

1 Chapter 837. APPRENTICESHIP TRAINING PROGRAM

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1 **Chapter 837. APPRENTICESHIP TRAINING PROGRAM**

2
3
4 **SUBCHAPTER A. GENERAL PURPOSE AND DEFINITIONS**

5
6 **§837.1. Scope and Purpose.**

7
8 The purpose of these rules is to implement the provisions of Texas Education Code,
9 Chapter 133, related to state-funded apprenticeship training programs. These rules may
10 be cited as the apprenticeship training rules.

11
12 *The provisions of this §837.1 adopted to be effective January 26, 2005, 30 TexReg 277*

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15
16 **§837.2. Definitions.**

17
18 In addition to the definitions contained in §800.2 of this title, and the definitions
19 contained in Texas Education Code, §133.001 and 29 C.F.R. §29.2 relating to
20 apprenticeship training, the following words and terms when used in this chapter shall
21 have the following meanings, unless the context clearly indicates otherwise.

- 22
- 23 (1) Administrator's Guide--The Administrator's Guide supplements this chapter by
24 providing all required operational details and procedures for planning and
25 submitting an application for apprenticeship training program funding, as well
26 as the annual timeline for submission. The Administrator's Guide may be
27 accessed on the Agency's website at www.texasworkforce.org.
 - 28
29 (2) Apprentice--A full-time paid worker, at least 16 years of age except where a
30 higher minimum age standard is otherwise fixed by law, who is employed in
31 the private sector, registered with the US Department of Labor (DOL) Office
32 of Apprenticeship, and receives related instruction training to learn a skill in a
33 certified apprenticeable occupation.
 - 34
35 (3) Apprenticeship committee--An autonomous local group consisting of members
36 appointed by one or more employers of apprentices, or by one or more
37 bargaining agents representing members of an apprenticeable trade, or by a
38 combination of the two. An apprenticeship committee, approved by the DOL
39 Office of Apprenticeship, operates independently as a designated sponsor for
40 an apprenticeship training program to establish instruction standards and goals
41 for a particular craft or crafts, interview and select applicants, and monitor the
42 program and apprentices as described in Texas Education Code §133.003.
 - 43
44 (4) Apprenticeship training program--A training program that provides on-the-job
45 training, preparatory instruction, supplementary instruction, or related
46 instruction in a trade that has been certified as an apprenticeable occupation by

1 the DOL Office of Apprenticeship. As required by Texas Education Code
2 §133.002(c), an apprenticeship training program shall be under the direction of
3 an apprenticeship committee. The program is a structured system of training
4 designed to prepare individuals for occupations, including but not limited to
5 those in skilled trades and crafts, by combining training under the supervision
6 of an experienced journey worker with job-related classroom instruction.
7

8 (5) Office of Apprenticeship--The DOL Office of Apprenticeship.
9

10 (6) Contact-hour rate--A method used to distribute apprenticeship training funds to
11 grant recipients. The total available funds are divided by the statewide total
12 number of contact hours of apprenticeship training instruction classes
13 submitted to the Agency.
14

15 (7) Grant recipient--A recipient of the state-funded Apprenticeship Training
16 Program that is an apprenticeship committee or a local education agency.
17 Grant recipients must cooperate and comply with Agency monitoring activities
18 as required by Chapter 802, Subchapter D, of this title (relating to Agency
19 Monitoring Activities).
20

21 (8) Local education agency--For purposes of Chapter 837, a public school district
22 or state postsecondary institution, under Texas Education Code, Chapter 133,
23 that serves as a sponsor for an apprenticeship training program pursuant to a
24 contract between the local education agency and an apprenticeship committee.
25

26 *The provisions of this §837.2 adopted to be effective January 26, 2005, 30 TexReg 277;*
27 *amended to be effective June 16, 2014, 39 TexReg 4664; amended to be effective April 23,*
28 *2018, 43 TexReg 2452*
29

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31 **SUBCHAPTER B. FUNDING**

32 **§837.21. Notice of Available Funds.**

33
34 The Commission, following receipt of recommendation by the Texas Workforce
35 Investment Council, shall provide public notice of the amount of funds that will be
36 available to support apprenticeship training programs. The fiscal year for apprenticeship
37 training programs begins on September 1 and ends on August 31 of each year.
38
39

40
41 *The provisions of this §837.21 adopted to be effective January 26, 2005, 30 TexReg 277*
42

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2
3 **§837.22. Eligible Applicants.**

- 4
- 5 (a) Grant recipients are the entities eligible to apply to the Agency for apprenticeship
- 6 training funding.
- 7
- 8 (b) Approved grant recipients shall:
- 9
- 10 (1) be the fiscal agents for the funds and are subject to the audit procedures set
- 11 forth in Texas Education Code §133.005;
- 12
- 13 (2) apply for funds for each apprenticeship training program, specifically for
- 14 related classroom training, supplementary instruction, or preparatory
- 15 instruction from only one of the following entities:
- 16
- 17 (A) the Commission; or
- 18
- 19 (B) the Texas Higher Education Coordinating Board.
- 20
- 21 (c) Local education agencies that fund job-related classroom instruction for a registered
- 22 apprenticeship training program shall contract with the local, independently operated
- 23 apprenticeship committee.
- 24
- 25 (d) Apprenticeship committees that fund job-related classroom instruction for a registered
- 26 apprenticeship training program shall contract directly with the Agency.
- 27

28 *The provisions of this §837.22 adopted to be effective January 26, 2005, 30 TexReg 277;*

29 *amended to be effective June 16, 2014, 39 TexReg 4664; amended to be effective April 23,*

30 *2018, 43 TexReg 2452*

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32
33
34 **§837.23. Local Workforce Development Board Review.**

35

36 The grant recipient shall provide one copy of the application for apprenticeship training

37 program funding to the Local Workforce Development Board (Board) for review and

38 comment and one copy to the Agency. Boards may submit comments to the Agency and

39 the grant recipient concurrently.

40

41 *The provisions of this §837.23 adopted to be effective January 26, 2005, 30 TexReg 277;*

42 *amended to be effective April 23, 2018, 43 TexReg 2452*

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2
3 **§837.24. Funding Qualifications for Apprenticeship Training Programs.**

- 4
5 (a) To qualify for funding, each apprenticeship training program shall be:
- 6
7 (1) conducted by an independently operated apprenticeship committee; or
- 8
9 (2) sponsored by a local education agency pursuant to a contract between the local
- 10 education agency and an apprenticeship committee.
- 11
12 (b) The apprenticeship training program must be certified and registered by the US
- 13 Department of Labor (DOL) Office of Apprenticeship prior to the applicable fiscal
- 14 year.
- 15
16 (c) Each apprenticeship training program shall:
- 17
18 (1) provide the local education agency with a validated copy of its written,
- 19 national standards as approved by the DOL Office of Apprenticeship (or where
- 20 national standards do not exist, individual program standards approved by the
- 21 DOL Office of Apprenticeship); or
- 22
23 (2) adhere to apprenticeship committee procedures for maintaining individual
- 24 program standards as approved by the DOL Office of Apprenticeship.
- 25
26 (d) A funded apprenticeship training program must comply with Commission rules and Texas
- 27 Education Code, Chapter 133.

28
29 *The provisions of this §837.24 adopted to be effective January 26, 2005, 30 TexReg 277;*

30 *amended to be effective June 16, 2014, 39 TexReg 4664; amended to be effective April 23,*

31 *2018, 43 TexReg 2452*

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35 **§837.25. Priority for Distributing Funds.**

36
37 The purpose of the apprenticeship training funds is to supplement the costs of the job-

38 related classroom instruction for eligible registered apprenticeship training programs.

39 Funds for apprenticeship training classes are distributed based on the following priority,

40 unless otherwise determined by the Commission:

- 41
42 (1) related instruction, or "apprenticeship," classes that consist of organized, off-
- 43 the-job instruction in theoretical or technical subjects required for the
- 44 completion of an apprenticeship program for a particular apprenticeable trade;
- 45

- 1 (2) supplementary instruction, or "journeyworker," classes that consist of
2 instruction designed to provide new skills, or upgrade current skills, for
3 persons employed as journeyworkers in apprenticeable trades; and
4
5 (3) preparatory instruction classes that consist of instruction lasting six months or
6 less that teach the basic skills required for an individual to comply with the
7 terms of the individual's apprenticeship agreement.
8

9 *The provisions of this §837.25 adopted to be effective January 26, 2005, 30 TexReg 277*

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12
13 **§837.26. Funding Distribution Process.**

14
15 (a) Funds are distributed to the eligible grant recipients by the Commission in a two-step
16 process consisting of planning estimates and final distributions. Details of the annual
17 distribution process, including the timeline, are set forth in the Administrator's Guide
18 located on the Agency's website at www.texasworkforce.org.
19

20 (b) Planning Estimates.

- 21
22 (1) Each grant recipient shall report to the Agency the number of approved class
23 hours, estimated number of registered apprentices, and estimated number of
24 contact hours of job-related instruction classes for the prospective fiscal year.
25 The estimated contact hours are determined by the number of registered
26 apprentices anticipated to enroll in a class, multiplied by the number of
27 approved hours that the class will be conducted during the year.
28
29 (2) The estimated number of contact hours must be submitted by the grant
30 recipient and received by the Agency on or before the respective due dates as
31 annually prescribed by the Agency.
32
33 (3) The Agency, after determining the preliminary contact-hour rate, shall notify
34 each grant recipient of its planning estimates for the prospective fiscal year.
35

36 (c) Final Distributions.

- 37
38 (1) Each grant recipient shall report to the Agency the number of approved class
39 hours, number of registered apprentices, and number of contact hours of job-
40 related instruction classes for the fiscal year.
41
42 (2) The approved number of contact hours must be submitted by the grant
43 recipient and received by the Agency on or before the respective due dates as
44 annually prescribed by the Agency.

- 1
2 (3) The Agency, after determining the final contact-hour rate, shall notify each grant
3 recipient of its final distribution based on the final contact-hour rate.
4

5 *The provisions of this §837.26 adopted to be effective January 26, 2005, 30 TexReg 277;*
6 *amended to be effective April 23, 2018, 43 TexReg 2452*
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10 **§837.27. Administrative Costs Limitation.**

11
12 Costs that are allowable, necessary, and reasonably incurred by a grant recipient to properly
13 administer and manage the funds, such as salaries for grant recipient supervisors and
14 administrative supplies, are considered administrative costs. Administrative costs may not
15 exceed 15 percent of the total contract.
16

17 *The provisions of this §837.27 adopted to be effective January 26, 2005, 30 TexReg 277;*
18 *amended to be effective April 23, 2018, 43 TexReg 2452*
19

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22 **§837.28. Performance.**

23
24 The Commission may:

- 25
26 (1) develop and adopt annual performance measures and targets for apprenticeship
27 training programs; and
28
29 (2) consider past performance of apprenticeship training programs in determining
30 eligibility for funding.
31

32 *The provisions of this §837.28 adopted to be effective June 16, 2014, 39 TexReg 4664*
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36 **SUBCHAPTER C. COMPLIANCE**

37
38 **§837.41. Funds Management and Accountability.**

39
40 Grant recipients shall comply with the applicable rules in Chapter 802 of this title,
41 relating to the Integrity of the Texas Workforce System, specifically:
42

- 43 (1) Subchapter D, relating to Agency Monitoring Activities;
44
45 (2) Subchapter F, relating to Performance and Accountability;
46

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(3) Subchapter G, relating to Corrective Actions; and

(4) Subchapter H, relating to Remedies.

*The provisions of this §837.41 adopted to be effective June 16, 2014, 39 TexReg 4664;
amended to be effective April 23, 2018, 43 TexReg 2452*

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