

Issues in Welfare to Work

*A State of the Workforce Report
On State Issues Arising from TANF Reauthorization*

Texas Workforce Investment Council
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Mission

Assisting the Governor and the Legislature with strategic planning for and evaluation of the Texas workforce development system to promote the development of a well-educated, highly skilled workforce for Texas

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Table of Contents

Introduction	1
Issue Briefs and Options Analysis	3
Issue Number One: Requiring States to Report TANF Two-Parent Cases	4
Issue Number Two: Adding Certain Payee Cases into the Work Participation Calculation Denominator	6
Recommendations	7
Appendix A – Data on Texas’ Welfare Population	9

Introduction

Congress established Temporary Assistance for Needy Families (TANF) in August 1996 in the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). TANF was reauthorized in February 2006 in the Budget Reconciliation Act of 2005. Changes in this bill that will affect Texas' delivery of TANF services are the subject of this State of the Workforce Report.

Since the inception of welfare reform in Texas through House Bill (HB) 1863, welfare cases have declined by 76%. (See Appendix A, Charts 1, 2) Thousands of former welfare families are now engaged in work and contributing to the Texas economy. The Choices program, the training and employment program for TANF adults, prepares adults for employment and employment advancement, assisting these families to move from dependence on government assistance toward economic self-sufficiency. (See Appendix A, Chart 15)

Scope and Structure of *Issues in Welfare to Work*

This State of the Workforce report is intended to provide information to law makers, policy makers, and other interested parties on the impact to Texas of TANF reauthorization. This report analyzes changes in the TANF reauthorization legislation and outlines the possible affects upon Texas' TANF and Choices programs. The report includes options and makes recommendations for action by the Texas Legislature or by the administering state agencies.

Issues in Welfare to Work: State Issues Arising from TANF Reauthorization is organized in four sections. The *Introduction* states the purpose, scope and structure of the report and offers a short history of welfare reform and TANF in Texas. The second section, *Issue Briefs and Options Analysis*, analyzes the changes in legislation in more detail and presents options available to Texas. The third section, *Recommendations*, makes recommendations, which if implemented, will assist meeting the challenges of the reauthorized legislation. The fourth section, *Appendix A—Data of Texas' Welfare Population* presents data charts on the TANF program and the State Program, the state funded cash grant welfare program for two-parent families. These charts are referenced frequently in the body of this report, as applicable, supporting the background and issues contained in this report. Additionally, the charts reference and illustrate the current TANF and State Program population demographics.

History of Welfare Reform and TANF in Texas

By the 1960s, welfare in the United States had changed from a support program for widows with children—originally intended for war-widows—to an entitlement program for single mothers or fathers with children and little or no income. Throughout the 60s, 70s, and 80s, welfare rolls swelled across the country, as well as in Texas. Generally, families receiving welfare could remain eligible for benefits as long as they had children under 18 and did not work. Eventually, there were multi-generations of families that were receiving welfare benefits with little incentive to work.

Texas' response to the growing problem came in 1995 in (HB) 1863, landmark legislation that instituted time limits for welfare in Texas and changed the focus from providing cash assistance to preparation for work. Texas' time-limits were 12, 24, and 36 months, based on a combination of education level and previous work experience of the adult. (See Appendix A, Charts 4, 13) The focus on moving recipients from welfare to work put Texas in a leadership role in welfare reform as the legislative changes began to decrease the welfare roles in Texas and increase the

number of former recipients actively engaged in work. Welfare to work, as it became called, had a single overriding goal: assisting adult caretakers to prepare for, obtain, and retain employment. Over the next four years, welfare cases declined by 51%, from 263,455 to 128,436. (Appendix A, Chart 1)

Soon after this legislation was implemented in Texas, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) was signed into law in August 1996, creating TANF to replace Aid to Families with Dependent Children (AFDC). There were many aspects of this legislation that were similar to Texas' welfare reform, including a 60-month lifetime limit for welfare and a focus on employment.

The results of the changes to state and federal welfare legislation were the beginning of a caseload reduction that has continued to the present decade. As more and more welfare adults prepared for work and entered the workforce, their families receive a transition support package which includes child care, Medicaid, Food Stamps, and Earned Income Tax Credit (EITC). This temporary support system was designed to assist families to move toward self-sufficiency and clearly established the benefits of work for the financial well-being of the family. (Appendix A, Chart 3)

Since 1995, there have been two major changes in Texas' welfare policy. Texas implemented TANF under a waiver that allowed the state to operate TANF under prior consistent state law as enacted in HB1863. The waiver was in effect for five years. As the waiver was set to expire, the Texas Legislature passed Senate Bill (SB) 666 in 1999. Under Texas' original welfare reform in HB1863, all single parents caring for a child under the age of four were exempted from work requirements. In SB666, Texas changed this exemption to "caring for a child under the age of one," the federally recognized exemption age. The legislation called for incremental implementation of this new requirement, first to the age of three, then to two, and finally, to one. This changed the status of many TANF adults from "exempt" to "mandatory," with mandatory work requirements.

The second major change in Texas occurred in 2003 in House Bill (HB) 2292. In an effort to encourage more adults to take advantage of the training and employment services delivered through the Choices program, TANF adults were required to comply with work requirements or face sanction, and ultimately, removal from TANF. This was termed the "Pay for Performance" model. The bill reinforced that TANF is a temporary welfare program that provides families with assistance so that the adult can prepare for and move into employment. If the adult refused that help, the family would be dropped from the TANF rolls, losing the entire TANF cash grant, the adult's portion of Medicaid, and child care benefits. Prior to passage of the bill, TANF adults who refused to cooperate with work requirements were placed under sanction and lost approximately \$78 a month, the adult portion of the grant. However, the family continued receiving the children's portion of the grant, Food Stamps, and Medicaid coverage.

This new provision increased the number of adults engaged in the Choices program and significantly decreased the number of adults under sanction for non-compliance with work requirements. Before the legislation was implemented at the end of Fiscal Year (FY) 2003, 21,134 adults with mandatory work requirements were under sanction. By July 2006, there were only 1,779 under sanction, a decrease of 92%. (Appendix A, Chart 10) With increased participation in the Choices program, the welfare rolls continued to decrease with an additional 45% drop between September 2003, when the legislation went into effect, and April 2006. (Appendix A, Chart 2) During the same time period, 118,858 Choices participants entered employment and left welfare. The number of Texas' families on welfare dropped from 119,761

to 65,824 during this period, and for the first time, the majority of these cases, 61%, were payee cases—child-only cases with no eligible adult. (Appendix A, Charts 5, 6) In April 2006, there were only 32,121 one-parent families and 1,768 two-parent families receiving welfare in Texas.

In 2002, federal TANF was due for reauthorization. However, no action was taken by Congress, and the act and funding was extended annually between 2002 and 2005. In 2005, Congress considered and voted favorably on several new provisions as part of the reauthorization bill. TANF was reauthorized and signed into law in February 2006 in the Budget Reconciliation Act of 2005.

Issue Briefs and Options Analysis

This section analyzes the major changes in TANF under reauthorization and the Secretary's Interim Rules that will affect the way Texas administers TANF. This section includes options and makes recommendations for action by the legislature or by the administering state agencies that will assist in alleviating the potentially negative impact of the changes in the reauthorized legislation.

Loss of TANF Funding.

TANF reauthorization includes significant changes that will affect Texas' TANF funding including elimination of high performance bonuses and supplemental grants. Texas has received \$78.6 million from Federal Fiscal Year (FFY) 1999 through FFY2005 in "high performance" bonuses, which are eliminated under reauthorization. These bonuses were awarded for outstanding performance in job entry, percent increase in job entry, family formation and stability, and success in the workforce. In addition to the loss of the high performance bonuses, previous TANF legislation also provided for supplemental grants to states that experienced high population growth or historically low funding. Texas has been receiving a supplemental grant of \$52.7 million for its high population growth. This grant will end in FFY2008, leaving Texas with the basic grant funding level of \$486 million.

Recalibration of Caseload Reduction Credit.

Under the original TANF legislation, each state's caseload in 1995 was used as a benchmark to measure all future caseload reduction by the state. States then received "credit" toward their work participation requirement measured by the state's reduction in caseload since 1995. Most states, like Texas, had very large caseload reductions between 1995 and 2005. As states reduced their caseloads, their federal work participation requirements were lowered accordingly.

Under TANF reauthorization, the caseload reduction credit remains, but is recalibrated to measure against the 2005 caseload as a benchmark. Because of this recalibration, each state will have only a small credit, if any at all, to use for the 2007 federal work participation performance requirement. Federal work participation requirements under reauthorization will be 50% for all families and 90% for two-parent families. For FY2006, the last year of the original caseload reduction credit, the 2005 caseload was compared to the 1995 caseload and the resulting caseload reduction was 56.14% for all families. Two-parent caseload reduction was not calculated as Texas was not required to submit two-parent data. It is estimated that Texas will receive a credit of 18.88% for all families and 32.95% for two-parent families for FY2007, the first year of the recalibration of the caseload reduction credit. Texas has a good chance of meeting the all-families participation rate for 2007, but under Texas' current system of exemptions, it will be difficult to meet the 90% two-parent participation rate. Texas will be penalized financially if the State does not meet the two-parent federal performance requirement. The penalty would be

calculated by multiplying the percentage of the two-parent caseload to the total caseload by five percent.

Work Participation Verification.

Under the reauthorized TANF, states are now required to establish and maintain work participation verification procedures that will be reviewed by the U.S. Department of Health and Human Services (HHS), Administration for Children and Families (ACF). States that fail to establish or comply with these procedures will be subject to a one to five percent penalty. In response to this new requirement, the Texas Workforce Commission (TWC) submitted a draft TANF Work Verification Plan to ACF in September 2006. This plan outlines TWC’s current and planned verification processes for all work activities. Once this plan is approved by ACF, TWC will implement the approved verification procedures, and is currently in the process of making amendments to the Choices rules to implement these changes. It is likely that the plan will be approved and that the State will meet this requirement.

Issue Number One: Requiring States to Report TANF Two-Parent Cases

TANF reauthorization requires states to report work performance data for all two-parent cases, whether or not the state is operating a separate, state financed two-parent program paid for with funding claimed as Maintenance of Effort expenditures, such as Texas does. Previously, under TANF, if states were financing their own two-parent program with state general revenue funds, they were not required to report performance data to HHS, and therefore, not subject to financial penalties for not meeting federal standards. Under reauthorization, Texas will have to meet a 90% work participation rate for two-parent families, or be subject to a financial penalty. Up to the current reporting period, Texas has met the federal participation rates for two-parent and all families.

The number of families in the State Program (SP), Texas’ two-parent cash assistance program, has been declining over the last several years. In April 2004, 3,972 families were receiving State Program cash grants. By the April cutoff for May 2006, the caseload had declined to 1,312, a 67% decline over two years. In the same month, 472 two-parent families, 36%, had an adult who was exempt from participating in work requirements. (Appendix A, Chart 12)

In April 2006, the exemption categories of the 472 exempt SP adults are as follows:

<u>Exemption category</u>	<u>Number</u>	<u>Percent</u>
Incapacitated more than 180 days ¹	308	65.25%
Illness in home more than 180 days ²	122	25.85%
Caring for ill or disabled child - not member of cert group	15	3.18%
Age 60 or older	12	2.54%
Other ³	15	3.18%

¹ *Incapacitated for more than 180 days* applies to an illness of a certified (TANF) adult or minor head-of-household. Two-parent cases with this exemption are removed from the Two-Parent denominator if they do not meet participation requirements. However, these cases count in the All-Families denominator.

² *Illness in home more than 180 days* (“Needed at home to care for a disabled adult in the household even if that person is not a member of the certified group and the disability is expected to last more than 180 days”) applies if the caretaker is needed at home to care for a disabled adult in the household even if the disabled adult is not a member of the certified TANF group. This exemption does not remove any case from either the All-Families or the Two-Parent denominator.

In examining the proportion of SP participants by exemption code, the majority, 91%, of exempt State Program adults in April 2006 were exempt because they were either *Incapacitated for more than 180 days* (308 adults, 65%) or had an *Illness in home for more than 180 days* (122 adults, 26%). All of the other exemptions codes combined represent only 9% of the SP exempt population. Some of these adults may be eligible for Supplemental Security Income (SSI) or Retirement, Survivors, and Disability Insurance (RSDI). These adults may be better served by reassignment to either SSI or RSDI. These programs are designed to assist clients directly with long-term disability and illness issues, while TANF, as a temporary income assistance program, is not.

Option: SSI and RSDI Eligibility Determination Assistance Program

The Health and Human Services Commission (HHSC) administers a program to assist TANF and State Program recipients likely eligible for either SSI or RSDI through the application process. This application process is quite complex and requires statements from doctors and other professionals, and often involves multiple appeals. The process can take a year or more to complete. In 2005, the HHSC assistance program for SSI and RSDI assisted 1,148 TANF and State Program individuals to receive SSI or RSDI benefits, and another 1,609 had pending initial claims.

- Recommendation: For recipients exempt because of *Incapacitated for more than 180 days* or *Illness in home for more than 180 days*, HHSC should assist these individuals to determine if they are eligible for SSI or RSDI. These two programs replace the cash grant from TANF or SP and include medical benefits and assistance with long-term disability issues. HHSC and TWC should also work with the Department of Assistive and Rehabilitative Services (DARS) to provide services to these individuals to determine if they can become employed.

Option: “Exempt” and “Good Cause” Status for TANF and the State Program

HHSC administers eligibility for TANF or State Program adults, and assigns exemptions from work requirements. There are two federal exemptions: 1) caring for a child under the age of one and, 2) caring for a disabled family member not in school.⁴

If an adult is ruled exempt, they are not required to participate in work activities, although most of these cases remain in the denominator for work participation performance requirements. The cases which do not go into the denominator are adults who are caring for a child under the age of one and those caring for a disabled family member not in school.

Texas recognizes twelve exemptions. (Appendix A, Chart 11) In April 2006, 7,263 TANF and State Program adults were exempt, 38.86% of all cases. Exempt cases are reviewed each six months by HHSC staff when the family is recertified eligible. If the eligibility worker determines that the exemption status is no longer valid, then the adult becomes “mandatory” and is required to report to the workforce center and be assigned a Choices case manager. The mandatory adult is subject to work requirements.

³ “Other” includes Caring for child under 1 (4), Too remote area (0), Lives in hardship county (4), Employment hardship (0), Personal hardship (1), Caring for child under 1 not in cert group (0), Pregnant, unable to work (6), and Grandparent over 50 caring for child under 3 (0).

⁴ The “family member” can be either a certified TANF adult or minor head-of-household or a child not in school as defined in the Budget Reconciliation Act of 2005.

Mandatory adults are referred to the Choices program, administered by TWC through Texas' 28 Local Workforce Development Boards. A TANF or SP adult can also be determined unable to participate in work activities due to "good cause." Good cause is determined by the Choices case manager. Reasons for good cause are usually short-term barriers such as temporary illness in the family or pregnancy. As soon as the reason for "good cause" no longer exists, the case manager removes the good cause status and the adult is required to begin work activities. Choices case managers monitor good cause cases frequently. Though an adult may be exempt or have "good cause" for not participating in the Choices program, the family's eligibility is being expended from the adult's 60-month lifetime to receive TANF benefits. The system should provide all possible assistance to the adult to encourage participation in Choices where feasible.

- Recommendation: Eliminate exemptions to a level that will allow the State to meet work participation requirements and handle them as "good cause," monitored frequently by the Choices case manager.

Issue Number Two: Adding Certain Payee Cases into the Work Participation Calculation Denominator

Under TANF reauthorization, Congress directed the Secretary of Health and Human Services to issue Interim Final Rules for TANF by the end of June 2006. These rules are immediately effective although states are encouraged to submit comments on the rules before the final rules are published. One of the changes in these rules is to add certain payee cases into the work participation calculation denominator. A payee case is one in which either the "payee" is not the natural parent of the eligible children, such as a relative or a guardian, or is the natural parent, but ineligible for TANF. (Appendix A, Charts 5, 6) Payee cases have never been a part of the work participation calculation denominator because the adult payee is not eligible for TANF, and thus not required to meet work requirements.

Under the rules, payee cases in which the payee is the parent will come into the denominator, with certain exceptions:

- [parent] *does not meet citizen requirements*
- [parent] *carrying for a disabled family member living in the home*
- [parent] *receiving SSI benefits [at state option].*

In Texas, the majority of the payee cases that will come into the state's denominator are those families who have expended their state time limits to receive TANF benefits. In such cases, the adult becomes ineligible for benefits, but the children remain eligible for cash benefits as a payee case. In April 2006, there were about 6,200 such cases. All payee cases affected by this rule will count in the TANF population for purposes of federal work participation calculations.

- Recommendation:
 - Require payee adults who have timed out of TANF or the State Program to be subject to the same work requirements as regular TANF or State Program adults to retain their payee status and allow TWC to provide services to these non-recipient parents.
 - a. HHSC should provide local boards with contact information of affected families.
 - b. Choices case managers should outreach the affected adults and reopen cases.

- c. Choices case managers should extend the same services to non-eligible payee adults as TANF and State Program adults receive. Current state law does not allow TWC to provide these services. This would require a statutory change.

Recommendations

Issue Number One: Requiring States to Report TANF Two-Parent Cases

Although Texas' TANF two-parent population is relatively small—1,768 families in April 2006—the impact that this population might have on the state could be relatively large. With a federal work participation requirement of 90%, Texas will have difficulty meeting this requirement with its current system of exemptions. Failure to meet this requirement will subject Texas to federal financial penalties that would be calculated by multiplying the proportion of the two-parent caseload, currently about seven percent, by five percent.

Exemptions account for nearly 27% of the two-parent population, with 472 families having at least one family member exempt. However, 91% of these exemptions fall into two categories:

- *Incapacitated for more than 180 days* (Two-Parent cases are not included in the denominator, but all cases are included in All-Families denominator), or
- *Illness in home for more than 180 days* (all cases are included in both Two-Parent and All-Families denominator).

Both of these exemption categories, being examples of long-term illnesses or disabilities, suggest that at least a portion of them might be eligible for SSI or RSDI. Recipients eligible and accepted into either of these programs would receive benefits appropriate to their illness or disability. For *Illness in home for more than 180 days*, if the disabled adult were one of the parents of a two-parent case, the case would be removed from the two-parent category and be added to the single-parent category.

Recommendations:

1. HHSC should concentrate efforts on assisting TANF and State Program adults in applying for SSI and RSDI to the State Parent individuals exempt because of *Incapacitated for more than 180 days* or *Illness in home for more than 180 days* to determine their possible eligibility for these federal programs.
2. HHSC and TWC should work with the Department of Assistive and Rehabilitative Services (DARS) to provide services to these individuals to determine if they can become employed.
3. HHSC should eliminate exemptions to a level that will allow the State to meet work participation requirements and handle them as “good cause”, monitored frequently by the Choices case manager.

Issue Number Two: Adding Certain Payee Cases into the Work Participation Calculation Denominator

The addition of approximately 6,200 new “payee” adults to mandatory work requirements will increase the caseload on Choices case managers, primarily with adults who have received Choices services before. Reopening these cases will create an opportunity to more carefully examine reasons why these adults failed to become employed when they were on TANF. Individual Employment Plans will need to take these reasons into account and plan for additional services that will result in successful employment for these adults.

Recommendation:

1. Amend current law to require payee case adults who have timed out of TANF or the State Program to be subject to the same work requirements as regular TANF or State Program adults to retain their payee status and allow TWC to provide services to these non-recipient parents.
 - a. HHSC should provide local boards with lists and contact information of affected families.
 - b. Choices case managers should outreach the affected adults and reopen cases.
 - c. Choices case managers should extend the same services to non-eligible payee adults as TANF and State Program adults receive. Current state law does not allow TWC to provide these services. This would require a statutory change.

Appendix A – Data on Texas’ Welfare Population

Appendix A presents relevant data on the current TANF and State Program population. The charts illustrate in greater detail population demographics, time-line data, and trends in the population. The following are the charts contained in this section:

- Chart 1 *Total TANF and State Program Recipients and Cases, September 1994 – April 2006*
- This chart illustrates the caseload decline of TANF and State Program (SP) since the inception of welfare reform in Texas.
- Chart 2 *TANF and State Program Cases, September 2004 – April 2006*
- This chart illustrates the decline of numbers of TANF and SP families for the past 20 months.
- Chart 3 *2006 Annual Wage and Benefit Scenarios for a Single Parent with Two Children*
- This chart illustrates the wage and benefits a single parent TANF family with two children would receive during the first year of employment at various wage levels.
- Chart 4 *Percent of Total TANF and State Program Population by Education levels – April 2006*
- This chart is a snapshot of TANF and SP adults in April 2006 and illustrates the population by levels of educational attainment.
- Chart 5 *One- and Two-Parent Cases and Child-only Payee Cases, FY1995 – FY2006*
- This chart compares the number of caretaker cases to payee cases from 1995 to 2006.
- Chart 6 *One-Parent, Two-Parent, and Child-only (Payee) TANF and SP Cases, April 2006*
- This chart is a snapshot of cases in April 2006 illustrating the number and proportion of one-parent, two-parent, and payee cases.
- Chart 7 *Proportion of First Time TANF Cases to Cases Returning to TANF, 1999 – 2006*
- This chart illustrates the recidivism of the TANF population, comparing first-time TANF recipients to those who have returned to TANF over an eight-year period.
- Chart 8 *Comparison of Tier Assignments of TANF and SP Adults with those Returning to TANF, April 2006*
- This chart compares the tier assignments of TANF and SP adults on TANF for the first time with those who have returned to TANF.
- Chart 9 *Comparison of Education Levels of TANF and SP Adults and Adults Returning to TANF and SP, April 2006*
- This chart compares the education levels of TANF and SP adults on TANF for the first time with those who have returned to TANF.

- Chart 10 *TANF, State Program, and Combined Adults Who Are Exempt; Mandatory, not Sanctioned; and Sanctioned -- April 2006*
- This chart illustrates the number and percentages of adults who are exempt; mandatory but not sanctioned, and those who are sanctioned.
- Chart 11 *TANF and State Program Exemptions by Exemption Code, April 2006*
- This chart illustrates the proportion of adults who are exempt, by reason of exemption.
- Chart 12 *State Program Exemptions by Exemption Code, April 2006*
- This chart illustrates the proportion of SP adults exempt by reason of exemption.
- Chart 13 *Prior Work Experience of TANF Choices Adults Entering Employment in April 2006*
- This chart illustrates the prior work experience of TANF adults who entered employment in April 2006.
- Chart 14 *A Comparison of Tier Assignments of Choices-Eligible Adults Entering Employment and All Choices-Eligible Adults for April 2006*
- This chart compares the tier assignments of TANF adults who entered employment in April 2006 with the general TANF population.
- Chart 15 *Choices Component Summary for All Activities – April 2006*
- This chart illustrates the work activities of adults in Choices for April 2006.

Chart 1

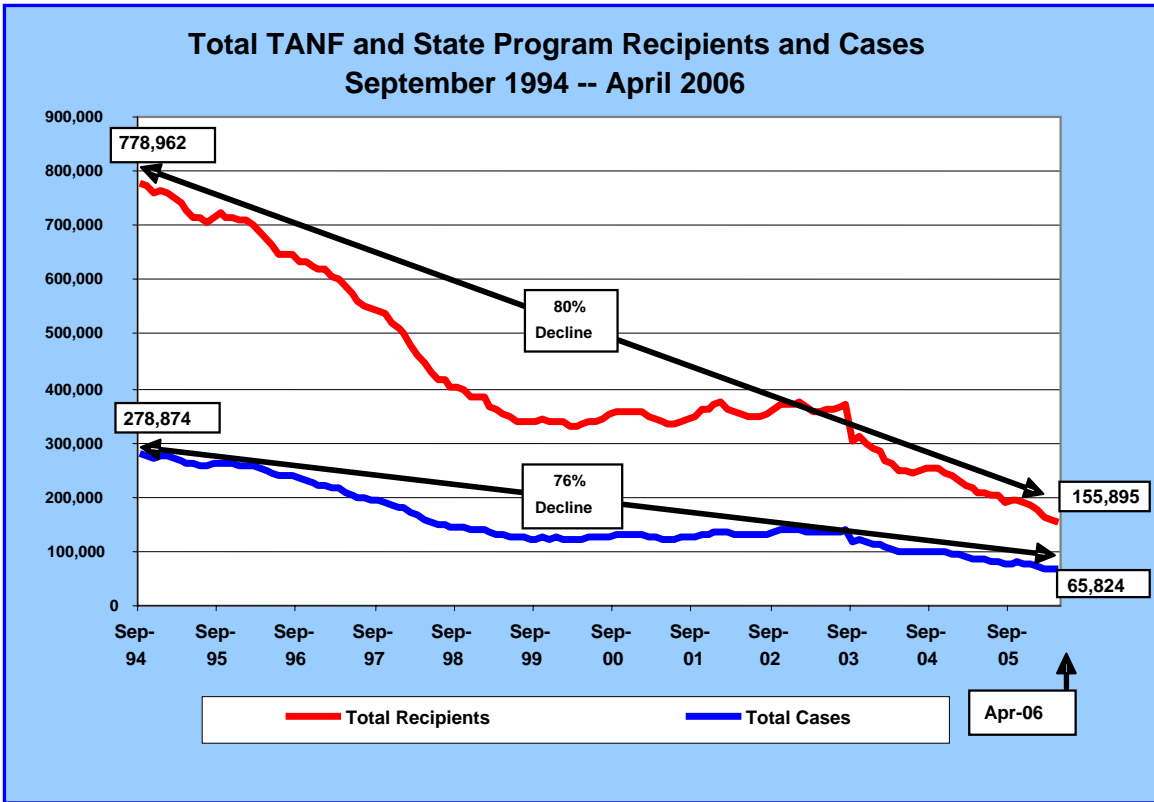


Chart 2

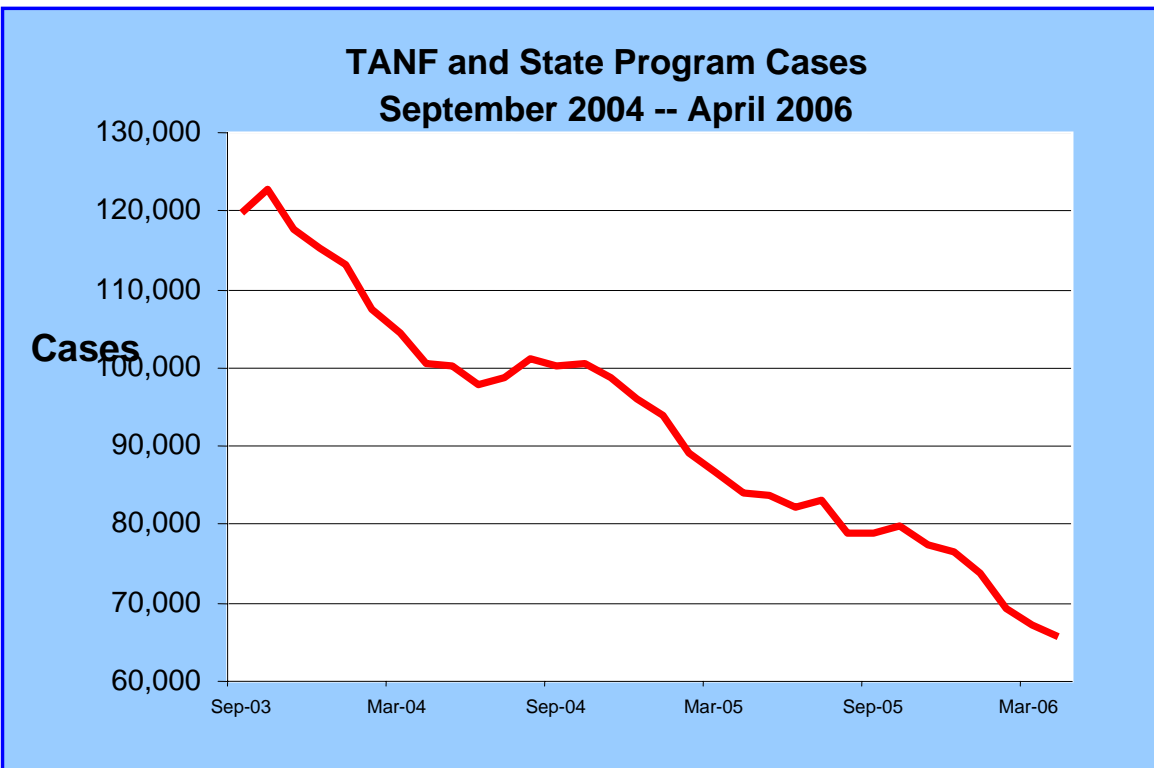


Chart 3

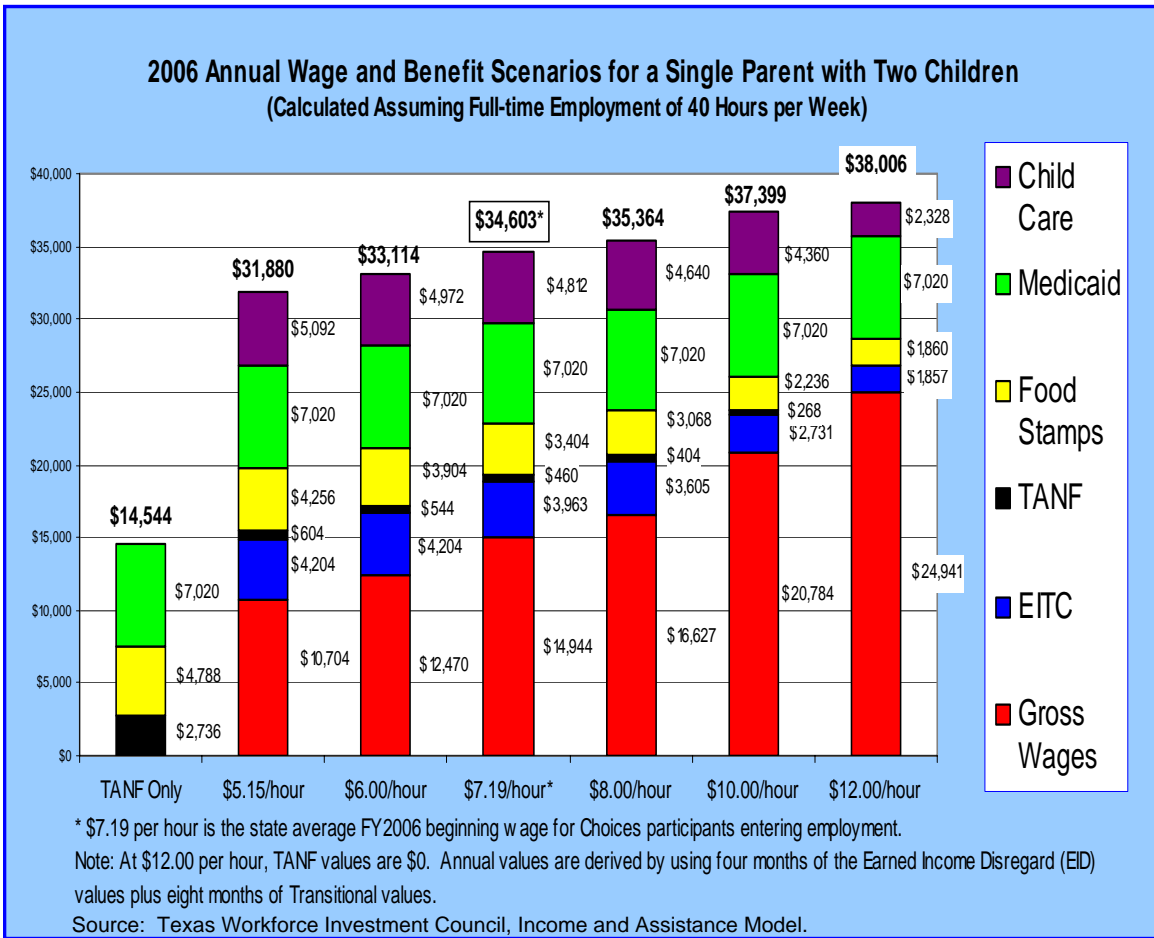


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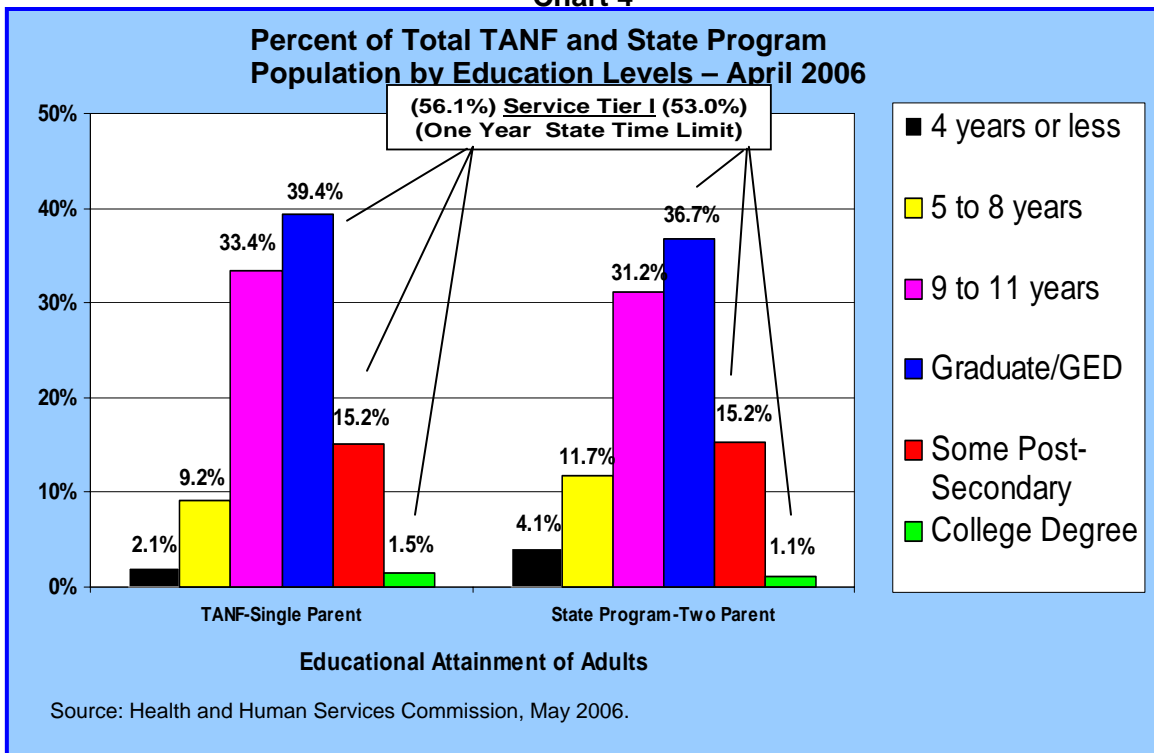


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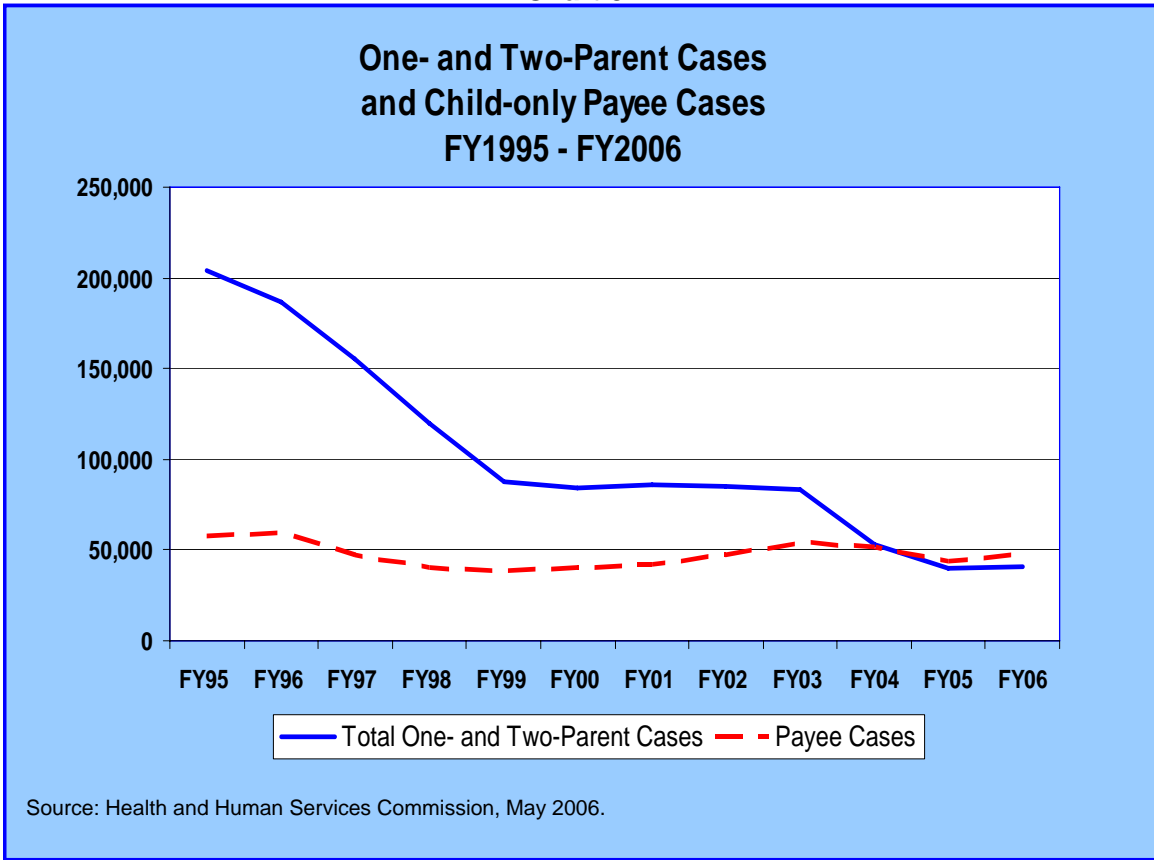


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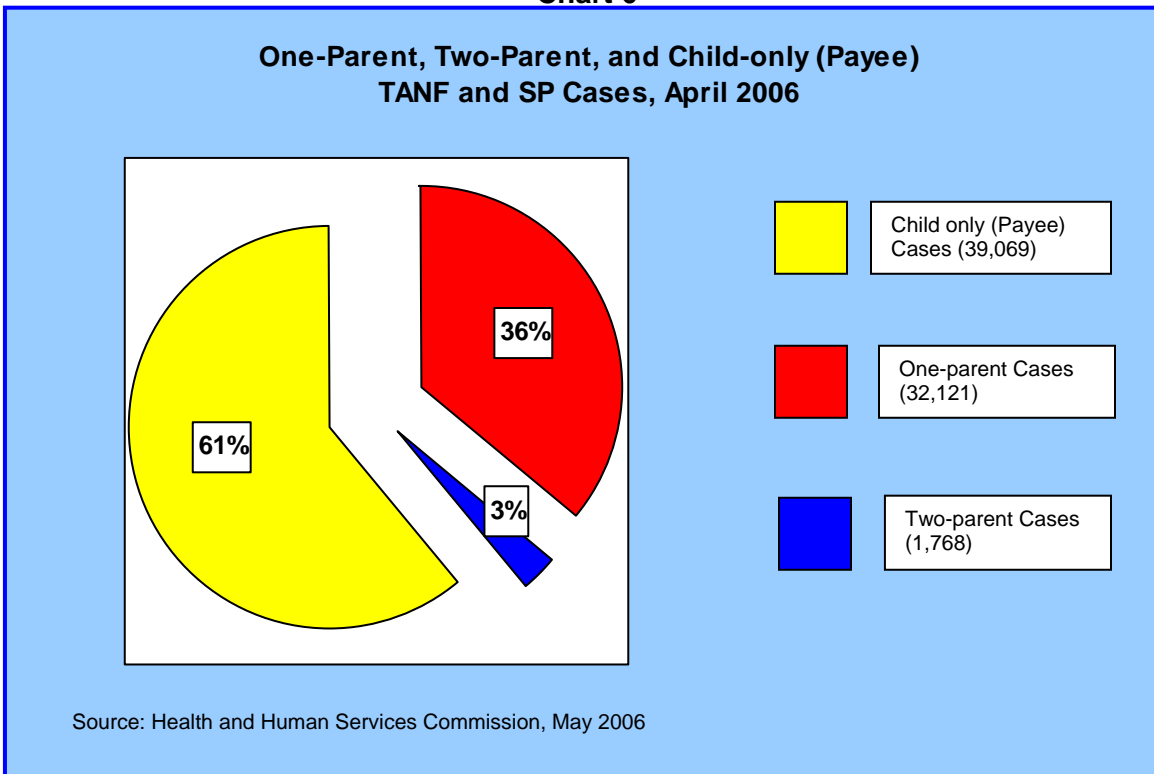


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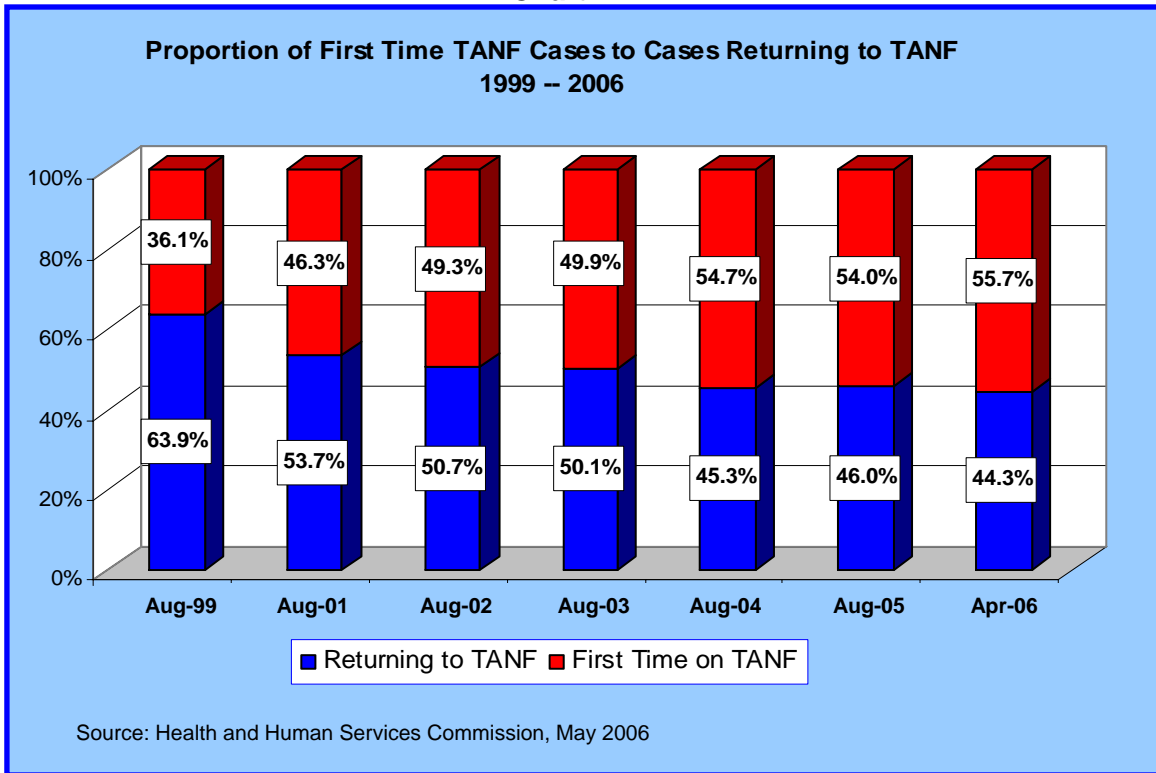


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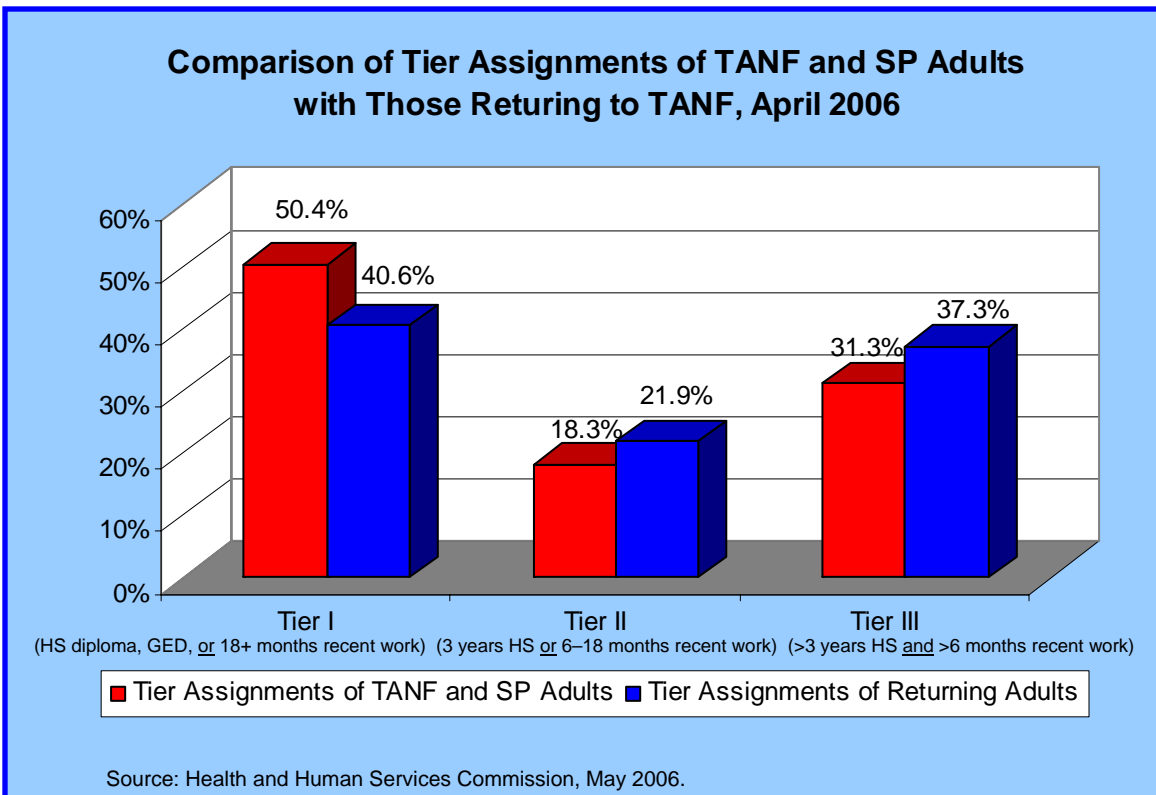


Chart 9

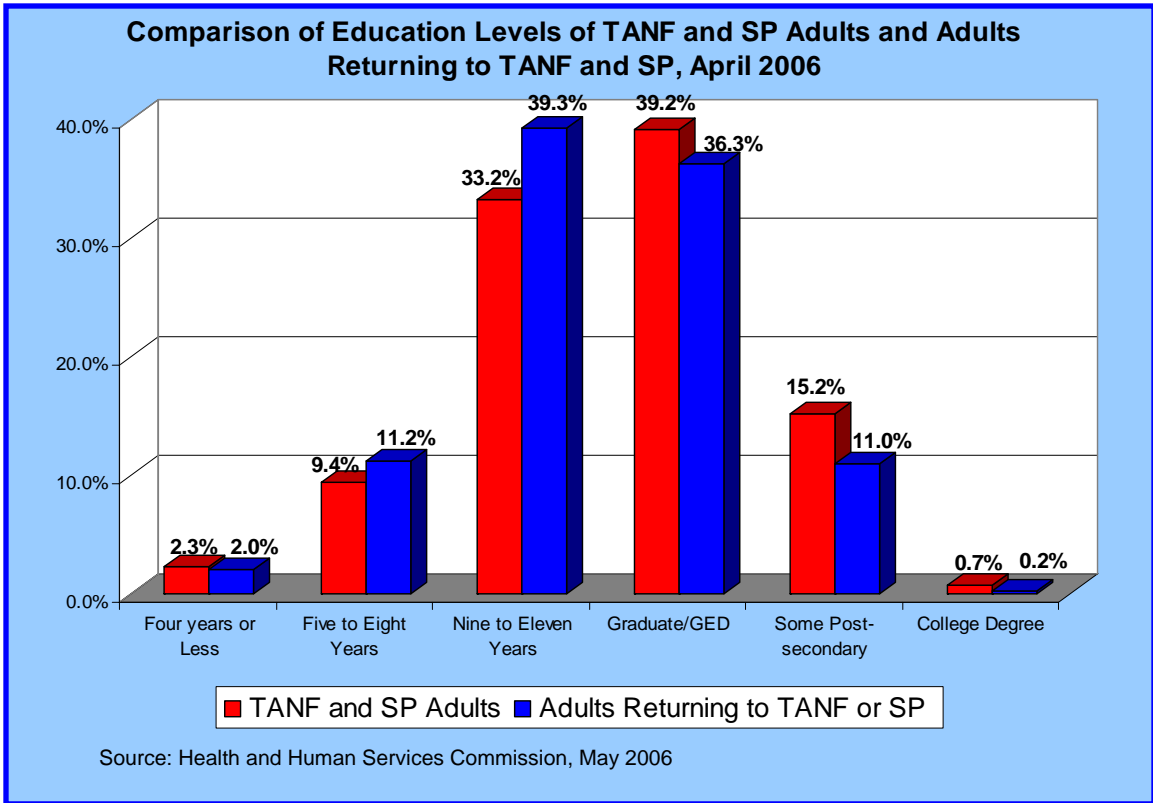


Chart 10

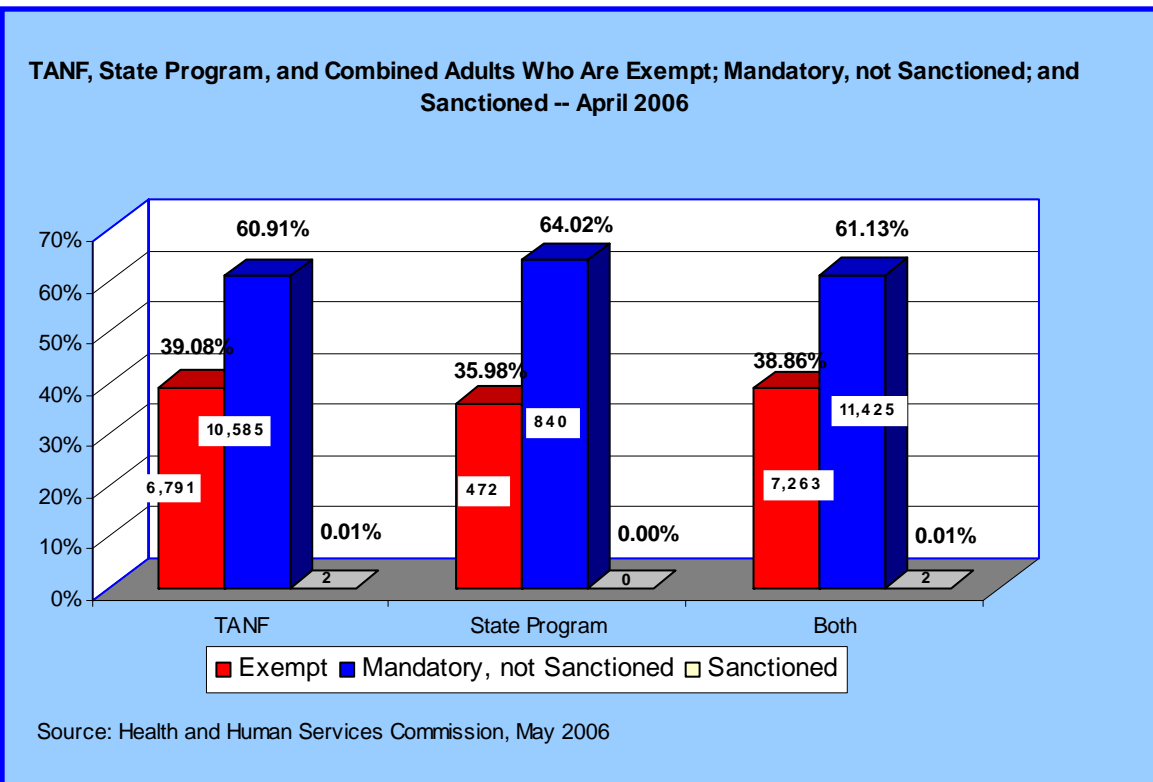


Chart 11

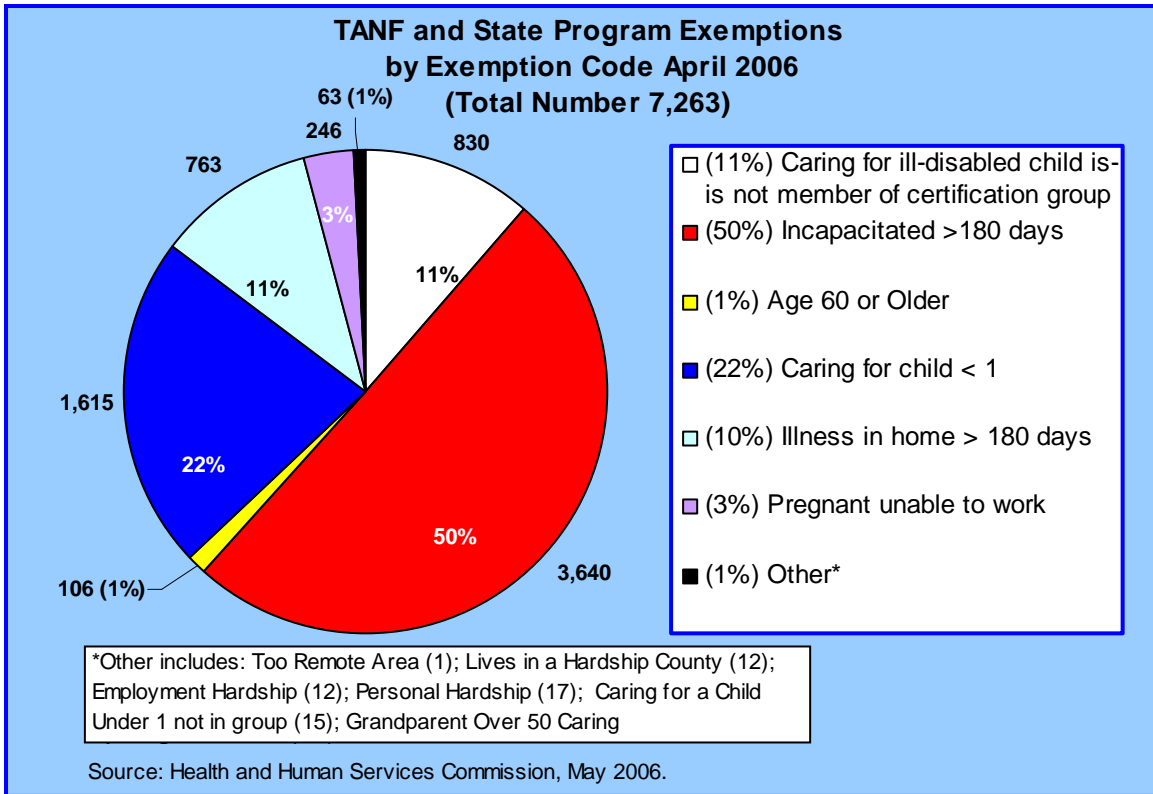


Chart 12

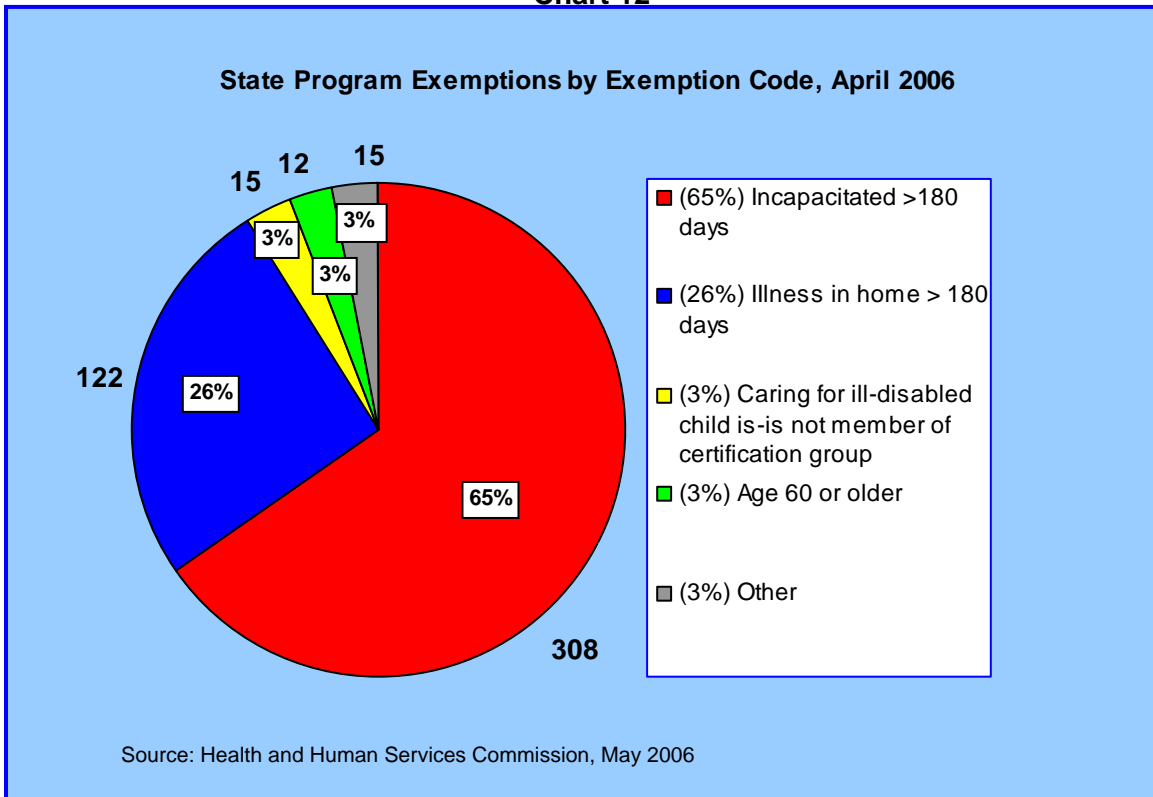


Chart 13

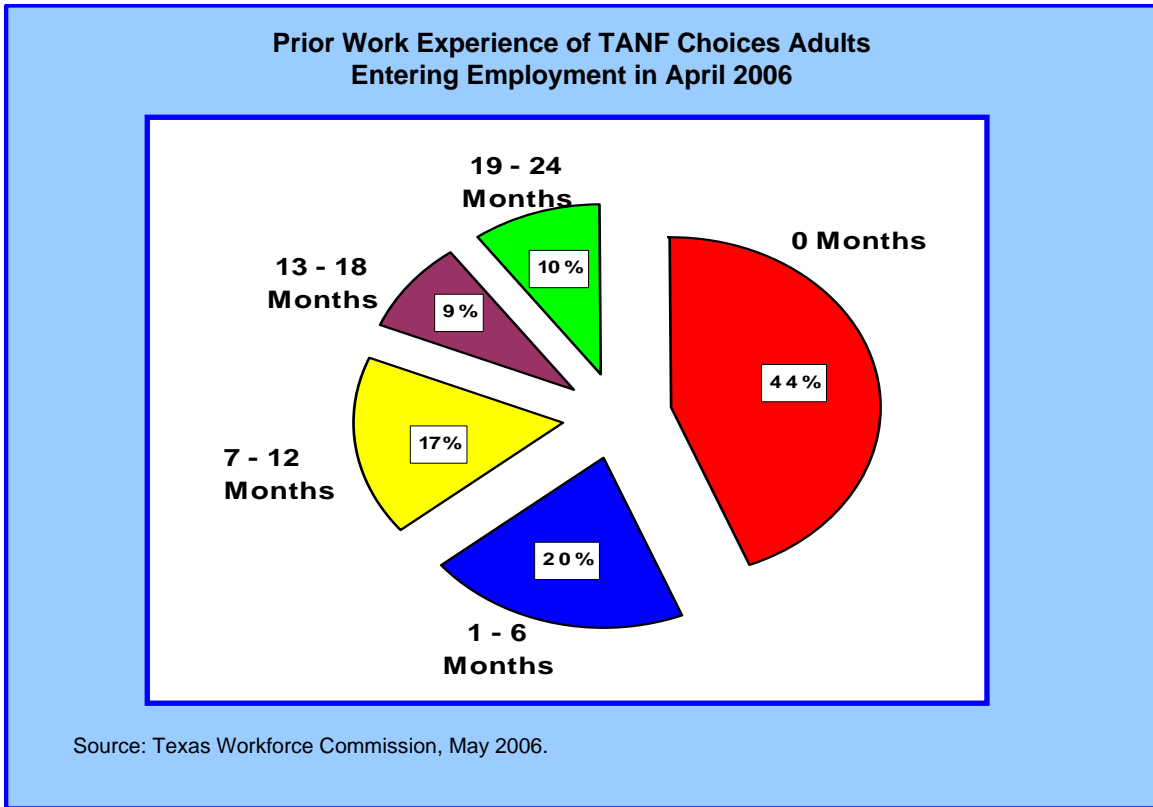


Chart 14

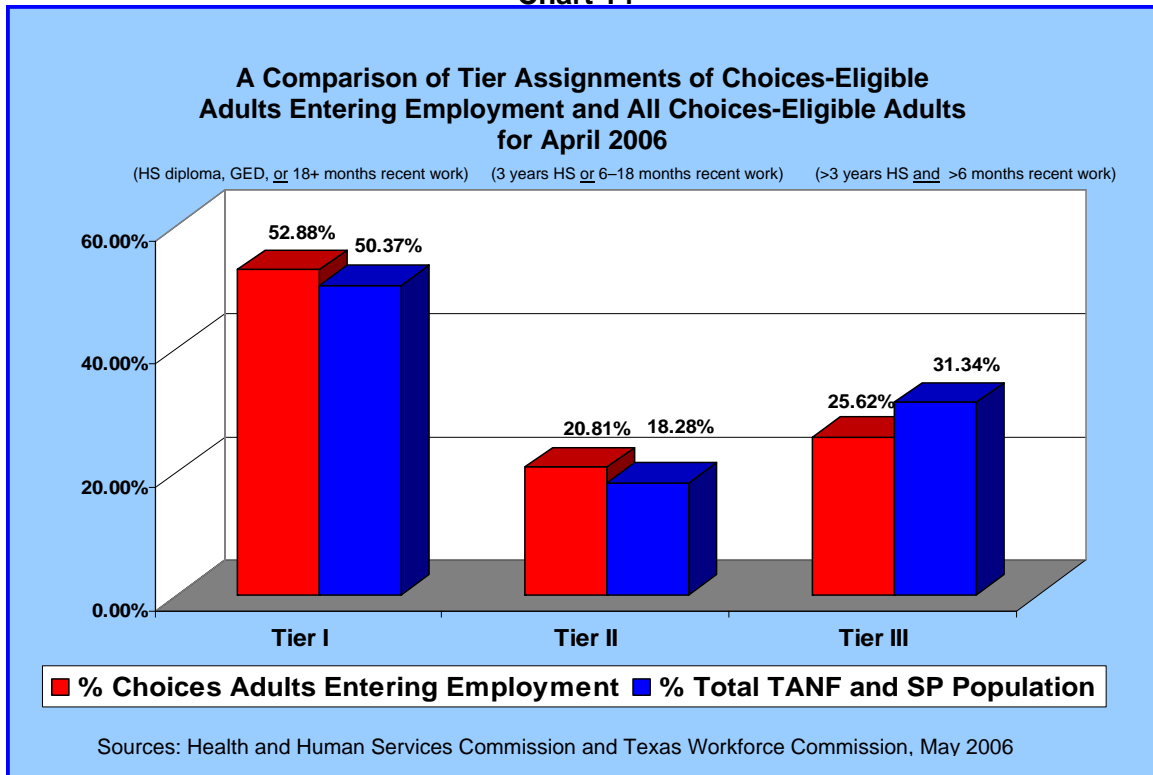
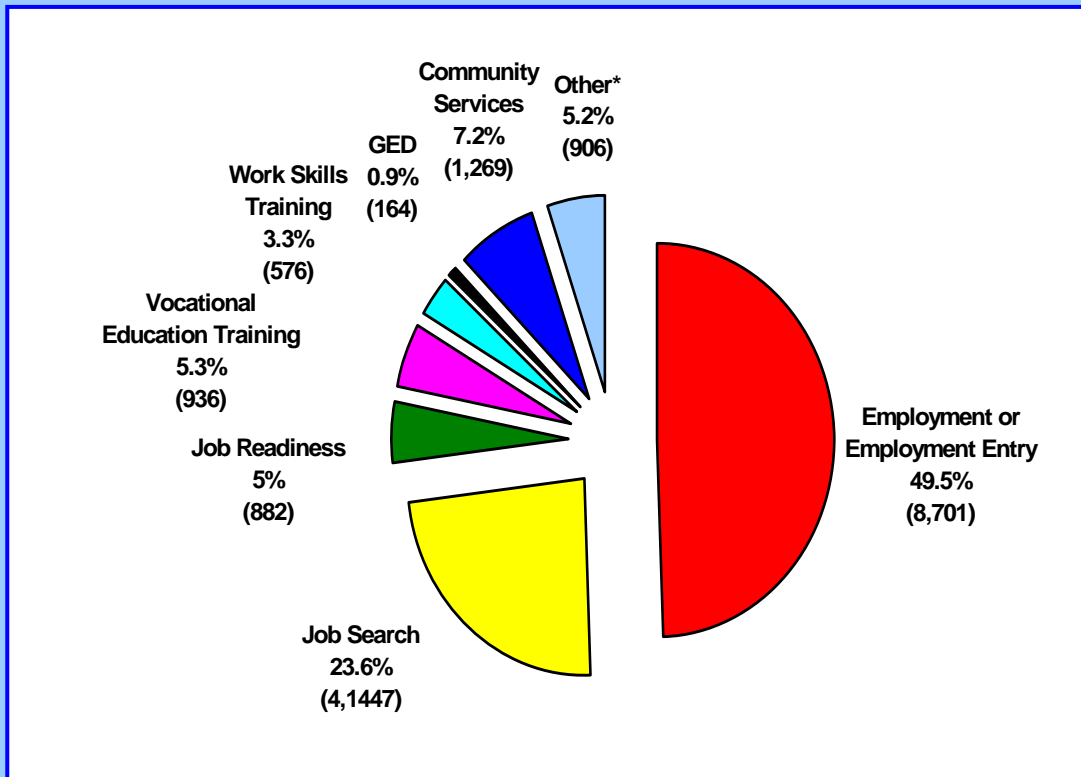


Chart 15

Choices Component Summary for All Activities – April 2006

13,426 Unduplicated Adults



*Other includes Adult Basic Education (15), On the Job Training (9), Job Creation/ Subsidized Work (251), English as a Second Language (10), High School (430), Life Skills (114), Job Skills (61), Work Based Literacy (2), Non-Work Based Literacy (2), and Education-Other (4).

Source: Texas Workforce Commission, Choices Component Summary by Month, April 2006.