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CHAPTER 805. ADULT EDUCATION AND LITERACY

SUBCHAPTER A. GENERAL PROVISIONS

[§805.1. Purpose](#)

[§805.2. Definitions](#)

[§805.3. Federal and State AEL Funds](#)

[§805.4. Essential Program Components](#)

SUBCHAPTER B. STAFF QUALIFICATIONS

[§805.21. Staff Qualifications and Training](#)

SUBCHAPTER C. SERVICE DELIVERY STRUCTURE AND ALIGNMENT

[§805.41. Procurement and Contracting](#)

[§805.42. Program Delivery System](#)

[§805.43. Advisory Committees](#)

[§805.44. Match Requirements](#)

[§805.45. Tuition and Fees](#)

SUBCHAPTER D. OTHER PROVISIONS

[§805.61. Staff Development and Special Projects](#)

SUBCHAPTER E. HIGH SCHOOL EQUIVALENCY SUBSIDY PROGRAM

[§805.71. Purpose](#)

[§805.72. Definitions](#)

[§805.73. Implementation](#)

1 **CHAPTER 805. ADULT EDUCATION AND LITERACY**

2
3 **SUBCHAPTER A. GENERAL PROVISIONS**

4
5 **§805.1. Purpose.**

- 6
- 7 (a) The rules contained in this chapter may be cited as the Adult Education and
- 8 Literacy (AEL) rules.
- 9
- 10 (b) The purpose of the AEL programs is to provide adults with sufficient
- 11 academic instruction and education services below the postsecondary level to
- 12 increase an individual's ability to:
- 13
- 14 (1) read, write, and speak in English and perform mathematics or other
- 15 activities necessary for the attainment of a secondary school diploma or
- 16 its recognized equivalent;
- 17
- 18 (2) participate in job training and retraining programs or transition to
- 19 postsecondary education and training; and
- 20
- 21 (3) obtain and retain employment.
- 22

23 *The provisions of this §805.1 adopted to be effective February 24, 2014, 39 TexReg*
24 *1205; amended to be effective December 16, 2018, 43 TexReg 8150*

25
26 [Return to Table of Contents](#)

27
28 **§805.2. Definitions.**

29
30 The following words and terms, when used in this chapter, shall have the
31 following meanings, unless the context clearly indicates otherwise.

- 32
- 33 (1) Adult education--Programs, activities, and services that include adult
- 34 education, literacy, workplace adult education and literacy activities,
- 35 family literacy activities, English language acquisition activities,
- 36 integrated English literacy and civics education, workforce preparation
- 37 activities, or integrated education and training.
- 38
- 39 (2) AEL consortium--A partnership of educational, workforce
- 40 development, social service entities, and other public and private
- 41 organizations that agree to partner, collaborate, plan, and apply for
- 42 funding to provide AEL and related support services. Consortium
- 43 members shall include an AEL grant recipient, AEL fiscal agent, an
- 44 AEL lead organization of a consortium, and AEL service provider(s).
- 45 Consortium members may serve in one or more of the functions in
- 46 accordance with state statutes and Commission rules.

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- (3) AEL fiscal agent--An entity that is assigned financial management duties as outlined in an Agency-AEL contract or is assigned this function as a member of an AEL consortium.
- (4) AEL grant recipient--An eligible grant recipient within a local workforce development area (workforce area), as defined in §800.2(11) of this title, that is awarded AEL funds by the Agency. The AEL grant recipient also may act as an AEL lead organization of a consortium, AEL fiscal agent, or AEL service provider as designated in an agreement with an AEL consortium.
- (5) AEL lead organization of a consortium--An organization designated as the AEL consortium manager in a written agreement between AEL consortium members. The AEL lead organization of a consortium is responsible for planning and leadership responsibilities as outlined in the written agreement and also may serve as an AEL grant recipient, AEL fiscal agent, or AEL service provider. If a consortium does not identify the lead organization of a consortium through a written agreement, the AEL grant recipient will be presumed to assume the responsibility of the lead organization of the consortium.
- (6) AEL service provider--An entity that is eligible to provide AEL services as specified in 20 USC §9202 and Texas Labor Code §315.003.
- (7) Assessment services--The processes, administration, review, and consultation provided to individuals in accordance with the AEL assessment procedure and other agency guidance that direct placement, progress, achievement, and overall program accountability in AEL and other services, including the identification of potential academic or support service needs.
- (8) Clock hour--60 minutes.
- (9) College and career transitional support--Support that may include, but is not limited to, recruiting and outreach, intensive individual case management, career and academic counseling, enrollment and financial aid support, self-advocacy skills development, academic and career support strategies, college and workforce system capacity building, student data records management, and providing access to other support and employment services.
- (10) Contact time--The cumulative sum of minutes during which an eligible adult student receives instructional, counseling, assessment, or testing services (except for testing services used to determine eligibility) from

1 a staff member supported by federal and state AEL funds as
2 documented by local attendance and reporting records.

3
4 (A) Student contact time generated by volunteers may be accrued by
5 the AEL program when volunteer services are verifiable by
6 attendance and reporting records and volunteers meet
7 requirements under §805.21 of this title (relating to Staff
8 Qualifications and Training).

9
10 (B) A student contact hour is 60 minutes.

11
12 (11) Eligible grant recipient--An entity, as specified in state and federal law,
13 that is eligible to receive AEL program funding. Eligible grant
14 recipients are organizations that have demonstrated effectiveness in
15 providing adult education and literacy activities, and may include:

16
17 (A) a local educational agency;

18
19 (B) a community-based organization or faith-based organization;

20
21 (C) a volunteer literacy organization;

22
23 (D) an institution of higher education;

24
25 (E) a public or private nonprofit agency;

26
27 (F) a library;

28
29 (G) a public housing authority;

30
31 (H) a nonprofit institution that is not described in any of
32 subparagraphs (A) through (G) of this paragraph and has the
33 ability to provide adult education and literacy services to eligible
34 individuals;

35
36 (I) a consortium or coalition of the agencies, organizations,
37 institutions, libraries, or authorities described in any of
38 subparagraphs (A) through (H) of this paragraph; and

39
40 (J) a partnership between an employer and an entity described in any
41 of subparagraphs (A) through (I) of this paragraph.

42
43 (12) Literacy--An individual's ability to read, write, and speak in English,
44 and to compute and solve problems at levels of proficiency necessary to
45 function on the job, in the family of the individual, and in society.
46

- 1 (13) Principles of adult learning--A wide variety of research-based
2 professional development topics that include instructional and advising
3 characteristics specific to adults, and support the range of knowledge,
4 skills, and abilities adults need to understand and use information,
5 express themselves, act independently, effectively manage a changing
6 world, and meet goals and objectives related to career, family, and
7 community participation. Instructional principles include, but are not
8 limited to, engaging adults and customizing instruction on subjects that
9 have immediate relevance to their career and personal goals and
10 objectives, building on their prior knowledge and experience, and
11 supporting them in taking responsibility for their learning.
12
- 13 (14) Proctoring--Support in the administration of tests or pretests under the
14 guidance of a staff member who oversees program assessment services
15 and/or accountability assessment.
16
- 17 (15) Professional development--Encompasses all types of facilitated
18 learning activities for instructors and staff of AEL programs and
19 organizations participating in AEL programs and services. Professional
20 development can be face-to-face or virtual and can be a workshop,
21 lecture, presentation, poster session, roundtable discussion, study circle,
22 or demonstration that meets for a minimum of one hour and upwards in
23 increments of one half (0.5) hour (that is, the hours assigned for
24 purposes of tracking AEL staff professional development requirements
25 in TEAMS, the Texas Educating Adults Management System) to
26 accomplish a predetermined educational or learning outcome.
27
- 28 (16) Program year--The AEL program year is July 1 through June 30.
29
- 30 (17) Substitute--An instructor who works on call, does not have a full-time
31 assignment, and does not assume permanent responsibilities for class
32 instruction. An individual is considered a substitute if he or she
33 instructs a particular class for four or fewer consecutive class meetings.
34
- 35 (18) Support services--Services such as transportation, child care, dependent
36 care, housing, and needs-related payments, which are necessary to
37 enable an individual to participate in activities as defined in Workforce
38 Innovation and Opportunity Act (WIOA) §2.
39
- 40 (19) Workforce training--Services described in WIOA §134(c)(3)(D),
41 including the following:
42
- 43 (A) occupational skills training, including training for nontraditional
44 employment;
45
- 46 (B) on-the-job training;

- 1
2 (C) incumbent worker training;
3
4 (D) programs that combine workplace training with related
5 instruction, which may include cooperative education programs;
6
7 (E) training programs operated by the private sector;
8
9 (F) skill upgrading and retraining;
10
11 (G) entrepreneurial training;
12
13 (H) transitional jobs;
14
15 (I) job readiness training provided in combination with services
16 described in any of subparagraphs (A) through (H) of this
17 paragraph;
18
19 (J) AEL activities, including activities of English language
20 acquisition and integrated education and training programs,
21 provided concurrently or in combination with services described
22 in any of subparagraphs (A) through (G) of this paragraph; and
23
24 (K) customized training conducted with a commitment by an
25 employer or group of employers to employ an individual upon
26 successful completion of the training.
27

28 *The provisions of this §805.2 adopted to be effective February 24, 2014, 39 TexReg*
29 *1205; amended to be effective July 20, 2016, 41 TexReg 5231; amended to be*
30 *effective December 16, 2018, 43 TexReg 8150*

31
32 [Return to Table of Contents](#)

33
34 **§805.3. Federal and State AEL Funds.**

- 35
36 (a) Federal AEL funds may be used for AEL programs for individuals who have
37 attained 16 years of age and who are not enrolled or required to be enrolled in
38 secondary school under state law and:
39
40 (1) are basic skills deficient;
41
42 (2) do not have a secondary school diploma or its recognized equivalent,
43 and have not achieved an equivalent level of education; or
44
45 (3) are English language learners.
46

- 1 (b) State AEL funds are to be used for AEL programs for out-of-school
2 individuals who are beyond the compulsory age of attendance unless
3 specifically exempted from compulsory school attendance by Texas
4 Education Code §25.086 and:
5
6 (1) are basic skills deficient;
7
8 (2) do not have a secondary school diploma or its recognized equivalent,
9 and have not achieved an equivalent level of education; or
10
11 (3) are English language learners.
12
13 (c) The proportion of students served who meet the requirements of subsection
14 (a) of this section, but do not meet the requirements of subsection (b) of this
15 section, shall not exceed the grant recipient's percentage of federal funds to
16 the total allocation.
17
18 (d) The Commission shall establish annual performance benchmarks for the use
19 of AEL funds.
20

21 *The provisions of this §805.3 adopted to be effective February 24, 2014, 39 TexReg*
22 *1205; amended to be effective July 20, 2016, 41 TexReg 5231; amended to be*
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24

25 [Return to Table of Contents](#)

26
27 **§805.4. Essential Program Components.**
28

29 An AEL grant recipient shall ensure the following essential program components
30 are provided:
31

- 32 (1) Adult education;
33
34 (2) Literacy;
35
36 (3) Workplace adult education and literacy activities;
37
38 (4) Family literacy activities;
39
40 (5) English language acquisition services;
41
42 (6) Integrated English literacy and civics education;
43
44 (7) Workforce preparation activities;
45
46 (8) Integrated education and training;

- 1
2 (9) Assessment and guidance services related to paragraphs (1) - (8) of this
3 section; and
4
5 (10) Collaboration with multiple partners in the community to expand the
6 services available to adult learners and to prevent duplication of
7 services.
8

9 *The provisions of this §805.4 adopted to be effective February 24, 2014, 39 TexReg*
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11
12 [Return to Table of Contents](#)

13
14 **SUBCHAPTER B. STAFF QUALIFICATIONS**

15
16 **§805.21. Staff Qualifications and Training.**

17
18 The requirements of this section shall apply to all AEL staff hired after July 1,
19 2013, excluding clerical and janitorial staff.
20

- 21 (1) AEL instructional aides, administrative, data entry, proctoring staff,
22 and staff providing support or employment services to students shall
23 have at least a high school diploma or high school equivalency
24 certificate.
25
26 (2) AEL directors, supervisors, and staff that oversee program assessment
27 services and/or overall program accountability, and instructors in the
28 content areas of reading, writing, mathematics, and English language
29 acquisition, including substitutes, shall possess at least a bachelor's
30 degree.
31
32 (3) Workforce training instructors must meet the requirements of the
33 institution and/or the associated accrediting or credentialing entity, if
34 applicable.
35
36 (4) Requests for exemptions for staff qualification requirements in
37 individual cases:
38
39 (A) may be submitted to the Agency for approval with a justification
40 outlining extenuating circumstances; and
41
42 (B) shall be submitted and approved prior to an individual being
43 placed in the position in question.
44
45 (5) All AEL directors and supervisors, and other staff with program
46 oversight or coordination responsibilities shall receive 15 clock hours

1 of professional development each program year with the following
2 exception: Staff hired on or after January 1 of a program year may
3 require half of the professional development time required for that
4 program year.

5
6 (6) All AEL instructional staff, including instructional aides, except
7 substitutes, paid with AEL grant funds or who acquire student contact
8 hours, including volunteers, shall receive at least 15 clock hours of
9 professional development each program year, with the following
10 specifications:

11
12 (A) Instructors in the content areas of reading, writing, mathematics,
13 and English language acquisition shall:

14
15 (i) receive three clock hours of training in principles of adult
16 learning;

17
18 (ii) receive six clock hours in relevant areas of literacy
19 instruction; and

20
21 (iii) receive the remaining six clock hours of training in content
22 areas at the discretion of the program, but consisting of
23 content related to the AEL program's purpose, which is to
24 provide adults with sufficient basic education that enables
25 them to effectively:

26
27 (I) acquire the basic educational skills necessary for
28 literate functioning;

29
30 (II) participate in job training and retraining programs;

31
32 (III) obtain and retain employment; and

33
34 (IV) continue their education to at least the level of
35 secondary school completion and postsecondary
36 education preparation; or

37
38 (iv) waive six clock hours of content area in staff professional
39 development for individuals who have 18 or more college
40 semester undergraduate or graduate credit hours in relevant
41 areas of literacy instruction.

42
43 (B) Staff, as described in subparagraph (A) of this paragraph, hired
44 on or after January 1 of a program year, may require half of the
45 professional development time required for that program year.
46 For instructors in the content areas of reading, writing,

1 mathematics, and English language acquisition, these hours must
2 include three clock hours of training in principles of adult
3 learning and three clock hours in the relevant areas of literacy
4 instruction.

5
6 (C) Staff described in paragraph (6) of this section shall receive at
7 least six clock hours of the required professional development
8 outlined in paragraph (6)(A)(i) - (iii) of this section within 30
9 calendar days of providing instructional activities, if new to AEL
10 or to direct student service delivery. The six hours include the
11 required three hours of principles of adult learning and three
12 hours of the relevant areas of literacy instruction. Waiving of the
13 requirements for staff new to direct student services must be
14 approved by Agency AEL staff prior to the individual providing
15 any instructional services.

16
17 (7) All staff providing support services or college and career transitional
18 support who are paid through an AEL grant shall receive at least three
19 clock hours of professional development each program year.

20
21 (8) AEL staff assigned test proctoring or data entry duties shall receive at
22 least three clock hours of professional development related to their
23 primary job duties each program year.

24
25 (9) The requirements for professional development may be reduced by
26 grant recipients in individual cases in which exceptional circumstances
27 prevent employees from completing the required hours of professional
28 development. Exceptional circumstances can include absence from the
29 program or work due to personal health reasons or emergency familial
30 responsibilities, including maternity/paternity. Documentation
31 justifying these circumstances shall be available for monitoring and as
32 requested by AEL staff.

33
34 (10) Records of staff qualifications and professional development shall be
35 maintained by each grant recipient and shall be available for
36 monitoring.

37
38 *The provisions of this §805.21 adopted to be effective February 24, 2014, 39 TexReg*
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41
42 [Return to Table of Contents](#)

43
44 **SUBCHAPTER C. SERVICE DELIVERY STRUCTURE AND ALIGNMENT**

45
46 **§805.41. Procurement and Contracting.**

- 1 (a) Beginning with Program Year 2014, eligible grant recipients shall compete
2 for funding through a statewide procurement process conducted in
3 accordance with federal and state procurement requirements. AEL funding
4 shall be allocated as set forth in §800.68 of this title.
5
- 6 (b) Eligible grant recipients shall apply directly to the Agency using the grant
7 solicitation process, and shall meet all deadlines, requirements, and
8 guidelines set forth in the grant solicitation.
9
- 10 (c) Contracts awarded to AEL grant recipients shall be limited to two years, with
11 the option of three one-year renewals, at the Commission's discretion. In
12 considering a renewal, the Commission shall take into account performance
13 and other factors.
14
 - 15 (1) Renewals for years three, four, and five are not automatic, and are
16 based on meeting or exceeding performance and expenditure
17 benchmarks, or other factors as determined by the Commission.
18
 - 19 (2) At the completion of the five-year maximum contract term, the Agency
20 shall conduct a new competitive statewide procurement, including
21 those contracts that have been in effect for less than the maximum five-
22 year contract term.
23
- 24 (d) Determinations by the Agency in the statewide procurement process will be
25 based on the indicated ability of the eligible grant recipient to effectively
26 perform all services and activities needed to fully comply with contract
27 performance requirements and all contract terms and conditions, and may be
28 influenced by factors used to determine the allocation of AEL funds or other
29 objective data or criteria.
30

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33
34 [Return to Table of Contents](#)

35
36 **§805.42. Program Delivery System.**

- 37
- 38 (a) There shall be a statewide AEL program delivery system that provides AEL
39 services on a coordinated basis within each workforce area.
40
- 41 (b) An eligible grant recipient must apply directly to the Agency for AEL
42 funding.
43
- 44 (c) Each eligible grant recipient must demonstrate an ability to:
45

- 1 (1) plan and develop a service delivery strategy that includes a broad
 2 analysis of the educational, economic, and workforce development
 3 trends across the entire workforce area to provide eligible AEL students
 4 with comprehensive and locally responsive services; and
 5
- 6 (2) expand, improve, and coordinate delivery of education, workforce
 7 training, workforce development, and support services.
 8
- 9 (d) Each eligible grant recipient applying for AEL funding on behalf of an AEL
 10 consortium must:
 11
- 12 (1) meet the requirements set forth in subsection (c)(1) - (2) of this section;
 13
- 14 (2) designate an entity to serve as the AEL lead organization of the
 15 consortium; and
 16
- 17 (3) designate an entity to serve as AEL fiscal agent for the AEL
 18 consortium. The AEL fiscal agent is responsible for making and filing
 19 all financial reports to the AEL grant recipient that will review all
 20 reports and submit to the Agency on behalf of the consortium.
 21
- 22 (e) An AEL grant application must reflect service delivery strategies for the
 23 workforce area. In workforce areas that are heavily populated or have large
 24 service regions, the Agency may elect to contract with more than one AEL
 25 grant recipient within a workforce area.
 26
- 27 (f) An AEL grant recipient, awarded AEL funds by the Agency, shall be
 28 responsible for performing all services and activities required to fully comply
 29 with contract performance requirements and all contract terms and
 30 conditions. Responsibilities include, but are not limited, to the following:
 31
- 32 (1) Communication.
 33
- 34 (A) The AEL grant recipient shall serve as the point of contact with
 35 the Agency.
 36
- 37 (B) For an AEL consortium, on behalf of AEL consortium members,
 38 the AEL grant recipient shall:
 39
- 40 (i) transmit questions and grant-related needs for AEL
 41 consortium members to the Agency; and
 42
- 43 (ii) carry out the programmatic functions of an AEL grant by
 44 communicating regularly with members of the AEL
 45 consortium and by sharing information, policy or

1 procedural changes, and technical assistance provided by
2 the Agency to oversee the grant.

- 3
- 4 (2) Monitoring. The AEL grant recipient shall:
- 5
- 6 (A) monitor programmatic and fiscal progress against goals and
7 project deliverables; and
- 8
- 9 (B) timely notify the Agency of problems related to achievement of
10 programmatic and fiscal goals of the grant in accordance with
11 appropriate systems to receive and compile outcome measures
12 and fiscal reports.
- 13
- 14 (3) Technical assistance. The AEL grant recipient shall carry out the
15 programmatic and reporting functions of an AEL grant by providing or
16 requesting technical assistance for its program, or in an AEL
17 consortium for AEL consortium members, related to the design,
18 implementation, and internal evaluation of their AEL services or
19 support services.
- 20
- 21 (4) Professional development. The AEL grant recipient shall plan and
22 coordinate the provision of necessary professional development
23 opportunities for its program, or in an AEL consortium to the AEL
24 consortium members.
- 25
- 26 (5) Reporting. The AEL grant recipient shall:
- 27
- 28 (A) collect and compile all fiscal and programmatic information
29 regarding the activities, expenses, and performance outputs and
30 outcomes of the AEL grant; and
- 31
- 32 (B) submit this information to the Agency.
- 33
- 34 (6) Workforce area coverage.
- 35
- 36 (A) The AEL grant recipient shall ensure that services are provided to
37 the portion of the workforce area designated in the AEL grant
38 application, whether through in-person services or distance
39 learning, or a combination of methods.
- 40
- 41 (B) For an AEL consortium, the AEL grant recipient shall ensure that
42 services are provided to the portion of the workforce area, as
43 designated for the consortium in the AEL grant application,
44 whether through in-person services or distance learning, or a
45 combination of methods.
- 46

- 1 (i) If a consortium member fails to perform in accordance with
2 the AEL consortium's coordinated service delivery plan,
3 the AEL grant recipient shall provide technical assistance,
4 as appropriate;
5
- 6 (ii) If a consortium member withdraws from a consortium, the
7 AEL grant recipient shall ensure that a letter of intent to
8 withdraw is provided to the Agency's grant contract
9 manager. The AEL grant recipient shall coordinate with
10 remaining consortium members to develop an alternative
11 proposal for service delivery and submit it to the Agency
12 for approval;
13
- 14 (iii) If an AEL lead organization of a consortium withdraws
15 from a consortium or from its role as the lead organization
16 of the consortium, the AEL grant recipient must ensure that
17 a letter of intent to withdraw is provided to the Agency
18 contract manager. The AEL grant recipient must coordinate
19 with remaining consortium members to identify an
20 alternative lead organization of the consortium and submit
21 it to the Agency for approval; and
22
- 23 (iv) If, in a workforce area with multiple consortiums that cover
24 the entire workforce area, one or more consortiums
25 withdraws, the AEL grant recipient shall ensure that a letter
26 of intent to withdraw is provided to the Agency's grant
27 contract manager. The Agency will coordinate with the
28 remaining consortiums to develop an alternative proposal
29 for service delivery for the entire workforce area.
30
- 31 (g) For an AEL consortium, the Agency reserves the right to reevaluate an AEL
32 grant in light of any change in the AEL consortium membership based on the
33 consortium's continued ability to meet the terms of the original grant award
34 as demonstrated through an alternative proposal. The Agency's reevaluation
35 may include termination of all awards under the AEL consortium if deemed
36 appropriate.
37
- 38 (1) If an AEL consortium or AEL consortium member withdraws, the
39 funds and activities committed to in the application shall not be shifted
40 to another AEL consortium, AEL consortium member, or a new
41 institution without written Agency approval.
42
- 43 (2) The AEL grant recipient shall contact the Agency's grant contract
44 manager to discuss options for replacement grants within the AEL
45 consortium.
46

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3
4 [Return to Table of Contents](#)

5
6 **§805.43. Advisory Committees.**

7
8 Statewide Advisory Committee. The Commission shall establish a statewide AEL
9 advisory committee, composed of no more than nine members appointed by the
10 Commission.

- 11
12 (1) Committee members shall:
- 13
14 (A) have AEL expertise and may include adult educators, providers,
15 advocates, current or former AEL students, and leaders in the
16 nonprofit community engaged in literacy promotion efforts;
- 17
18 (B) include at least one representative of the business community and
19 at least one representative of a Local Workforce Development
20 Board (Board); and
- 21
22 (C) serve for staggered two-year terms. The Commission shall
23 provide direction when appointing a member to an additional
24 term.
- 25
26 (2) Membership shall be reviewed when a member's employment changes
27 to determine whether the individual continues to meet the requirements
28 for membership.
- 29
30 (3) The committee shall meet at least quarterly and submit a written report
31 to the Commission on an annual basis.
- 32
33 (4) The committee shall select a presiding officer as required by Texas
34 Government Code, Chapter 2110.
- 35
36 (5) The committee shall advise the Commission on:
- 37
38 (A) the development of:
- 39
40 (i) policies and program priorities that support the development
41 of an educated and skilled workforce in the state;
- 42
43 (ii) statewide curriculum guidelines and standards for AEL
44 services that ensure a balance of education and workplace
45 skills development;
- 46

1 (iii) a statewide strategy for improving student transitions to
2 postsecondary education and career and technical education
3 training; and
4

5 (iv) a centralized system for collecting and tracking
6 comprehensive data on AEL program performance
7 outcomes;
8

9 (B) the exploration of potential partnerships with entities in the
10 nonprofit community engaged in literacy-promotion efforts,
11 entities in the business community, and other appropriate entities
12 to improve statewide literacy programs; and
13

14 (C) any other issue the Commission considers appropriate.
15

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18

19 [Return to Table of Contents](#)
20

21 **§805.44. Match Requirements.**
22

- 23 (a) AEL grant recipients shall provide and document any cash or in-kind match.
24 The match shall be met using nonfederal (i.e., local or state) sources.
25
- 26 (b) The cash or in-kind match may be obtained from any state or local source that
27 is fairly evaluated, excluding any sources of federal funds.
28
- 29 (c) The match may include allowable costs, including the following:
30
- 31 (1) Goods and services;
 - 32
 - 33 (2) Fair market value of third-party goods and services donated by
34 volunteers and employees or other organizations; and
35
 - 36 (3) Supplies, equipment, and building space not owned by the AEL fiscal
37 agent.
38
- 39 (d) The AEL grant recipient shall maintain auditable records for all expenditures
40 relating to the cash or in-kind match, the same as for funds granted through
41 an approved application.
42
- 43 (e) If public funds are used, other than state and federal AEL funds, in AEL
44 instructional programs, the programs may claim a proportionate share of the
45 student contact time as the cash or in-kind match.
46

1 *The provisions of this §805.44 adopted to be effective February 24, 2014, 39*
2 *TexReg 1205*

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4 [Return to Table of Contents](#)

5
6 **§805.45. Tuition and Fees.**

7
8 Tuition and fees shall not be charged unless the entity charging them is statutorily
9 authorized to do so. Funds generated by tuition and fees shall be used for the AEL
10 instructional programs, and must be expended before federal and state grant
11 funds, in accordance with 2 CFR §200.305(b)(5).

12
13 *The provisions of this §805.45 adopted to be effective February 24, 2014, 39 TexReg*
14 *1205; amended to be effective December 16, 2018, 43 TexReg 8150*

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16 [Return to Table of Contents](#)

17
18 **SUBCHAPTER D. OTHER PROVISIONS**

19
20 **§805.61. Staff Development and Special Projects.**

21
22 From the federal funds set aside for state administration, special projects, staff
23 development, and leadership, a portion of funds shall be used to provide training
24 and professional development to organizations that are not currently receiving
25 grants but are providing literacy services.

26
27 *The provisions of this §805.61 adopted to be effective February 24, 2014, 39 TexReg*
28 *1205*

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30 [Return to Table of Contents](#)

31
32 **SUBCHAPTER E. HIGH SCHOOL EQUIVALENCY SUBSIDY PROGRAM**

33
34 **§805.71. Purpose.**

35
36 The purpose of the high school equivalency subsidy program, as provided in an
37 interagency contract between the Texas Education Agency (TEA) and the
38 Agency, is to provide subsidized high school examination fees to eligible
39 individuals.

40
41 *The provisions of this §805.71 adopted to be effective December 21, 2020, 45 TexReg*
42 *9246*

43
44 [Return to Table of Contents](#)

45
46 **§805.72. Definitions.**

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The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) "Eligible high school equivalency subsidy recipient" means a Texas resident who is 21 years of age or older at the time that a voucher for the subsidy is issued to the individual and who lacks a high school diploma or its equivalent.
- (2) "High school equivalency exam" refers to an exam, as approved by the Texas State Board of Education, for obtaining a Texas Certificate of High School Equivalency (TxCHSE).
- (3) "Subsidy" is an amount not to exceed the cost of one high school equivalency exam, inclusive of all subject areas, as negotiated by TEA.
- (4) "Subsidy program" refers to the high school equivalency subsidy program.
- (5) "Voucher" refers to an electronic or paper-based voucher provided to an eligible individual for taking an individualized high school equivalency test.
- (6) "Voucher allotment" means the annual allotment of vouchers to grant recipients. The allotment is based on the number of high school equivalency tests taken by the participants of each grant recipient.

The provisions of this §805.72 adopted to be effective December 21, 2020, 45 TexReg 9246

[Return to Table of Contents](#)

§805.73. Implementation.

- (a) When implementing the high school equivalency subsidy program, the Agency will prioritize the subsidy to eligible high school equivalency subsidy recipients who are AEL program participants or former AEL participants within 365 days of their program exit. The Agency may provide the subsidy to eligible high school equivalency subsidy recipients who are not current or former AEL participants, based on a plan approved by the Commission.
- (b) The Commission will approve an initial voucher allotment to the AEL grant recipient based on high school equivalency test-taking data for the grant recipient.

- 1 (c) The Commission will approve an initial voucher allotment, by September 1,
2 for each grant recipient. Additionally, the Commission may approve an
3 adjustment of a grant recipient's voucher allotment midyear, or at another
4 time designated by the Commission, based on a grant recipient's voucher
5 usage or demonstrated demand.
6
- 7 (d) AEL grant recipients will manage the distribution of vouchers to eligible
8 high school equivalency subsidy recipients and shall confirm the eligibility of
9 a recipient to receive the subsidy via a voucher.

10
11 *The provisions of this §805.73 adopted to be effective December 21, 2020, 45 TexReg*
12 *9246*

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14 [Return to Table of Contents](#)

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