

**AN ORDER OF THE TEXAS WORKFORCE COMMISSION REGARDING TEMPORARY SUSPENSION OF  
ADULT EDUCATION AND LITERACY RULE §805.41(c) RELATING TO GRANT RENEWALS**

**WHEREAS**, 40 Texas Administrative Code (TAC) §800.8 authorizes the Commission to suspend the operation of an agency rule, if the Commission finds a public emergency or imperative public necessity exists, and the Commission finds that the suspension will best serve the public health, safety, or welfare; and

**WHEREAS**, the federal Office of Career, Technical, and Adult Education (OCTAE) is required to review and approve the Texas statewide AEL Request for Application (RFA) for new Adult Education and Literacy (AEL) service providers prior to it being published; and

**WHEREAS**, OCTAE has required changes to the RFA before publication, which delay will mean the new and renewed AEL grant recipient providers will not be in place before the current grants to providers will lapse creating a situation where there would be a cessation of AEL services in Texas for six months or more; and

**WHEREAS**, an extended cessation of AEL services would affect more than 60,000 Texans across the state, both currently receiving or seeking AEL services, and the providers who routinely provide those services; and

**WHEREAS**, the only means of preventing a statewide cessation of services would be to extend the grants that are already in place with the existing AEL providers, which may only be accomplished by temporarily suspending 40 TAC §805.41(c) and its two subsections; §805.41(c)(1) and §805.41(c)(2).

**NOW THEREFORE**, based on these considerations the Commission finds that an imperative public necessity exists to avoid the impending extended cessation of AEL services in Texas, and that suspending the necessary rules will best serve the public health, safety or welfare.

**IT IS ORDERED THAT** 40 TAC §805.41(c) and its two subsections, §805.41(c)(1) and §805.41(c)(2) are immediately suspended and will remain suspended until the necessary RFA can be published and new AEL providers procured to operate AEL program services in Texas.

Signed this 14<sup>th</sup> day of March 2023, upon the affirmative vote of a majority of the Commission present and voting.

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Bryan Daniel, Chairman and Commissioner Representing the Public

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Aaron Demerson, Commissioner Representing Employers

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Alberto Treviño, III, Commissioner Representing Labor