



Arizona's Protection & Advocacy System

Fact Sheet – Trial Work Experience for Vocational Rehabilitation Clients

[ASL Video Here](#)

Federal law requires state Vocational Rehabilitation (VR) programs to conduct a Trial Work Experience (TWE) when VR questions an applicant's ability to reach a successful employment outcome due to their disability.

Before VR can find an applicant ineligible for services and close their case, they must have clear and convincing evidence they are too disabled to benefit from services to work. To meet the clear and convincing standard, VR must prove this point to a high degree of certainty.

VR cannot find an applicant ineligible for services simply relying on medical or school records or interviews and observations. A TWE, if done correctly, should provide clear and convincing evidence on whether or not the applicant can benefit from VR services in terms of an employment outcome.

Source: [34 CFR §361.42 \(e\)](#)

What is a TWE?

A TWE is an exploration of the applicant's abilities, capabilities and capacity to perform work activities in realistic work situations.

Applicants have a choice in where the TWE takes place and what kind of work is done. The TWE must be done in a competitive integrated work setting, if possible. TWEs are at work locations in the community. TWEs allow applicants to interact with people with and without disabilities. The work must be related to an applicant's employment goal.

Examples:

- If an applicant wants to be a nurse, the TWE could be in a health clinic.
- If an applicant wants to be a cosmetologist, the TWE could be in a beauty school or salon.
- If an applicant wants to be a teacher, the TWE could be in a school as a classroom aide.

Is there a TWE Written Plan?

Yes, before starting a TWE, an applicant and their VR Counselor must develop a written plan. The TWE written plan must include how the TWE will assess the applicant's abilities, capabilities and capacity to perform in realistic work situations. It must also include what, if any, supports VR will provide during the TWE.

- Examples of support services may include assistive technology devices, personal care assistance, and job coaches.

Applicants should tell their VR counselor all the services they need to do their best in a TWE, to be listed in the written plan.

- Examples of other services in the plan may include transportation assistance, interpreter services, and work clothes.

Source: [34 CFR §361.42 \(e\)\(2\)\(i\)](#)

How long does a TWE last?

Federal law does not list a minimum or maximum period for TWEs. It just says TWEs must be *of sufficient variety and over a sufficient amount of time*. Arizona VR usually arranges a TWE to be part-time for a period of 4 to 6 weeks. Together, applicants and their VR counselors should decide on the number of hours per week and total number of weeks of the TWE.

Federal law also requires VR to provide a variety of experiences before a decision is made. In other words, an applicant could do more than one TWE to make sure VR is getting the full picture of their potential.

Source: [34 CFR §361.42 \(e\)\(2\)\(iii\)](#)

What happens during the TWE?

A VR service provider will arrange the TWE and go with applicants to the work setting. The service provider should assist them in learning work tasks and then observe their abilities and capabilities. VR will look at things like the applicant's ability to:

- get to work on time,
- interact well with supervisors and co-workers,
- follow instructions, and
- complete work tasks correctly and on time.

The VR counselor will receive reports from the service provider throughout the TWE about how you are doing. Applicants placed in a TWE should do their best at the work tasks.

If there are problems during the TWE, applicants need to tell the service provider and VR counselor as soon as possible. The VR Counselor and service provider should work with the applicant to find solutions.

What happens after the TWE is completed?

If an applicant does well at the TWE, the provider should report this to the VR counselor. Successful completion and a positive report provide VR with enough evidence to determine the applicant can benefit from services. In that case, VR must find the applicant eligible for VR services and begin developing the Individualized Plan for Employment (IPE).

If an applicant does not do well at the TWE, VR may have clear and convincing evidence that the applicant is too disabled to benefit from

services. In that case, VR must provide written notice of this decision. An applicant can appeal this decision.

TWE Examples

Example of a **bad** TWE – Ian’s employment goal is to become a veterinarian assistant but his VR Counselor does not believe he can do this work because of his visual impairment. The Counselor arranges for Ian to do a TWE at a Goodwill store sorting clothes for two weeks. Ian was not involved in the decision to do the TWE at Goodwill and has no interest in doing retail work. He did not do well at Goodwill. VR offers no other TWE to Ian and notifies him that his case is being closed because he is too disabled to be successful at work.

Example of a **good** TWE for Ian. VR places Ian at a local animal shelter. There, Ian is assigned to walk dogs, feed the animals, clean enclosures, helps potential adopters fill out online applications and meet available pets. VR provides a screen magnifying program so that Ian can enlarge the pet adoption applications on his laptop screen. VR also provides him with orientation and mobility services to learn his work areas and the paths used for dog walking. Ian does well at this TWE, VR now has evidence that Ian can benefit from services to reach an employment goal and finds him eligible for services.

Troubleshooting Common TWE Problems

Problem: VR requires you to do a TWE when you do not think it should be necessary.

- **Tip:** Make sure you provide VR with as much current healthcare, education, work experience and/or volunteer records that show you can benefit from services. Statements about your work abilities from doctors, case managers, former supervisors or co-workers can be helpful. This information may be enough for VR to find you eligible without the need for a TWE. If VR still requires you to an unnecessary TWE, you can appeal the decision.

Problem: VR tells you who your service provider is and they offer limited TWE options that do not meet your needs.

- **Tip:** Tell your VR Counselor why the TWE options do not meet your needs and ask for other choices. Let VR know you want to cooperate with the TWE, but you need an appropriate option. Be sure to put your concerns in writing. Remind them that TWEs must be individualized.

Problem: VR has a limited number of providers who do TWEs.

- **Tip:** You can interview TWE providers to determine who will be best to work with for these unique situations.

Problem: You do not have a clear understanding of what you need to accomplish during the TWE.

- **Tip:** Make sure there is a TWE written plan and you have a copy before the TWE starts. You should be involved in writing the TWE plan. It must include what will be evaluated, what needs to be accomplished, and what supports will be provided. If that information is not clear, ask that it be rewritten so you understand what it will take to be successful at the TWE.

Problem: After one limited TWE, VR determines that you cannot benefit from services.

- **Tip:** Remind VR that they must provide a TWE opportunities of a *sufficient variety and over a sufficient amount of time*. Ask in writing for an additional TWE opportunity before they make the decision. Explain why the one TWE was not sufficient. If VR refuses, you can appeal the decision.

Problem: VR tells you that you must do the TWE without a job coach or other support you need to be successful.

- **Tip:** Tell VR that they are responsible for providing necessary support services during TWEs. Ask that job coaching or necessary support be listed in your TWE plan. If VR refuses to

provide the necessary support during your TWE, you can appeal this decision.

Problem: You need transportation to get to and from your TWE.

- **Tip:** Tell VR you need transportation for your TWE and ask them to add it to your TWE written plan.

If you cannot resolve these or any disputes with VR about TWEs, you may call ACDL and do an [intake](#).