

CHAPTER 810. LONE STAR WORKFORCE OF THE FUTURE FUND

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CHAPTER 810. LONE STAR WORKFORCE OF THE FUTURE FUND

SUBCHAPTER A. GENERAL PROVISIONS REGARDING THE LONE STAR WORKFORCE OF THE FUTURE FUND

§810.1. Purpose and Goal.

- (a) Purpose. The purpose of the Lone Star Workforce of the Future Fund is to develop workforce training programs that are administered by public junior colleges, public technical institutes, and nonprofit organizations to increase the supply of qualified workers for entry-level to mid-level jobs in high demand occupations in this state.
- (b) Goal. The goal of the Lone Star Workforce of the Future Fund is to ensure that the Texas workforce is capable of filling available and emerging jobs in this state that require less education than a bachelor's degree but more education than a high school diploma.

The provisions of this §810.1 adopted to be effective December 11, 2023, 48 Texas Register, 7175

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§810.2. Definitions.

In addition to the definitions contained in §800.2 of this title, the following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) Advisory board - the advisory board of education and workforce stakeholders created pursuant to the applicable statute.
- (2) Agency - the unit of state government established under Texas Labor Code Chapter 301 that is presided over by the Commission and administered by the Executive Director to operate the integrated workforce development system and administer the unemployment compensation insurance program in this state as established under the Texas Unemployment Compensation Act, Texas Labor Code, Title 4, Subtitle A, as amended. The definition of "Agency" shall apply to all uses of the term in rules contained in this part, unless otherwise defined, relating to the Texas Workforce Commission.
- (3) Commission - the body of governance of the Texas Workforce Commission composed of three members appointed by the governor as established under Texas Labor Code §301.002 that includes one representative of labor, one representative of employers, and one representative of the public. The definition of "Commission" shall apply to all uses of the term in rules

contained in this part, unless otherwise defined, relating to the Texas Workforce Commission.

- (4) Eligible applicant - has the same meaning as identified under Texas Education Code §134A.007.
- (5) Executive Director - the Executive Director of the Texas Workforce Commission.
- (6) Grant recipient - a recipient of the Lone Star Workforce of the Future Fund.
- (7) Public junior college - any junior college certified by the Texas Higher Education Coordinating Board in accordance with Texas Education Code §61.003.
- (8) Public technical institute - the Lamar Institute of Technology or the Texas State Technical College System, in accordance with Texas Education Code §61.003.
- (9) Statute - Texas Education Code, Chapter 134A, Lone Star Workforce of the Future Fund.
- (10) Workforce training program - a program that provides performance-based workforce training that:
 - (A) leads to skill development and experiences required for employment in high demand occupations;
 - (B) are developed and provided based on consultation with and input from employers that are hiring in high demand occupations;
 - (C) create pathways to employment for program participants; and
 - (D) are delivered through classroom-based or online instruction, work-based experiences, internships or apprenticeships, or through a combination of those methods.

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§810.3. Uses of the Fund.

An entity may use grant money received under this chapter only for:

- (7) curriculum development;
- (2) instructor fees and certifications;
- (3) training materials;
- (4) work-related expenses;
- (5) work-based experience stipends;
- (6) support services, deemed reasonable and necessary by the Agency, to help ensure training program participants' success; and
- (7) administrative costs not to exceed 10 percent of the total amount of grant money received by the entity.

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§810.4. Waivers.

The Executive Director, or designee, may suspend or waive a section of this chapter, not statutorily imposed, in whole or in part, upon a showing of good cause and a finding that the public interest would be served by such a suspension or waiver.

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SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES

§810.11. Advisory Board Purpose and Composition.

- (a) The advisory board is created to assist the Agency in administering the Lone Star Workforce of the Future Fund.
- (b) The advisory board comprises six members who serve two-year terms, and are appointed as follows:
 - (1) one member appointed by the Governor;
 - (2) one member appointed by the Lieutenant Governor;
 - (3) one member appointed by the Speaker of the House of Representatives;

- (4) one member appointed by the Texas Higher Education Coordinating Board;
- (5) one member appointed by the Commission; and
- (6) the Commission Chair, who serves as the presiding officer.

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§810.12. Meeting Requirements.

The advisory board is required to meet at least twice each calendar year, or as needed.

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§810.13. Advisory Board Responsibilities.

The advisory board shall provide advice and recommendations to the Commission on awarding grants under this chapter.

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SUBCHAPTER C. PROGRAM ADMINISTRATION

§810.21. Statement of Purpose.

In accordance with the statute, the Commission established the Lone Star Workforce of the Future Fund Grant Program, which shall be administered pursuant to the statute and this subchapter to award grants for the development of workforce training programs to public junior colleges, public technical institutes, and nonprofit organizations that meet the requirements of Texas Education Code, Chapter 134A, Lone Star Workforce of the Future Fund.

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§810.22. Procedure for Requesting Funding.

An eligible applicant, as defined by Texas Education Code §134A.007, shall present to the Executive Director, or designee, an application for funding to acquire grant funds for the provision of workforce training as may be identified by the eligible applicant.

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§810.23. Procedure for Proposal Evaluation.

- (a) The Executive Director, or designee, shall evaluate each proposal considering the purposes listed in §810.3 of this chapter, the program objectives listed in §810.26 of this subchapter, and the reporting requirements listed in §810.28 of this subchapter, and any other unique factors that the Agency determines are appropriate.
- (b) If the Agency determines that a proposal is appropriate for funding through the Lone Star Workforce of the Future Fund, the Executive Director, or designee, shall enter into a contract with the grant recipient on behalf of the Agency.

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§810.24. Grant Agreement Administration.

- (a) An eligible applicant, as defined by Texas Education Code §134A.007, may apply for the grant program outlined in this section.
- (b) The Agency shall attach a list of high-growth career fields identified by the Agency, the Texas Workforce Investment Council, or the Tri-Agency Workforce Initiative established under Texas Government Code Chapter 2308A on the Agency's website and update the list annually.
- (c) Grant recipients must enter into an agreement with the Agency to comply with contract requirements that include, but are not limited to:
 - (1) submitting all required reports, including financial and performance reports, in the format and time frame required by the Agency;
 - (2) maintaining fiscal data needed for independent verification of expenditures of funds received for the training project;

- (3) cooperating and complying with Agency monitoring activities as required by Chapter 802, Subchapter D, of this title (relating to Agency Monitoring Activities); and
- (4) submitting contract completion reports:
 - (A) The final payment of the contract is contingent upon the Executive Director's, or designee's, determination that a project has met the performance benchmarks outlined in §810.27 of this subchapter.
 - (B) The final payment of the contract will be withheld for 60 days after the completion of training and after receipt by the Agency of verification from the employer that the trainees are employed.

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§810.25. Limitations on Awards.

The Commission shall impose a limit per training program participant, not to exceed \$15,000 per participant, on the amount of funds awarded under any specific grant.

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§810.26. Program Objectives.

The program objectives in administering the Lone Star Workforce of the Future Fund are:

- (1) to create and sustain a utilization-driven supply of qualified workers for entry-level to mid-level jobs in high demand occupations in this state;
- (2) to address skills needed by workers to obtain and retain employment;
- (3) to increase the interest of current and future Texans to fill the available and emerging jobs in this state that require less education than a bachelor's degree but more than a high school diploma; and
- (4) strengthen the state's economy by increasing competitiveness of businesses in this state and the recruitment of business of this state.

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§810.27. Performance Benchmarks.

- (a) A grant recipient under this chapter must facilitate the successful transition of at least 50 percent of the entity's training program participants from low-wage work or unemployment to full-time employment in jobs offering a self-sufficient wage, as determined under Texas Government Code §2308A.012, and the opportunity for career mobility, as determined by the Agency, within six months of training program completion.
- (b) Should a grant recipient fail to meet the requirements of this section, the grant recipient shall reimburse the Agency on a pro rata basis based on the number of individuals successfully trained and placed.
- (c) A grant recipient is not required to comply with a performance benchmark required by this section if the Executive Director determines that the entity's compliance is not possible because of an act of God, force majeure, or a similar cause not reasonably within the entity's control.

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§810.28. Reporting Requirements.

- (a) A grant recipient must comply with all of the contract's reporting requirements in the frequency and format determined by the Agency in order to maintain eligibility for grant payments. Failure to comply with the reporting requirements may result in termination of the grant award and the grant recipient's ineligibility for future grants under this chapter.
- (b) A grant recipient must submit a progress report to the Agency at least twice annually that includes:
 - (1) the number of participants;
 - (2) an update on its progress toward reaching its performance benchmarks;
 - (3) a description of any key accomplishments achieved, lessons learned, or setbacks or risks incurred in administering the training program;

- (4) an explanation of any material changes to the training program's work plan, team, or budget; and
- (5) the amount of grant money spent during the reporting period.

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