

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

3  
4 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS***  
5 ***REGISTER*. THIS DOCUMENT WILL NOT HAVE ANY SUBSTANTIVE**  
6 **CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED**  
7 **BY THE *TEXAS REGISTER*.**

8  
9 **ON NOVEMBER 22, 2016, THE TEXAS WORKFORCE COMMISSION**  
10 **(COMMISSION) ADOPTED THE BELOW RULES WITH PREAMBLE TO BE**  
11 **SUBMITTED TO THE *TEXAS REGISTER*.**

12  
13 Estimated date of publication in the *Texas Register*: **December 9, 2016**  
14 The rules will take effect: **December 12, 2016**

15  
16 The Commission adopts amendments to the following sections of Chapter 804, relating to  
17 Jobs and Education for Texans (JET) Grant Program, *without* changes, as published in  
18 the September 9, 2016, issue of the *Texas Register* (41 TexReg 7006):

- 19  
20 Subchapter A. Definitions, §804.1  
21 Subchapter B. Advisory Board Composition, Meeting Guidelines, §§804.11 - 804.13  
22 Subchapter C. Grant Program, §§804.21 - 804.25  
23 Subchapter D. Grants to Educational Institutions for Career and Technical Education  
24 Programs, §804.41

25  
26 The Commission adopts the repeal of the following section of Chapter 804, relating to the  
27 Jobs and Education for Texans (JET) Grant Program, *without* changes, as published in  
28 the September 9, 2016, issue of the *Texas Register* (41 TexReg 7006):

- 29  
30 Subchapter B. Advisory Board Composition, Meeting Guidelines, §804.14

31  
32 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**  
33 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

34  
35 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

36 The purpose of the Chapter 804 rules is to comply with the requirements of House Bill  
37 (HB) 3062, enacted by the 84th Texas Legislature, Regular Session (2015), which  
38 transferred the administration of the Jobs and Education for Texans (JET) Grant Program  
39 from the Texas Comptroller of Public Accounts (Comptroller) to the Texas Workforce  
40 Commission (Agency) effective September 1, 2015. Per §8(a)(2) of HB 3062, the  
41 Comptroller's rules were transferred to the Agency and have been placed in 40 Texas  
42 Administrative Code, Chapter 804.

43  
44 HB 3062 changed the makeup of the JET advisory board by removing a member of the  
45 public designated by the Comptroller and by designating the Chairman of the Agency's  
46 three-member Commission as presiding officer of the advisory board. The bill's primary  
47 purpose was to include independent school districts (ISDs) as eligible grantees.

1  
2 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

3  
4 **SUBCHAPTER A. DEFINITIONS**

5 **The Commission adopts the following amendments to Subchapter A:**

6  
7  
8 **§804.1. Definitions**

9 Section 804.1(1) defines "Act." Based on a review of the JET rules transferred from the  
10 Comptroller, the Agency updates "Act" to properly reference HB 3062.

11  
12 The previous §804.1(5) definition of "Comptroller" has been removed, as it is no longer  
13 applicable to this chapter.

14  
15 New §804.1(5) defines "Developmental education." Based on a review of the JET rules  
16 transferred from the Comptroller, the Agency retains this definition and renumbers  
17 accordingly.

18  
19 New §804.1(6) defines "Emerging industry." Based on a review of the JET rules  
20 transferred from the Comptroller, the Agency retains this definition and renumbers  
21 accordingly.

22  
23 New §804.1(7) defines "High-demand occupation." Based on a review of the JET rules  
24 transferred from the Comptroller, the Agency retains this definition and renumbers  
25 accordingly, with slight modifications. The Agency amends this definition to state that  
26 the Agency may use specific factors to determine whether there is a substantial need for a  
27 particular profession, trade, or skill in occupations identified by the 28 Local Workforce  
28 Development Boards (Boards), i.e., Board-Area Target Occupations Lists and/or the  
29 Agency's labor market projections.

30  
31 New §804.1(8) adds a new definition for "ISD" as an independent school district, per HB  
32 3062, and is renumbered accordingly.

33  
34 The definition in §804.1(9) of "in-kind contribution" is removed, as it no longer applies  
35 to this chapter.

36  
37 New §804.1(9) retains the definition for "JET" and is renumbered accordingly.

38  
39 New §804.1(10) defines "Notice of Availability or NOA." Based on a review of the JET  
40 rules transferred from the Comptroller, the Agency retains this definition, updating it to  
41 replace "Comptroller" with "Agency" pursuant to HB 3062, and renumbers accordingly.

42  
43 New §804.1(11) defines "Public junior college." Based on a review of the JET rules  
44 transferred from the Comptroller, the Agency retains this definition, with a minor  
45 addition of the word "Texas" in reference to the "Education Code," and renumbers  
46 accordingly.

1  
2 New §804.1(12) defines "Public technical institute." Based on a review of the JET rules  
3 transferred from the Comptroller, the Agency retains this definition, with a minor  
4 addition of the word "Texas" in reference to the "Education Code," and renumbers  
5 accordingly.

6  
7 **SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING**  
8 **GUIDELINES**

9 **The Commission adopts the following amendments to Subchapter B:**

10  
11 **§804.11. Advisory Board Purpose and Composition**

12 Section 804.11(a) establishes the purpose of the advisory board. The Agency amends  
13 §804.11(a) to remove references to "Comptroller" and replace with "Agency."

14  
15 Previous §804.11(b) designates the presiding officer of the JET advisory board as the  
16 Comptroller. The Agency replaces with new §804.11(b)(1) - (6), adding the composition  
17 of the advisory board and modifying this section to reflect statutory language by  
18 replacing "Comptroller" with "Commission chair," consistent with HB 3062.

19  
20 **§804.12. Meetings Required**

21 Section 804.12(a) explains that the advisory board is required to meet at least once each  
22 quarter to review received applications and recommend awarding grants to public junior  
23 colleges and public technical institutes. The Agency amends this subsection to reflect the  
24 changes enacted by HB 3062, including allowing the advisory board to meet "as needed,"  
25 and adding ISDs as eligible grantees.

26  
27 **§804.13. General Advisory Board Responsibilities**

28 Section 804.13 states that the advisory board is responsible for providing advice and  
29 recommendations to the Comptroller. The Agency adopts amendments to reflect changes  
30 in statutory language, including changing "Comptroller" to "Agency" in §804.13 and  
31 §804.13(2) and adding ISDs to §804.13(1).

32  
33 **§804.14. General Comptroller Responsibilities to the Advisory Board**

34 Section 804.14 is repealed because its provisions are duplicated in §804.11 (b) and it now  
35 serves no substantive purpose.

36  
37 **SUBCHAPTER C. GRANT PROGRAM**

38 **The Commission adopts the following amendments to Subchapter C:**

39  
40 **§804.21. General Statement of Purpose**

41 Section 804.21 sets forth the purpose for the JET program as awarding grants from the  
42 JET fund for the development of career and technical education programs at public junior  
43 colleges and public technical institutes that meet the requirements of Texas Education  
44 Code §134.006. The Agency amends §804.21 to add ISDs as eligible grantees and to  
45 include §134.007 of the Texas Education Code pertaining to ISDs in alignment with the  
46 statutory language in HB 3062.

1  
2 **§804.22. Notice of Grant Availability and Application**

3 Section 804.22 of the rules transferred from the Comptroller contains an outdated  
4 reference to the "Comptroller." The Agency replaces "Comptroller" with "Agency" to  
5 comply with §302.002 of the Texas Labor Code.

6  
7 **§804.23. Grant Award and Acceptance**

8 Section 804.23 of the rules transferred from the Comptroller contains an outdated  
9 reference to the "Comptroller." The Agency replaces "Comptroller" with "Agency" to  
10 comply with §302.002 of the Texas Labor Code.

11  
12 **§804.24. Reporting Requirements**

13 Section 804.24 of the rules transferred from the Comptroller provides that a public junior  
14 college and public technical institute receiving a grant under this chapter must comply  
15 with all reporting requirements of the contract in a frequency and format determined by  
16 the Comptroller in order to maintain eligibility for grant payments. Failure to comply  
17 with the reporting requirements may result in termination of the grant award and the  
18 entity being ineligible for future grants under this chapter. The Agency amends §804.24  
19 to add ISDs to the list of eligible grantees and to reference "Agency" instead of  
20 "Comptroller."

21  
22 **§804.25. Enforcement**

23 Section 804.25(a) of the rules transferred from the Comptroller sets forth the requirement  
24 that grant funds must be used in compliance with the terms of the contract for the  
25 purposes designated in the contract or they will be subject to refund by the grantee,  
26 disqualification from receiving further funds under this chapter, or any other available  
27 legal remedies. If deemed appropriate, the grantee may also be referred to another  
28 department or agency including, but not limited to, the Attorney General's Office, the  
29 Comptroller's Criminal Investigation Division, or the Comptroller's Internal Audit  
30 Department. The Agency amends §804.25(a) to remove outdated references to  
31 "Comptroller" divisions and departments, and to reflect the Agency's oversight staff,  
32 including the State Auditor's Office and the Agency's Office of Investigations to align  
33 with the statutory language provided in HB 3062.

34  
35 Section 804.25(b) of the rules transferred from the Comptroller states that the  
36 Comptroller or its designee may audit the use of funds. The Agency replaces  
37 "Comptroller or the comptroller's designee" with "Agency" to comply with §302.002 of  
38 the Texas Labor Code.

39  
40 **SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR**  
41 **CAREER AND TECHNICAL EDUCATION PROGRAMS**

42 **The Commission adopts the following amendments to Subchapter D:**

43  
44 **§804.41. Grants for Career and Technical Education Programs**

45 Section 804.41 (a) of the rules transferred from the Comptroller sets forth the guidelines  
46 for JET grants awarded to public junior colleges and public technical institutes for the  
47 development of career and technical education programs that meet the requirements of

1 Texas Education Code §134.006 and Texas Government Code §403.356. The Agency  
2 adds ISDs to the list of eligible grantees and to include a cross-reference to Texas  
3 Education Code §134.007 pertaining to ISDs to align with the statutory language in HB  
4 3062.

5  
6 Section 804.41(c) of the rules transferred from the Comptroller states that in awarding a  
7 grant under this subchapter, the Comptroller shall primarily consider the potential  
8 economic returns to the state from the development of the career and technical education  
9 course or program. The Comptroller may also consider whether the course or program:

- 10 (1) is part of a new, emerging industry or high-demand occupation;  
11 (2) offers new or expanded dual credit career and technical educational opportunities  
12 in public high schools; or  
13 (3) is provided in cooperation with other public junior colleges or public technical  
14 institutes across existing service areas.

15  
16 The Agency amends this subsection by replacing references to "Comptroller" with  
17 "Agency."

18  
19 Section 804.41(d) of the rules transferred from the Comptroller states that a grant  
20 recipient shall provide the matching funds as identified in its application.

21 (1) Matching funds may be obtained from any source available to the college,  
22 including industry consortia, community or foundation grants, individual contributions,  
23 and local governmental agency operating funds.

24 (2) A grant recipient's matching share may consist of one or more of the following  
25 contributions:

26 (A) cash;

27 ~~(B) in-kind contributions or equipment use;~~

28 (B) equipment, equipment use, materials, or supplies;

29 (C) personnel or curriculum development cost; and/or

30 (D) administrative costs that are directly attributable to the project.

31 (3) The matching funds must be expended on the same project for which the grant  
32 funds are provided and valued in a manner acceptable or as determined by the  
33 comptroller.

34  
35 The Agency amends this section to align with the statutory language provided in HB  
36 3062 by removing "in-kind contributions or equipment use" from the list of allowable  
37 matching contributions, relettering this section, and replacing references to "Comptroller"  
38 with "Agency."

39  
40 The Agency hereby certifies that the rules have been reviewed by legal counsel and found  
41 to be within the Agency's legal authority to adopt.

42  
43 The rules are adopted under Texas Labor Code §301.0015 and §302.002(d), which  
44 provide the Texas Workforce Commission with the authority to adopt, amend, or repeal  
45 such rules as it deems necessary for the effective administration of Agency services and  
46 activities.

1  
2  
3  
4

The adopted rules affect Title 4, Texas Labor Code, particularly Chapters 301 and 302.



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

29 **SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES**  
30

31 **§804.11. Advisory Board Purpose and Composition.**  
32

- 33 (a) The advisory board shall assist the Agency in administering JET.  
34
- 35 (b) The advisory board is composed of six members who serve two-year terms,  
36 and are appointed as follows:  
37
- 38 (1) one member appointed by the governor;  
39
- 40 (2) one member appointed by the lieutenant governor;  
41
- 42 (3) one member appointed by the speaker of the house of representatives;  
43
- 44 (4) one member appointed by the Coordinating Board;  
45
- 46 (5) one member appointed by the Commission; and



1 (6) the Commission chair, who serves as the presiding officer.  
2

3 **§804.12. Meetings Required.**  
4

5 (a) The advisory board is required to meet at least once each quarter, or as  
6 needed, to review received applications and recommend awarding grants  
7 under this chapter to public junior colleges, public technical institutes, and  
8 ISDs.  
9

10 (b) Meetings shall be subject to the requirements of the Open Meetings Act.  
11

12 **§804.13. General Advisory Board Responsibilities.**  
13

14 The advisory board shall provide advice and recommendations to the Agency on:  
15

16 (1) the manner in which public junior colleges, public technical institutes,  
17 and ISDs apply for JET grants; and  
18

19 (2) the JET grants to be awarded by the Agency .  
20  
21

22 **SUBCHAPTER C. GRANT PROGRAM**  
23

24 **§804.21. General Statement of Purpose.**  
25

26 In accordance with the Act, the Agency establishes JET, which shall be  
27 administered pursuant to the Act and the rules in this chapter to award grants from  
28 the JET fund for the development of career and technical education programs at  
29 public junior colleges, public technical institutes, and ISDs that meet the  
30 requirements of Texas Education Code §134.006 and §134.007.  
31

32 **§804.22. Notice of Grant Availability and Application.**  
33

34 (a) From time to time, the Agency may publish a Notice of Availability (NOA)  
35 of grant funds under this chapter. The notice shall be published in the *Texas*  
36 *Register* and on the Agency's website. In addition to the respective purpose  
37 for each grant program under this chapter, the notice may include:  
38

39 (1) the total grant funds available for award;  
40

41 (2) the minimum and maximum amount of grant funds available for each  
42 grant recipient;  
43

44 (3) eligibility criteria;  
45

46 (4) application requirements;

- 1
- 2 (5) grant award and evaluation criteria;
- 3
- 4 (6) any grant requirements in addition to those set forth in this chapter;
- 5
- 6 (7) the date by which the application must be submitted to the Agency ;
- 7
- 8 (8) the anticipated date of grant awards; and
- 9
- 10 (9) any other information or instructions necessary and appropriate for
- 11 awarding the grant as determined by the Agency .
- 12

13 (b) To be eligible for a grant award, an applicant meeting the eligibility criteria  
14 identified in the NOA shall submit an application in the form and manner as  
15 prescribed by the Agency in NOA.

16  
17 (c) The Agency may request additional information at any time prior to grant  
18 award in order to effectively evaluate any application.

19  
20 **§804.23. Grant Award and Acceptance.**

21  
22 (a) To award a grant, the Agency shall provide a grant contract to the grant  
23 recipient that shall contain all the terms and conditions for the use of the  
24 grant funds.

25  
26 (b) To receive grant funds, an applicant must execute and return the contract to  
27 the Agency.

28  
29 **§804.24. Reporting Requirements.**

30  
31 A public junior college, public technical institute, or ISD receiving a grant under  
32 this chapter must comply with all reporting requirements of the contract in a  
33 frequency and format determined by the Agency in order to maintain eligibility  
34 for grant payments. Failure to comply with the reporting requirements may result  
35 in termination of the grant award and the entity being ineligible for future grants  
36 under this chapter.

37  
38 **§804.25. Enforcement.**

39  
40 (a) Grant funds must be used in compliance with the terms of the contract for the  
41 purposes designated in the contract or will be subject to refund by the  
42 grantee, disqualification from receiving further funds under this chapter, or  
43 any other available legal remedies. If deemed appropriate, the grantee may  
44 also be referred to another department or agency including, but not limited to,  
45 the State Auditor's Office and the Agency's Office of Investigations.

46 (b) The Agency may audit the use of funds.

1  
2 **SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER**  
3 **AND TECHNICAL EDUCATION PROGRAMS**  
4

5 **§804.41. Grants for Career and Technical Education Programs.**  
6

7 (a) This subchapter is applicable to JET awards to public junior colleges, public  
8 technical institutes, and ISDs for the development of career and technical  
9 education programs that meet the requirements of Texas Education Code,  
10 §134.006 and §134.007 and Texas Government Code §403.356.  
11

12 (b) A grant received under this subchapter may be used only:  
13

14 (1) to support courses or programs that prepare students for career  
15 employment in occupations that are identified by local businesses as  
16 being in high demand;  
17

18 (2) to finance the initial costs of career and technical education courses or  
19 program development, including the costs of purchasing equipment,  
20 and other expenses associated with the development of an appropriate  
21 course; and  
22

23 (3) to finance a career and technical education course or program that leads  
24 to a license, certificate, or postsecondary degree.  
25

26 (c) In awarding a grant under this subchapter, the Agency shall primarily  
27 consider the potential economic returns to the state from the development of  
28 the career and technical education course or program. The Agency may also  
29 consider whether the course or program:  
30

31 (1) is part of a new, emerging industry or high-demand occupation;  
32

33 (2) offers new or expanded dual-credit career and technical educational  
34 opportunities in public high schools; or  
35

36 (3) is provided in cooperation with other public junior colleges or public  
37 technical institutes across existing service areas.  
38

39 (d) A grant recipient shall provide the matching funds as identified in its  
40 application.  
41

42 (1) Matching funds may be obtained from any source available to the  
43 college, including industry consortia, community or foundation grants,  
44 individual contributions, and local governmental agency operating  
45 funds.  
46

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15

(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.