

1 **CHAPTER 804. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM**

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

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8 **ON APRIL 12, 2022, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES**
9 **BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.**

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11 Publication Date of the Adoption in the *Texas Register*: **April 29, 2022**

12 The Rules are Effective: **May 2, 2022**

13
14 The Texas Workforce Commission (TWC) adopts amendments to the following sections of
15 Chapter 804 relating to the Jobs and Education for Texans (JET) Grant Program:

16
17 Subchapter A. Definitions, §804.1

18 Subchapter B. Advisory Board Composition, Meeting Guidelines, §804.12 and §804.13

19 Subchapter C. Grant Program, §804.21 and §804.24

20 Subchapter D. Grants to Educational Institutions for Career and Technical Education
21 Programs, §804.41

22
23 TWC adopts §804.41 *with changes* to the proposed text as published in the January 28, 2022,
24 issue of the *Texas Register* (47 TexReg 255). TWC adopts §§804.1, 804.12, 804.13, 804.21, and
25 804.24 *without changes* to the proposed text as published.

26
27 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

28 The purpose of Chapter 804 is to provide the establishment and operational procedures of the
29 JET Grant Program, administered by TWC. Formerly under the direction of the Texas
30 Comptroller of Public Accounts, oversight of the JET Grant Program was transferred to TWC
31 through House Bill (HB) 3062, passed by the 84th Texas Legislature, Regular Session (2015),
32 and the Commission adopted program rules in 2016.

33
34 The 85th Texas Legislature, Regular Session (2017), passed HB 2431, which amended Texas
35 Education Code, §314.001 to include "public state colleges," as defined by Texas Education
36 Code, §61.003, to the list of eligible entities to apply and receive JET grant funds.

37
38 The 87th Texas Legislature, Regular Session (2021), passed Senate Bill (SB) 346 and HB 4279,
39 which both expanded participant eligibility in the JET Grant Program. SB 346 included the
40 addition of "open-enrollment charter schools" to the list of eligible entities for JET grants under
41 Texas Education Code, §134.004. HB 4279 removed the term "independent" from "independent
42 school districts" throughout Texas Education Code, §134.004, and expanded the definition of
43 eligible school districts to include "the Windham School District."

44
45 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

1 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
2 therefore, are not discussed in the Explanation of Individual Provisions.)
3

4 **SUBCHAPTER A. DEFINITIONS**

5 TWC adopts the following amendments to Subchapter A:
6

7 **§804.1. Definitions**

8 Section 804.1(4) is amended to add "or public state colleges" to the definition of "Certificate or
9 degree completion" in order to include all of the entities in which an individual could receive a
10 certificate or degree completion.
11

12 New §804.1(5) defines "Charter school" as a Texas public school operated by a charter holder
13 under an open-enrollment charter granted pursuant to Texas Education Code, §12.101. The
14 subsequent definitions were renumbered accordingly.
15

16 Section 804.1(8) is removed because "ISD" is no longer needed in Chapter 804 due to
17 amendments made to Texas Education Code, §134.004 by HB 4279.
18

19 New §804.1(12) defines "Public state college" as Lamar State College--Orange, Lamar State
20 College--Port Arthur, or Lamar Institute of Technology, per Texas Education Code, §61.003.
21 The subsequent definition was renumbered accordingly.
22

23 New §804.1(14) defines "School district" as independent school districts or the Windham School
24 District in accordance with Texas Education Code, §134.004.
25

26 **SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES**

27 TWC adopts the following amendments to Subchapter B:
28

29 **§804.12. Meetings Required**

30 Section 804.12(a) currently explains the requirements of the advisory board to meet at least once
31 a quarter to review applications and recommends awarding grants to "public junior colleges,
32 public technical institutes, and ISDs." TWC amends the list of potential grant recipients to add
33 "public state colleges, charter schools, and school districts" and remove "ISDs" to reflect the
34 changes implemented by HB 2431, HB 4279, and SB 346.
35

36 **§804.13. General Advisory Board Responsibilities**

37 Section 804.13(1) currently states that the advisory board is responsible for providing advice and
38 recommendations on the manner in which "public junior colleges, public technical institutes, and
39 ISDs apply for JET grants." TWC amends the list of potential grant recipients to add "public state
40 colleges, charter schools, and school districts" and remove "ISDs" to reflect the changes
41 implemented by HB 2431, HB 4279, and SB 346.
42

43 **SUBCHAPTER C. GRANT PROGRAM**

44 TWC adopts the following amendments to Subchapter C:
45

1 **§804.21. General Statement of Purpose**

2 Section 804.21 currently provides the JET general statement of purpose to "award grants from
3 the JET fund for the development of career and technical education programs at public junior
4 colleges, public technical institutes, and ISDs that meet the requirements of Texas Education
5 Code, §134.006 and §134.007." TWC proposes amending the list of potential grant recipients to
6 add "public state colleges, charter schools, and school districts" and remove "ISDs" to reflect the
7 changes implemented by HB 2431, HB 4279, and SB 346.

8
9 **§804.24. Reporting Requirements**

10 Section 804.24 currently states that a "public junior college, public technical institute, or ISD"
11 that receives a JET grant is required to comply with all reporting requirements of the contract
12 established by TWC. TWC amends the list of grant recipients to add "public state college,
13 charter school, or school district" and remove "ISD" to reflect the changes implemented by HB
14 2431, HB 4279, and SB 346.

15
16 **SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND**
17 **TECHNICAL EDUCATION PROGRAMS**

18 TWC adopts the following amendments to Subchapter D:

19
20 **§804.41. Grants for Career and Technical Education Programs**

21 Section 804.41(a) currently specifies that Subchapter D is applicable to "JET awards to public
22 junior colleges, public technical institutes, and ISDs for the development of career and technical
23 education programs that meet the requirements of Texas Education Code, §134.006 and
24 §134.007 and Texas Government Code, §403.356." TWC amends the list of grant recipients to
25 add "public state colleges, charter schools, and school districts," and remove "ISDs" to reflect the
26 changes implemented by HB 2431, HB 4279, and SB 346. TWC also amends the section to
27 remove the reference to "Texas Government Code, §403.356." Texas Government Code,
28 §403.356, contained provisions relating to the operation of the JET Grant Program under the
29 Texas Comptroller of Public Accounts and was repealed by HB 437, 83rd Texas Legislature,
30 Regular Session (2013).

31
32 New §804.41(c)(3) adds the ability for TWC to consider whether an applicant offers new career
33 and technical educational opportunities not previously available to students enrolled at any
34 campus in the Windham School District when evaluating applications for funding, in order to
35 include the Windham School District as an eligible entity.

36
37 Section 804.41(c)(4), formerly §804.41(c)(3), is amended to add "or public state colleges" in
38 order to include all of the eligible entities that school districts can partner with.

39
40 At adoption, TWC amended §804.41(d)(1) to change "college" to "grant recipient" to align with
41 the broadened list of eligible grant recipients.

42
43 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
44 within TWC's legal authority to adopt.

45
46 **PART III. PUBLIC COMMENTS**

1 The public comment closed on February 28, 2022. No comments were received.

2

3 **PART IV. STATUTORY AUTHORITY**

4 The rules are adopted under Texas Labor Code, §301.0015 and §302.002(d), which provide
5 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
6 effective administration of TWC services and activities; and Texas Education Code, §134.008,
7 which requires TWC adopt rules necessary for the administration of Texas Education Code,
8 Chapter 134.

9

10 The adopted rules implement HB 2431, HB 4279, and SB 346 and the requirements set out in
11 Texas Education Code, Chapter 134.

1 **CHAPTER 804. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM**

2
3 **SUBCHAPTER A. DEFINITIONS**

4
5 **§804.1. Definitions.**

6
7 The following words and terms, when used in this chapter, shall have the following
8 meanings unless the context clearly indicates otherwise.

- 9
- 10 (1) Act--Texas Education Code, Chapter 134, Jobs and Education for Texans
11 Grant Program.
- 12
- 13 (2) Advisory board--The advisory board of education and workforce stakeholders
14 created pursuant to the Act.
- 15
- 16 (3) Career and technical education--Organized educational activities that offer a
17 sequence of courses that:
- 18
- 19 (A) provides individuals with coherent and rigorous content aligned with
20 challenging academic standards and relevant technical knowledge and
21 skills needed to prepare for further education and careers in high-demand
22 occupations or emerging industries;
- 23
- 24 (B) includes competency-based applied learning that contributes to the
25 academic knowledge, problem-solving skills, work attitudes, general
26 employability skills, technical skills, and occupation-specific skills, and
27 knowledge of all aspects of an industry, including entrepreneurship, of
28 an individual; or
- 29
- 30 (C) provides a license, a certificate, or a postsecondary degree.
- 31
- 32 (4) Certificate or degree completion--Any grouping of workforce or technical
33 courses in sequential order that, when satisfactorily completed by a student,
34 will entitle the student to a Texas Higher Education Coordinating Board--
35 approved certificate or associate degree from a public technical institute, public
36 junior college, or public state college.
- 37
- 38 (5) Charter school--A Texas public school operated by a charter holder under an
39 open-enrollment charter granted pursuant to Texas Education Code, §12.101.
- 40
- 41 (6) Developmental education--Structured courses, tutorials, laboratories, or other
42 proven instructional efforts that successfully prepare students for college level
43 (and therefore work-ready) courses as measured by passing the state-required
44 college entrance exam (or meeting the Texas Success Initiative requirements).
- 45

- 1 (7) Emerging industry--A growing, evolving, or developing industry based on new
2 technological products or concepts.
3
- 4 (8) High-demand occupation--A job, profession, skill, or trade for which
5 employers within the state of Texas generally, or within particular regions or
6 cities of the state, have or will have a substantial need. In determining whether
7 there is or will be a substantial need for a particular job, profession, trade, or
8 skill, the Agency may consider occupations identified by the 28 Local
9 Workforce Development Boards (Board-Area Target Occupations Lists) and/or
10 the Agency's labor market projections.
11
- 12
- 13 (9) JET--The Jobs and Education for Texans Grant Program.
14
- 15 (10) Notice of Availability or NOA--The notice of availability that is published by
16 the Agency pursuant to §804.22 of this title (relating to Notice of Grant
17 Availability and Application).
18
- 19 (11) Public junior college--Any junior college certified by the Texas Higher
20 Education Coordinating Board in accordance with Texas Education Code,
21 §61.003.
22
- 23 (12) Public state college--Lamar State College--Orange, Lamar State College--Port
24 Arthur, or Lamar Institute of Technology, in accordance with Texas Education
25 Code, §61.003.
26
- 27 (13) Public technical institute--The Lamar Institute of Technology or the Texas
28 State Technical College System, in accordance with Texas Education Code,
29 §61.003.
30
- 31 (14) School district--An independent school district or the Windham School
32 District.
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34 **SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES**

35 **§804.12. Meetings Required.**

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- 37
- 38 (a) The advisory board is required to meet at least once each quarter, or as needed, to
39 review received applications and recommend awarding grants under this chapter to
40 public junior colleges, public technical institutes, public state colleges, charter
41 schools, and school districts.
42
- 43 (b) Meetings shall be subject to the requirements of the Open Meetings Act.
44

1 **§804.13. General Advisory Board Responsibilities.**

2
3 The advisory board shall provide advice and recommendations to the Agency on:

- 4
5 (1) the manner in which public junior colleges, public technical institutes, public
6 state colleges, charter schools, and school districts apply for JET grants; and
7
8 (2) the JET grants to be awarded by the Agency.
9

10 **SUBCHAPTER C. GRANT PROGRAM**

11
12 **§804.21. General Statement of Purpose.**

13
14 In accordance with the Act, the Agency established JET, which shall be administered
15 pursuant to the Act and this chapter to award grants from the JET fund for the
16 development of career and technical education programs at public junior colleges, public
17 technical institutes, public state colleges, charter schools, and school districts that meet
18 the requirements of Texas Education Code, § 134.006 and § 134.007.
19

20 **§804.24. Reporting Requirements.**

21
22 A public junior college, public technical institute, public state college, charter school, or
23 school district receiving a grant under this chapter must comply with all reporting
24 requirements of the contract in the frequency and format determined by the Agency in
25 order to maintain eligibility for grant payments. Failure to comply with the reporting
26 requirements may result in termination of the grant award and the entity being ineligible
27 for future grants under this chapter.
28

29 **SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND**
30 **TECHNICAL EDUCATION PROGRAMS**

31
32 **§804.41. Grants for Career and Technical Education Programs.**

- 33
34 (a) This subchapter is applicable to JET awards to public junior colleges, public
35 technical institutes, public state colleges, charter schools, and school districts for the
36 development of career and technical education programs that meet the requirements
37 of Texas Education Code, § 134.006 and § 134.007.
38
39 (b) A grant received under this subchapter may be used only:
40
41 (1) to support courses or programs that prepare students for career employment in
42 occupations that are identified by local businesses as being in high demand;
43
44 (2) to finance the initial costs of career and technical education courses or program
45 development, including the costs of purchasing equipment, and other expenses
46 associated with the development of an appropriate course; and

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- (3) to finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.
- (c) In awarding a grant under this subchapter, the Agency shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program. The Agency may also consider whether the course or program:
 - (1) is part of a new, emerging industry or high-demand occupation;
 - (2) offers new or expanded dual-credit career and technical educational opportunities in public high schools;
 - (3) offers new career and technical educational opportunities not previously available to students enrolled at any campus in the Windham School District; or
 - (4) is provided in cooperation with other public junior colleges, public technical institutes, or public state colleges across existing service areas.
- (d) A grant recipient shall provide the matching funds as identified in its application.
 - (1) Matching funds may be obtained from any source available to the grant recipient, including industry consortia, community or foundation grants, individual contributions, and local governmental agency operating funds.
 - (2) A grant recipient's matching share may consist of one or more of the following contributions:
 - (A) cash;
 - (B) equipment, equipment use, materials, or supplies;
 - (C) personnel or curriculum development cost; and/or
 - (D) administrative costs that are directly attributable to the project.
 - (3) The matching funds must be expended on the same project for which the grant funds are provided and valued in a manner acceptable or as determined by the Agency.