

CHAPTER 805. ADULT EDUCATION AND LITERACY

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

ON **FEBRUARY 6, 2024**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Publication Date of the Adoption in the *Texas Register*: **February 23, 2024**

The Rules are Effective: **February 26, 2024**

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

Subchapter C. Service Delivery Structure and Alignment, §805.41

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in the November 24, 2023, issue of the *Texas Register* (48 TexReg 6876), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

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

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER C. SERVICE DELIVERY STRUCTURE AND ALIGNMENT

TWC adopts the following amendments to Subchapter C:

§805.41. Procurement and Contracting

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

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

PART III. PUBLIC COMMENTS

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

PART IV. STATUTORY AUTHORITY

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

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

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SUBCHAPTER C. SERVICE DELIVERY STRUCTURE AND ALIGNMENT

§805.41. Procurement and Contracting.

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