

TEXAS WORKFORCE COMMISSION
Adult Education and Literacy Letter

ID/No:	AEL 05-17
Date:	October 2, 2017
Keywords:	AEL
Effective:	Immediately

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

From: 
Courtney Arbour, Director, Workforce Development Division

Subject: Self-Attestation for Age-Related Eligibility

PURPOSE:

To provide Adult Education and Literacy (AEL) grantees¹ with information and guidance on how to accurately document age-related eligibility for AEL services. Guidance in this letter is applicable to programs funded under the Workforce Innovation and Opportunity Act (WIOA), Title II Adult Education and Family Literacy Act (AEFLA), and does not apply to the WIOA Title I Youth program.

This AEL Letter:

- authorizes grantees to accept self-attestation to verify age-related eligibility;
- outlines the elements required to document self-attestation; and
- clarifies the federal and contractual requirements of the English as a Second Language (ESL) program that permit enrolling English-language learners who are younger than age 19.

RESCISSIONS:

None

BACKGROUND:

Under AEFLA, individuals eligible for AEL services must be at least 16 years of age. Under state law, eligible individuals must not be enrolled in or required to be enrolled in secondary school. Texas law, as authorized by Texas Education Code (TEC) §25.085, requires individuals students which are ages 6 to 18 to attend school, unless they are specifically exempted, as outlined in TEC §25.086.

¹ For the purposes of this AEL Letter, AEL grantees are TWC grantees that receive AEL funds.

- Per Texas Workforce Commission (TWC) AEL rule §805.3(b), AEL programs may serve individuals who are out of school and are younger than age 19, if those individuals meet AEFLA eligibility requirements and are specifically exempted from compulsory school attendance by TEC §25.086.

TWC allows self-attestation as a method for AEL grantees to collect and verify age-related exemptions to compulsory school attendance for individuals who are 17 or 18 years old, who do not have a high school diploma or its equivalent (including English-language learners), are enrolled in AEL services, and meet one of the exemptions listed in TEC §25.086.

Included in the exemptions is the requirement that the participant be attending a course of instruction to prepare for the high school equivalency test. The requirement has generated questions about English-language learners enrolled in ESL classes. AEFLA final rule §463.31(b) requires that all ESL instruction lead to attainment of a secondary school diploma or its recognized equivalent and transition to postsecondary education and training or employment.

AEFLA final rule §463.32 permits AEL grantees to meet these requirements through curriculum, lesson plans, or instructional materials that are aligned with the state adult education content standards. Through a contracted award-specific requirement, AEL programs must align instructional delivery to the Texas AEL Content Standards.

PROCEDURES:

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.”

NLF: AEL grantees must obtain a court order before enrolling an individual who is 16 years old in AEL services, as required by TEC §25.086(6), and must keep the documentation in the participant’s file. A signature or letter from the public agency that has supervision or custody of the 16-year-old individual under a court order is required to approve the use of that individual’s information and to acknowledge the validity of the information on the enrollment form.

LF: AEL grantees may enroll an individual within the compulsory age of attendance in the AEL program without a parent’s permission, if the individual is 17 or 18 years of age, does not have a high school diploma or high school

equivalency, and has been determined eligible by a local grantee in accordance with TEC §25.086 (a)(5) which states:

(a) A child is exempt from the requirements of compulsory school attendance if the child:

(5) is at least 17 years of age and:

(A) is attending a course of instruction to prepare for the high school equivalency examination, and:

(i) has the permission of the child's parent or guardian to attend the course;

(ii) is required by court order to attend the course;

(iii) has established a residence separate and apart from the child's parent, guardian, or other person having lawful control of the child; or

(iv) is homeless as defined by 42 USC §11302

NLF: AEL grantees must first try to obtain permission from the parent or guardian when determining eligibility for a 17- to 18-year-old participant.

NLF: AEL grantees must document a parent's or guardian's permission with a signature and keep the signed documentation in the participant's file.

LF: AEL grantees may create their own self-attestation form to determine whether an individual who is 17 or 18 years of age and who cannot obtain a parent's or guardian's permission meets the criteria for receiving a qualified exemption under TEC 25.086.

NLF: AEL grantees must include in their self-attestation form all required elements mentioned in this AEL letter.

LF: AEL grantees may, in addition to including all required elements, add their own questions or prompts.

NLF: AEL grantees must keep completed and signed self-attestation forms in the participant's file. Both the participant and AEL representative must sign and date the form. Once a participant is enrolled in the AEL program, grantees must transfer information from the self-attestation form to the participant's profile in the Texas Educating Adults Management System (TEAMS).

NLF: AEL grantees must include the following prompts and questions on the self-attestation form to determine whether an AEL services candidate is already attending secondary school:

- Last name:
- First name:
- Social Security number:

- Local phone number:
- Birth date (MM/DD/YYYY):
- Are you attending school?
- What is the name of your school?
- What is the last date that you attended school?
- Are you enrolled for next semester?

If a candidate's responses indicate that the candidate is enrolled in secondary school, the candidate is not eligible for AEL services.

NLF: AEL grantees must include the following prompts and questions on the self-attestation form to determine whether an AEL services candidate is living with a parent:

- Do you live in a home that your parent owns or rents? (If the participant answers "Yes," then the candidate needs the parent's permission.)
- Where do you usually sleep at night (street address, apartment number, city, ZIP code)?
- How long have you been at that address?
- Do you pay or receive bills in your name?
- What bills do you pay or receive?
- To what address are the bills delivered?
- What is your parent's or guardian's address, if it is different from the address where you sleep at night?
- When was the last time you slept at your parent's or guardian's address?

LF: If AEL grantees determine that a candidate has an established residence separate and apart from the candidate's parent, guardian, or ward (that is, an individual other than the parent or guardian who has lawful control over the candidate), then the grantees can enroll the candidate in AEL services with or without the parent's or guardian's permission.

NLF: AEL grantees must include following prompts and questions on the self-attestation form to determine whether an AEL services candidate is "homeless," as defined in 42 USC §11302:

- Do you live in a place that has no windows, doors, running water, heat, or electricity?
- Are you living in a place that is overcrowded?
- Are you staying with a friend or relative because of a loss of housing or economic hardship, or for a similar reason? (Examples include eviction, foreclosure, fire, flood, divorce, domestic violence, the loss of a job, being told to leave by your parent, and running away from home.)
- Are you living in a shelter? (Examples include a family shelter, a domestic violence shelter, a shelter for children or youth, and housing funded by the Federal Emergency Management Agency.)

- Are you living in an unsheltered location? (Examples include living in a tent, in a vehicle, in an abandoned building, at a campground, in a park, and in a bus or train station.)
- Are you living in a hotel or motel because of a loss of housing or economic hardship? (Examples include eviction, foreclosure, flood, fire, hurricane, and lack of money to pay deposits for a permanent home.)
- Are you living in transitional housing (that is, housing that is available as part of a program, is offered for a specific length of time only, and is partly or completely paid for by a church, a nonprofit organization, a governmental agency, or another type of organization)?

LF: If responses determine that the candidate meets the criteria for homelessness, the grantees may enroll the candidate with or without the parent’s or guardian’s permission.

INQUIRIES:

Send inquiries regarding this AEL Letter to aelpolicy.clarifications@twc.state.tx.us.

REFERENCES:

Workforce Innovation and Opportunity Act of 2014, including Title II, the Adult Education and Family Literacy Act: <https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

Adult Education and Family Literacy Act regulations: <https://www.federalregister.gov/documents/2016/08/19/2016-16049/programs-and-activities-authorized-by-the-adult-education-and-family-literacy-act-title-ii-of-the>

42 USC §11302

Texas Education Code §25.085–25.086