

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

2  
3 **PROPOSED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***  
4 ***REGISTER*. THIS DOCUMENT WILL NOT HAVE ANY SUBSTANTIVE**  
5 **CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED**  
6 **BY THE *TEXAS REGISTER*.**

7  
8 **ON APRIL 5, 2016, THE TEXAS WORKFORCE COMMISSION PROPOSED THE**  
9 **BELOW RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***  
10 ***REGISTER*.**

11  
12 Estimated Publication Date of the Proposal in the *Texas Register*: **April 22, 2016**  
13 Estimated End of Comment Period: **May 23, 2016**

14  
15 The Texas Workforce Commission (Commission) proposes amendments to the following  
16 sections of Chapter 805, relating to Adult Education and Literacy:

- 17  
18 Subchapter A. General Provisions, §805.2 and §805.3  
19 Subchapter B. Staff Qualifications, §805.21

- 20  
21 **PART I. PURPOSE AND BACKGROUND**  
22 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**  
23 **PART III. IMPACT STATEMENTS**  
24 **PART IV. COORDINATION ACTIVITIES**

25  
26 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

27 The purpose of the amendment to §805.21 is to address issues based on observations and  
28 feedback related to finding and supporting qualified staff across an Adult Education and  
29 Literacy (AEL) system built on partnerships.

30  
31 Current staff qualification requirements set forth in §805.21 were carried over with some  
32 modifications from the Texas Education Code (TEC). The TEC rules were developed for  
33 an AEL program that largely operated as an independent, nonintegrated program.  
34 Transition of the AEL program to TWC, with the implementation of new contracts, has  
35 revealed a stronger need for partnerships, including partnerships with community  
36 colleges and Local Workforce Development Boards (Boards).

37  
38 The amendment to §805.3 aligns with new Texas Education Code (TEC) §25.085, which  
39 modifies the compulsory attendance age from 18 years to 19 years.

40  
41 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

42  
43 **SUBCHAPTER A. GENERAL PROVISIONS**

44 **The Commission proposes the following amendments to Subchapter A:**  
45  
46

1 **§805.2. Definitions**

2 New §805.2(7) defines "assessment services" as the processes, administration, review,  
3 and consultation provided to individuals in accordance with the AEL assessment  
4 procedure and other agency guidance to direct placement, progress, and achievement in  
5 AEL and other instructional services, including the identification of potential academic or  
6 support service needs.

7  
8 New §805.2(8) defines "clock hour," distinguishing a clock hour of 60 minutes from a  
9 credit hour, which constitutes 50 minutes of instruction over a 15-week period in a  
10 semester system or a 10-week period in a quarter system.

11  
12 New §805.2(9) defines "college and career transitional support" as support that may  
13 include, but is not limited to, recruiting and outreach, intensive individual case  
14 management, career and academic counseling, enrollment and financial aid support, self-  
15 advocacy skills development, academic and career support strategies, college and  
16 workforce system capacity building, student data records management, and providing  
17 access to other support and employment services.

18  
19 New §805.2(12) defines "literacy," in alignment with the Workforce Innovation and  
20 Opportunity Act (WIOA), as an individual's ability to read, write, and speak in English,  
21 and to compute and solve problems at levels of proficiency necessary to function on the  
22 job, in the family of the individual, and in society.

23  
24 New §805.2(13) defines "principles of adult learning" as a wide variety of research-based  
25 professional development topics that include instructional and advising characteristics  
26 specific to adults, and support the range of knowledge, skills, and abilities adults need to  
27 understand and use information, express themselves, act independently, effectively  
28 manage a changing world, and meet goals and objectives related to career, family, and  
29 community participation. Instructional principles include, but are not limited to,  
30 engaging adults and customizing instruction on subjects that have immediate relevance to  
31 their career and personal goals and objectives, building on their prior knowledge and  
32 experience, and supporting them in taking responsibility for their learning.

33  
34 New §805.2(14) defines "proctoring" as one type of assessment service, the  
35 administration of tests or pretests by test proctors working under the guidance or  
36 supervision of an individual who oversees program assessment services and/or  
37 accountability assessment.

38  
39 New §805.2(15) defines "professional development" as encompassing all types of  
40 facilitated learning activities for instructors and staff of AEL programs and organizations  
41 participating in AEL programs and services. Professional development can be face-to-  
42 face or virtual and can be a workshop, lecture, presentation, poster session, roundtable  
43 discussion, study circle, or demonstration that meets for a minimum of one hour and  
44 upwards in increments of one half (.5) hour (i.e., the hours assigned for purposes of  
45 tracking AEL staff professional development requirements in TEAMS, the Texas

1 Educating Adults Management System) to accomplish a predetermined educational or  
2 learning outcome.

3  
4 New §805.2(16) defines "program year" for AEL purposes. The AEL program year,  
5 which aligns to the U.S. Department of Education's (ED) Adult Education and Family  
6 Literacy Act (AEFLA) program year, is July 1 through June 30.

7  
8 New §805.2(17) defines "substitute," specifying the distinction between a substitute and a  
9 full- or part-time instructor. A substitute works on call, does not have a full-time  
10 assignment, and does not assume permanent responsibilities for class instruction. An  
11 individual is considered a substitute if he or she instructs a particular class for four or  
12 fewer consecutive class meetings.

13  
14 New §805.2(18) defines "support services," to align with the definition in WIOA §2 , as  
15 services such as transportation, child care, dependent care, housing, and needs-related  
16 payments, which are necessary to enable an individual to participate in activities.

17  
18 New §805.2(19) defines "workforce training" to align with the definition in WIOA  
19 §134(c)(3)(D), which states that workforce training services may include the following:

- 20 (A) occupational skills training, including training for nontraditional employment;
- 21 (B) on-the-job training;
- 22 (C) incumbent worker training;
- 23 (D) programs that combine workplace training with related instruction, which may  
24 include cooperative education programs;
- 25 (E) training programs operated by the private sector;
- 26 (F) skill upgrading and retraining;
- 27 (G) entrepreneurial training;
- 28 (H) transitional jobs;
- 29 (I) job readiness training provided in combination with services described in any of  
30 subparagraphs (A) through (H) of this paragraph;
- 31 (J) AEL activities, including activities of English language acquisition and integrated  
32 education and training programs, provided concurrently or in combination with  
33 services described in any of subparagraphs (A) through (G) of this paragraph; and
- 34 (K) customized training conducted with a commitment by an employer or group of  
35 employers to employ an individual upon successful completion of the training.

36  
37 **§805.3. Federal and State AEL Funds**

38 Section 805.3 is amended to replace "18 years of age" with "19 years of age" to align  
39 with new TEC §25.085.

40  
41 **SUBCHAPTER B. STAFF QUALIFICATIONS**

42 **The Commission proposes the following amendments to Subchapter B:**

43  
44 **§805.21. Staff Qualifications and Training**

45 Current §805.21(1) and (2) are removed.

1 Current §805.21(3) is renumbered as new §805.21(1), and is amended to apply  
2 additionally to administrative, data entry, and proctoring staff, and staff providing support  
3 or employment services to students.

4  
5 Current §805.21(4) is renumbered as new §805.21(2), and is amended to remove teachers  
6 and counselors and to apply additionally to staff that oversees program assessment  
7 services and/or accountability and instructors in the content areas of reading, writing,  
8 mathematics, and English language acquisition, including substitutes, shall possess at  
9 least a bachelor's degree.

10  
11 New §805.21(3) is added to specify requirements for workforce training instructors.

12  
13 New §805.21(4) is added to set forth the process for submitting staff qualification  
14 exemption requests

15  
16 New §805.21(4)(B) specifies that exemptions must be submitted and approved prior to an  
17 individual being placed in the position for which an exemption is requested.

18  
19 Current §805.21(5) is amended to remove teachers and counselors and add "other staff  
20 with program oversight or coordination responsibilities." The required 12 clock hours of  
21 professional development annually is modified to 15 clock hours each program year. The  
22 provision modifying the amount of required professional development once the described  
23 individuals have completed six clock hours of AEL college credit or two years of AEL  
24 experience is removed. Additionally, staff described in §805.21(5), hired on or after  
25 January 1 of a program year, may have half of the required staff professional  
26 development time required in that particular program year.

27  
28 Current §805.21(6) is renumbered as new §805.21(9) new §805.21(6) is added to specify  
29 that all AEL instructional staff, except substitutes, who are paid with AEL grant funds or  
30 who acquire student contact hours, including volunteers, shall receive at least 15 clock  
31 hours of professional development each program year.

32  
33 New §805.21(6)(A)(i) - (iii) specify that the 15 hours shall include three clock hours of  
34 principles of adult learning as defined in §805.2(13), six clock hours in relevant areas of  
35 literacy instruction, with literacy defined in §805.2(12), and six hours at the discretion of  
36 the program that consist of content related to the AEL program's purpose, which is to  
37 provide adults with specific basic education that enables them to effectively:

38 --acquire the basic educational skills necessary for literate functioning;

39 --participate in job training and retraining programs;

40 --obtain and retain employment; and

41 --continue their education to at least the level of secondary school completion and  
42 postsecondary education preparation.

43  
44 New §805.21(6)(A)(iv) allows for six clock hours of content area in staff professional  
45 development to be waived for individuals who have 18 or more college semester  
46 undergraduate or graduate credit hours in relevant areas of literacy instruction.

1  
2 New §805.21(6)(B) is added to specify that staff meeting the specifications outlined in  
3 §805.21(6)(A) and hired on or after January 1 of a program year, may require half of the  
4 professional development time required for that program year, and to specify that for  
5 instructors in the content areas of reading, writing, mathematics, and English language  
6 acquisition, the professional development time completed shall consist of three clock  
7 hours of training in principles of adult learning and three clock hours in the relevant areas  
8 of literacy instruction.

9  
10 New §805.21(6)(C) is added to specify that staff described in §805.21(2) must receive at  
11 least six clock hours of professional development as described in §805.21(b)(2)(A)(i) -  
12 (iii) within 30 calendar days of providing instructional activities if new to AEL or direct  
13 student service delivery; the six hours include the required three hours of principles of  
14 adult learning and three hours of the relevant areas of literacy instruction. New  
15 §805.21(6)(C) also specifies that any waiver of the requirement that staff members who  
16 are new to AEL or to direct student service must receive staff development within 30  
17 calendar days of providing instructional services shall be approved before the individual  
18 provides any instructional services.

19  
20 Language referring to exemptions for qualifications, which previously required  
21 Commission approval when an entity submitted its application for funding, has been  
22 removed from current §805.21(6).

23  
24 New §805.21(7) is added to specify that staff providing support services or college and  
25 career transitional support who are paid through an AEL grant shall receive at least three  
26 clock hours of professional development each program year.

27  
28 New §805.21(8) is added to specify that AEL staff assigned test proctoring or data entry  
29 duties shall receive at least three clock hours of professional development related to their  
30 primary job duties each program year.

31  
32 Current §805.21(6) is renumbered as new §805.21(9) and modified to remove the word  
33 "in-service" and replace the term "local programs" with "grant recipients." The definition  
34 of "exceptional circumstances" is added to include absence from the program or work due  
35 to personal health reasons or emergency familial responsibilities, including  
36 maternity/paternity. Language is changed to specify that documents justifying these  
37 circumstances shall be available for monitoring and as requested by AEL staff. Language  
38 requiring exemptions to be submitted to the Commission for approval in cases of  
39 exemptions for minimum qualifications is removed.

40  
41 Current §805.21(7) is renumbered as new §805.21(10), and "fiscal agent" is replaced  
42 with "grant recipient."

43  
44 Current §805.21(8) is removed.

1 **PART III. IMPACT STATEMENTS**

2 Randy Townsend, Chief Financial Officer, has determined that for each year of the first  
3 five years the rules will be in effect, the following statements will apply:

4  
5 There are no additional estimated costs to the state and to local governments expected as  
6 a result of enforcing or administering the rules.

7  
8 There are no estimated cost reductions to the state and to local governments as a result of  
9 enforcing or administering the rules.

10  
11 There are no estimated losses or increases in revenue to the state or to local governments  
12 as a result of enforcing or administering the rules.

13  
14 There are no foreseeable implications relating to costs or revenue of the state or local  
15 governments as a result of enforcing or administering the rules.

16  
17 There are no anticipated economic costs to persons required to comply with the rules.

18  
19 There is no anticipated adverse economic impact on small businesses or microbusinesses  
20 as a result of enforcing or administering the rules.

21  
22 Economic Impact Statement and Regulatory Flexibility Analysis

23 The Agency has determined that the proposed rules will not have an adverse economic  
24 impact on small businesses as these proposed rules place no requirements on small  
25 businesses.

26  
27 Doyle Fuchs, Director of Labor Market and Career Information, has determined that there  
28 is no significant negative impact upon employment conditions in the state as a result of  
29 the rules.

30  
31 Reagan Miller, Director, Workforce Development Division, has determined that for each  
32 year of the first five years the rules are in effect, the public benefit anticipated as a result  
33 of enforcing the proposed rules will be to stronger alignment to an integrated system built  
34 on a need for partnerships, including those with community colleges and Local  
35 Workforce Development Boards.

36  
37 The Agency hereby certifies that the proposal has been reviewed by legal counsel and  
38 found to be within the Agency's legal authority to adopt.

39  
40 **PART IV. COORDINATION ACTIVITIES**

41 In the development of these rules for publication and public comment, the Commission  
42 sought the involvement of Texas' 28 Boards. The Commission provided the concept  
43 paper regarding these rule amendments to the Boards for consideration and review on  
44 November 3, 2015. The Commission also conducted a webinar with Board executive  
45 directors and Board staff on November 12, 2015, to discuss the concept paper. During

1 the rulemaking process, the Commission considered all information gathered in order to  
2 develop rules that provide clear and concise direction to all parties involved.

3  
4 Comments on the proposed rules may be submitted to TWC Policy Comments,  
5 Workforce Policy and Service Delivery, attn: Workforce Editing, 101 East 15th Street,  
6 Room 440T, Austin, Texas 78778; faxed to (512) 475-3577; or e-mailed to  
7 TWCPolicyComments@twc.state.tx.us. Comments must be received or postmarked no  
8 later than 30 days from the date this proposal is published in the *Texas Register*.

9  
10 The rules are proposed under Texas Labor Code §301.0015 and §302.002(d), which  
11 provide the Texas Workforce Commission with the authority to adopt, amend, or repeal  
12 such rules as it deems necessary for the effective administration of Agency services and  
13 activities.

14  
15 The proposed rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.

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

2  
3                   **SUBCHAPTER A. GENERAL PROVISIONS**

4  
5                   **§805.2. Definitions.**

6  
7                   The following words and terms, when used in this chapter, shall have the  
8                   following meanings, unless the context clearly indicates otherwise.

- 9  
10                   (1)   Adult education--Basic and secondary instruction and services for  
11                   adults.  
12  
13                   (A)   Adult basic education (ABE)--Instruction in reading, writing, and  
14                   speaking and comprehending English, and solving quantitative  
15                   problems, including functional context, designed for adults who:  
16  
17                   (i)   have minimal competence in reading, writing, and solving  
18                   quantitative problems;  
19  
20                   (ii)  are not sufficiently competent to speak, read, or write the  
21                   English language; or  
22  
23                   (iii) are not sufficiently competent to meet the requirements of  
24                   adult life in the United States, including employment  
25                   commensurate with the adult's real ability.  
26  
27                   (B)   Adult secondary education (ASE)--Comprehensive secondary  
28                   instruction below the college credit level in reading, writing and  
29                   literature, mathematics, science, and social studies, including  
30                   functional context, and instruction for adults who do not have a  
31                   high school diploma or its equivalent.  
32  
33                   (C)   English literacy education (EL)--Instruction designed to help  
34                   adults with limited English proficiency achieve competence in  
35                   the English language.  
36  
37                   (2)   AEL consortium--A partnership of educational, workforce  
38                   development, social service entities, and other public and private  
39                   organizations that agree to partner, collaborate, plan, and apply for  
40                   funding to provide AEL and related support services. Consortium  
41                   members shall include an AEL grant recipient, AEL fiscal agent, an  
42                   AEL lead organization of a consortium, and AEL service provider(s).  
43                   Consortium members may serve in one or more of the functions in  
44                   accordance with state statutes and Commission rules.  
45

- 1 (3) AEL fiscal agent--An entity that is assigned financial management  
2 duties as outlined in an Agency-AEL contract or is assigned this  
3 function as a member of an AEL consortium.  
4
- 5 (4) AEL grant recipient--An eligible grant recipient within a local  
6 workforce development area (workforce area), as defined in §800.2(11)  
7 of this title, that is awarded AEL funds by the Agency.  
8

9 The AEL grant recipient also may act as an AEL lead organization of a  
10 consortium, AEL fiscal agent, or AEL service provider as designated in  
11 an agreement with an AEL consortium.  
12

- 13 (5) AEL lead organization of a consortium--An organization designated as  
14 the AEL consortium manager in a written agreement between AEL  
15 consortium members.  
16

17 The AEL lead organization of a consortium is responsible for planning  
18 and leadership responsibilities as outlined in the written agreement and  
19 also may serve as an AEL grant recipient, AEL fiscal agent, or AEL  
20 service provider.  
21

22 If a consortium does not identify the lead organization of a consortium  
23 through a written agreement, the AEL grant recipient will be presumed  
24 to assume the responsibility of the lead organization of the consortium.  
25

- 26 (6) AEL service provider--An entity that is eligible to provide AEL  
27 services as specified in 20 USC §9202 and Texas Labor Code  
28 §315.003.  
29

30 (7) Assessment services--The processes, administration, review, and  
31 consultation provided to individuals in accordance with the AEL  
32 assessment procedure and other agency guidance that direct placement,  
33 progress, achievement, and overall program accountability in AEL and  
34 other services, including the identification of potential academic or  
35 support service needs.  
36

37 (8) Clock hour--60 minutes.  
38

39 (9) College and career transitional support--Support that may include, but is  
40 not limited to recruiting and outreach, intensive individual case  
41 management, career and academic counseling, enrollment and financial  
42 aid support, self-advocacy skills development, academic and career  
43 support strategies, college and workforce system capacity building,  
44 student data records management, and providing access to other support  
45 and employment services.  
46

1 (10) ~~(7)~~ Contact time--The cumulative sum of minutes during which an  
2 eligible adult student receives instructional, counseling, or assessment  
3 services by a staff member supported by federal and state AEL funds as  
4 documented by local attendance and reporting records.

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

11  
12 (B) A student contact hour is 60 minutes.

13  
14 (11) ~~(8)~~ Eligible grant recipient--An entity, as specified in state and federal  
15 law, that is eligible to receive AEL program funding. Eligible grant  
16 recipients include:

17  
18 (A) a local educational agency;

19  
20 (B) a community-based organization of demonstrated effectiveness;

21  
22 (C) a volunteer literacy organization of demonstrated effectiveness;

23  
24 (D) an institution of higher education;

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

27  
28 (F) a library;

29  
30 (G) a public housing authority;

31  
32 (H) a nonprofit institution that is not described in any of  
33 subparagraphs (A) - (G) of this paragraph and has the ability to  
34 provide literacy services to adults and families; and

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

39  
40 (12) Literacy--An individual's ability to read, write, and speak in English,  
41 and to compute and solve problems at levels of proficiency necessary to  
42 function on the job, in the family of the individual, and in society.

43  
44 (13) Principles of adult learning--A wide variety of research-based  
45 professional development topics that include instructional and advising  
46 characteristics specific to adults, and support the range of knowledge,

1 skills, and abilities adults need to understand and use information,  
2 express themselves, act independently, effectively manage a changing  
3 world, and meet goals and objectives related to career, family, and  
4 community participation. Instructional principles include, but are not  
5 limited to, engaging adults and customizing instruction on subjects that  
6 have immediate relevance to their career and personal goals and  
7 objectives, building on their prior knowledge and experience, and  
8 supporting them in taking responsibility for their learning.

9  
10 (14) Proctoring--Support in the administration of tests or pretests under the  
11 guidance of a staff member who oversees program assessment services  
12 and/or accountability assessment.

13  
14 (15) Professional development--Encompasses all types of facilitated learning  
15 activities for instructors and staff of AEL programs and organizations  
16 participating in AEL programs and services. Professional development  
17 can be face-to-face or virtual and can be a workshop, lecture,  
18 presentation, poster session, roundtable discussion, study circle, or  
19 demonstration that meets for a minimum of one hour and upwards in  
20 increments of one half (.5) hour (i.e., the hours assigned for purposes of  
21 tracking AEL staff professional development requirements in TEAMS,  
22 the Texas Educating Adults Management System) to accomplish a  
23 predetermined educational or learning outcome.

24  
25 (16) Program year--The AEL program year is July 1 through June 30.

26  
27 (17) Substitute--An instructor who works on call, does not have a full-time  
28 assignment, and does not assume permanent responsibilities for class  
29 instruction. An individual is considered a substitute if he or she  
30 instructs a particular class for four or fewer consecutive class meetings.

31  
32 (18) Support services--Services such as transportation, child care, dependent  
33 care, housing, and needs-related payments, which are necessary to  
34 enable an individual to participate in activities as defined in Workforce  
35 Innovation and Opportunity Act (WIOA) §2.

36  
37 (19) Workforce training--Services described in WIOA §134(c)(3)(D),  
38 including the following:

39  
40 (A) occupational skills training, including training for nontraditional  
41 employment;

42  
43 (B) on-the-job training;

44  
45 (C) incumbent worker training;  
46

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

25                   **§805.3. Federal and State AEL Funds.**

- 26  
27                   (a) Federal AEL funds may be used for AEL programs for out-of-school  
28                   individuals who have attained 16 years of age and who are not enrolled or  
29                   required to be enrolled in secondary school under state law and:  
30  
31                   (1) lack sufficient mastery of basic educational skills to enable the  
32                   individuals to function effectively in society;  
33  
34                   (2) do not have a secondary school diploma or its recognized equivalent,  
35                   and have not achieved an equivalent level of education; or  
36  
37                   (3) are unable to speak, read, or write the English language.  
38  
39                   (b) State AEL funds are to be used for AEL programs for out-of-school  
40                   individuals who have attained ~~18~~19 years of age unless specifically exempted  
41                   from compulsory school attendance by Texas Education Code §25.086 and:  
42  
43                   (1) lack sufficient mastery of basic educational skills to enable the  
44                   individuals to function effectively in society;  
45

- (2) do not have a secondary school diploma or its recognized equivalent, and have not achieved an equivalent level of education; or
- (3) are unable to speak, read, or write the English language.
- (c) The proportion of students served who meet the requirements of subsection (a) of this section, but do not meet the requirements of subsection (b) of this section, shall not exceed the grant recipient's percentage of federal funds to the total allocation.
- (d) The Commission shall establish annual performance benchmarks for the use of AEL funds in serving specific student populations, including the population of students receiving other workforce services or coenrolled in postsecondary education or training.

**SUBCHAPTER B. STAFF QUALIFICATIONS**

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

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

- ~~(1) All staff shall receive at least 12 clock hours of professional development annually.~~
- ~~(2) All staff new to AEL and assigned assessment and instructional duties shall receive six clock hours of in-service professional development before they begin work in assessment and instructional activities, in addition to the annual professional development requirements set forth in paragraph (1) of this section.~~
- (1)(3) AEL Aides, administrative, data entry, proctoring staff, and staff providing support or employment services to students shall have at least a high school diploma or high school equivalency certificate.
- (2)(4) AEL Ddirectors, teachers, counselors, and supervisors, staff that oversees program assessment services and/or overall program accountability, and instructors in the content areas of reading, writing, mathematics, and English language acquisition, including substitutes, shall possess at least a bachelor's degree.
- (3) Workforce training instructors must meet the requirements of the institution and/or the associated accrediting or credentialing entity, if applicable.

1                   (4) Requests for exemptions for staff qualification requirements in  
2                   individual cases:

3  
4                   (A) may be submitted to the Agency for approval with a justification  
5                   outlining extenuating circumstances; and

6  
7                   (B) shall be submitted and approved prior to an individual being placed  
8                   in the position in question.

9  
10                  (5) ~~All AEL Ddirectors, teachers, counselors, and supervisors, and other~~  
11                  staff with program oversight or coordination responsibilities ~~without~~  
12                  ~~valid Texas teacher certification~~ shall ~~attend~~ receive 12-15 clock hours  
13                  of ~~in-service~~ professional development each program year with the  
14                  following exception: annually, in addition to that specified in paragraph  
15                  ~~(2) of this section, until they have completed either six clock hours of~~  
16                  ~~AEL college credit or attained two years of AEL experience.~~

17  
18                  Staff hired on or after January 1 of a program year, may require half of  
19                  the professional development time required for that program year.

20  
21                  (6) All AEL instructional staff, except substitutes, paid with AEL grant  
22                  funds or who acquire student contact hours, including volunteers, shall  
23                  receive at least 15 clock hours of professional development each  
24                  program year, with the following specifications:

25  
26                  (A) Instructors in the content areas of reading, writing, mathematics,  
27                  and English language acquisition shall:

28  
29                          (i) receive three clock hours of training in principles of adult  
30                          learning;

31  
32                          (ii) receive six clock hours in relevant areas of literacy  
33                          instruction; and

34  
35                          (iii) receive the remaining six clock hours of training in content  
36                          areas at the discretion of the program, but consisting of  
37                          content related to the AEL program's purpose, which is to  
38                          provide adults with sufficient basic education that enables  
39                          them to effectively:

40  
41                                  I. acquire the basic educational skills necessary for literate  
42                                  functioning;

43  
44                                  II. participate in job training and retraining programs;

45  
46                                  III. obtain and retain employment; and  
47

1 IV. continue their education to at least the level of secondary  
2 school completion and postsecondary education  
3 preparation; or

4  
5 (iv) waive six clock hours of content area in staff professional  
6 development for individuals who have 18 or more college  
7 semester undergraduate or graduate credit hours in relevant  
8 areas of literacy instruction.

9  
10 (B) Staff, as described in subparagraph (A) of this paragraph, hired on  
11 or after January 1 of a program year, may require half of the  
12 professional development time required for that program year. For  
13 instructors in the content areas of reading, writing, mathematics,  
14 and English language acquisition, these hours must include three  
15 clock hours of training in principles of adult learning and three  
16 clock hours in the relevant areas of literacy instruction.

17  
18 (C) Staff described in paragraph (6) of this subsection shall receive at  
19 least six clock hours of the required professional development  
20 outlined in paragraph (6)(A)(i) - (iii) of this subsection within 30  
21 calendar days of providing instructional activities, if new to AEL  
22 or to direct student service delivery. The six hours include the  
23 required three hours of principles of adult learning and three hours  
24 of the relevant areas of literacy instruction. Waiving of the  
25 requirements for staff new to direct student services must be  
26 approved by Agency AEL staff prior to the individual providing  
27 any instructional services.

28  
29 (7) All staff providing support services or college and career transitional  
30 support who are paid through an AEL grant shall receive at least three  
31 clock hours of professional development each program year.

32  
33 (8) AEL staff assigned test proctoring or data entry duties shall receive at  
34 least three clock hours of professional development related to their  
35 primary job duties each program year.

36  
37 (9)(6) The requirements for ~~in-service~~ professional development may be  
38 reduced by ~~local programs grant recipients~~ in individual cases ~~where in~~  
39 which exceptional circumstances prevent employees from completing  
40 the required hours of ~~in-service~~ professional development. Exceptional  
41 circumstances can include absence from the program or work due to  
42 personal health reasons or emergency familial responsibilities, including  
43 maternity/paternity. Documentation justifying these circumstances shall  
44 be maintained. ~~Requests for exemption from staff qualification~~  
45 requirements in individual cases may be submitted to the Commission  
46 for approval in the application for funding and shall include justification

1 ~~and proposed qualifications~~ available for monitoring and as requested by  
2 AEL staff.

3  
4 (10)~~(7)~~ Records of staff qualifications and professional development shall be  
5 maintained by each ~~fiscal agent~~ grant recipient and shall be available for  
6 monitoring.

7  
8 ~~(8) The requirements in paragraphs (1)–(6) of this section also apply to~~  
9 ~~volunteers who generate student contact time, as defined in §805.2,~~  
10 ~~which is accrued by the AEL program and reported to the Commission~~  
11 ~~for funding purposes.~~

12