1 2	CHAPTE	R 800. GENERAL ADMINISTRATION
2 3 4 5 6	REGISTE	D RULES WITH PREAMBLE TO BE SUBMITTED TO THE <i>TEXAS</i> R. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS TO FORMATTING CHANGES AS REQUIRED BY THE <i>TEXAS REGISTER</i> .
0 7 8 9		30, 2016 , THE TEXAS WORKFORCE COMMISSION ADOPTED THE BELOW ITH PREAMBLE TO BE SUBMITTED TO THE <i>TEXAS REGISTER</i> .
9 10 11 12		date of publication in the <i>Texas Register</i> : July 15, 2016 vill take effect: July 20, 2016
12 13 14 15 16	of Chapter	Workforce Commission (Commission) adopts amendments to the following section 800, relating to General Administration, <i>without changes</i> , as published in the April ssue of the Texas Register (41 TexReg 2887):
17	Subcha	apter B. Allocations, §800.68
18 19 20 21 22	PART I. PART II.	PURPOSE, BACKGROUND, AND AUTHORITY EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES
22 23	PART I. I	PURPOSE, BACKGROUND, AND AUTHORITY
24 25 26 27 28 29	The purpos allocation of §302.062(of Agency rul	se of the adopted Chapter 800 rule change is to amend Agency rules to clarify that the of Adult Education and Literacy (AEL) funds, pursuant to Texas Labor Code d), includes the application of a hold-harmless/stop-gain calculation, as defined in le §800.52(7). This adopted amendment also strikes an adjacent clause that is now out l unnecessary.
30 31 32	PART II.	EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND RESPONSES
32 33	SUBCHAI	PTER B. ALLOCATIONS
34 35		nission adopts the following amendments to Subchapter B:
36	§800.68. A	Adult Education and Literacy
37	Section 80	0.68(b)(1)(C) is amended by:
38	•	e stop-gain option to the hold-harmless procedure; and
39 40	removing	g "(for any program year after Fiscal Year (FY) 2015)," as it is no longer relevant.
41		0.68(c)(1)(C) is amended by:
42 43 44	•	e stop-gain option to the hold-harmless procedure; and g"(for any program year after Fiscal Year (FY) 2015)," as it is no longer relevant.
45	Section 80	0.68(d)(3) is amended by:
46		e stop-gain option to the hold-harmless procedure; and

1	removing "(for any program year after Fiscal Year (FY) 2015)," as it is no longer relevant.
2	
3	Section 800.68(e)(1)(C) is amended by:
4	adding the stop-gain option to the hold-harmless procedure; and
5	removing "(for any program year after Fiscal Year (FY) 2015)," as it is no longer relevant.
6	
7	Comment: One commenter requested that the definition found in Texas Labor Code §302.62(d)
8	of "hold-harmless/stop-gain" be added to §800.68.
9	
10	Response: The Commission retains the definition of "hold-harmless/stop-gain" found in
11	§800.52, Definitions, which meets the commenter's request for a definition.
12	
13	COMMENTS WERE RECEIVED FROM:
14	Jon Engel, Community Action, Inc.
15	
16	The Agency hereby certifies that the adoption has been reviewed by legal counsel and found to
17	be within the Agency's authority to adopt.
18	
19	The rule is adopted under Texas Labor Code §301.0015 and §302.002(d), which provide the
20	Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it
21	deems necessary for the effective administration of Agency services and activities.
22	
23	The adopted rule affects Title 4, Texas Labor Code, particularly Chapters 301 and 302.
24	

1			CHAPTER 800. GENERAL ADMINISTRATION						
23	SUBCHAP	TER B. ALLOCATIONS							
4 5	§800.6	300.68. Adult Education and Literacy.							
6 7 8 9 10 11 12	(a)	Educ state state	funds available to the Commission to provide services under the federal Adult ation and Family Literacy Act (AEFLA), WIA Title II, together with associated general revenue matching funds and federal TANF fundstogether with any general revenue funds appropriated as TANF maintenance-of-effortwill be by the Commission, as set forth in subsections (b) - (f) of this section.						
13 14 15 16 17 18 19 20	(b)) At least 82.5 percent of the federal funds constituting the total state award of AEFLA state grantsincluding amounts allotted to the eligible agency having a state plan, as provided by AEFLA §211(c) and amounts provided to the eligible agency under §243 for English Literacy/Civics (EL/Civics)will be allocated by the Commission to the workforce areas. From the amount allotted to the eligible agency having a state plan, as provided by AEFLA §211(c), the Commission will allocate amounts to the workforce areas according to the established federal formula, as follows:							
20 21 22		(1)	100 percent will be based on:						
23 24 25 26			 (A) the relative proportion of individuals residing within each workforce area who are at least 18 years of age, do not have a secondary school diploma or its recognized equivalent, and are not enrolled in secondary school, during the most recent period for which statistics are available; 						
27 28 29			(B) an equal base amount; and						
30 31			(C) the application of a hold-harmless/stop-gain procedure.						
32 33 34 35 36		(2)	No more than 5 percent of the funds expended as part of this workforce area allocation shall be used for administrative costs, as defined by AEFLA, provided, however, that the Special Rule outlined in AEFLA §233(b) shall apply with effective justification, as appropriate.						
30 37 38 39 40		(3)	No more than 10 percent of this allocation shall be available for expenditure within each workforce area on the basis of the achievement of performance benchmarks, as set forth in subsection (f) of this section.						
41 42 43 44 45	(c)	allotr AEFI	ast 80 percent of the state general revenue matching funds associated with the nent of federal funds to the eligible agency having a state plan, as provided by LA §211(c), will be allocated by the Commission to the workforce areas rding to the established federal formula, as follows:						
46		(1)	100 percent will be based on:						

1				
$\frac{1}{2}$			(A)	the relative proportion of individuals residing within each workforce area
3				who are at least 18 years of age, do not have a secondary school diploma
4				or its recognized equivalent, and are not enrolled in secondary school,
5				during the most recent period for which statistics are available;
6				
7			(B)	an equal base amount; and
8				
9			(C)	the application of a hold-harmless/stop-gain procedure.
10		(2)	Nor	non then 15 menors of the funde even and of a next of this work force area
11		(2)		nore than 15 percent of the funds expended as part of this workforce area
12 13				cation shall be used for administrative costs, as defined by Commission
13			polic	cy.
15		(3)	Nor	nore than 10 percent of this allocation shall be available for expenditure
16		(3)		in each workforce area on the basis of the achievement of performance
17				chmarks, as set forth in subsection (f) of this section.
18			oone	
19	(d)	At le	ast 82	2.5 percent of the federal funds provided to the eligible agency from
20	~ /			nder AEFLA §243 for EL/Civics will be allocated by the Commission
21				workforce areas according to the established federal formula, as follows:
22			U	e é
23		(1)	The	relative proportion based on:
24				
25			(A)	65 percent of the average number of legal permanent residents during the
26				most recent 10-year period, available from U.S. Citizenship and
27				Immigration Services data; and
28				
29			(B)	35 percent of the average number of legal permanent residents during the
30				most recent three-year period, available from U.S. Citizenship and
31				Immigration Services data;
32		$\langle \mathbf{a} \rangle$		
33		(2)	a bas	se amount of 1 percent for each workforce area; and
34 35		(2)	tha	upplication of a hold harmloss ston gain proceedure
		(3)	the a	application of a hold-harmless/stop-gain procedure.
36 37		(A)	Nor	nore than 5 percent of the funds expended as part of this workforce area
38		(4)		cation shall be used for administrative costs, as defined by AEFLA.
38 39			anoc	cation shall be used for administrative costs, as defined by AEFEA.
40		(5)	Nor	nore than 10 percent of this allocation shall be available for expenditure
40		(\mathbf{c})		in each workforce area on the basis of the achievement of performance
42				chmarks, as set forth in subsection (f) of this section.
43				
44	(e)	At le	ast 80) percent of federal TANF funds associated with the AEL program
45	. /			with any state general revenue funds appropriated as TANF maintenance-
46		-		will be allocated by the Commission to the workforce areas according to a

1		need	-based formula, as follows:
2			
3		(1)	100 percent will be based on:
4			
5			(A) the relative proportion of the unduplicated number of TANF adult
6			recipients with educational attainment of less than a secondary diploma
7			during the most recently completed calendar year;
8			
9			(B) an equal base amount; and
10			
11			(C) the application of a hold-harmless/stop-gain procedure.
12			
13		(2)	No more than 15 percent of the funds expended as part of this workforce area
14			allocation shall be used for administrative costs, as defined by federal
15			regulations and Commission policy.
16			
17		(3)	No more than 10 percent of this allocation shall be available for expenditure
18			within each workforce area on the basis of the achievement of performance
19			benchmarks, as set forth in subsection (f) of this section.
20			
21	(f)	AEL	performance accountability benchmarks shall be established to coincide with
22	. /		ormance measures and reports, or other periods, as determined by the
23		-	
		Com	mission. Levels of performance shall, at a minimum, be expressed in an