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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. AEL Advisory Committee](#)
- [§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 of this title, that is awarded AEL funds by the Agency through the statewide procurement process described in §805.41 of this chapter (relating to Procurement and Contracting). 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 the Workforce Innovation and Opportunity Act (WIOA) §203(5)/29 United States Code §3272(5) 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.

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- (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 a staff member supported by federal and state AEL funds as documented by local attendance and reporting records.
  - (A) Student contact time generated by volunteers may be accrued by the AEL program when volunteer services are verifiable by attendance and reporting records and volunteers meet requirements under §805.21 of this chapter (relating to Staff Qualifications and Training).
  - (B) A student contact hour is 60 minutes.
  
- (11) Digital literacy skills--The skills associated with:
  - (A) using technology to enable users to find, evaluate, organize, create, and communicate information; and
  - (B) developing digital citizenship and the responsible use of technology.
  
- (12) Eligible grant recipient--An entity, as specified in state and federal law, that is eligible to receive AEL program funding. Eligible grant recipients are organizations that have demonstrated effectiveness in providing adult education and literacy activities, and may include:
  - (A) a local educational agency;
  - (B) a community-based organization or faith-based organization;
  - (C) a volunteer literacy organization;
  - (D) an institution of higher education;
  - (E) a public or private nonprofit agency;
  - (F) a library;
  - (G) a public housing authority;
  - (H) a nonprofit institution that is not described in any of subparagraphs (A) - (G) of this paragraph and has the ability to provide adult education and literacy services to eligible individuals;

- 1 (I) a consortium or coalition of the agencies, organizations,  
2 institutions, libraries, or authorities described in any of  
3 subparagraphs (A) - (H) of this paragraph; and  
4
- 5 (J) a partnership between an employer and an entity described in any  
6 of subparagraphs (A) - (I) of this paragraph.  
7
- 8 (13) Literacy--An individual's ability to read, write, and speak in English,  
9 and to compute and solve problems at levels of proficiency necessary to  
10 function on the job, in the family of the individual, and in society.  
11
- 12 (14) Principles of adult learning--A wide variety of research-based  
13 professional development topics that include instructional and advising  
14 characteristics specific to adults, and support the range of knowledge,  
15 skills, and abilities adults need to understand and use information,  
16 express themselves, act independently, effectively manage a changing  
17 world, and meet goals and objectives related to career, family, and  
18 community participation. Instructional principles include, but are not  
19 limited to, engaging adults and customizing instruction on subjects that  
20 have immediate relevance to their career and personal goals and  
21 objectives, building on their prior knowledge and experience, and  
22 supporting them in taking responsibility for their learning.  
23
- 24 (15) Proctoring--Support in the administration of tests or pretests under the  
25 guidance of a staff member who oversees program assessment services  
26 and/or accountability assessment.  
27
- 28 (16) Professional development--Encompasses all types of facilitated  
29 learning activities for instructors and staff of AEL programs and  
30 organizations participating in AEL programs and services. Professional  
31 development can be face-to-face or virtual and can be a workshop,  
32 lecture, presentation, poster session, roundtable discussion, study circle,  
33 or demonstration to accomplish a predetermined educational or  
34 learning outcome that is tracked in the statewide AEL data  
35 management information system.  
36
- 37 (17) Program year--The AEL program year is July 1 through June 30.  
38
- 39 (18) Substitute--An instructor who works on call, does not have a full-time  
40 assignment, and does not assume permanent responsibilities for class  
41 instruction. An individual is considered a substitute if he or she  
42 instructs a particular class for four or fewer consecutive class meetings.  
43
- 44 (19) Support services--Services such as transportation, child care, dependent  
45 care, housing, and needs-related payments, which are necessary to

1 enable an individual to participate in activities as defined in WIOA  
2 §3(59).

3  
4 (20) Workforce preparation activities--Activities, programs, or services  
5 described in WIOA §203(17), which are designed to help an individual  
6 acquire a combination of basic academic skills, critical thinking skills,  
7 digital literacy skills, and self-management skills, including  
8 competencies in utilizing resources, using information, working with  
9 others, understanding systems, and obtaining skills necessary for  
10 successful transition into and completion of postsecondary education,  
11 training, or employment.

12  
13 (21) Workforce training--Services described in WIOA §134(c)(3)(D),  
14 including the following:

15  
16 (A) occupational skills training, including training for nontraditional  
17 employment;

18  
19 (B) on-the-job training;

20  
21 (C) incumbent worker training;

22  
23 (D) programs that combine workplace training with related  
24 instruction, which may include cooperative education programs;

25  
26 (E) training programs operated by the private sector;

27  
28 (F) skill upgrading and retraining;

29  
30 (G) entrepreneurial training;

31  
32 (H) transitional jobs;

33  
34 (I) job readiness training provided in combination with services  
35 described in any of subparagraphs (A) - (H) of this paragraph;

36  
37 (J) AEL activities, including activities of English language  
38 acquisition and integrated education and training programs,  
39 provided concurrently or in combination with services described  
40 in any of subparagraphs (A) - (G) of this paragraph; and

41  
42 (K) customized training conducted with a commitment by an  
43 employer or group of employers to employ an individual upon  
44 successful completion of the training.  
45

1 *The provisions of this §805.2 adopted to be effective February 24, 2014, 39 TexReg*  
2 *1205; amended to be effective July 20, 2016, 41 TexReg 5231; amended to be*  
3 *effective December 16, 2018, 43 TexReg 8150; amended to be effective November 24,*  
4 *2022, 47 TexReg 7749*

5  
6 [Return to Table of Contents](#)

7  
8 **§805.3. Federal and State AEL Funds.**

- 9  
10 (a) Federal AEL funds may be used for AEL programs for individuals who have  
11 attained 16 years of age and who are not enrolled or required to be enrolled in  
12 secondary school under state law and:  
13  
14 (1) are basic skills deficient;  
15  
16 (2) do not have a secondary school diploma or its recognized equivalent,  
17 and have not achieved an equivalent level of education; or  
18  
19 (3) are English language learners.  
20  
21 (b) State AEL funds are to be used for AEL programs for out-of-school  
22 individuals who are beyond the compulsory age of attendance unless  
23 specifically exempted from compulsory school attendance by Texas  
24 Education Code §25.086 and:  
25  
26 (1) are basic skills deficient;  
27  
28 (2) do not have a secondary school diploma or its recognized equivalent,  
29 and have not achieved an equivalent level of education; or  
30  
31 (3) are English language learners.  
32  
33 (c) The proportion of students served who meet the requirements of subsection  
34 (a) of this section, but do not meet the requirements of subsection (b) of this  
35 section, shall not exceed the grant recipient's percentage of federal funds to  
36 the total allocation.  
37  
38 (d) The Commission shall establish annual performance benchmarks for the use  
39 of AEL funds.

1  
2 *The provisions of this §805.3 adopted to be effective February 24, 2014, 39 TexReg*  
3 *1205; amended to be effective July 20, 2016, 41 TexReg 5231; amended to be*  
4 *effective December 16, 2018, 43 TexReg 8150*

5  
6 [Return to Table of Contents](#)

7  
8 **§805.4. Essential Program Components.**

9  
10 An AEL grant recipient shall ensure that essential program components are  
11 provided, as outlined in the grant application for statewide AEL funds, which  
12 include:

- 13  
14 (1) Adult education;  
15  
16 (2) Literacy;  
17  
18 (3) Workplace adult education and literacy activities;  
19  
20 (4) Family literacy activities;  
21  
22 (5) English language acquisition services;  
23  
24 (6) Integrated English literacy and civics education;  
25  
26 (7) Workforce preparation activities, which includes digital literacy skills;  
27  
28 (8) Integrated education and training;  
29  
30 (9) Assessment and guidance services related to paragraphs (1) - (8) of this  
31 section; or  
32  
33 (10) Collaboration with multiple partners in the community to expand the  
34 services available to adult learners and to prevent duplication of  
35 services.  
36

37 *The provisions of this §805.4 adopted to be effective February 24, 2014, 39 TexReg*  
38 *1205; amended to be effective December 16, 2018, 43 TexReg 8150; amended to be*  
39 *effective November 24, 2022, 47 TexReg 7749*

40  
41 [Return to Table of Contents](#)

42  
43 **SUBCHAPTER B. STAFF QUALIFICATIONS**

44  
45 **§805.21. Staff Qualifications and Training.**  
46



1 The requirements of this section shall apply to all AEL staff, excluding clerical  
2 and janitorial staff.

- 3
- 4 (1) AEL instructional aides, administrative, data entry, proctoring staff,  
5 and staff providing support or employment services to students shall  
6 have at least a high school diploma or high school equivalency  
7 certificate.
  - 8
  - 9 (2) AEL directors, supervisors, and staff that oversee program assessment  
10 services and/or overall program accountability, and instructors in the  
11 content areas of reading, writing, mathematics, and English language  
12 acquisition, including substitutes, shall possess at least a bachelor's  
13 degree.
  - 14
  - 15 (3) Workforce training instructors must meet the requirements of the  
16 institution and/or the associated accrediting or credentialing entity, if  
17 applicable.
  - 18
  - 19 (4) Requests for exemptions for staff qualification requirements in  
20 individual cases:
    - 21
    - 22 (A) may be submitted to the Agency for approval with a justification  
23 outlining extenuating circumstances; and
    - 24
    - 25 (B) shall be submitted and approved prior to an individual being  
26 placed in the position in question.
    - 27
  - 28 (5) All AEL directors and supervisors, and other staff with program  
29 oversight or coordination responsibilities shall receive 15 clock hours  
30 of professional development each program year with the following  
31 exception: Staff hired on or after January 1 of a program year may  
32 require half of the professional development time required for that  
33 program year.
  - 34
  - 35 (6) All AEL instructional staff, including instructional aides providing  
36 instruction to students, except substitutes, paid with AEL grant funds or  
37 who acquire student contact hours, including volunteers, shall receive  
38 at least 15 clock hours of professional development each program year,  
39 with the following specifications:
    - 40
    - 41 (A) Instructors in the content areas of reading, writing, mathematics,  
42 and English language acquisition shall:
      - 43
      - 44 (i) receive three clock hours of training in principles of adult  
45 learning;
      - 46

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- (ii) receive six clock hours in relevant areas of literacy instruction; and
- (iii) receive the remaining six clock hours of training in content areas at the discretion of the program, but consisting of content related to the AEL program's purpose, which is to provide adults with sufficient basic education that enables them to effectively:
  - (I) acquire the basic educational skills necessary for literate functioning;
  - (II) participate in job training and retraining programs;
  - (III) obtain and retain employment; and
  - (IV) continue their education to at least the level of secondary school completion and postsecondary education preparation; or
- (iv) waive six clock hours of content area in staff professional development for individuals who have 18 or more college semester undergraduate or graduate credit hours in relevant areas of literacy instruction.

(B) Staff, as described in subparagraph (A) of this paragraph, hired on or after January 1 of a program year, may require half of the professional development time required for that program year. For instructors in the content areas of reading, writing, mathematics, and English language acquisition, these hours must include three clock hours of training in principles of adult learning and three clock hours in the relevant areas of literacy instruction.

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

- 1 (7) All staff providing support services or college and career transitional  
2 support who are paid through an AEL grant shall receive at least three  
3 clock hours of professional development each program year.  
4
- 5 (8) AEL non-instructional support staff, such as, but not limited to, those  
6 assigned test proctoring or data entry duties, shall receive at least three  
7 clock hours of professional development related to their primary job  
8 duties each program year.  
9
- 10 (9) The requirements for professional development may be reduced by  
11 grant recipients in individual cases in which exceptional circumstances  
12 prevent employees from completing the required hours of professional  
13 development. Exceptional circumstances can include absence from the  
14 program or work due to personal health reasons or emergency familial  
15 responsibilities, including maternity/paternity. Documentation  
16 justifying these circumstances shall be available for monitoring and as  
17 requested by AEL staff.  
18
- 19 (10) Records of staff qualifications and professional development shall be  
20 maintained by each grant recipient and shall be available for  
21 monitoring.  
22

23 *The provisions of this §805.21 adopted to be effective February 24, 2014, 39 TexReg*  
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25 *effective December 16, 2018, 43 TexReg 8150; amended to be effective November 24,*  
26 *2022, 47 TexReg 7749*  
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28 [Return to Table of Contents](#)  
29

## 30 **SUBCHAPTER C. SERVICE DELIVERY STRUCTURE AND ALIGNMENT**

### 31 **§805.41. Procurement and Contracting.**

- 32
- 33
- 34 (a) Eligible grant recipients shall compete for funding through a statewide  
35 procurement process conducted in accordance with federal and state  
36 procurement requirements. AEL funding shall be allocated as set forth in  
37 §800.68 of this title.  
38
- 39 (b) Eligible grant recipients shall apply directly to the Agency using the grant  
40 solicitation process, and shall meet all deadlines, requirements, and  
41 guidelines set forth in the grant solicitation.  
42
- 43 (c) Contracts awarded to AEL grant recipients shall be limited to two years, with  
44 the option of three one-year renewals, at the Commission's discretion. In  
45 considering a renewal, the Commission shall take into account performance  
46 and other factors.

- 1  
2 (1) Renewals for years three, four, and five are not automatic, and are  
3 based on meeting or exceeding performance and expenditure  
4 benchmarks, or other factors as determined by the Commission.  
5  
6 (2) At the completion of the five-year maximum contract term, the Agency  
7 shall conduct a new competitive statewide procurement, including  
8 those contracts that have been in effect for less than the maximum five-  
9 year contract term.  
10  
11 (d) Determinations by the Agency in the statewide procurement process will be  
12 based on the indicated ability of the eligible grant recipient to effectively  
13 perform all services and activities needed to fully comply with contract  
14 performance requirements and all contract terms and conditions and may be  
15 influenced by factors used to determine the allocation of AEL funds or other  
16 objective data or criteria.  
17

18 *The provisions of this §805.41 adopted to be effective February 24, 2014, 39 TexReg*  
19 *1205; amended to be effective December 16, 2018, 43 TexReg 8150; amended to be*  
20 *effective November 24, 2022, 47 TexReg 7749*  
21

22 [Return to Table of Contents](#)  
23

24 **§805.42. Program Delivery System.**  
25

- 26 (a) There shall be a statewide AEL program delivery system that provides AEL  
27 services on a coordinated basis within each workforce area.  
28  
29 (b) An eligible grant recipient must apply directly to the Agency for AEL  
30 funding.  
31  
32 (c) Each eligible grant recipient must demonstrate an ability to:  
33  
34 (1) plan and develop a service delivery strategy that includes a broad  
35 analysis of the educational, economic, and workforce development  
36 trends across the entire workforce area to provide eligible AEL students  
37 with comprehensive and locally responsive services; and  
38  
39 (2) expand, improve, and coordinate delivery of education, workforce  
40 training, workforce development, and support services.  
41  
42 (d) Each eligible grant recipient applying for AEL funding on behalf of an AEL  
43 consortium must:  
44  
45 (1) meet the requirements set forth in subsection (c)(1) - (2) of this section;  
46

- 1 (2) designate an entity to serve as the AEL lead organization of the  
2 consortium; and  
3
- 4 (3) designate an entity to serve as AEL fiscal agent for the AEL  
5 consortium. The AEL fiscal agent is responsible for making and filing  
6 all financial reports to the AEL grant recipient that will review all  
7 reports and submit to the Agency on behalf of the consortium.  
8
- 9 (e) An AEL grant application must reflect service delivery strategies for the  
10 workforce area. In workforce areas that are heavily populated or have large  
11 service regions, the Agency may elect to contract with more than one AEL  
12 grant recipient within a workforce area.  
13
- 14 (f) An AEL grant recipient, awarded AEL funds by the Agency, shall be  
15 responsible for performing all services and activities required to fully comply  
16 with contract performance requirements and all contract terms and  
17 conditions. Responsibilities include, but are not limited, to the following:  
18
- 19 (1) Communication.
- 20
- 21 (A) The AEL grant recipient shall serve as the point of contact with  
22 the Agency.  
23
- 24 (B) For an AEL consortium, on behalf of AEL consortium members,  
25 the AEL grant recipient shall:  
26
- 27 (i) transmit questions and grant-related needs for AEL  
28 consortium members to the Agency; and  
29
- 30 (ii) carry out the programmatic functions of an AEL grant by  
31 communicating regularly with members of the AEL  
32 consortium and by sharing information, policy or  
33 procedural changes, and technical assistance provided by  
34 the Agency to oversee the grant.  
35
- 36 (2) Monitoring. The AEL grant recipient shall:  
37
- 38 (A) monitor programmatic and fiscal progress against goals and  
39 project deliverables; and  
40
- 41 (B) timely notify the Agency of problems related to achievement of  
42 programmatic and fiscal goals of the grant in accordance with  
43 appropriate systems to receive and compile outcome measures  
44 and fiscal reports.  
45

- 1 (3) Technical assistance. The AEL grant recipient shall carry out the  
2 programmatic and reporting functions of an AEL grant by providing or  
3 requesting technical assistance for its program, or in an AEL  
4 consortium for AEL consortium members, related to the design,  
5 implementation, and internal evaluation of their AEL services or  
6 support services.  
7
- 8 (4) Professional development. The AEL grant recipient shall plan and  
9 coordinate the provision of necessary professional development  
10 opportunities for its program, or in an AEL consortium to the AEL  
11 consortium members.  
12
- 13 (5) Reporting. The AEL grant recipient shall:  
14
- 15 (A) collect and compile all fiscal and programmatic information  
16 regarding the activities, expenses, and performance outputs and  
17 outcomes of the AEL grant; and
  - 18
  - 19 (B) submit this information to the Agency.  
20
- 21 (6) Workforce area coverage.  
22
- 23 (A) The AEL grant recipient shall ensure that services are provided to  
24 the portion of the workforce area designated in the AEL grant  
25 application, whether through in-person services or distance  
26 learning, or a combination of methods.  
27
  - 28 (B) For an AEL consortium, the AEL grant recipient shall ensure that  
29 services are provided to the portion of the workforce area, as  
30 designated for the consortium in the AEL grant application,  
31 whether through in-person services or distance learning, or a  
32 combination of methods.  
33
  - 34 (i) If a consortium member fails to perform in accordance with  
35 the AEL consortium's coordinated service delivery plan,  
36 the AEL grant recipient shall provide technical assistance,  
37 as appropriate;  
38
  - 39 (ii) If a consortium member withdraws from a consortium, the  
40 AEL grant recipient shall ensure that a letter of intent to  
41 withdraw is provided to the Agency's grant contract  
42 manager. The AEL grant recipient shall coordinate with  
43 remaining consortium members to develop an alternative  
44 proposal for service delivery and submit it to the Agency  
45 for approval;  
46

1 (iii) If an AEL lead organization of a consortium withdraws  
2 from a consortium or from its role as the lead organization  
3 of the consortium, the AEL grant recipient must ensure that  
4 a letter of intent to withdraw is provided to the Agency  
5 contract manager. The AEL grant recipient must coordinate  
6 with remaining consortium members to identify an  
7 alternative lead organization of the consortium and submit  
8 it to the Agency for approval; and  
9

10 (iv) If, in a workforce area with multiple consortiums that cover  
11 the entire workforce area, one or more consortiums  
12 withdraws, the AEL grant recipient shall ensure that a letter  
13 of intent to withdraw is provided to the Agency's grant  
14 contract manager. The Agency will coordinate with the  
15 remaining consortiums to develop an alternative proposal  
16 for service delivery for the entire workforce area.  
17

18 (g) For an AEL consortium, the Agency reserves the right to reevaluate an AEL  
19 grant in light of any change in the AEL consortium membership based on the  
20 consortium's continued ability to meet the terms of the original grant award  
21 as demonstrated through an alternative proposal. The Agency's reevaluation  
22 may include termination of all awards under the AEL consortium if deemed  
23 appropriate.  
24

25 (1) If an AEL consortium or AEL consortium member withdraws, the  
26 funds and activities committed to in the application shall not be shifted  
27 to another AEL consortium, AEL consortium member, or a new  
28 institution without written Agency approval.  
29

30 (2) The AEL grant recipient shall contact the Agency's grant contract  
31 manager to discuss options for replacement grants within the AEL  
32 consortium.  
33

34 *The provisions of this §805.42 adopted to be effective February 24, 2014, 39 TexReg*  
35 *1205; amended to be effective December 16, 2018, 43 TexReg 8150*  
36

37 [Return to Table of Contents](#)  
38

39 **§805.43. AEL Advisory Committee.**  
40

41 The Commission shall establish a statewide AEL advisory committee, composed  
42 of no more than nine members appointed by the Commission.  
43

44 (1) Committee members shall:  
45

- 1 (A) have AEL expertise and may include adult educators, providers,  
2 advocates, current or former AEL students, and leaders in the  
3 nonprofit community engaged in literacy promotion efforts;  
4
- 5 (B) include at least one representative of the business community and  
6 at least one representative of a Local Workforce Development  
7 Board; and  
8
- 9 (C) serve for two-year terms. The Commission shall provide direction  
10 when appointing a member to an additional term.  
11
- 12 (2) Membership shall be reviewed when a member's employment changes  
13 to determine whether the individual continues to meet the requirements  
14 for membership.  
15
- 16 (3) The committee shall meet at least quarterly and submit a written report  
17 to the Commission on an annual basis.  
18
- 19 (4) The committee shall select a presiding officer as required by Texas  
20 Government Code, Chapter 2110.  
21
- 22 (5) The committee shall advise the Commission on:  
23
- 24 (A) the development of:  
25
- 26 (i) policies and program priorities that support the development  
27 of an educated and skilled workforce in the state;  
28
- 29 (ii) statewide curriculum guidelines and standards for AEL  
30 services that ensure a balance of education and workplace  
31 skills development;  
32
- 33 (iii) a statewide strategy for improving student transitions to  
34 postsecondary education and career and technical education  
35 training; and  
36
- 37 (iv) a centralized system for collecting and tracking  
38 comprehensive data on AEL program performance  
39 outcomes;  
40
- 41 (B) the exploration of potential partnerships with entities in the  
42 nonprofit community engaged in literacy-promotion efforts,  
43 entities in the business community, and other appropriate entities  
44 to improve statewide literacy programs; and  
45
- 46 (C) any other issue the Commission considers appropriate.



1  
2 *The provisions of this §805.43 adopted to be effective February 24, 2014, 39 TexReg*  
3 *1205; amended to be effective December 16, 2018, 43 TexReg 8150; amended to be*  
4 *effective November 24, 2022, 47 TexReg 7749*

5  
6 [Return to Table of Contents](#)

7  
8 **§805.44. Match Requirements.**

- 9  
10 (a) AEL grant recipients shall provide and document any cash or in-kind match.  
11 The match shall be met using nonfederal (i.e., local or state) sources.  
12  
13 (b) The cash or in-kind match may be obtained from any state or local source that  
14 is fairly evaluated, excluding any sources of federal funds.  
15  
16 (c) The match may include allowable costs, including the following:  
17  
18 (1) Goods and services;  
19  
20 (2) Fair market value of third-party goods and services donated by  
21 volunteers and employees or other organizations; and  
22  
23 (3) Supplies, equipment, and building space not owned by the AEL fiscal  
24 agent.  
25  
26 (d) The AEL grant recipient shall maintain auditable records for all expenditures  
27 relating to the cash or in-kind match, the same as for funds granted through  
28 an approved application.  
29  
30 (e) If public funds are used, other than state and federal AEL funds, in AEL  
31 instructional programs, the programs may claim a proportionate share of the  
32 student contact time as the cash or in-kind match.  
33

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

36  
37 [Return to Table of Contents](#)

38  
39 **§805.45. Tuition and Fees.**

40  
41 Tuition and fees shall not be charged unless the entity charging them is statutorily  
42 authorized to do so. Funds generated by tuition and fees shall be used for the AEL  
43 instructional programs, and must be expended before federal and state grant  
44 funds, in accordance with 2 CFR §200.305(b)(5).  
45

1        *The provisions of this §805.45 adopted to be effective February 24, 2014, 39 TexReg*  
2        *1205; amended to be effective December 16, 2018, 43 TexReg 8150*

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

5  
6        **SUBCHAPTER D. OTHER PROVISIONS**

7  
8        **§805.61. Staff Development and Special Projects.**

9  
10        From the federal funds set aside for state administration, special projects, staff  
11        development, and leadership, a portion of funds shall be used to provide training  
12        and professional development to organizations that are not currently receiving  
13        grants but are providing literacy services.

14  
15        *The provisions of this §805.61 adopted to be effective February 24, 2014, 39 TexReg*  
16        *1205*

17  
18        [Return to Table of Contents](#)

19  
20        **SUBCHAPTER E. HIGH SCHOOL EQUIVALENCY SUBSIDY PROGRAM**

21  
22        **§805.71. Purpose.**

23  
24        The purpose of the high school equivalency subsidy program, as provided in an  
25        interagency contract between the Texas Education Agency (TEA) and the  
26        Agency, is to provide subsidized high school examination fees to eligible  
27        individuals.

28  
29        *The provisions of this §805.71 adopted to be effective December 21, 2020, 45 TexReg*  
30        *9246*

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

33  
34        **§805.72. Definitions.**

35  
36        The following words and terms, when used in this subchapter, shall have the  
37        following meanings, unless the context clearly indicates otherwise.

- 38  
39        (1) "Eligible high school equivalency subsidy recipient" means a Texas  
40        resident who is 21 years of age or older at the time that a voucher for  
41        the subsidy is issued to the individual and who lacks a high school  
42        diploma or its equivalent.  
43  
44        (2) "High school equivalency exam" refers to an exam, as approved by the  
45        Texas State Board of Education, for obtaining a Texas Certificate of  
46        High School Equivalency (TxCHSE).

- 1
- 2 (3) "Subsidy" is an amount not to exceed the cost of one high school
- 3 equivalency exam, inclusive of all subject areas, as negotiated by TEA.
- 4
- 5 (4) "Subsidy program" refers to the high school equivalency subsidy
- 6 program.
- 7
- 8 (5) "Voucher" refers to an electronic or paper-based voucher provided to
- 9 an eligible individual for taking an individualized high school
- 10 equivalency test.
- 11
- 12 (6) "Voucher allotment" means the annual allotment of vouchers to grant
- 13 recipients. The allotment is based on the number of high school
- 14 equivalency tests taken by the participants of each grant recipient.
- 15

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

17 *9246*

18

19 [Return to Table of Contents](#)

20

21 **§805.73. Implementation.**

22

- 23 (a) When implementing the high school equivalency subsidy program, the
- 24 Agency will prioritize the subsidy to eligible high school equivalency subsidy
- 25 recipients who are AEL program participants or former AEL participants
- 26 within 365 days of their program exit. The Agency may provide the subsidy
- 27 to eligible high school equivalency subsidy recipients who are not current or
- 28 former AEL participants, based on a plan approved by the Commission.
- 29
- 30 (b) The Commission will approve an initial voucher allotment to the AEL grant
- 31 recipient based on high school equivalency test-taking data for the grant
- 32 recipient.
- 33
- 34 (c) The Commission will approve an initial voucher allotment, by September 1,
- 35 for each grant recipient. Additionally, the Commission may approve an
- 36 adjustment of a grant recipient's voucher allotment midyear, or at another
- 37 time designated by the Commission, based on a grant recipient's voucher
- 38 usage or demonstrated demand.
- 39
- 40 (d) AEL grant recipients will manage the distribution of vouchers to eligible
- 41 high school equivalency subsidy recipients and shall confirm the eligibility of
- 42 a recipient to receive the subsidy via a voucher.
- 43

44 *The provisions of this §805.73 adopted to be effective December 21, 2020, 45 TexReg*

45 *9246*

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[Return to Table of Contents](#)