

Section 841.44 Determination of Subsequent Eligibility

The following rule amendment will be effective June 6, 2000.

The Texas Workforce Commission (Commission) adopts an amendment to §841.44, relating to the Determination of Subsequent Eligibility of training providers, without changes to the text as proposed in the April 7, 2000, issue of the *Texas Register* (25 TexReg 2987).

Background and Purpose: The Workforce Investment Act (WIA) requires that before an entity can provide training services to WIA participants with individual training accounts, the entity must be determined eligible to receive WIA funds. WIA lists some of the required elements for both initial and subsequent eligibility determinations. Chapter 841 describes the process and procedure for making initial and subsequent eligibility determinations. The amendment to §841.44 clarifies that in applications for subsequent determinations of eligibility, just as in initial applications, the local workforce development board (Board) is responsible for providing notice of determinations of eligibility. Further, in determinations of subsequent eligibility, the Board must provide notice within 30 days of receipt of the subsequent eligibility application. The amendment also provides for reconsideration of a denial of an application for subsequent eligibility and reapplication.

No comments were received on the proposed changes to the rule.

The amended rule is adopted under Texas Labor Code §§301.061 and 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Commission services and activities.

§841.44. Determination of Subsequent Eligibility.

(a) Each Board shall annually establish minimum requirements for subsequent eligibility. In determining subsequent eligibility, Boards shall consider the following:

- (1) the specific economic, geographic, and demographic factors in the local areas in which providers seeking eligibility are located;
- (2) the characteristics of the populations served by providers seeking eligibility, including the demonstrated difficulties in serving such populations, where applicable;
- (3) current and projected occupational demand within the local area;

(4) the performance of a provider of a program(s) of training services, including the extent to which the annual standards of performance established by the Board have been achieved;

(5) the program cost of training services;

(6) the involvement of employers in the establishment of skill requirements for the training program; and

(7) the feedback of employers who employ individuals who have recently completed WIA-funded training to verify that the training provided produced the expected skills.

(b) No later than July 1, 2000, each Board shall ensure that training providers, in developing programs of training services and establishing performance criteria for successful course completion, use in descending order:

(1) skill standards recognized or conditionally recognized by the Texas Skill Standards Board;

(2) industry-endorsed skill standards; or

(3) skill requirements determined by employers.

(c) Boards may require enhancements to programs or courses to meet local industry needs.

(d) For programs of training services certified as initially eligible on or after July 1, 2000, a Board shall provide a written notice of determination of acceptance or rejection of a subsequent eligibility application to an applying entity within 30 calendar days of the receipt of the completed subsequent eligibility determination application.

(e) Board policy shall determine the circumstances under which reconsideration may be afforded to an entity whose application for subsequent eligibility certification determination was denied. An entity whose application for recertification was denied may reapply no sooner than six months after the date of the written notice of denial.