

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

2
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.**

7
8 The Texas Workforce Commission (TWC) adopts amendments to the following sections of
9 Chapter 804 relating to the Jobs and Education for Texans (JET) Grant Program:

10
11 Subchapter A. Definitions, §804.1

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

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

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

16
17 TWC adopts §804.41 *with changes* to the proposed text as published in the January 28, 2022,
18 issue of the *Texas Register* (47 TexReg 255). TWC adopts §§804.1, 804.12, 804.13, 804.21, and
19 804.24 *without changes* to the proposed text as published.

20
21 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

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

27
28 The 85th Texas Legislature, Regular Session (2017), passed HB 2431, which amended Texas
29 Education Code, §314.001 to include "public state colleges," as defined by Texas Education
30 Code, §61.003, to the list of eligible entities to apply and receive JET grant funds.

31
32 The 87th Texas Legislature, Regular Session (2021), passed Senate Bill (SB) 346 and HB 4279,
33 which both expanded participant eligibility in the JET Grant Program. SB 346 included the
34 addition of "open-enrollment charter schools" to the list of eligible entities for JET grants under
35 Texas Education Code, §134.004. HB 4279 removed the term "independent" from "independent
36 school districts" throughout Texas Education Code, §134.004, and expanded the definition of
37 eligible school districts to include "the Windham School District."

38
39 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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

42
43 **SUBCHAPTER A. DEFINITIONS**

44 TWC adopts the following amendments to Subchapter A:
45

1 **§804.1. Definitions**

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

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

9
10 Section 804.1(8) is removed because "ISD" is no longer needed in Chapter 804 due to
11 amendments made to Texas Education Code, §134.004 by HB 4279.

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

16
17 New §804.1(14) defines "School district" as independent school districts or the Windham School
18 District in accordance with Texas Education Code, §134.004.

19
20 **SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES**

21 TWC adopts the following amendments to Subchapter B:

22
23 **§804.12. Meetings Required**

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

29
30 **§804.13. General Advisory Board Responsibilities**

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

36
37 **SUBCHAPTER C. GRANT PROGRAM**

38 TWC adopts the following amendments to Subchapter C:

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

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

1
2 **§804.24. Reporting Requirements**

3 Section 804.24 currently states that a "public junior college, public technical institute, or ISD"
4 that receives a JET grant is required to comply with all reporting requirements of the contract
5 established by TWC. TWC amends the list of grant recipients to add "public state college,
6 charter school, or school district" and remove "ISD" to reflect the changes implemented by HB
7 2431, HB 4279, and SB 346.

8
9 **SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND**
10 **TECHNICAL EDUCATION PROGRAMS**

11 TWC adopts the following amendments to Subchapter D:

12
13 **§804.41. Grants for Career and Technical Education Programs**

14 Section 804.41(a) currently specifies that Subchapter D is applicable to "JET awards to public
15 junior colleges, public technical institutes, and ISDs for the development of career and technical
16 education programs that meet the requirements of Texas Education Code, §134.006 and
17 §134.007 and Texas Government Code, §403.356." TWC amends the list of grant recipients to
18 add "public state colleges, charter schools, and school districts," and remove "ISDs" to reflect the
19 changes implemented by HB 2431, HB 4279, and SB 346. TWC also amends the section to
20 remove the reference to "Texas Government Code, §403.356." Texas Government Code,
21 §403.356, contained provisions relating to the operation of the JET Grant Program under the
22 Texas Comptroller of Public Accounts and was repealed by HB 437, 83rd Texas Legislature,
23 Regular Session (2013).

24
25 New §804.41(c)(3) adds the ability for TWC to consider whether an applicant offers new career
26 and technical educational opportunities not previously available to students enrolled at any
27 campus in the Windham School District when evaluating applications for funding, in order to
28 include the Windham School District as an eligible entity.

29
30 Section 804.41(c)(4), formerly §804.41(c)(3), is amended to add "or public state colleges" in
31 order to include all of the eligible entities that school districts can partner with.

32
33 At adoption, TWC amended §804.41(d)(1) to change "college" to "grant recipient" to align with
34 the broadened list of eligible grant recipients.

35
36 TWC hereby certifies that the adoption has been reviewed by legal counsel and found to be
37 within TWC's legal authority to adopt.

38
39 **PART III. PUBLIC COMMENTS**

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

41
42 **PART IV. STATUORY AUTHORITY**

43 The rules are adopted under Texas Labor Code, §301.0015 and §302.002(d), which provide
44 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
45 effective administration of TWC services and activities; and Texas Education Code, §134.008,

1 which requires TWC adopt rules necessary for the administration of Texas Education Code,
2 Chapter 134.

3

4 The adopted rules implement HB 2431, HB 4279, and SB 346 and the requirements set out in
5 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, relating to the~~ Jobs and Education
11 for Texans Grant Program ~~in Texas Education Code, Chapter 134.~~
- 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 (A) provides individuals with coherent and rigorous content aligned with
19 challenging academic standards and relevant technical knowledge and
20 skills needed to prepare for further education and careers in high-demand
21 occupations or emerging industries;
- 22 (B) includes competency-based applied learning that contributes to the
23 academic knowledge, problem-solving skills, work attitudes, general
24 employability skills, technical skills, and occupation-specific skills, and
25 knowledge of all aspects of an industry, including entrepreneurship, of
26 an individual; or
- 27 (C) provides a license, a certificate, or a postsecondary degree.
- 28
29
30
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 (~~Coordinating Board~~)--approved certificate or associate degree from a public
36 technical institute, ~~or~~ public 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)(5) Developmental education--Structured courses, tutorials, laboratories, or
42 other proven instructional efforts that successfully prepare students for college
43 level (and therefore work-ready) courses as measured by passing the state-
44 required college entrance exam (or meeting the Texas Success Initiative
45 requirements).
- 46

1 (7)(6) Emerging industry--A growing, evolving, or developing industry based on
2 new technological products or concepts.

3
4 (8)(7) High-demand occupation--A job, profession, skill, or trade for which
5 employers within the ~~state~~State of Texas generally, or within particular regions
6 or cities of the state, have or will have a substantial need. In determining
7 whether there is or will be a substantial need for a particular job, profession,
8 trade, or 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 ~~(8) ISD--Independent school district.~~

13
14 (9) JET--The Jobs and Education for Texans Grant Program.

15
16 (10) Notice of Availability or NOA--The notice of availability that is published by
17 the Agency pursuant to §804.22 of this title (relating to Notice of Grant
18 Availability and Application).

19
20 (11) Public junior college--Any junior college certified by the Texas Higher
21 Education Coordinating Board (~~Coordinating Board~~) in accordance with Texas
22 Education Code, §61.003.

23
24 (12) Public state college--Lamar State College--Orange, Lamar State College--Port
25 Arthur, or Lamar Institute of Technology, in accordance with Texas Education
26 Code, §61.003.

27
28 (13)(12) Public technical institute--The Lamar Institute of Technology or the Texas
29 State Technical College System, ~~as~~ in accordance with Texas Education Code,
30 §61.003.

31
32 (14) School district--An independent school district or the Windham School
33 District.

34 35 **SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES**

36 37 **§804.12. Meetings Required.**

- 38
39 (a) The advisory board is required to meet at least once each quarter, or as needed, to
40 review received applications and recommend awarding grants under this chapter to
41 public junior colleges, public technical institutes, public state colleges, charter
42 schools, and school districts~~and ISDs~~.
43
44 (b) Meetings shall be subject to the requirements of the Open Meetings Act.
45

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~~and ISDs~~ apply for JET
- 7 grants; and
- 8
- 9 (2) the JET grants to be awarded by the Agency.

10
11 **SUBCHAPTER C. GRANT PROGRAM**

12
13 **§804.21. General Statement of Purpose.**

14
15 In accordance with the Act, the Agency ~~established~~establishes JET, which shall be

16 administered pursuant to the Act and ~~the rules in~~ this chapter to award grants from the

17 JET fund for the development of career and technical education programs at public junior

18 colleges, public technical institutes, public state colleges, charter schools, and school

19 districts~~and ISDs~~ that meet the requirements of Texas Education Code, §134.006 and

20 §134.007.

21
22 **§804.24. Reporting Requirements.**

23
24 A public junior college, public technical institute, public state college, charter school, or

25 school district~~or ISD~~ receiving a grant under this chapter must comply with all reporting

26 requirements of the contract in the a-frequency and format determined by the Agency in

27 order to maintain eligibility for grant payments. Failure to comply with the reporting

28 requirements may result in termination of the grant award and the entity being ineligible

29 for future grants under this chapter.

30
31 **SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND**

32 **TECHNICAL EDUCATION PROGRAMS**

33
34 **§804.41. Grants for Career and Technical Education Programs.**

- 35
- 36 (a) This subchapter is applicable to JET awards to public junior colleges, public
- 37 technical institutes, public state colleges, charter schools, and school districts~~and~~
- 38 ~~ISDs~~ for the development of career and technical education programs that meet the
- 39 requirements of Texas Education Code, §134.006 and §134.007 ~~and Texas~~
- 40 ~~Government Code §403.356.~~
- 41
- 42 (b) A grant received under this subchapter may be used only:
- 43
- 44 (1) to support courses or programs that prepare students for career employment in
- 45 occupations that are identified by local businesses as being in high demand;
- 46

- 1 (2) to finance the initial costs of career and technical education courses or program
2 development, including the costs of purchasing equipment, and other expenses
3 associated with the development of an appropriate course; and
4
- 5 (3) to finance a career and technical education course or program that leads to a
6 license, certificate, or postsecondary degree.
7
- 8 (c) In awarding a grant under this subchapter, the Agency shall primarily consider the
9 potential economic returns to the state from the development of the career and
10 technical education course or program. The Agency may also consider whether the
11 course or program:
12
- 13 (1) is part of a new, emerging industry or high-demand occupation;
14
- 15 (2) offers new or expanded dual-credit career and technical educational
16 opportunities in public high schools; ~~or~~
17
- 18 (3) offers new career and technical educational opportunities not previously
19 available to students enrolled at any campus in the Windham School District;
20 or
21
- 22 (4)(3) is provided in cooperation with other public junior colleges, ~~or~~ public
23 technical institutes, or public state colleges across existing service areas.
24
- 25 (d) A grant recipient shall provide the matching funds as identified in its application.
26
- 27 (1) Matching funds may be obtained from any source available to the grant
28 recipient college, including industry consortia, community or foundation grants,
29 individual contributions, and local governmental agency operating funds.
30
- 31 (2) A grant recipient's matching share may consist of one or more of the following
32 contributions:
33
- 34 (A) cash;
35
- 36 (B) equipment, equipment use, materials, or supplies;
37
- 38 (C) personnel or curriculum development cost; and/or
39
- 40 (D) administrative costs that are directly attributable to the project.
41
- 42 (3) The matching funds must be expended on the same project for which the grant
43 funds are provided and valued in a manner acceptable or as determined by the
44 Agency.