

1 **CHAPTER 805. ADULT EDUCATION AND LITERACY**

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3 **ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**
4 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**
5 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF**
6 **STATE.**

7
8 The Texas Workforce Commission (TWC) adopts amendments to the following section of
9 Chapter 805, relating to Adult Education and Literacy:

10
11 Subchapter C. Service Delivery Structure and Alignment, §805.41

12
13 Amended §800.41 is adopted *without changes* to the proposal, as published in the November 24,
14 2023, issue of the *Texas Register* (48 TexReg 6876), and, therefore, the adopted rule text will not
15 be published.

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17 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

18 The purpose of the Chapter 805 amendments is to align the rules with federal statutory language
19 related to the state's requirement to award multiyear grants on a competitive basis to eligible
20 providers with demonstrated effectiveness within the state.

21
22 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

23
24 **SUBCHAPTER C. SERVICE DELIVERY STRUCTURE AND ALIGNMENT**

25 TWC adopts the following amendments to Subchapter C:

26
27 **§805.41. Procurement and Contracting**

28 Section 805.41(c) outlines the grant duration and term limits, which currently are more
29 restrictive than federal statutory language. TWC seeks to align rule language to statutory
30 language, which creates greater flexibility on defining grant duration.

31
32 TWC hereby certifies that the rules have been reviewed by legal counsel and found to be within
33 TWC's legal authority to adopt.

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35 **PART III. PUBLIC COMMENTS**

36 The public comment period closed on December 25, 2023. No comments were received.

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38 **PART IV. STATUTORY AUTHORITY**

39 The rules are adopted under Texas Labor Code, §301.0015 and §302.002(d), which provide
40 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
41 effective administration of TWC services and activities.

42
43 The adopted rules affect Title 4, Texas Labor Code, particularly Chapter 315.

1 **CHAPTER 805. ADULT EDUCATION AND LITERACY**

2
3 **SUBCHAPTER C. SERVICE DELIVERY STRUCTURE AND ALIGNMENT**

4
5 **§805.41. Procurement and Contracting.**

- 6
7 (a) Eligible grant recipients shall compete for funding through a statewide procurement
8 process conducted in accordance with federal and state procurement requirements.
9 AEL funding shall be allocated as set forth in §800.68 and §800.69 of this title.
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11 (b) Eligible grant recipients shall apply directly to the Agency using the grant solicitation
12 process, and shall meet all deadlines, requirements, and guidelines set forth in the
13 grant solicitation.
14
15 (c) Contracts awarded to AEL grant recipients shall be multiyear, at the Commission's
16 discretion. In considering a renewal, the Commission shall take into account
17 performance and other factors.
18
19 (1) Renewals for years three and beyond are not automatic and are based on
20 meeting or exceeding performance and expenditure benchmarks, or other
21 factors as determined by the Commission.
22
23 (2) The Agency shall conduct a new competitive statewide procurement at its
24 discretion and when appropriate to ensure that providers can effectively
25 develop, implement, and improve AEL services and programs within the state.
26
27 (d) Determinations by the Agency in the statewide procurement process will be based on
28 the indicated ability of the eligible grant recipient to effectively perform all services
29 and activities needed to fully comply with contract performance requirements and all
30 contract terms and conditions and may be influenced by factors used to determine
31 the allocation of AEL funds or other objective data or criteria.