

CHAPTER 811. CHOICES

PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF SECRETARY OF STATE.

ON **FEBRUARY 20, 2024**, THE TEXAS WORKFORCE COMMISSION PROPOSED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Estimated Publication Date of the Proposal in the *Texas Register*: **March 8, 2024**

Estimated End of Comment Period: **April 8, 2024**

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 811, relating to Choices:

Subchapter A. General Provisions, §§811.1 - 811.5

Subchapter B. Choices Services Responsibilities, §§811.11, 811.13, and 811.14

Subchapter C. Choices Services, §811.22 and §811.30

Subchapter D. Choices Activities, §811.50

Subchapter E. Support Services and Other Initiatives, §811.65 and §811.66

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 811 rule change is to update rule language to conform with present terminology, update definitions to conform with federal statute and regulations under the Social Security Act and Title 45 of the Code of Federal Regulations (CFR), and update Temporary Assistance for Needy Families (TANF) purpose statements to conform with federal regulations.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

(Note: Minor editorial changes are made that do not change the meaning of the rules and, therefore, are not discussed in the Explanation of Individual Provisions.)

SUBCHAPTER A. GENERAL PROVISIONS

TWC proposes the following amendments to Subchapter A:

§811.1. Purpose and Goal

Section 811.1(a)(3) updates one of the TANF purposes to align with current language found in Title IV, Social Security Act, §401.

Section 811.1(c) is amended to change "Texas Workforce Commission" to "Agency."

§811.2. Definitions

Section 811.2(18) amends the definition of secondary school to replace "GED" with "high school equivalency."

Section 811.2(20) is amended to replace "TWIST" with "the TWC case management system. The TWIST case management system is being replaced."

Section 811.2(23) is amended to align the definition of "Work-eligible individual" with the definition of "Work-eligible individual" in CFR Title 45, Subtitle B, Chapter II, Part 261.

Section 811.2(26)(D), is amended to replace "GED" with "high school equivalency."

§811.3. Choices Service Strategy

Section 811.3(b)(2)(B) is amended to change "One-Stop Service Delivery Network" to "One-Stop Service Delivery System."

§811.4. Policies, Memoranda of Understanding, and Procedures

Section 811.4(b)(1) is amended to refer to the current eligible training system and Chapter 840 of this title.

Section 811.4(d)(1) is amended to change "One-Stop Service Delivery Network" to "One-Stop Service Delivery System."

§811.5. Documentation, Verification, and Supervision of Work Activities

Section 811.5(a), (c), and (d) are amended to replace "TWIST" with "the TWC case management system."

Section 811.5(d) is amended to replace "GED" with "high school equivalency."

SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES

TWC proposes the following amendments to Subchapter B:

§811.11. Board Responsibilities

Section 811.11(a) is amended to change "One-Stop Service Delivery Network" to "One-Stop Service Delivery System."

Section 811.11(f) and (h) are amended to replace "TWIST" with "the TWC case management system."

§811.13. Responsibilities of Choices Participants

Section 811.13(c)(3) is amended to change "Commission's" to "Agency's."

§811.14. Noncooperation

Section 811.14(e) is amended to replace "TWIST" with "the TWC case management system."

SUBCHAPTER C. CHOICES SERVICES

TWC proposes the following amendments to Subchapter C:

§811.22. Assessment

Section 811.22(a)(1)(B) and (e) are amended to replace "GED" with "high school equivalency."

Section 811.22(b)(5) changes "substance abuse" to "substance use that impairs daily life" to align with the new universal needs assessment provided in the new case management system.

Section 811.22(e)(1)(B) is amended to replace "literacy level" with "functional educational level" to align with Human Resources Code, Title 2, Subtitle C, Chapter 31, Subchapter A, Section 31.0065(f)(1).

§811.30. Special Provisions for Teen Heads of Household

Section 811.30(a) and (b) are amended to replace "GED" with "high school equivalency."

SUBCHAPTER D. CHOICES ACTIVITIES

TWC proposes the following amendments to Subchapter D:

§811.50. Educational Services for Choices Participants Who Have Not Completed Secondary School or Received a General Educational Development Credential

Section 811.50 is amended to rename the section "Educational Services for Choices Participants Who Have Not Completed Secondary School or Received a High School Equivalency Credential."

Section 811.50(a) is amended to replace "GED" with "high school equivalency."

SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES

TWC proposes the following amendments to Subchapter E:

§811.65. Wheels to Work

Section 811.65(a) is amended to change "Commission" to "Agency."

§811.66. General Educational Development Credential Testing Payments

Section 811.66 is amended to rename the section "High School Equivalency Credential Testing Payments."

Section 811.66 is amended to replace "GED" with "high school equivalency."

PART III. IMPACT STATEMENTS

Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the rules will be in effect, the following statements will apply:

There are no additional estimated costs to the state and to local governments expected as a result of enforcing or administering the rules.

There are no estimated cost reductions to the state and to local governments as a result of enforcing or administering the rules.

There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There are no foreseeable implications relating to costs or revenue of the state or local governments as a result of enforcing or administering the rules.

There are no anticipated economic costs to individuals required to comply with the rules.

There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural communities as a result of enforcing or administering the rules.

Based on the analyses required by Texas Government Code §2001.024, TWC has determined that the requirement to repeal or amend a rule, as required by Texas Government Code §2001.0045 does not apply to this rulemaking.

Takings Impact Assessment

Under Texas Government Code §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking action under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in this preamble, is to update rule language to conform with present terminology, update definitions to conform with federal rules, update TANF purposes to conform with federal regulations, and update Choices service strategies.

The proposed rulemaking action will not create any additional burden on private real property or affect private real property in a manner that would require compensation to private real property owners under the US Constitution or the Texas Constitution. The proposal also will not affect private real property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the governmental action. Therefore, the proposed rulemaking will not cause a taking under Texas Government Code Chapter 2007.

Government Growth Impact Statement

TWC has determined that during the first five years the rules will be in effect, they:

- will not create or eliminate a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to TWC;
- will not require an increase or decrease in fees paid to TWC;
- will not create a new regulation;
- will not expand, limit, or eliminate an existing regulation;
- will not change the number of individuals subject to the rules; and
- will not positively or adversely affect the state's economy.

Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, has determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Courtney Arbour, Director, Workforce Development Division, has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to align these rules with state and federal regulations, and current terminology and definitions.

TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be within TWC's legal authority to adopt.

PART IV. COORDINATION ACTIVITIES

In the development of the proposed rules for publication and public comment, TWC consulted the Texas Health and Human Services Commission via email in August 2023 and determined that no changes were needed relating to local-level memorandum of understanding requirements. Additionally, TWC conducted a conference call with Board executive directors and staff on December 8, 2023, to inform them of the proposed rule amendments and seek their input. TWC considered all information gathered in order to develop clear and concise rules.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than April 8, 2024.

PART VI. STATUTORY AUTHORITY

The rules are proposed under Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed rules make changes to the implementation of the Temporary Assistance for Needy Families and Choices programs to conform with statute and regulations under Title IV, Social Security Act, and Title 45, CFR.

CHAPTER 811. CHOICES

SUBCHAPTER A. GENERAL PROVISIONS

§811.1. Purpose and Goal.

- (a) The purposes of Temporary Assistance for Needy Families (TANF), as set forth in Title IV, Social Security Act, §401 (42 USCA §601) are:
- (1) provide assistance to needy families so that children may be cared for in their own homes or in the homes of relatives;
 - (2) end the dependence of needy parents on government benefits by promoting job preparation, work, and marriage;
 - (3) prevent and reduce incidences of out-of-wedlock pregnancies and establish annual numerical goals for preventing and reducing these pregnancies; and ~~prevent and reduce the incidence of out-of-wedlock pregnancies; and~~
 - (4) encourage the formation and maintenance of two-parent families.
- (b) The goal of Choices services is to end the dependence of needy parents on public assistance by promoting job preparation, work, and marriage. A Local Workforce Development Board (Board) may exercise flexibility in providing services to Choices-eligible individuals to meet this Choices goal. A Board is also provided the flexibility and may engage in strategies that promote the prevention and reduction of out-of-wedlock pregnancies and encourage the formation and maintenance of two-parent families if those strategies support the primary goal of Choices services, which is employment and job retention.
- (c) The Agency's goal ~~The goal of the Texas Workforce Commission (Commission)~~ is to ensure delivery of the employment and training activities as described in the TANF State Plan and the TANF Work Verification Plan.
- (d) Boards shall identify the workforce needs of local employers and design Choices services to ensure that local employer needs are met and that the services are consistent with the goals and purposes of Choices services as referenced in this section, and as authorized by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), the applicable federal regulations at 45 CFR Parts 260 - 265, the TANF State Plan, the TANF Work Verification Plan, this chapter, and consistent with a Board's approved integrated workforce training and services plan as referenced in §801.17 of this title.

§811.2. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) Applicant--An adult, or teen head of household, in a family who applies for TANF cash assistance, who previously did not leave TANF in a sanctioned status.
- (2) Choices-eligible individual--An individual eligible to receive Choices services including an adult or teen head of household who is an applicant, conditional applicant, recipient, nonrecipient parent, former recipient, or sanctioned family as defined in this chapter.
- (3) Choices participant--A Choices-eligible individual participating in or outreached for Choices services, including:
 - (A) Exempt Choices participant--A Choices-eligible individual who is not required under Texas Human Resources Code, Chapter 31 or Texas Health and Human Services Commission (HHSC) rules (1 TAC, [Part 15](#), Chapter 372, Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Programs) to participate in Choices services, but who may voluntarily participate in Choices services.
 - (B) Mandatory Choices participant--A Choices-eligible individual who is required under Texas Human Resources Code, Chapter 31 or HHSC rules (1 TAC, [Part 15](#), Chapter 372) to participate in Choices services.
- (4) Community service--A program that provides employment and training activities to Choices participants through unsalaried, work-based positions in the public or private nonprofit sectors. Community service programs contain structured, supervised activities that are a direct benefit to the community and are designed to improve the employability of Choices participants who have been unable to find employment.
- (5) Conditional applicant--An adult or teen head of household who left TANF in a sanctioned status, but who is reapplying for TANF cash assistance and must demonstrate cooperation with Choices program requirements for four consecutive weeks.
- (6) Earned Income Deduction (EID)--A standard work-related and income deduction, available for four months through HHSC.
- (7) Employment Planning Session (EPS)--A meeting with a TANF recipient to introduce Choices services.

- (8) Extended TANF recipient--A recipient who receives TANF cash assistance past the 60-month federal time limit because of a hardship exemption as defined in Texas Human Resources Code, Chapter 31 and HHSC rules (1 TAC, [Part 15](#), Chapter 372).
- (9) Former recipient--An adult or teen head of household who no longer receives TANF cash assistance because of employment.
- (10) HHSC--Texas Health and Human Services Commission.
- (11) Job readiness--Short-term structured activities or a series of activities lasting less than six months designed to prepare a job seeker for unsubsidized employment and increase the job seeker's employability. Activities may include, but are not limited to: interviewing skills, job retention skills, personal maintenance skills, professional conduct skills, and introductory computer skills.
- (12) Job search--Acts of seeking or obtaining employment, or preparing to seek or obtain employment, including life skills training, substance abuse treatment, mental health treatment, or rehabilitation activities. Activities may include: information on and referral to available jobs; occupational exploration, including information on local emerging and demand occupations; job fairs; applying or interviewing for job vacancies; and contacting potential employers.
- (13) Job skills training--Training or education for job skills required by an employer to provide a Choices participant with the ability to obtain employment or to advance or adapt to the changing demands of the workplace.
- (14) Nonrecipient parent--Adults or minor heads of household not receiving TANF cash assistance, but living with their own children who are receiving TANF cash assistance. Nonrecipient parents include parents who are not eligible for TANF cash assistance:
 - (A) due to a disqualification by [HHSC](#) ~~the Texas Health and Human Services Commission~~. These disqualifications include parents who:
 - (i) refuse to comply with Medicaid third-party resource requirements;
 - (ii) do not comply with Social Security number requirements;
 - (iii) are found guilty of an intentional program violation;
 - (iv) fail to report the temporary absence of a certified child;

- (v) are fugitives fleeing to avoid prosecution of, or confinement for, a felony criminal conviction, or are found by a court to be violating federal or state probation or parole;
 - (vi) are convicted of a felony drug offense (not deferred adjudication) committed on or after April 1, 2002; or
 - (vii) refuse to cooperate with the program integrity assessment process;
- (B) because they are receiving Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI); or
 - (C) because they have exhausted their TANF state time limit.
- (15) PRWORA--The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, 110 Stat. 2105, as amended.
 - (16) Recipient--An adult or teen head of household who receives TANF cash assistance.
 - (17) Sanctioned family--An adult or teen head of household who must demonstrate cooperation for one month in order to reinstate TANF cash assistance.
 - (18) Secondary school--Educational activities including middle school, high school leading to a high school diploma, or classes leading to the completion of a [high school equivalency](#) ~~GED~~ credential.
 - (19) TANF cash assistance--The cash grant provided through HHSC to individuals who meet certain residency, income, and resource criteria as provided under federal and state statutes and regulations, including ~~the~~ PRWORA, the TANF block grant statutes, the TANF State Plan, TANF cash assistance provided under Texas Human Resources Code, Chapters 31 and 34, and other related regulations.
 - (20) The [TWC case management system](#) ~~Workforce Information System of Texas (TWIST)~~—~~The~~ ~~the~~ Agency's automated data processing and case management system for the Texas workforce system.
 - (21) Vocational educational training--Organized educational programs directly related to preparing Choices participants for employment in current or emerging occupations.
 - (22) Work-based services--Includes those employment programs defined in Texas Human Resources Code §31.0126.

- (23) ~~Work-eligible~~ ~~Work-eligible~~ individual--~~Work-eligible~~ ~~Work-eligible~~ individuals are adults or minor heads of household receiving TANF cash assistance, and nonrecipient parents living with a child receiving such assistance--with the following exceptions:
- (A) Noncitizens who are ineligible to receive cash assistance because of their immigration status;
 - (B) Parents caring for a disabled family member who lives in the home (provided the need for such care is supported by medical documentation), on a case-by-case basis; ~~and~~
 - (C) Recipients of SSI or SSDI, on a case-by-case basis; and
 - (D) A minor parent who is not the head-of-household.;
- (24) Work experience--Unpaid training in the public or private sector designed to improve the employability of Choices participants who have been unable to find employment.
- (25) Work ready--A Choices-eligible individual is considered work ready if he or she has the skills that are required by employers in the local workforce development area. A Board must ensure immediate access to the labor market to determine whether the Choices-eligible individual has those necessary skills to obtain employment.
- (26) Work requirement--For the purposes of 42 USC §607 and 45 CFR §261.10, a Choices participant is deemed to be engaged in work by participating in:
- (A) unsubsidized employment;
 - (B) subsidized employment;
 - (C) on-the-job training (OJT); or
 - (D) educational services for Choices participants who have not completed secondary school or received a high school equivalency ~~GED~~ credential as provided in §811.30 of this chapter.

§811.3. Choices Service Strategy.

- (a) A Board shall ensure that its strategic planning process includes an analysis of the local labor market to:
 - (1) determine employers' needs;

- (2) determine emerging and demand occupations; and
- (3) identify employment opportunities, which include those with a potential for career advancement that may assist a Choices-eligible individual's progression toward self-sufficiency.

(b) The Choices service strategy shall include:

- (1) Workforce Orientation for Applicants (WOA). As a condition of eligibility, applicants and conditional applicants are required to attend a workforce orientation that includes information on options available to allow them to enter the Texas workforce.
- (2) Work First Design.
 - (A) The work first design:
 - (i) allows Choices participants to take immediate advantage of the labor market and secure employment, which is critical due to individual time-limited benefits; and
 - (ii) meets the needs of employers by linking Choices participants with skills that match those job requirements identified by the employer.
 - (B) Boards shall provide Choices participants access to other services and activities available through the One-Stop Service Delivery [System Network](#), which includes ~~the~~ WOA, to assist with employment in the labor market before certification for TANF cash assistance.
 - (C) Post-employment services shall be provided in order to assist a Choices participant's progress toward self-sufficiency as described in §811.4(a)(1) [of this subchapter](#) and §811.51 [of this chapter](#).
 - (D) In order to assist a Choices-eligible individual's progress toward self-sufficiency:
 - (i) Boards shall provide Choices-eligible individuals who are employed, including mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID, with information on available post-employment services; or
 - (ii) Boards may provide Choices-eligible individuals with post-employment services as determined by Board policy. The length of time these services may be provided is subject to §811.51 [of this chapter](#).

- (E) In order to assist employers, Boards shall coordinate with local employers to address needs related to:
 - (i) employee post-employment education or training;
 - (ii) employee child care, transportation, or other support services available to obtain and retain employment; and
 - (iii) employer tax credits.
 - (F) Boards shall ensure that a family employment plan is based on employer needs, individual skills and abilities, and individual time limits for TANF cash assistance.
- (3) Post-Employment Services. A Board shall ensure that post-employment services are designed to assist Choices participants with job retention, career advancement, and reemployment, as defined in §811.51 [of this chapter](#). Post-employment services are a continuum in the Choices service strategy to support a Choices participant's job retention, wage gains, career progression, and progression to self-sufficiency.
 - (4) Adult Services. A Board shall ensure that services for adults shall include activities individually designed to lead to employment and self-sufficiency as quickly as possible.
 - (5) Teen Services. A Board shall ensure that services for teen heads of household shall include secondary school, as defined in [§811.2\(18\) of this subchapter](#) ~~§811.2(13)~~, and making the transition from school to employment, as described in §811.30 and §811.50 [of this chapter](#).
 - (6) Choices-Eligible Individuals with Disabilities. A Board shall ensure that services for Choices-eligible individuals with disabilities include reasonable accommodations to allow the Choices-eligible individuals to access and participate in services, where applicable by law.
 - (7) Target Populations. A Board shall ensure that services are concentrated, as further defined in §811.4(d)(5) [of this subchapter](#) and §811.11(d) [of this chapter](#), on the needs of [recipients who](#) ~~the following~~:
 - (A) ~~recipients who~~ have six months or less remaining of their state TANF time limit, irrespective of any extension of time due to a hardship exemption;

- (B) ~~recipients who~~ have 12 months or less remaining of their 60-month federal TANF time limit, irrespective of any extension of time due to a hardship exemption; and
 - (C) ~~recipients who~~ are extended TANF recipients.
- (8) Local Flexibility. A Board may develop additional service strategies that are consistent with the goal and purpose of this chapter and the One-Stop Service Delivery ~~System~~ Network.

§811.4. Policies, Memoranda of Understanding, and Procedures.

(a) A Board shall establish policies regarding the following:

- (1) A Choices service strategy, as defined in §811.3 of this subchapter, that coordinates various service delivery approaches to:
 - (A) assist applicants and conditional applicants in gaining employment as an alternative to public assistance;
 - (B) use a work first design as referenced in §811.3(b)(2) of this subchapter to provide Choices participants access to the labor market; and
 - (C) assist former TANF recipients with job retention and career advancement in order to remain independent of TANF cash assistance;
- (2) Limits on the amount of funds per Choices participant and the maximum duration for subsidized employment and OJT placements; and
- (3) The methods and limitations for provision of work-related expenses.

(b) A Board may establish optional policies that:

- (1) require the use of the Eligible Training Provider (~~ETP~~ Certification System (~~ETPS~~) statewide list and Individual Training Account (ITA) system ~~systems~~ as described in Chapter ~~840~~ 841 of this title to provide training services ~~for Choices services~~ for Choices participants and paid for with TANF funds; and
- (2) make post-employment services available to:
 - (A) former TANF recipients who are denied TANF cash assistance because of earnings; and
 - (B) sanctioned families and conditional applicants who obtain employment during their demonstrated cooperation period.

- (c) A Board shall ensure that the following memoranda of understanding (MOUs) and collaborative partnerships are developed:
- (1) Local-level MOUs with the appropriate agencies to serve Choices-eligible individuals with disabilities to maximize their potential for success in employment;
 - (2) A local-level MOU with HHSC for providing mental health and substance abuse services to Choices participants; and
 - (3) A collaborative partnership with housing authorities and sponsors of local housing programs and services to address the unmet housing needs of recipients.
- (d) A Board shall ensure that procedures are developed:
- (1) to ensure that job development services are available to Choices participants. These services include:
 - (A) contacting local employers or industry associations to request that job openings be listed with Workforce Solutions Offices; and other entities in the One-Stop Service Delivery ~~System Network~~ selected by the Board;
 - (B) identifying the hiring needs of employers;
 - (C) assisting an employer in creating new positions for Choices participants based on the job developer's and employer's analysis of the employer's business needs; ~~and~~ ~~or~~
 - (D) finding opportunities with an employer for a specific Choices participant or a group of Choices participants;
 - (2) to ensure that job placement services are available to Choices participants. Job placement services shall include:
 - (A) identifying employers' workforce needs;
 - (B) identifying Choices participants who have sufficient skills and abilities to be successfully linked with employment; and
 - (C) matching the skills of the Choices participant pool to the hiring needs of local employers;

- (3) to notify applicants and conditional applicants--in conjunction with HHSC--on the availability of regularly scheduled ~~Workforce Orientations for Applicants (WOAs)~~ and alternative WOAs;
 - (4) to notify HHSC of applicants and conditional applicants who contacted a Workforce Solutions Office to request alternative WOAs;
 - (5) to ensure that services are concentrated on Choices-eligible individuals approaching their state or federal time limit, as identified in §811.3(b)(7)(A) and (B) [of this subchapter](#). Concentrated services may include targeted outreach, enhanced analysis of circumstances that may limit a Choices-eligible individual's ability to participate, and targeted job development; and
 - (6) to determine a family's inability to obtain child care.
- (e) If a Board elects to establish one or more of the optional policies described in subsection (b) of this section, the Board must ensure that corresponding procedures are developed for those policies.

§811.5. Documentation, Verification, and Supervision of Work Activities.

- (a) A Board shall ensure that all required information related to the documentation and verification of participation in Choices work activities, as described in this section, is documented in [the TWC case management system](#) ~~The Workforce Information System of Texas (TWIST)~~.
- (b) A Board shall ensure that all participation in Choices is verified and documented and that self-attestation is not allowed.
- (c) For Choices work activities, as described in §§811.42, 811.43, 811.44, and 811.50 [of this chapter](#), Boards shall ensure that all participation is verified and documented in [the TWC case management system](#) ~~TWIST~~ at least monthly.
- (d) For educational services, as described in §811.50 [of this chapter](#), for teen heads of household who have not completed secondary school or received a [high school equivalency](#) ~~GED~~ credential, Boards shall ensure that:
 - (1) good or satisfactory progress, as determined by the educational institution, is verified and documented in [the TWC case management system](#) ~~TWIST~~ at least monthly;
 - (2) all participation is supervised daily; and
 - (3) all participation is verified and documented in [the TWC case management system](#) ~~TWIST~~ at least monthly.

SUBCHAPTER B. CHOICES SERVICES RESPONSIBILITIES

§811.11. Board Responsibilities.

(a) A Board shall ensure that:

- (1) ~~the~~ WOA is offered frequently enough to allow applicants and conditional applicants to comply with the HHSC requirement that gives applicants and conditional applicants 10 calendar days from the date of their eligibility interview to attend a WOA;
- (2) during a regularly scheduled WOA or alternative WOA, applicants and conditional applicants are informed of:
 - (A) employment services available through the One-Stop Service Delivery [System Network](#) to assist applicants and conditional applicants in achieving self-sufficiency without the need for TANF cash assistance;
 - (B) benefits of becoming employed;
 - (C) impact of time-limited benefits;
 - (D) individual and parental responsibilities; and
 - (E) other services and activities, including education and training, available through the One-Stop Service Delivery [System Network](#), including services and referrals for services available to Choices-eligible individuals with disabilities;
- (3) alternative WOAs are developed that allow applicants and conditional applicants with extraordinary circumstances to receive the information listed in paragraph (2) of this subsection;
- (4) verification that applicants and conditional applicants attend a scheduled or alternative WOA is completed and HHSC is notified in accordance with HHSC rules (1 TAC, [Part 15](#), Chapter 372, Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Programs); and
- (5) applicants and conditional applicants are provided with an appointment to develop a family employment plan (FEP).

(b) A Board shall ensure that:

- (1) Choices services are offered to applicants who attend a WOA; and

- (2) conditional applicants who attend a WOA are immediately scheduled to begin Choices services.
- (c) A Board shall ensure that a Choices participant's eligibility is verified monthly.
 - (d) A Board shall ensure that all extended TANF recipients are outreached and offered the opportunity to participate in Choices activities.
 - (e) A Board shall ensure that post-employment services, including job retention and career advancement services, are available to Choices-eligible individuals, including mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving EID.
 - (f) A Board shall ensure that monitoring of Choices program requirements is ongoing and frequent, as determined by the Board, unless otherwise specified in this chapter, and consists of the following:
 - (1) ensuring receipt of support services;
 - (2) tracking and reporting all support services and entering them into [the TWC case management system](#) ~~TWIST~~ at least monthly;
 - (3) tracking and reporting actual hours of participation in Choices work activities, at least monthly, unless otherwise specified in this chapter;
 - (4) determining and arranging for any intervention needed to assist the Choices participant in complying with Choices program requirements; and
 - (5) ensuring that the Choices participant is progressing toward achieving the goals and objectives in the FEP.
 - (g) A Board shall ensure that:
 - (1) no fewer than four hours of training regarding family violence is provided to staff who:
 - (A) provide information to Choices-eligible individuals;
 - (B) request penalties or grant good cause; or
 - (C) provide employment planning or employment retention services; and
 - (2) Choices-eligible individuals who are identified as being victims of family violence are referred to an individual or an agency that specializes in issues involving family violence.

- (h) A Board shall ensure that documentation is obtained and maintained regarding all contact with Choices participants, including verification of participation hours, and data is entered into [the TWC case management system](#) ~~TWIST~~.
- (i) A Board shall ensure that a referral program is developed to provide Choices-eligible individuals facing higher than average barriers to employment, as described in this chapter, with referrals to pre-employment and post-employment services offered by community-based and other organizations.

§811.13. Responsibilities of Choices Participants.

- (a) A Board shall ensure that Choices participants comply with the provisions contained in this section.
- (b) Choices participants shall:
 - (1) accept a job offer at the earliest possible opportunity;
 - (2) participate in or receive ancillary services necessary to enable Choices participants to work or participate in employment-related activities, including counseling, treatment, vocational or physical rehabilitation, and medical or health services;
 - (3) report actual hours of participation in Choices work activities, including hours of employment; and
 - (4) attend scheduled appointments.
- (c) Within two-parent families, Choices participants shall participate in assessment and family employment planning sessions and assigned employment and training activities as follows:
 - (1) participate in Choices employment and training as specified in §811.25(b) - (c) [of this chapter](#);
 - (2) comply with all requirements specified in the FEP; and
 - (3) sign a form that contains all the information identified in the [Agency's Commission's](#) Family Work Requirement form, as described in §811.24 [of this chapter](#).
- (d) Within single-parent families, Choices participants shall participate in assessment and employment planning sessions and assigned employment and training activities as follows:

- (1) participate in Choices employment and training activities as specified in §811.25(a) [of this chapter](#); and
 - (2) comply with all requirements specified in the FEP.
- (e) A Board shall ensure that mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID:
- (1) report to the Board actual hours of work, as defined in §811.34 [of this chapter](#); and
 - (2) are provided with information on available post-employment services.

§811.14. Noncooperation.

- (a) A Board shall ensure that cooperation by Choices participants is verified each month to ensure that the Choices participants:
- (1) comply with Choices program requirements as set forth in the FEP, as [described](#) ~~specified~~ in §811.23 [of this chapter](#); or
 - (2) have good cause as described in [§811.16 of this subchapter](#) ~~chapter~~.
- (b) If Choices participants have not cooperated with Choices program requirements and do not have good cause, a Board shall ensure that:
- (1) a penalty is requested for mandatory Choices participants; or
 - (2) Choices services and support services, except Commission-funded child care, are terminated for exempt Choices participants; and
 - (3) Choices child care is provided as needed, as specified in §809.45 of this title.
- (c) A Board shall ensure that timely and reasonable attempts, as defined by the Agency, are made to contact a mandatory Choices participant prior to requesting a penalty to:
- (1) determine the reason for noncooperation and whether good cause is applicable, as described in §811.16(c) [of this subchapter](#);
 - (2) inform the mandatory Choices participant of:
 - (A) the violation, if good cause has not been determined;
 - (B) the right to appeal; and

- (C) the necessary procedures to demonstrate cooperation.
- (d) A Board shall ensure that timely and reasonable attempts, as defined by the Agency, are made to contact a sanctioned family and conditional applicants upon discovery of noncooperation during their demonstrated cooperation period to determine if good cause exists.
- (e) A Board shall ensure that the reasonable attempts to contact a mandatory Choices participant are documented in [the TWC case management system](#) ~~TWIST~~.
- (f) A Board shall ensure that:
 - (1) HHSC is notified of a mandatory Choices participant's failure to comply with Choices program requirements; and
 - (2) the notification of noncooperation is submitted as early as possible in the same month in which the noncooperation occurs.

SUBCHAPTER C. CHOICES SERVICES

§811.22. Assessment.

- (a) A Board shall ensure that initial and ongoing assessments are performed to determine the employability and retention needs, including wage advancement and career development needs, of Choices participants as follows:
 - (1) An assessment is required for Choices participants who are:
 - (A) at least age 18; or
 - (B) heads of household, as determined by HHSC, who are not yet age 18, have not completed secondary school or received a [high school equivalency](#) ~~GED~~ credential, and are not attending secondary school.
 - (2) An assessment shall be provided to applicants who choose to participate in Choices services.
 - (3) Ongoing assessments shall be provided to former recipients who choose to participate in Choices services.
- (b) Assessments shall include evaluations of strengths and potential barriers to obtaining and retaining employment, such as:
 - (1) skills and abilities, employment, and educational history in relation to employers' workforce needs in the local labor market;

- (2) pre- and post-employment skills development needs to determine the necessity for job-specific training;
 - (3) unmet housing needs and whether those needs are a barrier to full participation in the workforce and progression to self-sufficiency;
 - (4) support services needs; and
 - (5) individual and family circumstances that may affect participation, including the existence of family violence, substance use that impairs daily life ~~abuse~~, mental health, or disability-related issues, as one of the factors considered in evaluating employability.
- (c) A Board shall ensure that the assessment identifies Choices-eligible individuals with higher-than-average barriers to employment, as defined by the Board.
- (d) A Board shall ensure that if the skills assessment indicates that a Choices participant requires job-specific training for placement in a job paying wages that equal or exceed the Board's identified self-sufficiency wage, the Board shall, to the extent funds are available and to the extent allowed under this chapter, place the Choices participant in vocational educational training activities or job skills training activities that are designed to improve employment and wage outcomes and job retention. ~~;~~ ~~and~~
- (e) A Board shall ensure that ~~For~~ mandatory Choices participants who are at least age 18, or who are heads of household but are not yet age 18 and have not completed secondary school or received a high school equivalency ~~GED~~ credential and are not attending secondary school:
- (1) The assessments shall also include evaluations of the mandatory Choices participants':
 - (A) vocational and educational skills, experience, and needs; and
 - (B) functional educational level ~~literacy level~~ by using a statewide standard literacy assessment instrument unless the Choices participants are mandatory Choices participants coded by HHSC as working at least 30 hours per week, earning at least \$700 per month, and receiving the EID.
 - (2) A Board shall ensure that the grade-level results or other literacy information are provided to HHSC for use in determining the appropriateness of the initial state time-limit designation for TANF cash assistance as described in ~~the~~ Texas Human Resources Code §31.0065, relating to state time-limited benefits.
- (f) Assessment Outcome. Assessments shall result in the development of a family employment plan, as described in §811.23 of this subchapter.

§811.30. Special Provisions for Teen Heads of Household.

- (a) A Board shall ensure that teen heads of household who have not completed secondary school or received a [high school equivalency](#) ~~GED~~ credential are enrolled in educational activities as defined in §811.50 [of this chapter](#).
- (b) Teen heads of household who have not completed secondary school or received a [high school equivalency](#) ~~GED~~ credential count as engaged in work if they:
 - (1) maintain satisfactory attendance at a secondary school or the equivalent during months in which school is in session;
 - (2) participate in allowable activities, as described in §811.25 [of this subchapter](#), during months in which school is not in session;
 - (3) participate in education directly related to employment for at least an average of 20 hours per week during the month; or
 - (4) participate in Choices employment and training activities as [described specified](#) in §811.25 [of this subchapter](#).

SUBCHAPTER D. CHOICES ACTIVITIES

§811.50. Educational Services for Choices Participants Who Have Not Completed Secondary School or Received a [High School Equivalency](#) ~~General Educational Development~~ Credential.

- (a) Educational services are only available for Choices participants who have not completed secondary school or who have not received a [high school equivalency](#) ~~GED~~ credential.
- (b) A Board shall ensure that a determination is made, on a case-by-case basis, whether to authorize, arrange, or refer Choices participants who are age 20 and older for [any of](#) the following educational or other training services:
 - (1) secondary school, as defined in §811.2(18) [of this chapter](#), when required as a prerequisite for employment;
 - (2) Adult Basic Education (ABE), language instruction, or literacy instruction; or
 - (3) other educational activities [that which](#) are directly related to employment.
- (c) A Board shall ensure educational services related to employment directly provide education, knowledge, and skills for specific occupations, work settings, jobs, or job offers.

SUBCHAPTER E. SUPPORT SERVICES AND OTHER INITIATIVES

§811.65. Wheels to Work.

- (a) The Agency Commission may develop a Wheels to Work initiative in which local nonprofit organizations provide automobiles for Choices-eligible individuals who have obtained employment but are unable to accept or retain the employment solely because of a lack of transportation.
- (b) A Board may, through local policies and procedures, establish services to assist Choices-eligible individuals who verify the need for an automobile to accept or retain employment by referring them to available providers.
- (c) Persons or organizations donating automobiles under a Wheels to Work initiative shall receive a charitable donation receipt for federal income tax purposes.

§811.66. High School Equivalency ~~General Educational Development~~ Credential Testing Payments.

A Board shall ensure that the cost of high school equivalency credential ~~GED~~ testing and issuance ~~of the credential~~ is paid through direct payments to the high school equivalency credential ~~GED~~ test centers and the Texas Education Agency for Choices participants referred for testing by a Board's provider of Choices services.