# Board VR Requirements Chapter 1: Summer Earn and Learn (SEAL)

**Revisions will take effect on February 11, 2019.**

## Introduction

TWC will execute a fee-for-service contract with Boards to deliver Summer Earn and Learn services to students with disabilities. Boards will be paid established fees based on completion of the deliverables as specified in Section 1.8.3 SEAL Services Payment Structure. The fees are intended to pay for delivery of the service or services associated with the deliverable, including materials and supplies. This chapter describes the contract statement of work and associated deliverables and requirements. The Board and Board contractor staff that provide services described in this chapter must comply with the requirements in the following sections.

## 1.1 Overview of Summer Earn and Learn Program

The Summer Earn and Learn (SEAL) Program establishes a mechanism by which pre-employment transition services (Pre-ETS) are provided to students with disabilities, as required under Title IV of the Workforce Innovation and Opportunity Act (WIOA), which modified the Rehabilitation Act of 1973 (Rehabilitation Act). SEAL is a statewide strategy that includes Work Readiness Training and Paid Work Experience for students with disabilities. It will be offered in each local workforce development area (LWDA) during the summer months, when students are out of school.

SEAL includes basic work-based learning and training services for students with disabilities that provide:

* pre-employment work readiness training and preparation for the work experience placement;
* work experience to help participants gain familiarity with the workplace environment and develop transferable job skills; and
* paid compensation for time worked on the job.

## 1.2 Objective of Summer Earn and Learn Program

The objective of the SEAL program is to increase work-based learning opportunities for students with disabilities through Texas' integrated workforce system, thereby providing participants with foundational employment skills and better preparing them for successful transition to postsecondary education and employment.

## 1.3 Scope of Summer Earn and Learn Program

Provide to students with disabilities workplace readiness training, work experience, and transferable skill learning opportunities while they earn compensation for time worked on the job site.

## 1.4 Summer Earn and Learn Preparation

Before SEAL Program services are provided to participants, the Board must:

* establish a joint planning committee, team, or similar coordinating body;
* identify points of contact as needed to ensure orderly coordination and communication between the Board and VR staff;
* identify participating employers and develop work sites;
* coordinate with VR contacts to conduct outreach and recruitment; and
* develop local processes and strategies to support and facilitate ongoing coordination and communication between the Board, its subcontractors, VR staff, schools, parents and students.

### 1.4.1 Joint Planning Committee

Joint planning committees assist in:

* Identifying and providing necessary orientation, training and/or disability awareness information for participating Board, contractor, and VR staff. The planning committee may include any other partners in this training, such as local employers.
* Coordinating with local VR contacts to develop local processes for the identification and referral of participants,
* Determining the designated points of contact for the Board and for the VR program staff and share necessary contact information.
* Sharing and exchanging information about the jobs and worksites that are available to the program.
* Addressing any needs or concerns shared by the employers. As needed, the Boards can request assistance from VR staff to address identified employer needs or concerns, including completing a work site analysis to identify and address barriers experienced by an individual with a disability.
* Determining the process for transmitting personally identifiable information (PII), including the use of encryption software for email correspondence.
* Sharing and exchanging information and documentation about VR participants and potential participants to choose the appropriate SEAL program participants, and ensure an appropriate work site match. The committee should discuss any accommodation needs or concerns for the participants.
* Determining a process for handling of participant needs or issues as they arise and how the committee will maintain communication with all parties to ensure awareness of such issues and coordination of efforts to resolve such issues.
* Coordinating with VR staff to ensure information is collected as required for VR case files and federal reporting, and to develop processes for collection and submission of such information; and
* Coordinating with VR staff on a Program Summary Report at the end of the SEAL program.

### 1.4.2 Worksite Development

Boards are responsible for identifying, recruiting, and developing employment opportunities and worksites in both the public and private sector for paid work experience placements.

Board efforts to develop work experience opportunities should target high-growth occupations, skilled trades and crafts, and other high-demand occupations in the local workforce development area.

Work experience placements must be designed to help the participants gain work skills, build self-confidence, network with others, receive guidance and feedback on performance, and explore various career fields.

As the area job market grows or changes, Boards are encouraged to provide work experiences that enable a greater number and variety of career choices for the program participant.

#### 1.4.2.1 Paid Work Experience at Worksite

Boards will develop worksites with employers that are able to provide a minimum of five weeks of paid work experience at a single hourly wage that is determined by the Board to be appropriate for the Local Workforce Board area in which the work is performed.

The hourly wage must also comply with the Fair Labor Standards Act (FLSA). Boards can negotiate the number of hours per week of work available for each participant with identified employers. Boards will also explain the employer supervisor and/or manager responsibilities for the SEAL participants as described in Section 1.5.4.1 Worksite Placement.

VR participant wages must be paid in a timely manner and must include other costs associated with payroll, such as federal income tax withholding, Federal Insurance Contributions Act expenses, workers' compensation insurance, and any fees associated with payroll processing. Boards may set an hourly wage rate for the paid work experience component that is consistent with or based on the hourly wage the Board uses for paid work experience under the WIOA Title I formula youth program.

#### 1.4.2.2 Board/VR Worksite Development Collaboration

Board and VR staff must coordinate and partner to build relationships with employers. VR staff will contribute their knowledge of employers who have successfully hired VR participants in the area.

VR staff will assist the Board in providing disability awareness presentations, worksite analysis, or other forms of assistance to support the Board in working with employers to identify needed participant accommodations, if any, and address any issues or concerns.

Coordinated Board and VR staff efforts to support participating employers will encourage employers to continue serving as SEAL program partners, and to participate in planning, organization, recruitment, and possible retention of employment opportunities for students with disabilities.

### 1.4.3 Outreach and Recruitment

VR counselors in local VR offices will identify current VR participants who may be appropriate for the SEAL program and initiate the referral process to the Boards as determined by the joint planning committee for that LWDA.

If available slots for the program are not filled, Boards will be required to engage in additional outreach and recruitment efforts in coordination with local VR offices.

#### 1.4.3.1 SEAL Candidates

In addition to students who are current VR participants, candidates for SEAL can also include potentially eligible students who have not applied and been determined eligible for VR services but meet the definition of Student with a Disability as established by WIOA.

Both current VR participants and potentially eligible students must meet the following criteria to participate in SEAL:

* The student must be 14–22 years of age, and must be less than 22 years of age as of September 1 of the previous year (in other words, participants aged 22 during the summer SEAL program must have turned 22 on or after September 1 of the prior year);
* The student is eligible for and receiving special education or related services under the federal Individuals with Disabilities Education Act, or is an individual with a disability for purposes of §504 of the Rehabilitation Act; and
* The student is in an educational program, including:
	+ secondary education;
	+ nontraditional or alternative secondary education programs, including home schooling;
	+ postsecondary education programs; or
	+ other recognized educational programs, such as those offered through the juvenile justice system.

#### 1.4.3.2 SEAL Candidates Potentially Eligible for VR Services

When the Board is aware of students who are candidates for SEAL participation who also are potentially eligible for VR services, the Board must share necessary information with VR staff about these candidates so that VR can:

* keep track of the student's progress,
* gather information to comply with federal VR reporting requirements, and
* monitor the funding related to the student's SEAL participation.

During the planning process, the joint planning committee shall determine how required information and documentation will be gathered for student candidates who are potentially eligible for VR services.

#### 1.4.3.3 SEAL Outreach and Recruitment

Boards must work collaboratively with the local VR staff to plan, identify, and recruit candidates for SEAL. The joint planning committee must work together to develop outreach and recruitment materials for SEAL and must share information regarding outreach activities or opportunities in the local workforce development area.

VR staff can assist Boards in ensuring that all outreach and recruitment materials are available in formats accessible to students with disabilities.

If any outreach materials or activities contain identifying information about current VR participants, then the joint planning committee is responsible for ensuring confidentiality as well as securing required releases of information.

#### 1.4.3.4 Potential SEAL Candidates Who Are Out-of-School Students

Boards may include out-of-school students funded by WIOA Title I in SEAL after filling all VR-funded slots.

#### 1.4.3.5 Documenting SEAL Candidate Eligibility

VR staff will determine eligibility for participation in SEAL and/or for other VR-funded services. Boards must work closely with VR staff to provide necessary documentation for Board-referred participants.

This information will be identified by VR staff during SEAL planning and specified in local procedures for SEAL participants.

Boards may co-enroll students and enter their information into The Workforce Information System of Texas (TWIST) if the Board decides to provide additional non-VR services to the students, provided that those services are funded through other sources available to the Board.

## 1.5 Summer Earn and Learn Services

### 1.5.1 Service Description

Boards must provide the following services to SEAL participants:

* pre-employment work readiness training and preparation for the work experience placement, unless the Board chooses not to provide this training as permitted in Section 1.5.3 Work Readiness Training;
* work experience to help participants gain familiarity with the workplace environment and develop transferable job skills; and
* paid compensation for time worked on the job.

### 1.5.2 Staff Qualifications

Boards must review the qualifications and experience of Board and contractor staff who will provide Work Readiness Training to ensure appropriate knowledge, skills and abilities regarding instructional techniques, working with youth, and methods for appropriately matching a student with a disability to a work site.

Staff working directly with SEAL participants must have:

* at least a high school diploma or GED; and
* a varied and successful work history.

It is preferred but not required that these staff also have experience working with people with disabilities.

### 1.5.3 Work Readiness Training

Students participating in the SEAL program must receive up to ten (10) hours of Work Readiness Training. The Board may elect to provide the training, or, if the Board chooses not to provide the training, the Board must notify VR staff to allow VR staff sufficient time to arrange for the student to receive similar training from a VR provider. Work Readiness Training provided by the Board may occur prior to or during the paid work experience component. Topics that must be covered include:

* Workplace Basics (such as transportation, paycheck basics, and time keeping)
* Professional Conduct and Employer Expectations
* Communication and Teamwork
* Decision-Making and Problem-Solving

Work Readiness trainers are responsible for maintaining attendance records, curriculum, lesson plans, and documentation as proof required training topics were completed.

All curricula and attendance records must be available for review by VR staff upon request. VR staff can assist in making sure all materials and media used in the training are accessible to the VR participants who have accessibility needs.

Boards must ensure that students completing Work Readiness Training are offered a worksite placement.

If the Board does not choose to deliver Work Readiness Training, VR staff may be able to arrange similar training through an existing Vocational Adjustment Training (VAT) provider. This determination should be made as early as possible in the planning process, to allow VR sufficient time to identify potential VAT providers. This determination should also consider the number of participants relative to the number of VAT providers in the area.

When the decision has been made to provide Work Readiness Training through a VAT provider, the training must be provided with adequate time to complete the training before the SEAL job placement begins.

VAT services will be provided as they would for participants outside of SEAL, in compliance with the VR Standards for Providers and the Vocational Rehabilitation Services Manual.

Payment for VAT will be made by the VR counselor directly to the provider. In instances where VAT is provided, the Boards will not be paid for Work Readiness Training.

### 1.5.4 Work Experience Placement, Monitoring, and Oversight

#### 1.5.4.1 Worksite Placement

After the completion of the Work Readiness Training, the participant will be assigned to a worksite that has been selected by the Board or the Board's contractor.

Boards may work with VR staff to identify appropriate work placements for each SEAL participant, as well as accommodations that may be needed at a particular worksite. Board or contractor staff are responsible for contacting VR staff at least 72-hours in advance to request an interpreter or skills trainer to support a student’s placement at the worksite. VR staff must be in agreement that a skills trainer is necessary for the student, based on the student’s support needs, prior to arranging for the skills trainer.

The work experience placement must consider the participant's interests, abilities, capabilities, informed choice, and proximity to home. Work experience placements should also be determined based upon feedback and information provided by VR staff.

Once it has been determined that a worksite is appropriate for a SEAL participant, it is recommended that the Boards meet with VR staff, the participant, the participant's parent or legal guardian, and any other representatives as appropriate to discuss strategies, services and expectations for successful participation.

Boards will place the participant at the worksite and provide a point of contact for the participant to utilize in the event of any concerns about the placement. Boards are responsible for notifying VR staff, the participant, and the participant’s parents or guardian of the VR participant’s worksite placement at least 72-hours prior to first day of work experience to ensure sufficient time for the participant to make any necessary arrangements to participate.

It is the intent of the SEAL program that the paid work experience will give a participant the opportunity to:

* develop skills and competencies;
* build self-confidence;
* network with other employees of the organization; and
* receive feedback on his or her performance related to meeting the expectations of the employer.

The Board is responsible for recruiting employer participation and developing worksites for placement of SEAL participants. As part of this responsibility, the Board is responsible for orienting the employer supervisor and/or manager to their responsibilities, which are as follows:

* modeling expectations;
* giving clear, detailed, and repeated directions;
* communicating expectations for job performance, behavior, and social interactions;
* explaining consequences for inappropriate behavior;
* discussing progress and improvements in performance with both the participant and contractor;
* teaching skills needed for successful job performance; and
* communicating regularly with both the participant and the Board.

When a Board subcontracts SEAL functions to a third party, a participant may not be placed in a worksite that is within the subcontractor's organization. SEAL participants are expected to be placed within public or private employers outside of TWC, the Board, and any subcontractor organizations.

Should an employer require drug screening and/or background checks, the Board or its subcontractor may pay for the cost of drug screening where necessary.

#### 1.5.4.2 Worksite Monitoring and Oversight

The Boards will provide ongoing worksite monitoring to ensure the participant is successful at the job and address any issues. The Boards will be responsible for keeping the VR staff informed about participant progress and/or issues on a consistent basis, while collaborating with the VR staff to resolve worksite issues or make needed changes.

If the participant needs additional individualized supports, the VR staff will provide case management services to arrange, provide, and/or purchase those supports. As Boards become aware of the need for these supports, they must timely consult with the VR counselor. The VR counselor will determine if the supports are appropriate for purchase with VR funds.

VR counselors can purchase the following support goods or services for both eligible and potentially eligible students who are SEAL participants:

* American Sign Language interpreters or language translation services;
* Screen reader or screen magnification software;
* Other assistive devices and equipment needed as an auxiliary aid for a student to access or participate in SEAL; and
* Work Experience trainers to provide on-site one-on-one or group training to ensure that the participants receive needed training and meet the employer's expectations.

VR counselors must have sufficient notice to arrange for and purchase needed support goods or services.

If a potentially eligible student participating in SEAL needs additional services and supports (such as transportation assistance or equipment), the student must apply for VR services and be determined eligible by the VR counselor for VR to purchase these services.

## 1.6 Documentation and Recordkeeping

Boards must maintain certain records of SEAL participants and deliverables for the purposes of documenting, invoicing, program planning, and service delivery. These records do not constitute a separate VR case file, but are considered supplemental information needed by the Board and its subcontractors for operational, documentation, and invoicing purposes.

All records must be maintained in a paper or secure electronic format and in a safe and confidential manner. Records are to be retained following the Board's records retention schedule.

## 1.7 Program Description

Each Board must submit a description of its SEAL program services to TWC by April 1st of each year. The program description must:

* indicate whether the Board will provide Work Readiness Training;
* specify the total number of hours for Work Readiness Training if the Board will provide it; and
* identify the single hourly wage that participants will receive for the paid work experience component in the workforce area and include the cost of any other associated and necessary costs for the paid work experience.

## 1.8 Financials and Payment Structure

### 1.8.1 Payment

TWC will pay the Boards for achievement of the deliverables described in Sections 1.4 SEAL Preparation, 1.5 SEAL Services, and 1.9 Required Reporting by applying the payment structure listed in Section 1.8.3 SEAL Services Payment Structure. Boards must retain documentation to support completion of each deliverable. TWC is not obligated to pay unauthorized costs or to pay more than the amounts listed for each deliverable in Section 1.8.3.

TWC will not purchase or pay for stipends for any component of the SEAL program.

If an advance payment for approved working capital expenses is received, the Board shall review and timely submit a complete reconciliation of actual expenditures paid from those funds within seventy-five (75) days of receipt of advanced funds. See Section 1.8.5 Working Capital Advance for more information.

#### 1.8.1.1 Travel Costs Payment

TWC will pay Board costs for mileage incurred by Board or Board contractor staff associated with performance of the Pre-ETS worksite monitoring deliverable.

TWC will

* pay the Board for travel mileage that exceeds 50 miles round trip; and
* pay at the State rate applicable to the time of travel for mileage amounts greater than 50 miles.

The allowable amount for payment is based on the round-trip travel only and determined on the distance traveled between:

* the Board or Board contractor's listed physical location and the city(ies) or town(s) where the worksite monitoring occurs; and
* the distance traveled from worksite to worksite within the city or town, if the Board is visiting multiple worksites.

Where possible, the Board must include multiple cities and worksites in each worksite monitoring trip for which TWC pays mileage costs.

The supporting documentation for the travel cost billing includes the following information:

* Pre-ETS worksites visited;
* date of the travel;
* board/contractor location (departure point);
* Pre-ETS worksite(s) (destination point(s);
* total mileage for the round trip; and
* number of round trips for which the travel cost is being invoiced.

The mileage billable amount is equal to the State of Texas reimbursement rate on the date of the travel, as posted on the Comptroller's website. <https://fmx.cpa.texas.gov/fmx/travel/textravel/rates/current.php>

### 1.8.2 Invoicing and Payment for Services

TWC will pay, in accordance with the Texas Prompt Payment Act, upon receipt of complete, timely submitted invoices for accepted services in the maximum deliverable payment amount per VR participant served by Board, based on the Payment Schedule listed in Section 1.8.3 SEAL Services Payment Structure. TWC will accept services that are supported by Board documentation of successful completion of the deliverables in the Payment Schedule.

Participants must complete Work Readiness Training if the Board invoices TWC for full payment for that deliverable. If a participant does not complete the Work Readiness training, the Board may request partial payment of $35 per hour for each hour of the training the participant completed.

If the Work Readiness Training is not offered by the Board and the SEAL participants are enrolled in a VAT program conducted by another VR provider, the Board will not receive payment for the Work Readiness Training deliverable.

Boards must offer participants a paid work experience placement that is a minimum of five (5) weeks in duration. If a VR participant does not complete five weeks of paid work experience, a partial payment for completion of less than a full five weeks of work experience will be paid based on the number of hours and weeks of work completed. All SEAL participants should conclude their work experience assignments no later than August 31st.

Boards will invoice TWC for each VR participant using the SEAL for Students with Disabilities detailed invoice template. Boards must submit the required supporting documentation with this invoice. Required supporting documentation for each deliverable is listed in Section 1.8.3 SEAL Services Payment Structure. The Board must submit these invoices at least monthly and may submit them weekly, or biweekly.

The invoice will include deliverables submitted for payment, allowable worksite monitoring travel reimbursement, if any, and the number of hours the VR participant worked each week and the Board's established hourly wage rate.

Boards must submit detailed invoices and supporting documentation to APPO@twc.state.tx.us.

Boards must submit one final detailed invoice for the reporting deliverable only and the Program Summary. The final invoice must be submitted within 30 calendar days after the program end date.

Boards may not invoice TWC for an amount that exceeds their contract amount. Boards are responsible for monitoring SEAL expenditures, and if necessary, requesting a contract amendment if the Board anticipates serving more students in SEAL than projected for the initial contract amount. Boards must request a contract amendment by submitting the request to the contract manager with a copy to APPO@twc.state.tx.us at least 30 days in advance of incurring costs that exceed the contract amount or at least 30 days prior to the contract end date, whichever comes first, to allow sufficient time for review and processing. Board requests for contract amendments must include the amount requested and justification for the request. Once a contract amendment is approved, the Board will be notified, and the amendment will be executed.

### 1.8.3 SEAL Services Payment Structure

The Board may not collect money from a VR participant or the participant's family for any SEAL services. If VR and another resource is paying for a service for a participant, the total payment received by the Board for the service must not exceed the payment amount specified below.

#### Schedule of Deliverables and Payments

|  |  |  |
| --- | --- | --- |
| **Deliverable** | **Payment Per Student or Participant** | **Required Supporting Documentation** |
| 1. Planning, Coordination, Recruitment and Registration | $350 | List of students registered for SEAL |
| 2. Work Readiness Training | $350 | Participant sign-in sheets for the class and agenda |
| 3. Worksite Identification and Placement | $500 | Participant's first timesheet or payroll record following worksite placement |
| 4. Worksite Monitoring | $250 | Documentation of site visits that includes* an assessment of the participant's progress based on contact with the participant and employer;
* a description of any issues identified and how they were resolved; and
* evidence that VR staff were made aware of any issues identified.
 |
| 5. Student Wages | Hourly wage rate plus required fees plus processing fee times the number of hours worked | Participant timesheet or payroll records |
| 6. Reporting | $200\* | Final summary report |

\* Payment for the Reporting deliverable will be based on the number of participants.

### 1.8.4 Outcomes Required for Payment

To be eligible for payment, Boards must document and submit information to demonstrate that:

* Participants were registered for SEAL;
* Participants completed Work Readiness Training provided by the Board and required topics were covered, if applicable;
* A Work Experience placement was made at a specific worksite for each participant;
* Wages were paid to participants based on actual hours worked;
* Worksite monitoring was conducted for each participant; and
* A final summary report was submitted and accepted by TWC.

Boards will be paid one deliverable payment per participant for Worksite Monitoring, regardless of the number of monitoring visits conducted.

Boards must ensure that timesheets or payroll records submitted as supporting documentation for wage payments are complete and accurate.

### 1.8.5 Working Capital Advance

A Board may request in writing a working capital advance from TWC. This option recognizes the following:

* the needed services' specialized nature;
* that although Boards can offer the specialized expertise needed, Boards have limited or no unrestricted funds with which to provide the needed services; and
* state policies permit advance payment in limited instances, such as when advance payment is required by a vendor offering specialized services.

Boards that require a working capital advance may request up to 85% of the total amount the Board would be paid for the Planning, Coordination, Outreach and Recruitment deliverable for the Board's target number of students. Boards must submit the Advance for SEAL for Students with Disabilities invoice to APPO@twc.state.tx.us prior to the effective start date of the service contract. TWC will determine whether to approve an advance payment allowance.

If an advance payment is authorized, TWC will make payment by direct deposit after the contract is fully executed.

Boards must repay the working capital advance at the end of the contract period by submitting the [TWC Cash Remittance Form](https://twc.texas.gov/files/partners/cash-remittance-report-twc.doc) (available at [http://www.texasworkforce.org/files/partners/cash-remittance-report-twc.doc](https://twc.texas.gov/files/partners/cash-remittance-report-twc.doc)), along with repayment of the working capital advance, to the address specified on the form within 30 calendar days after submission of the Board's final SEAL for Students with Disabilities detailed invoice. Boards must specify "6" in the Reason Coding column of the TWC Cash Remittance Form, and under the form's Reason Coding descriptions, Boards must type "Remittance of SEAL Advance" in the explanation field for Reason Code 6.

## 1.9 Required Reporting

During the SEAL program, the Boards must track the information listed below and, upon request, provide status reports on the number of students registered and participating to VR. By the 60th day following the program end date, but in no event later than September 30th following the program end date, Boards must submit a Program Summary report that includes:

* A list and count of all students registered for the SEAL program;
* A count of all students who registered but did not participate in the SEAL program;
* A list and count of VR participants who completed the Work Readiness Training
* A list and count of VR participants who were placed in paid work experience;
* A list and count of the VR participants who completed the paid work experience, and:
	+ the worksite placement of each VR participant,
	+ the hourly wage and weekly hours worked,
	+ the length of placement (number of weeks) and total hours worked;
* A narrative section identifying and discussing specific successes, challenges, lessons learned and recommendations for future revisions or improvements to the SEAL program.

The Program Summary report may be submitted on the SEAL Program Summary templates, which include a section that summarizes worksites and worksite monitoring activities. This section of the Program Summary report should include a list and total number of worksites, number of VR participants placed per worksite, host site feedback, and any issues identified and how they were handled. The Program Summary report should be submitted electronically to APPO@twc.state.tx.us.