

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 47-09
Date:	November 30, 2009
Keyword:	All Programs
Effective:	Immediately

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



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Job Training Course Requirements for English as a Second Language Classes**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on job training course requirements for English as a Second Language (ESL) classes, including special provisions for ESL provided under the following:

- Trade Adjustment Assistance (TAA)
- Choices

BACKGROUND:

The Texas Workforce Commission (Commission) actively encourages Boards to partner with Adult Basic Education providers to offer instruction, including ESL. Vocationally relevant ESL classes, as part of a customer's services continuum, can be critical to the customer's reentry into the job market.

Rider 14, Article VII of the General Appropriations Act, 81st Texas Legislature, Regular Session (2009), states:

The primary objective of job training courses offered by the Texas Workforce Commission and local workforce development boards is to prepare individuals for high-skill, high-wage jobs with health benefits that result in long-term employability. Whenever possible, strategies should focus on incorporating industry sectors and/or regional industry clusters in order to promote high quality jobs. While English as a Second Language may provide additional benefit to trainees, it shall not be substituted for job training classes.

PROCEDURES:

NLF

While Rider 14 does not supersede federal laws or regulations that allow ESL to be provided as a stand-alone service, it does require that the provision of ESL instruction be part of a continuum of services leading to employment. Therefore, Boards must ensure that when ESL classes are offered, they are linked directly to participation in activities leading to employment.

In support of this requirement, Boards must develop an employment plan, which documents the following:

NLF

- When ESL classes are provided prior to participation in activities leading to employment by a participant; and
- When ESL classes are provided during or after participation in activities and are linked directly to employment.

Boards must ensure that the employment plan clearly indicates how ESL activities are provided as part of a comprehensive strategy that leads directly to employment. In any instance in which ESL is provided as a stand-alone service, the employment plan must document why ESL is the only service needed for employment.

NLF

Boards may offer job training and other services while participants are enrolled in ESL classes, or provide those services after the participant completes ESL classes, as outlined in the employment plan. Whenever practical, however, ESL classes should be conducted concurrently with the early stages of job training.

LF

It is recommended that Boards focus job training efforts, including ESL classes, on industries that provide high-growth, high-demand jobs (based on local labor market analysis). Job training should correlate to growth opportunities and employment that provide individuals the opportunity to achieve self-sufficiency—e.g., job skills enhancement and increased wages.

LF

Trade Adjustment Assistance

Under TAA, Boards must include ESL classes in the training plan if the participant needs the classes as a prerequisite for vocational skills training. Whenever practical, however, ESL classes should accompany vocational skills training.

NLF

Choices

Boards must be aware that under Choices, ESL classes are considered a non-core activity (for participation hours) designed to increase employability while participants are concurrently enrolled in Choices core activities.

NLF

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

RESCISSIONS:

WD Letter 66-07

REFERENCE:

Trade and Globalization Adjustment Assistance Act of 2009, §D.5.3 Apprenticeship, Higher Education and WIA Programs
Workforce Investment Act, §134(d)(3)(C)(vi) and §134(d)(4)(D)(viii)
Workforce Investment Act; Final Rule, 20 C.F.R., Part 652 et al., Preamble
General Appropriations Act, 81st Texas Legislature, Regular Session, Article VII, Texas Workforce Commission, Rider 14
Texas Workforce Commission Choices Rules: 40 TAC §811.25 and §811.49
WD Letter 45-04, issued December 17, 2004, and entitled “The Workforce Information System of Texas: Workforce Investment Act Training 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. All information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

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 information with an LF rating is indicated by “may” or “recommend.”