

**TEXAS WORKFORCE COMMISSION  
ADULT EDUCATION AND LITERACY LETTER**

<b>ID/No:</b>	AEL 01-15, Change 1
<b>Date:</b>	May 14, 2015
<b>Keyword:</b>	AEL; TANF
<b>Effective:</b>	Immediately

**To:** Adult Education and Literacy Grant Recipients  
Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Reagan Miller, Director, Workforce Development Division

**Subject:** **Adult Education and Literacy Temporary Assistance for Needy Families Eligibility—Update**

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**PURPOSE:**

To provide Adult Education and Literacy (AEL) grant recipients<sup>1</sup> with updated guidance regarding a clarification of acceptable eligibility determinations for Temporary Assistance for Needy Families (TANF)-funded AEL services, specifically relating to participation in the free and reduced-price lunch program under the National School Lunch Program and acceptable eligibility documentation.

**This updated AEL Letter:**

- provides further clarification on the definition of “Former TANF Recipient”; and
- aligns language with Request for Proposals (RFP) 320-14-10.

**CHANGES TO AEL LETTER 01-15:**

New information in this AEL Letter is indicated by:

- strikethrough of the original language, which indicates that language has been deleted; and
- **bold** typeface, which indicates new or clarifying language.

**BACKGROUND:**

The Healthy, Hunger-Free Kids Act of 2010 amended the National School Lunch Act by adding new subsection (F), relating to universal meal service, and created

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<sup>1</sup> For the purposes of this letter, *AEL grant recipients* are entities that will be TWC grantees funded with AEL funds for Program Year 2014–2015.

the Community Eligibility Provision (CEP), which provides an alternative to individual household applications for free and reduced-price meals. Under new subsection (F), subparagraph (vi) expressly prohibits the collection of applications for the free and reduced-price lunch program where a school or local education agency (LEA) has availed itself of CEP:

*(vi) Applications.—A school or local educational agency that receives special assistance payments under this subparagraph may not be required to collect applications for free and reduced price lunches.*

The AEL TANF eligibility guidelines listed in 2.7.2 of the Texas Workforce Commission's (TWC) RFP 320-14-10 assume that individuals receiving TANF have qualified, through application, to receive the assistance. Each of the programs listed under 2.7.2 has an individualized eligibility determination. One of the listed programs is the National School Lunch Program's free and reduced-price lunch. However, CEP—which became available in Texas in the 2014–2015 school year—in providing an alternative to individual applications in schools or LEAs that have opted into it, invalidates use of the free and reduced-price lunch program as an acceptable predetermination of eligibility.

When TWC drafted and issued RFP 320-14-10, the CEP provision had not yet been implemented in Texas schools. TWC's intent—and the clear requirements of all of the listed programs in the RFP—is to leverage an existing eligibility determination whereby an individual has already qualified for TANF assistance. The wording of the RFP provision clearly equates receipt of assistance with documented eligibility, thereby eliminating the need to perform another eligibility determination. The global eligibility afforded under CEP does not satisfy the intent of the RFP.

## **PROCEDURES:**

**NLF:** AEL grant recipients must be aware that, if a school or LEA has availed itself of the CEP option:

- eligibility for TANF-funded AEL services ~~cannot~~ **must** be determined using RFP 320-14-10 listed program criteria ~~2.7.23~~ **2.7.2**, **but** a family's receipt of the free and reduced-price lunch program under the National School Lunch Program **or a similar community eligibility program is not acceptable**; and
- eligibility must instead be determined based on documentation from one of the other listed programs in RFP 320-14-10:
  - 2.7.2.1—*Choices Participants*
  - 2.7.2.2—*Exempt TANF Recipients*
  - 2.7.2.3—*Families that include a child [younger than 19 years of age] living at home are deemed eligible for TANF-funded adult education services if a family member receives any of the following forms of assistance: Food Stamps, Medicaid, Children's Health Insurance Program [CHIP], Child Care and Development Fund, or free or*

~~Family receipt of Supplemental Nutrition Assistance Program benefits, Medicaid, Children's Health Insurance Program benefits, or Child Care and Development Fund assistance~~

- 2.7.2.4—*Former TANF Recipients*
  - 2.7.2.4.1—*Former TANF recipients are eligible for a period of up to 12 months from the effective date of the TANF denial*
- 2.7.2.5—*Individuals Attempting to Avoid Welfare*
- 2.7.2.6—*Documentation must be collected that a participant qualifies for use of TANF funding for AEL services, either as a current TANF recipient, a former TANF recipient, or parents of children living at home who are deemed eligible for TANF-funded services.*

**NLF:** Additionally, AEL grant recipients must be aware that documentation is required as proof of TANF-funded AEL service eligibility per 2.7.4 of RFP 320-14-10:

~~AEL grant recipients must ensure that proof of eligibility:~~

- *2.7.4 The Grantee shall determine eligibility for each participant prior to participant receiving any services funded through this grant. The Grantee shall document and maintain confidential eligibility documentation files for each participant receiving services funded through this grant. Maintenance of these eligibility files shall conform to the Agency's policy for Security of Personal Identity Data requirements in Workforce Development (WD) Letters 13-08 and 13-13, including any subsequent issuances. Failure to determine eligibility, document eligibility, or maintain the required files for all enrolled participants may result in disallowed costs and subsequent repayment of grant funds, in accordance with Section 1 of Attachment B of the grant.* is determined and documented prior to a participant receiving any TANF-funded AEL services through the grant;
- ~~is maintained in the participant's file — a statement that an AEL Grantee staff member saw the document does not satisfy the requirement outlined in RFP §2.7.4; failure to determine and document eligibility may result in disallowed costs and subsequent obligation to repay grant funds.~~

~~AEL grant recipients must be aware that families that include a child (less than 19 years of age) living at home are deemed eligible for TANF-funded AEL services if a family member receives any of the following forms of assistance: TANF; Supplemental Nutrition Assistance Program (SNAP) benefits; Medicaid; Children's Health Insurance Program (CHIP) coverage; subsidized child care; or free and reduced-price lunch program.~~

**NLF:** AEL grant recipients must ensure that eligibility is confirmed by one of the following:

- Documentation from a Workforce Solutions Office stating that at least one family member is or has been receiving TANF, Supplemental Nutrition Assistance Program (SNAP) benefits, or subsidized child care
- Documentation from the Texas Health and Human Services Commission stating that at least one family member has received or is currently receiving TANF, SNAP benefits, Medicaid, or CHIP coverage

- Documentation from the school district stating that at least one family member is participating in the free or reduced-priced meal service based on an individualized eligibility determination
- Documentation from the local county office stating that at least one family member is receiving Women, Infants, and Children services
- Documentation from a public housing authority stating that the participant receives public housing assistance

**NLF: AEL grant recipients must be aware that a statement that an AEL grantee staff member verified the document does not satisfy the requirement outlined in RFP 320-14-10 2.7.4. (Failure to determine and document eligibility may result in disallowed costs and subsequent obligation to repay grant funds.)**

**NLF: AEL grant recipients must be aware that families that include a child (younger than 19 years of age) living at home are deemed eligible for TANF-funded AEL services if a family member receives any of the following forms of assistance: TANF, SNAP benefits, Medicaid, CHIP coverage, subsidized child care, or free or reduced-price lunch program.**

**INQUIRIES:**

Direct inquiries regarding this AEL Letter to [aelpolicy.clarifications@twc.state.tx.us](mailto:aelpolicy.clarifications@twc.state.tx.us).

**RESCISSIONS:**

AEL Letter 01-15

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**REFERENCE:**

National School Lunch Act, 42 USC §1759a(a)(1)  
 Texas Workforce Commission Request for Proposals No. 320-14-10  
 WD Letter 13-08, issued April 1, 2008, and entitled “Security of Personal Identity Data”  
 WD Letter 13-13, issued April 2, 2013, and entitled “Handling and Protection of Personally Identifiable Information and Other Sensitive Information”

**FLEXIBILITY RATINGS:**

**No Local Flexibility (NLF)**: This rating indicates that AEL entities must comply with the federal and state laws, rules, policies, and required procedures set forth in this AEL Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must” or “shall.”

**Local Flexibility (LF)**: This rating indicates that AEL entities have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this AEL Letter. All information with an LF rating is indicated by “may” or “recommend.”