

1 **CHAPTER 835. SELF-SUFFICIENCY FUND**

2  
3 **PROPOSED 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 THE SECRETARY**  
6 **OF STATE.**

7  
8 **ON JUNE 14, 2022, THE TEXAS WORKFORCE COMMISSION PROPOSED THE RULES**  
9 **BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.**

10  
11 Publication Date of the Proposal in the *Texas Register*: **July 1, 2022**

12 End of Comment Period: **August 1, 2022**

13  
14 The Texas Workforce Commission (TWC) proposes amendments to the following sections of  
15 Chapter 835, relating to the Self-Sufficiency Fund:

- 16 Subchapter A. General Provisions Regarding the Self-Sufficiency Fund, §§835.1 - 835.3
- 17 Subchapter B. Project Administration, §§835.11, 835.13, and 835.14
- 18 Subchapter C. Project Administration After Award of Contract, §835.31 and §835.33

19  
20  
21 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

22 TWC's Chapter 835 Self-Sufficiency Fund rules provide the structure and administrative  
23 procedures for the Self-Sufficiency Fund, administered by TWC. TWC's three-member  
24 Commission adopted the rules in 2003, in their present form, to establish and operate the Self -  
25 Sufficiency Fund. The 87th Texas Legislature, Regular Session (2021), passed Senate Bill (SB)  
26 770 to amend Texas Labor Code, §309.002(a) to specify eligibility as "individuals who are  
27 identified by the commission as being low-income or at risk of becoming dependent on public  
28 assistance benefits."

29  
30 Texas Government Code, §2001.039 requires that every four years each state agency review and  
31 consider for readoption, revision, or repeal each rule adopted by that agency. TWC conducted a  
32 rule review of Chapter 835, Self-Sufficiency Fund, and proposes changes to align the rules with  
33 current program structure. Those changes are described in Part II of this preamble.

34  
35 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

36  
37 **SUBCHAPTER A. GENERAL PROVISIONS REGARDING THE SELF-SUFFICIENCY**  
38 **FUND**

39 TWC proposes the following amendments to Subchapter A:

40  
41 **§835.1. Purpose and Goal**

42 Section 835.1(a) states the purpose of the Self-Sufficiency Fund is to "provide training for  
43 targeted employment opportunities primarily for adult Temporary Assistance for Needy Families  
44 (TANF) recipients as well as those individuals at risk of becoming dependent on public  
45 assistance." TWC amends the purpose to "provide training for targeted employment  
46 opportunities for individuals who are identified as low-income, youth up to the age of 24 who are

1 part of a low-income family, or individuals at risk of becoming dependent on public assistance,"  
2 to align the section with Texas Labor Code, §309.002(a).

3  
4 Section 835.1(b) states the goal of the Self-Sufficiency Fund is to "help primarily adult TANF  
5 recipients as well as those individuals at risk of becoming dependent on public assistance." TWC  
6 amends the goal to "help individuals who have been identified as low-income, youth up to the  
7 age of 24 who are part of a low-income family, or individuals at risk of becoming dependent on  
8 public assistance" to align the section with Texas Labor Code, §309.002(a).

9  
10 **§835.2. Definitions**

11 TWC removes the definitions for "Customized job training project," "Texas Engineering  
12 Extension Service (TEEX)," and "Private partner," because those definitions are no longer  
13 applicable to Chapter 835.

14  
15 New §835.2(1) defines "Business partner" as "an individual, sole proprietorship, partnership,  
16 corporation, or association." The remaining paragraphs are renumbered accordingly.

17  
18 Renumbered §835.2(5) is amended to align the definition with revisions in the chapter; and  
19 remove the set income limit of "annual wages are at or below \$37,000" and replace with  
20 language on the process for the Commission to establish the income limit.

21  
22 New §835.2(6) defines "Low-income" as an individual whose family:  
23 --receives any one of the following benefits: Temporary Assistance for Needy Families (TANF);  
24 Supplemental Nutrition Assistance Program; Children's Health Insurance Program; or income-  
25 based subsidized child care through the Child Care and Development Fund;  
26 --is eligible for or receives subsidized public housing assistance;  
27 --participates in the United States Department of Agriculture Food and Nutrition Service's  
28 Special Supplemental Nutrition Program for Women, Infants and Children program; or free or  
29 reduced-cost school lunch based on income;  
30 --is eligible for, or enrolled in, Workforce Innovation and Opportunity Act youth services; or  
31 --income does not exceed the income limit established by the Commission.

32  
33 New §835.2(7) defines "Participant" as an individual who meets the eligibility criteria to engage  
34 in the Self-Sufficiency Fund's training program by being either low-income, at risk of becoming  
35 dependent on public assistance, or a youth up to the age of 24 who is a part of a low-income  
36 family.

37  
38 **§835.3. Uses of the Fund**

39 Section 835.3(a)(1) states a purpose of the Self-Sufficiency Fund is to develop "customized job  
40 training projects for adult TANF recipients or individuals who are at risk of becoming dependent  
41 on public assistance." TWC amends the purpose to develop training projects in which  
42 participants, as defined by new §835.2(7), are provided job training by:  
43 --an entity that develops a job-training program under Texas Labor Code, §309.002;  
44 --a small- or medium-sized business or trade union; or  
45 --an informal partnership between an entity that develops a job-training program under §835.3  
46 and a small- or medium-sized business network.

1  
2 The training purpose defined in §835.3(a)(2) is removed, as it is no longer applicable to Chapter  
3 835. The subsequent paragraph is renumbered accordingly.

4  
5 Section 835.3(c) specifies that the Self-Sufficiency Fund may not be used for purchase of any  
6 equipment for the training project of "a single employer." TWC amends §835.3(c) to remove "a  
7 single employer" from the rule to better align with the updated program structure.

8  
9 **SUBCHAPTER B. PROJECT ADMINISTRATION**

10 TWC proposes the following amendments to Subchapter B:

11  
12 **§835.11. Project Objectives**

13 Section 835.11(1) states an objective of the Self-Sufficiency Fund is to "provide training for  
14 targeted employment to allow adult TANF recipients as well as those individuals at risk of  
15 becoming dependent on public assistance to achieve self-sufficiency." TWC amends the  
16 objective to provide training for targeted employment to allow "individuals identified as low-  
17 income, youth up to the age of 24 who are part of a low-income family, or individuals at risk of  
18 becoming dependent on public assistance benefits to achieve self-sufficiency," to align the rule  
19 with Texas Labor Code, §309.002.

20  
21 New §835.11(3) states an objective of the Self-Sufficiency Fund is to develop projects that place  
22 individuals in positions of employment in career pathways or employment in local workforce  
23 development areas in which participants will earn wages sufficient to enable them to become  
24 independent of, or to avoid becoming dependent on, public assistance benefits to align Chapter  
25 835 with the updated program structure.

26  
27 Existing §835.11(3) and (4) are removed because the stated objectives are no longer applicable  
28 to Chapter 835. Subsequent paragraphs are renumbered accordingly.

29  
30 Renumbered §835.11(5) states an objective of the Self-Sufficiency Fund is to develop projects  
31 that result in employment benefits for the participants in the "customized training project." TWC  
32 removes "customized" from "customized training project," as it is no longer applicable to  
33 Chapter 835.

34  
35 Renumbered §835.11(6) states an objective of the Self-Sufficiency Fund is to develop projects  
36 that include contributions from other resources, including private partners, that are "committed to  
37 the customized job training project." TWC amends this objective to develop projects that include  
38 contributions from other resources, including the private partners, that "are supporting the  
39 training project," to better align Chapter 835 with the updated program structure.

40  
41 Renumbered §835.11(7) states an objective of the Self-Sufficiency Fund is to develop projects  
42 that result in the greatest economic benefit to the public, in the form of "enhanced worker skills  
43 and positive economic impact within the local community for each dollar invested in worker  
44 training." TWC amends the economic benefit to the public to "enhanced occupational skills and  
45 positive economic impact within the local community," to better align Chapter 835 with the  
46 updated program structure.

1  
2 **§835.13. Limitations on Awards**

3 Section 835.13(1) sets a monetary limit for the "training needs of a single employer." TWC  
4 amends the monetary limit to be for "training projects," to better align Chapter 835 with the  
5 updated program structure.

6  
7 Section 835.13(2) sets a monetary limit of 10 percent of the grant award for "propriety or  
8 production equipment required for the training project for a consortium of employers." TWC  
9 amends the monetary limit to be set for "nonproprietary equipment required for the training  
10 project" and removes "proprietary or production" and "consortium of employers" to better align  
11 Chapter 835 with the updated program structure.

12  
13 New §835.13(3) is added to set an administrative cost monetary limit related to direct training  
14 needs, as defined in the grant contract, to better align Chapter 835 with the updated program  
15 structure.

16  
17 The limits set in §835.13(3) and (4) are removed, because the limits are no longer applicable to  
18 the Self-Sufficiency Fund program.

19  
20 **§835.14. Procedure for Requesting Funding**

21 Section 835.14(a) outlines the first steps for a private partner, together with a community or  
22 technical college, community-based organization, state extension service, or TEEX and any other  
23 training provider to present a proposal request for funding. TWC removes "prospective private  
24 partner" and "TEEX" from the list of entities available to request funding.

25  
26 Section 835.14(c) outlines the requirements for the contents of the proposal. TWC amends  
27 language throughout the subsection to align Chapter 835 with the updated program structure.

28  
29 **SUBCHAPTER C. PROJECT ADMINISTRATION AFTER AWARD OF CONTRACT**

30 TWC proposes the following amendments to Subchapter C:

31  
32 **§835.31. Grant Recipient's Responsibilities**

33 Section 835.31(a) outlines the grant recipient's responsibilities, after the contract is awarded, to  
34 submit financial and performance reports, "in cooperation with the private partner and any  
35 separate training provider." TWC proposes that the grant recipient shall serve as the fiscal agent  
36 and submit financial and performance reports and removes the requirement to work in  
37 cooperation with partners or training providers, as it is no longer applicable to the Self -  
38 Sufficiency Fund program.

39  
40 Section 835.31(b) states that the grant recipient shall maintain fiscal data needed for verification  
41 of expenditures of funds received for the "customized job training project." TWC removes  
42 "customized job" from "customized job training project," as it is no longer applicable to the Self -  
43 Sufficiency Fund program. TWC also amends the time to maintain the fiscal data needed for  
44 verification of expenditures of funds received from three years to seven years after termination of  
45 the contract.

1 **§835.33. Contract Payment**

2 Section 835.33 gives the executive director the ability to allow an "attrition rate of 15% based on  
3 the total number of trainees as outlined in the contract." The specific attrition rate percentage is  
4 removed to align Chapter 835 with the updated program structure.  
5

6 **PART III. IMPACT STATEMENTS**

7 Chris Nelson, Chief Financial Officer, determined that for each year of the first five years the  
8 rules will be in effect, the following statements will apply:  
9

10 There are no additional estimated costs to the state and to local governments expected as a result  
11 of enforcing or administering the rules.  
12

13 There are no estimated cost reductions to the state and to local governments as a result of  
14 enforcing or administering the rules.  
15

16 There are no estimated losses or increases in revenue to the state or to local governments as a  
17 result of enforcing or administering the rules.  
18

19 There are no foreseeable implications relating to costs or revenue of the state or local  
20 governments as a result of enforcing or administering the rules.  
21

22 There are no anticipated economic costs to individuals required to comply with the rules.  
23

24 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural  
25 communities as a result of enforcing or administering the rules.  
26

27 Based on the analyses required by Texas Government Code, §2001.024, TWC determined that  
28 the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045,  
29 does not apply to this rulemaking.  
30

31 **Takings Impact Assessment**

32 Under Texas Government Code, §2007.002(5), "taking" means a governmental action that  
33 affects private real property, in whole or in part or temporarily or permanently, in a manner that  
34 requires the governmental entity to compensate the private real property owner as provided by  
35 the Fifth and Fourteenth Amendments to the United States Constitution or the Texas  
36 Constitution, Article I, §17 or §19, or restricts or limits the owner's right to the property that  
37 would otherwise exist in the absence of the governmental action, and is the producing cause of a  
38 reduction of at least 25 percent in the market value of the affected private real property,  
39 determined by comparing the market value of the property as if the governmental action is not in  
40 effect and the market value of the property determined as if the governmental action is in effect.  
41 TWC completed a Takings Impact Analysis for the proposed rulemaking action under Texas  
42 Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as  
43 discussed elsewhere in this preamble, is to align the Self-Sufficiency Fund program rules with  
44 the recently passed legislation, which changed the eligibility requirements to participate in the  
45 program. This proposed rulemaking action also includes a four-year rule review of Chapter 835,

1 as required by Texas Government Code, §2001.039, and amendments are proposed to align the  
2 chapter with the current program structure.

3  
4 The proposed rulemaking action will not create any additional burden on private real property or  
5 affect private real property in a manner that would require compensation to private real property  
6 owners under the United States Constitution or the Texas Constitution. The proposal also will  
7 not affect private real property in a manner that restricts or limits an owner's right to the property  
8 that would otherwise exist in the absence of the governmental action. Therefore, the proposed  
9 rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

10  
11 Government Growth Impact Statement

12 TWC determined that during the first five years the rules will be in effect, they:

- 13 --will not create or eliminate a government program;
- 14 --will not require the creation or elimination of employee positions;
- 15 --will not require an increase or decrease in future legislative appropriations to TWC;
- 16 --will not require an increase or decrease in fees paid to TWC;
- 17 --will not create a new regulation;
- 18 --will not expand, limit, or eliminate an existing regulation;
- 19 --will not change the number of individuals subject to the rules; and
- 20 --will not positively or adversely affect the state's economy.

21  
22 Economic Impact Statement and Regulatory Flexibility Analysis

23 TWC determined that the rules will not have an adverse economic impact on small businesses or  
24 rural communities, as the proposed rules place no requirements on small businesses or rural  
25 communities.

26  
27 Mariana Vega, Director, Labor Market and Career Information, determined that there is not a  
28 significant negative impact upon employment conditions in the state as a result of the rules.

29  
30 Mary York, Director, Outreach and Employer Initiatives, has determined that for each year of the  
31 first five years the rules are in effect, the public benefit anticipated as a result of enforcing the  
32 proposed rules will be to expand eligibility for participation in the Self-Sufficiency Fund,  
33 increasing the number of individuals who are eligible to receive training under the program and  
34 reach self-sufficiency.

35  
36 TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be  
37 within TWC's legal authority to adopt.

38  
39 **PART IV. COORDINATION ACTIVITIES**

40 In the development of these rules for publication and public comment, TWC sought the  
41 involvement of Texas' 28 Local Workforce Development Boards (Boards). TWC provided the  
42 policy concept regarding these rule amendments to the Boards for consideration and review on  
43 December 21, 2021. TWC also conducted a conference call with Board executive directors and  
44 Board staff on January 14, 2022, to discuss the policy concept. During the rulemaking process,  
45 TWC considered all information gathered to develop rules that provide clear and concise  
46 direction to all parties involved.

1 **PART V. PUBLIC COMMENT**

2 Comments on the proposed rules may be submitted to [TWCPolicyComments@twc.texas.gov](mailto:TWCPolicyComments@twc.texas.gov).  
3 Comments must be received no later than August 1, 2022.

4  
5 **PART VI. STATUTORY AUTHORITY**

6 The rules are proposed under Texas Labor Code, §301.0015 and §302.002(d), which provide  
7 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the  
8 effective administration of TWC services and activities; Texas Labor Code, §309.002, which  
9 provides TWC with the authority to adopt rules to identify individuals who are low-income or at  
10 risk of becoming dependent on public assistance benefits and are eligible to participate in the  
11 Self-Sufficiency Fund program; and in accordance with Texas Government Code, §2001.039,  
12 which requires that every four years each state agency review and consider for re adoption,  
13 revision, or repeal each rule adopted by that agency.

14  
15 The proposed rules implement SB 770, which amended Texas Labor Code, § 309.002(a).  
16





1 services, which are regulated by the state, must provide evidence of required  
2 certification, license, or registration.

3  
4 ~~(2) Customized job training project--A project designed for a business, business  
5 consortium, or trade union in partnership with a public community or technical  
6 college, state extension service, TEEX or community based organization for  
7 the purpose of providing specialized workforce training to prospective  
8 employees of the business or business consortium, or members of the trade  
9 union with the intent of expanding the workforce.~~

10  
11 (3) Executive director~~Director~~--The executive director~~Director~~ of the Texas  
12 Workforce Commission.

13  
14 ~~(4) Texas Engineering Extension Service (TEEX)--A higher education agency and  
15 service established by the Board of Regents of the Texas A&M University  
16 System.~~

17  
18 ~~(4)~~(5) Grant recipient--A public community or technical college, CBO~~community-~~  
19 ~~based organization~~, or state extension service, ~~or TEEX~~ awarded a grant from  
20 the Self-Sufficiency Fund.

21  
22 ~~(5)~~(6) Individual at risk of becoming dependent on public assistance--An individual  
23 who is a member of a Supplemental Nutrition Assistance Program (SNAP)  
24 benefits~~food stamp~~ household with dependent children, a youth up to the age of  
25 24 who is a part of a low-income family, a TANF applicant who has been  
26 ~~referred to a Board contractor by the Texas Department of Human Services~~  
27 ~~(DHS) to attend a Workforce Orientation for Applicants session in accordance~~  
28 ~~with DHS rule 40 TAC §3.7301~~, or a parent, including a noncustodial parent,  
29 whose income does not exceed the income limit established by the  
30 Commission. To establish the income limit, the Commission will consider the  
31 Temporary Assistance for Needy Families (TANF) and SNAP income limits,  
32 and other relevant data, including economic indicators such as the state  
33 unemployment rate and inflation. The Commission may periodically review the  
34 income limit established and may update the level as necessary to reflect  
35 changes in the economic conditions in the state and the factors used to establish  
36 the income limit~~annual wages are at or below \$37,000.~~

37  
38 (6) Low-income--An individual whose family:

39  
40 (A) receives any one of the following benefits:

41 (i) TANF;

42 (ii) SNAP;

43 (iii) Children's Health Insurance Program; or  
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(iv) income-based subsidized child care through the Child Care and Development Fund;

(B) is eligible for or receives subsidized public housing assistance;

(C) participates in:

(i) the United States Department of Agriculture Food and Nutrition Service's Special Supplemental Nutrition Program for Women, Infants and Children program; or

(ii) free or reduced-cost school lunch based on income;

(D) is eligible for, or enrolled in, Workforce Innovation and Opportunity Act youth services; or

(E) income does not exceed the income limit established by the Commission. To establish the income limit, the Commission will consider the TANF and SNAP income limits, and other relevant data, including economic indicators such as the state unemployment rate and inflation. The Commission may periodically review the income limit established and may update the level as necessary to reflect changes in the economic conditions in the state and the factors used to establish the income limit.

(7) Participant--An individual who meets the eligibility criteria to engage in the Self-Sufficiency Fund's training program by being either low-income, at risk of becoming dependent on public assistance, or a youth up to the age of 24 who is a part of a low-income family.

~~(7) Private partner--A person, sole proprietorship, partnership, corporation, association, consortium, or private organization that enters into a partnership for a customized job training project with a public community or technical college, a community-based organization, state extension service, or TEEX.~~

(8) Public community college--A ~~state-funded~~ ~~state-funded~~ two-year educational institution primarily serving its local taxing district and service area in Texas and offering vocational, technical, and academic courses for certification or associate degrees.

(9) Public technical college--A ~~state-funded~~ ~~state-funded~~ coeducational institution of higher education offering courses of study in vocational and technical education, for certification or associate degrees.

- 1 (10) Self-Sufficiency--Employment with wages reasonably calculated to make the  
2 employee independent of financial assistance under Texas Human Resources  
3 Code, [Chapter 31](#) ~~Chapters 31, 33 and 34~~.
- 4
- 5 (11) State extension service--An education service that provides technical and  
6 vocational training and is sponsored by a higher education agency regulated by  
7 the Texas Higher Education Coordinating Board.
- 8
- 9 (12) TANF recipient--[An individual](#) ~~A person~~ who receives financial assistance  
10 under Texas Human Resources Code, [Chapter 31](#) ~~Chapters 31, 33 and 34~~.
- 11
- 12 (13) Trade union--An organization, agency, or employee committee, in which  
13 employees participate and which exists for the purpose of dealing with  
14 employers concerning grievances, labor disputes, wages, [pay rates,](#)  
15 [employment hours, or work conditions](#) ~~rates of pay, hours of employment or~~  
16 ~~conditions of work~~.
- 17
- 18 (14) Training provider--Any public community or technical college,  
19 [CBO](#) ~~community based organization, or~~ state extension service, ~~or TEEEX~~ that  
20 provides training; or any [individual](#) ~~person~~, sole proprietorship, partnership,  
21 corporation, association, consortium, governmental subdivision, or public or  
22 private organization with whom a public community or technical college,  
23 [CBO](#) ~~community based organization, or~~ state extension service, ~~or TEEEX~~ has  
24 subcontracted to provide training.
- 25

### 26 §835.3. Uses of the Fund.

27

- 28 (a) The Self-Sufficiency Fund may be used by a public community or technical college,  
29 [CBO](#) ~~community based organization, or~~ state extension service, ~~or TEEEX~~ ~~for the~~  
30 ~~following job training purposes:~~
- 31

- 32 (1) to develop ~~customized job~~-training projects [in which participants, as defined by](#)  
33 [§835.2\(7\) of this chapter, are provided job training by:](#) ~~for adult TANF~~  
34 ~~recipients or individuals who are at risk of becoming dependent on public~~  
35 ~~assistance;~~
- 36
- 37 (A) [an entity that develops a job-training program under Texas Labor Code,](#)  
38 [§309.002;](#)
- 39
- 40 (B) [a small- or medium-sized business or trade union; or](#)
- 41
- 42 (C) [an informal partnership between an entity that develops a job-training](#)  
43 [program under this section and a small- or medium-sized business](#)  
44 [network; and](#)
- 45

1 ~~(2) to develop customized job training projects for businesses, trade unions, and~~  
2 ~~small and medium sized business consortiums participating in projects with the~~  
3 ~~intent to expand the workforce; and~~

4  
5 ~~(2)(3)~~ for support services, deemed reasonable and necessary by the Agency, for  
6 participants to prepare and participate in training activities and to make the  
7 transition from training activities to employment.

8  
9 (b) Only those support services specifically described in a contract under this  
10 ~~section subsection~~ may be charged to a contract funded with Self-Sufficiency Fund  
11 monies.

12  
13 (c) The Self-Sufficiency Fund may not be used for the purchase of any proprietary or  
14 production equipment for the training project ~~of a single employer.~~

## 15 16 SUBCHAPTER B. PROJECT ADMINISTRATION

### 17 18 §835.11. Project Objectives.

19  
20 The objectives of the Self-Sufficiency Fund are to:

21  
22 (1) ~~to~~ provide training for targeted employment to allow individuals identified as  
23 low-income, youth up to the age of 24 who are part of a low-income family, or  
24 individuals at risk of becoming dependent on public assistance benefits to  
25 achieve self-sufficiency ~~adult TANF recipients as well as those individuals at~~  
26 ~~risk of becoming dependent on public assistance to achieve self-sufficiency;~~

27  
28 (2) ~~to~~ the extent practicable, ~~to~~ provide Self-Sufficiency Fund services in all areas  
29 of the state ~~and ensure expansion of the state's capacity to respond to~~  
30 ~~workforce training needs;~~

31  
32 (3) develop projects that place individuals in a position of employment that is on a  
33 career pathway or in employment in local workforce development areas in  
34 which participants will earn wages sufficient to enable them to become  
35 independent of, or to avoid becoming dependent on, public assistance benefits;

36  
37 ~~(3) to assist the Board in its efforts to meet the Board's Choices performance~~  
38 ~~measures and assist individuals receiving public assistance in entering the~~  
39 ~~workforce;~~

40  
41 ~~(4) to develop projects that will create jobs in local workforce development areas~~  
42 ~~through collaboration with the Boards;~~

43  
44 ~~(4)(5)~~ ~~to~~ collaborate with Board contractors, Workforce Solutions Offices ~~one-stop~~  
45 ~~centers~~, or other entities to establish referrals of eligible trainees;

1           (5)(6) ~~to~~ develop projects that at the completion of training will result in  
2           employment benefits, including medical insurance, for ~~the participants in the~~  
3           ~~customized~~-training project participants;

4  
5           (6)(7) ~~to~~ develop projects that~~which~~ include contributions from other resources,  
6           including the business~~private~~ partners, that are supporting~~being committed to~~  
7           the ~~customized job~~-training project; and

8  
9           (7)(8) ~~to~~ develop projects that at completion of the training will result in the  
10           greatest economic benefit to the public, in the form of enhanced  
11           occupational~~worker~~ skills and positive economic impact within the local  
12           community ~~for each dollar invested in worker training~~.

### 13 14   **§835.13. Limitations on Awards.**

15  
16           The Agency may impose any or all of the following limitations on the funds awarded  
17           under any specific grant:

18  
19           (1)   a limit of \$500,000 for training projects~~needs of a single employer~~;

20  
21           (2)   a limit of 10 percent~~10%~~ of the grant award for the allowable purchase of any  
22           nonproprietary~~proprietary or production~~ equipment required for the training  
23           project ~~for a consortium of employers~~; and

24  
25           (3)   a limit of the grant award for administrative costs related to direct training  
26           needs, as defined in the grant contract.

27  
28           ~~(3) — a limit of 10% of the grant award for administrative costs related to the direct~~  
29           ~~training needs of a single employer; and~~

30  
31           ~~(4) — a limit of 15% of the grant award for administrative costs related to direct~~  
32           ~~training needs of two or more employers.~~

### 33 34   **§835.14. Procedure for Requesting Funding.**

35  
36           (a) After obtaining the Board's review and comments ~~of the Board~~ in the applicable  
37           local workforce development areas, ~~area(s), a prospective private partner, together~~  
38           ~~with~~ a public community or technical college, CBO~~community-based organization~~,  
39           state extension service, or ~~TEEX and~~ any other training provider, shall present to the  
40           executive director~~Director~~, or his or her designee, a joint proposal requesting funding  
41           for a project that~~which~~ meets ~~the objectives of the~~ Self-Sufficiency Fund objectives.

42  
43           (b) The proposal shall contain evidence of established referral procedures or agreements  
44           with Board contractors, Workforce Solutions Offices~~one-stop centers~~, or other  
45           entities for referral of eligible trainees.  
46

1 (c) Proposals shall be written and contain the following information:  
2

3 (1) ~~The~~the number of trainees to be trained and placed in related  
4 employment~~employed~~;

5  
6 (2) A summary ~~a brief outline~~ of the proposed ~~customized job~~ training project,  
7 including:

8  
9 (A) a description of how the applicant determined industry training needs  
10 ~~methods of recruitment and assessment of eligible trainees~~;

11  
12 (B) skills to be taught;

13  
14 (C) strategies for successfully meeting the needs of eligible trainees; and

15  
16 (D) a list of the measurable training objectives and outcomes, including the  
17 industry-based certifications that trainees will receive upon completion;

18  
19 ~~(3) the occupation for which training will be provided, the wages to be paid during~~  
20 ~~the first year of employment for a trainee who successfully completes the~~  
21 ~~training project, the proposed timeline to achieve self-sufficiency, and the~~  
22 ~~employment benefits provided by the private partner;~~

23  
24 ~~(4) a statement describing the prospective private partner's equal opportunity~~  
25 ~~employment policy;~~

26  
27 ~~(3)~~~~(5)~~ A budget summary identifying all sources of funding for the project and  
28 specifying the amount requested from the Self-Sufficiency Fund;

29  
30 ~~(4)~~~~(6)~~ A completed checklist of information on the training provider's financial  
31 management system;

32  
33 ~~(5)~~~~(7)~~ Names of the entities that will provide support services to project participants  
34 and a description of the services they will provide, including an explanation of  
35 why the support services are necessary for the trainees; and a description of  
36 how the services provided will prepare the trainees for employment~~names of~~  
37 ~~all of the entities which will be directly providing training and education~~  
38 ~~services, a description of the training and educational services to be provided~~  
39 ~~by each entity, as well as a description of the prior experience and~~  
40 ~~demonstrated performance in directly providing training or education services~~  
41 ~~to the targeted population;~~

42  
43 ~~(6)~~ A description of how the proposed training will link participants to employers  
44 upon completion, including a career pathway with a timeline and wage data to  
45 show how the proposed training will enable participants to become  
46 independent or avoid becoming dependent on public assistance benefits; and

1  
2 ~~(8) a signed agreement between the prospective private partner and the public~~  
3 ~~community or technical college, community based organization, state~~  
4 ~~extension service, or TEEEX outlining each entity's role and responsibilities if a~~  
5 ~~grant is awarded; and~~  
6

7 ~~(7)(9)~~ Any other factors unique to the circumstances of the project ~~that~~ which  
8 should be considered.  
9

## 10 **SUBCHAPTER C. PROJECT ADMINISTRATION AFTER AWARD OF CONTRACT**

### 11 **§835.31. Grant Recipient's Responsibilities.**

- 12
- 13
- 14 (a) The grant recipient shall serve as fiscal agent, shall administer the contract, and ~~in~~  
15 ~~cooperation with the private partner and any separate training provider,~~ submit  
16 financial and performance reports to the Agency as specified in the contract ~~on a~~  
17 ~~quarterly contract basis.~~  
18
- 19 (b) The grant recipient shall maintain fiscal data needed for independent verification of  
20 expenditures of funds received for the ~~customized job~~ training project for ~~seven~~ three  
21 years after the termination of the contract.  
22
- 23 (c) All requests for contract amendments must be made in writing by the grant recipient.  
24 Contract amendments must be written and must be executed by the executive  
25 director ~~Director~~, or his or her designee, before the implementation of a change to the  
26 contract.  
27
- 28 (d) The grant recipient shall cooperate with and comply with the Agency monitoring  
29 activities as required by Chapter 802, Subchapter D ~~Chapter 800, Subchapter H~~ of  
30 this title.  
31
- 32 (e) The grant recipient shall submit all required reports in electronic format required by  
33 the Agency unless otherwise approved by the Agency.  
34

### 35 **§835.33. Contract Payment.**

- 36
- 37 (a) Payment under a contract will be contingent upon the executive director's ~~Director's~~,  
38 or his or her designee's, determination that the project has met the training objectives,  
39 outcomes, and requirements specified in the contract.  
40
- 41 (b) The final payment of the grant amount will be withheld for 60 days after the  
42 completion of training and after receipt by the Agency of verification that the  
43 trainees are employed in jobs leading to self-sufficiency.  
44

1  
2  
3

(c) The executive director, or his or her designee, Director may allow an attrition rate, as specified in the contract, of 15% based on the total number of trainees ~~as outlined in the contract.~~