

The Texas Workforce Commission (Commission) adopts amendments to §841.39 and §841.45 regarding the Eligible Training Provider Certification System (ETPS) required under the Workforce Investment Act of 1998, without changes to the text as published in the February 1, 2002, issue of the Texas Register (27 TexReg 741).

A key goal of the federal Workforce Investment Act (WIA) of 1998 (42 U.S.C.A. Section 2801 et seq.) is to improve the effectiveness and efficiency of federally-funded job training programs. The ETPS is an important component of workforce reform and employment and training services in Texas.

The Commission has continued to work closely with representatives of the training provider community, Boards and partner agencies to provide formal and informal opportunities to improve the ETPS. The Commission oversees the operational aspects of the Texas workforce development system to ensure compliance with WIA while providing options for the Boards and the training provider community. The Commission continues to seek options for streamlining processes, including those for the certification process and for performance reporting by eligible training providers. A key objective is to maximize participant access to education and training options, while minimizing providers' reporting burdens.

The purpose of Subchapter C is to address the ETPS as required under WIA. Changes are adopted for the purposes of streamlining the Initial Eligibility Application for non-exempt providers and to allow Boards discretion in the annual adoption of their local performance requirements for initial and subsequent eligibility determination.

Section 841.39 addresses the initial eligibility application for non-exempt providers. Changes to subsection (c) decrease the number of required application items in an effort to further streamline the application submission and review process.

Section 841.45 addresses the annual adoption of standards of performance. Changes allow Boards discretion in the annual adoption of their local performance requirements for initial and subsequent eligibility determination.

The Commission received comments from one entity, the North Central Texas Workforce Board, which stated support for all of the changes to §841.39, Initial Certification Process for Non-Exempt Providers and indicated that the changes will significantly reduce the amount of information provider applicants must provide on their ETPS applications. The commenter stated that the proposed changes are a step in the right direction for streamlining the ETPS process. The Commission appreciates the commenter taking the time to comment on improving the ETPS process.

The new amendments are adopted under Texas Labor Code §301.061 and §302.002, which provide the Texas Workforce Commission with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of Agency services and activities.

The rules impact Texas Labor Code Chapters 301 and 302.

SUBCHAPTER C. ELIGIBLE TRAINING PROVIDER CERTIFICATION SYSTEM

§841.39. Initial Certification Process for Non-Exempt Providers

(a) - (b) (No change.)

(c) All training provider applicants under this section shall provide the following information to the LWDB:

- (1) the name, mailing address and physical address of the training facility;
- (2) the name of the program(s) of training services submitted for WIA funding;
- (3) the total hours of instruction associated with each program of training services;
- (4) the cost of each program of training services, including tuition, fees, books, and any required tools, uniforms, equipment, or supplies;

(5) a description of the skill set which will be acquired through each program of training services;

(6) a list of occupations determined by using a coding system specified by the Commission, in which these skill sets are of primary interest;

(7) if all of the occupations described in paragraph (6) of this subsection are not on the Occupations in Demand List provided by the LWDB, evidence from employers, in a format and meeting specification set by the LWDB, that demonstrates that the occupation is in demand;

(8) information on whether the students in the course are eligible for Title IV of the Higher Education Act funding (Pell grant);

(9) an outline of the course or program curriculum, including criteria for successful completion; and

(10) any additional information that is required by the LWDB in the LWDA in which the training provider is located.

(d) - (f) (No change.)

§841.45. Standards of Performance

(a) (No change.)

(b) Each LWDB shall adopt local performance standards after the Commission's annual publication of state performance standards. LWDB standards shall meet or exceed the standards adopted by the Commission.

(c) (No change.)

(d) Each LWDB shall notify the Commission upon adoption of local performance standards. Until such notification occurs, the LWDB's local performance standards shall be considered by the Commission to be consistent with state performance standards for the determination of initial or subsequent