

**AN ORDER OF THE TEXAS WORKFORCE COMMISSION REGARDING A SUSPENSION OF ADULT
EDUCATION AND LITERACY RULE 40 TAC §805.73(b)**

WHEREAS, 40 Texas Administrative Code (TAC) §808.8. states that the Commission may suspend the operation of one or more of the provisions in TWC Rule Chapter 805, on either a statewide or other basis, if the Commission finds an imperative public necessity exists, and the Commission finds that the suspension will best service the public health, safety, or welfare; and

WHEREAS, to implement the high school equivalency (HSE) subsidy program, the Commission must approve an initial voucher allotment to Adult Education and Literacy (AEL) grant recipients based on past test taker data; and

WHEREAS, due to a new AEL grant cycle that includes new grant recipients without test taker data; and

WHEREAS, to ensure that HSE vouchers can be distributed to new grant recipients for use by adult learners seeking an HSE, TWC AEL staff recommend an alternative plan for initial voucher distribution for PY 24-25 using a proportional distribution based on grant recipients' budgets; and

WHEREAS, because the grant recipients' budgets directly align to the contracted number of adult learners to be served, staff propose this methodology as an equitable approach for an initial voucher allotment; and

WHEREAS, the Commission has determined that a suspension of the requirements of 40 TAC §805.73(b) eliminates a barrier for adult learners who lack a high school diploma by giving access to HSE vouchers, thereby facilitating their attainment of HSEs to gain employment, advance their careers, or enroll in postsecondary education.

NOW THEREFORE, the Commission finds good cause exists to grant the suspension, and specifically finds as follows:

As a result of a new AEL grant cycle and the introduction of new grant recipients without previous test taking data, an imperative public necessity exists to suspend 40 TAC §805.73(b) to allow the implementation of an alternative initial HSE voucher allotment plan to prevent inequitable access for adult learners in Texas who reside in areas served by new grant recipients; and

Granting the suspension will best serve the public health, safety, or welfare by providing adult learners without high school diplomas vouchers to pay for HSE testing and continue their work towards employment, career advancement, or postsecondary education enrollment.

IT IS ORDERED THAT THE SUSPENSION of 40 TAC §805.73(b) **IS GRANTED** for this PY 24-25 initial high school equivalency voucher allotment.

Signed this 20th day of August 2024, upon the affirmative vote of a majority of the Commission present and voting.

Bryan Daniel, Chairman and Commissioner Representing the Public

Alberto Treviño, III, Commissioner Representing Labor

Joe Esparza, Commissioner Representing Employers