

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**

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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.

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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.

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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."

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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.

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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**

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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.  
33

## 34 **SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES**

### 35 **§804.12. Meetings Required.**

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- 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.**  
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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.  
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10       **SUBCHAPTER C. GRANT PROGRAM**  
11

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