

1 **Adult Education and Literacy Rule Suspension to Extend Grant Term**
2 **Discussion Paper**

3 **Background**

4 Texas Workforce Commission (TWC) Chapter 805 Adult Education and Literacy (AEL) rule
5 §805.41(c) establishes that contracts awarded to AEL grant recipients are limited to two years,
6 with the option of three one-year renewals. The subchapter further establishes a maximum five-
7 year contract term, at which time TWC must conduct a new competitive statewide procurement.

8 **Issue**

9 An August 2022 review of the statewide AEL Request for Application (RFA) resulted in the
10 Office of Career, Technical, and Adult Education (OCTAE) requesting changes that will require
11 TWC to amend certain rule language. Due to the time and procedures required to amend rules, it
12 will be necessary to extend the current grants to ensure no disruptions in program delivery while
13 TWC contemplates OCTAE’s requested changes.

14 **Decision Point**

15 TWC Chapter 800 General Administration rule §800.8 authorizes TWC’s three-member
16 Commission (Commission) to suspend the operation of a TWC rule “if the Commission finds a
17 public emergency or imperative public necessity exists and finds that the suspension will best
18 serve the public health, safety, or welfare.”

19 In order to continue serving the more than 60,000 Texans currently receiving AEL services—
20 without interruption—staff seeks direction on the temporary suspension of §805.41(c), which
21 requires that TWC conduct a new statewide procurement at the completion of the maximum five-
22 year AEL grant contract term. This action will provide the time necessary to assist the
23 Commission in determining how it will respond to OCTAE’s requests and potentially implement
24 the necessary rule changes. A draft declaration is included with this discussion paper.

25 If approved, the temporary suspension of §805.41(c) will remain in effect until the Commission
26 moves forward with a statewide procurement and awards new grants.