

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 45-04

Date: December 17, 2004

Key Word: TWIST

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers
Commission Local Offices

From: Luis M. Macias, Director, Workforce Development Division

Subject: **The Workforce Information System of Texas: Workforce Investment Act Training Services**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information on the addition of English as a Second Language (ESL) instruction and General Educational Development (GED) exam preparation to training services for Workforce Investment Act (WIA) and Trade Adjustment Assistance (TAA) participants.

REFERENCE:

Workforce Investment Act; Final Rule, 20 CFR, Part 663,
Subpart B, Sections 663.200–663.250
Workforce Investment Act; Final Rule, 20 CFR, Part 663, Subpart C, Sections
663.300–663.320
Workforce Investment Act; Section 134(d)(4)(D)
WD Letter 136-99, Change 2, issued August 24, 2000, and entitled “Sequence of
Services under the Workforce Investment Act: Addition of Assisted Core
Services”

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and State laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. Federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and State laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally,

guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

BACKGROUND:

ESL instruction is a service provided to workforce participants whose native language is a language other than English, and who are unable to speak, read, or write English or have limited English proficiency. ESL instruction assists these participants in becoming more proficient in speaking, reading, and writing English.

GED instruction is a service provided to workforce participants to assist them in earning and completing their secondary education, a required benchmark to enter many jobs and postsecondary education and training opportunities.

ESL and GED instruction have been tracked in The Workforce Information System of Texas (TWIST) for WIA as Intensive, “stand-alone” services because the instruction meets the six-month time limit provision, recommended by the Texas Workforce Commission and the U.S. Department of Labor, for Service Code 70 — Short Term Prevocational. As WIA Intensive services, ESL and GED instruction do not require the use of Eligible Training Providers (ETPs).

However, for some WIA and TAA participants, the length of ESL or GED instruction may exceed the recommended six-month time limit provision for the Intensive Short Term Prevocational service. Additionally, if ESL or GED instruction is linked to an occupation or WIA Training service, the instruction is no longer a WIA Intensive service; it is considered a WIA Training service, requiring an ETP. Because TAA services are now included in TWIST, and TAA participants are required to be co-enrolled in WIA, TWIST now includes ESL and GED instruction as WIA Training services.

PROCEDURES:

Effective immediately, Boards must use Service Code 44 ESL or 54 GED (Training) when:

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- an assessment determines that a WIA participant requires ESL or GED instruction that cannot be completed within the recommended six-month time limit for the Intensive Short Term Prevocational service; or
- the WIA participant is co-enrolled in TAA training.

When either of these training service codes are used, Boards must ensure that an ETP provides the ESL or GED instruction. In many areas, ESL and GED providers are not registered in the ETP system.

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It is recommended that Boards:

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- work with local ESL and GED providers to develop courses that meet ETP requirements, including courses that link instruction to an occupation; and
- establish policies—if they have not done so already—to address specific circumstances in which the recommended six-month time limit for an Intensive Short Term Prevocational service is exceeded.

Boards may continue to provide ESL or GED instruction as an Intensive service when the instruction is provided for six months or less.

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ACTIONS REQUIRED:

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries regarding this WD Letter to the assigned contract manager for your local workforce development area.

Rescissions: None	Expiration: Continuing
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