **SUBCHAPTER E. COMPARABLE BENEFITS**

4
5 **§856.71. Availability of Comparable Services and Benefits.**

- 6
7 (a) If comparable services or benefits exist under any other program and are available to
8 the customer at the time needed to achieve the employment outcome in the
9 customer's individualized plan for employment (IPE), the Vocational Rehabilitation
10 Division (VRD) must use those comparable services or benefits to meet, in whole or
11 in part, the cost of vocational rehabilitation (VR) services.
12
13 (b) If comparable services or benefits exist under any other program, but are not
14 available to the customer at the time necessary to satisfy the employment outcome in
15 the consumer's IPE, VRD must provide VR services until those comparable services
16 and benefits become available.
17
18 (c) The following services are exempt from determination of the availability of
19 comparable services and benefits:
20
21 (1) assessment for determining eligibility and priority for services;
22
23 (2) assessment for determining VR needs;
24
25 (3) VR counseling, guidance, and referral services;
26
27 (4) placement services;
28
29 (5) rehabilitation technology services; and
30
31 (6) post-employment services consisting of the services listed under paragraphs
32 (1) - (5) of this subsection.
33
34 (d) The requirements of subsection (a) of this section also do not apply if such a
35 determination would interrupt or delay:
36
37 (1) the progress of the individual toward achieving the employment outcome
38 identified in the IPE;
39
40 (2) an immediate job placement; or
41
42 (3) the provision of VR services to any individual who is determined to be at
43 extreme medical risk, based on medical evidence provided by an appropriate
44 qualified medical professional.
45

1 *The provisions of this §856.71 adopted to be effective December 10, 2012, 37 TexReg 9651;*
2 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
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7
8 **SUBCHAPTER F. METHODS OF ADMINISTRATION OF VOCATIONAL**
9 **REHABILITATION**

10
11 **§856.80. Statewide Studies and Program Evaluation.**

- 12
13 (a) VRD conducts continuing statewide studies of the needs of individuals with
14 disabilities within the state and the methods by which these needs may be most
15 effectively met.
- 16
17 (b) The studies are directed toward:
- 18
19 (1) assessing the rehabilitation needs of individuals with significant disabilities
20 who reside in the state;
- 21
22 (2) reviewing the effectiveness of outreach procedures used to identify and serve
23 individuals with disabilities who are minorities and individuals with
24 disabilities who are unserved or underserved by the vocational rehabilitation
25 system;
- 26
27 (3) reviewing a broad variety of methods to provide, expand, and improve
28 vocational rehabilitation services to individuals with the most significant
29 disabilities, including individuals receiving supported employment services;
- 30
31 (4) ensuring the orderly and effective development of vocational rehabilitation
32 services; and
- 33
34 (5) reviewing the efficacy of the criteria employed by VRD in making ineligibility
35 decisions with respect to applicants for vocational rehabilitation services.
- 36
37 (c) Reports of the studies are available to the public for review.

38
39 *The provisions of this §856.80 adopted to be effective December 10, 2012, 37 TexReg 9651;*
40 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
41 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*

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44
45 **§856.81. Annual Evaluation.**

- 1 (a) VRD conducts an annual comprehensive evaluation of the effectiveness of the state's
2 vocational rehabilitation program in achieving:
3
- 4 (1) service goals and priorities established in the state plan and annual
5 amendments to the state plan; and
6
 - 7 (2) compliance with the performance accountability measures established by the
8 Act.
9
- 10 (b) The evaluation measures the adequacy of VRD performance in providing vocational
11 rehabilitation services, especially to individuals with the most significant disabilities,
12 considering the state's vocational rehabilitation program financial resources. The
13 evaluation has the following minimum objectives:
14
- 15 (1) to ensure that the rehabilitation program is serving the target population and
16 that the services are provided in an equitable manner;
17
 - 18 (2) to ensure that customers are placed in gainful employment suitable to their
19 capabilities, interests, and informed choice;
20
 - 21 (3) to measure the extent to which undue delays are avoided in providing
22 customers with services;
23
 - 24 (4) to ensure that available resources are used effectively to achieve maximum
25 efficiency;
26
 - 27 (5) to ensure that VR counselors maintain manageable-sized caseloads and
28 provide timely and adequate services to individual customers;
29
 - 30 (6) to ensure that customers retain the benefits obtained from the rehabilitation
31 process;
32
 - 33 (7) to ensure that the need for post-employment services is satisfied;
34
 - 35 (8) to identify reasons why customers are not successfully rehabilitated; and
36
 - 37 (9) to ensure that the customer is satisfied with the individualized plan for
38 employment.
39

40 *The provisions of this §856.81 adopted to be effective December 10, 2012, 37 TexReg 9651;*
41 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
42 *2016, 41 TexReg 6773; amended to be effective November 8, 2017, 42 TexReg 6195*
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2
3 **§856.82. Order of Selection.**

- 4
- 5 (a) An order of selection is authorized in Rehabilitation Act of 1973 §101, as amended,
6 to ensure that in times of limited funding customers with the most severe disabilities
7 are selected for service before other customers.
- 8
- 9 (b) In determining whether to invoke an order of selection, the director for VR services
10 applies the criteria set out in 34 CFR §361.36, as amended, and the state plan.
- 11
- 12 (c) The order of selection, if invoked, is applied after eligibility for services is
13 determined.
- 14

15 *The provisions of this §856.82 adopted to be effective December 10, 2012, 37 TexReg 9651;*
16 *duplicated effective September 1, 2016, as published in the Texas Register September 2,*
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20
21 **SUBCHAPTER G. CRISS COLE REHABILITATION CENTER**

22
23 **§856.83. Definitions.**

24
25 The following words and terms, when used in this subchapter, have the following
26 meanings, unless the context clearly indicates otherwise:

- 27
- 28 (1) Blind--An individual whose visual acuity with best correction is 20/200 or less
29 in the better eye; or an individual with a limitation in the field of vision such
30 that the widest diameter of the visual field subtends an angle no greater than 20
31 degrees, which means a visual field of no greater than 20 degrees in the better
32 eye.
- 33
- 34 (2) Customer--An individual with a disability who has applied for or who is
35 receiving VR services.
- 36
- 37 (3) Deafblind--An individual:
- 38
- 39 (A) who has a central visual acuity of 20/200 or less in the better eye with
40 corrective lenses, or a field defect such that the peripheral diameter of
41 visual field subtends an angular distance no greater than 20 degrees, or a
42 progressive visual loss having a prognosis leading to one or both of these
43 conditions;
- 44

- 1 (B) who has a chronic hearing impairment so severe that most speech cannot
2 be understood with optimum amplification, or a progressive hearing loss
3 having a prognosis leading to this condition; and
4
5 (C) for whom the combination of impairments described in subparagraphs
6 (A) and (B) of this paragraph cause extreme difficulty in attaining
7 independence in daily life activities, achieving psychosocial adjustment,
8 or obtaining a vocation;
9
10 (D) who, despite the inability to be measured accurately for hearing and
11 vision loss due to cognitive or behavioral constraints, or both, can be
12 determined through functional and performance assessment to have
13 severe hearing and visual disabilities that cause extreme difficulty in
14 attaining independence in daily life activities, achieving psychosocial
15 adjustment, or obtaining vocational objectives; or
16
17 (E) who meets such other requirements as the Secretary of Education may
18 prescribe by regulation.
19

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

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24 **§856.84. Initial Eligibility.**
25

- 26 (a) To be eligible for vocational rehabilitation (VR) services at the Criss Cole
27 Rehabilitation Center (CCRC), an individual must be:
28
29 (1) at least 18 years of age;
30
31 (2) legally blind or deafblind;
32
33 (3) a current VR customer; and
34
35 (4) referred by a VR counselor for services at CCRC.
36
37 (b) Any individual described in subsection (a) of this section shall be subject to a
38 computerized criminal history (CCH) check, and the results of the CCH will be
39 evaluated as to the individual's eligibility for VR services at CCRC. A risk
40 evaluation must be completed if the CCH check identifies a criminal history. The
41 Agency will perform a risk evaluation to include the following factors, but not be
42 limited to the:
43
44 (1) severity of the offense;
45
46 (2) time frame of the offense;

- 1
2 (3) rehabilitation of the customer; and
3
4 (4) parole and community supervision terms.
5

- 6 (c) A customer who is receiving services from an entity in another state and who
7 otherwise meets the requirements set out in subsections (a) and (b) of this section
8 may be considered for admission and training on a space-available basis, subject to
9 an agreement between the out-of-state entity and the Agency on payment of cost of
10 services provided to the individual.
11

12 *The provisions of this §856.84 adopted to be effective August 21, 2018, 43 TexReg 5398;*
13 *amended to be effective December 26, 2022, 47 TexReg 8740*
14

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16
17 **§856.85. Continuing Eligibility.**

- 18
19 (a) To maintain eligibility while receiving CCRC services, the customer (student) must
20 comply with:
21
22 (1) the Student Handbook; and
23
24 (2) relevant state and federal laws.
25
26 (b) Upon finding that the customer no longer complies with subsection (a) of this
27 section, continuing eligibility for services may be revoked and CCRC services
28 discontinued.
29

30 *The provisions of this §856.85 adopted to be effective August 21, 2018, 43 TexReg 5398*
31

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33
34 **§856.86. Services.**

- 35
36 (a) CCRC may provide services such as:
37
38 (1) assessment;
39
40 (2) individualized and small-group training;
41
42 (3) home and personal-management training;
43
44 (4) orientation and mobility training;
45
46 (5) braille training;

1
2 (6) low-vision assessment and training;

3
4 (7) recreation activities;

5
6 (8) social skills training;

7
8 (9) communication systems and tools;

9
10 (10) technology; and

11
12 (11) career guidance.

13
14 (b) This list should not be interpreted as comprehensive; ancillary services may also be
15 available.

16
17 (c) Services are provided in accordance with VR as listed on the customer's
18 individualized plan for employment.

19
20 *The provisions of this §856.86 adopted to be effective August 21, 2018, 43 TexReg 5398*

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23
24 **§856.87. Customer Participation and Comparable Services and Benefits.**

25
26 For information about customer participation and comparable benefits, refer to §856.59,
27 relating to Purpose of Customer Participation, and §856.71, relating to Comparable
28 Services and Benefits.

29
30 *The provisions of this §856.87 adopted to be effective August 21, 2018, 43 TexReg 5398*

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33
34 **§856.88. Payment of Shift Differentials.**

35
36 (a) The Agency's VR Division (VRD) director is authorized to pay a shift differential to
37 eligible VR employees. The shift differential is paid in addition to the employee's
38 regular base pay, exclusive of longevity and benefit replacement pay.

39
40 (b) The VRD director is authorized to determine the VR positions that are eligible to
41 receive shift differential payments. The rate of payment is a percentage of the
42 employee's monthly regular base pay, not to exceed the maximum allowed by state
43 law, in relation to the number of hours the employee regularly works outside the
44 work hours of Monday through Friday, 8:00 a.m. to 5:00 p.m.

- 1 (c) This section does not apply to employees whose work hours have been adjusted according to
2 Agency policies that concern staggered work hours.
3

4 *The provisions of this §856.88 adopted to be effective August 21, 2018, 43 TexReg 5398*
5

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7

8 **SUBCHAPTER H. CERTIFICATE OF BLINDNESS FOR TUITION WAIVER**

9 **§856.90. Purpose.**

10 The purpose of this subchapter is to set out the administration and general procedures
11 governing the Certificate of Blindness for Tuition Waiver established in Texas Education
12 Code §54.364. VRD provides a certificate of blindness to an individual who applies for a
13 tuition waiver at a state-supported postsecondary school in Texas.
14
15

16
17 *The provisions of this §856.90 adopted to be effective November 8, 2017, 42 TexReg 6195*
18

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20

21 **§856.91. Definitions.**

22
23 The following words and terms, when used in this subchapter, have the following
24 meanings.
25

- 26 (1) Applicant--An individual applying to VRD for a Certificate of Blindness for
27 Tuition Waiver.
28
29 (2) Certificate of Blindness for Tuition Waiver--The certificate issued by VRD to
30 certify that the applicant is blind. The applicant may use the certificate to apply
31 for a tuition waiver at any Texas state institution of higher education using
32 public funds, as set forth in Texas Education Code §54.364.
33

34 *The provisions of this §856.91 adopted to be effective November 8, 2017, 42 TexReg 6195*
35

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37

38 **§856.92. Eligibility.**

- 39
40 (a) To obtain a certificate, a VRD customer must make a request through his or her VR
41 counselor.
42
43 (b) For an individual who is not a VRD customer to obtain a certificate, the individual
44 must submit a request in person or by mail to any VRD office, and present visual
45 diagnostic information confirming that the individual is blind.
46

- 1 (c) Visual diagnostic information must include eye exams from an optometrist,
2 ophthalmologist, or low-vision specialist.
3
- 4 (d) VRD does not pay for diagnostic exams for the sole purpose of obtaining this record.
5
- 6 (e) Eligibility for a Certificate of Blindness for Tuition Waiver is determined by VRD,
7 and the determination is final.
8
- 9 (f) The Certificate of Blindness for Tuition Waiver issued by VRD is not a
10 determination that an applicant satisfies the residency requirement, or any other
11 requirement set forth under Texas Education Code §54.364, for tuition waiver at any
12 eligible institution.
13

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

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16
17