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**XX.**

**TEXAS WORKFORCE COMMISSION**

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

## **Chapter 837. APPRENTICESHIP TRAINING PROGRAM**

### **SUBCHAPTER A. GENERAL PURPOSE AND DEFINITIONS**

#### **§837.1. Scope and Purpose**

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

*The provisions of this §837.1 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277.*

#### **§837.2. Definitions.**

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

- (1) Administrator's Guide--The Administrator's Guide supplements this chapter by providing all required operational details and procedures for planning and submitting an application for apprenticeship training program funding, as well as the annual timeline for submission. The Administrator's Guide may be accessed on the Agency's Web site at [www.texasworkforce.org](http://www.texasworkforce.org).
- (2) Apprentice--A full-time paid worker, at least 16 years of age except where a higher minimum age standard is otherwise fixed by law, who is employed in the private sector, registered with the US Department of Labor's Office of Apprenticeship, and receives related instruction training to learn a skill in a certified apprenticeable occupation.
- (3) Apprenticeship committee--An autonomous local group consisting of members appointed by one or more employers of apprentices, or by one or more bargaining agents representing members of an apprenticeable trade, or by a combination of the two. An apprenticeship committee is designated for each apprenticeship training program to establish instruction standards and goals for a particular craft or crafts, interview and select applicants, and monitor the program and apprentices as described in Texas Education Code §133.003.
- (4) Apprenticeship training program--A training program that provides on-the-job training, preparatory instruction, supplementary instruction, or related instruction in a trade that has been certified as an apprenticeable occupation by the US Department of Labor, Office of Apprenticeship. As required by Texas Education Code §133.002(c), an apprenticeship training program shall be under the direction of an apprenticeship committee. The program is a structured system of training designed to prepare individuals for occupations in skilled trades and crafts by combining training under the supervision of an experienced journeyworker with job-related classroom instruction.
- (5) Office of Apprenticeship--The US Department of Labor, Office of Apprenticeship.
- (6) Contact-hour rate--A method used to distribute apprenticeship training funds to local education agencies. The total available funds are divided by the statewide total number of contact hours of apprenticeship training instruction classes submitted to the Agency.

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

*The provisions of this §837.2 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277. The provisions of this §837.2 adopted to be effective June 16, 2014, as published in the Texas Register, June 13, 2014, 39 TexReg 4664.*

## **SUBCHAPTER B. FUNDING**

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

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

*The provisions of this §837.21 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277.*

### **§837.22. Eligible Applicants.**

- (a) Local education agencies are the entities eligible to apply to the Agency for apprenticeship training funding.
- (b) Approved local education agencies shall:
- (1) be the fiscal agents for the funds and are subject to the audit procedures set forth in Texas Education Code §133.005;
  - (2) contract with the local apprenticeship committee to fund job-related classroom instruction for a registered apprenticeship training program; and
  - (3) apply for funds for each apprenticeship committee and its apprenticeship training program(s), specifically for related classroom training, supplementary instruction, or preparatory instruction from only one of the following entities:
    - (A) the Commission; or
    - (B) the Texas Higher Education Coordinating Board.

*The provisions of this §837.22 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277. The provisions of this §837.22 adopted to be effective June 16, 2014, as published in the Texas Register, June 13, 2014, 39 TexReg 4664.*

### **§837.23. Local Workforce Development Board Review**

The local education agency shall provide one copy of the application for apprenticeship training program funding to the Local Workforce Development Board (Board) for review and comment and one copy to the Agency. Boards may submit comments to the Agency and the local education agency concurrently.

*The provisions of this §837.23 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277.*

#### **§837.24. Funding Qualifications for Apprenticeship Training Programs.**

To qualify for funding, each apprenticeship training program shall:

- (1) be sponsored by a local education agency pursuant to a contract between the local education agency and an apprenticeship committee;
- (2) be certified and registered by the Office of Apprenticeship prior to the applicable fiscal year;
- (3) provide the local education agency with a validated copy of its written, national standards as approved by the Office of Apprenticeship (or where national standards do not exist, individual program standards approved by the Office of Apprenticeship); and
- (4) comply with Commission rules and Texas Education Code, Chapter 133.

*The provisions of this §837.24 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277. The provisions of this §837.24 adopted to be effective June 16, 2014, as published in the Texas Register, June 13, 2013, 39 TexReg 4664.*

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

The purpose of the apprenticeship training funds is to supplement the costs of the job-related classroom instruction for eligible registered apprenticeship training programs. Funds for apprenticeship training classes are distributed based on the following priority, unless otherwise determined by the Commission:

- (1) related instruction, or "apprenticeship," classes that consist of organized, off-the-job instruction in theoretical or technical subjects required for the completion of an apprenticeship program for a particular apprenticeable trade;
- (2) supplementary instruction, or "journeyworker," classes that consist of instruction designed to provide new skills, or upgrade current skills, for persons employed as journeyworkers in apprenticeable trades; and
- (3) preparatory instruction classes that consist of instruction lasting six months or less that teach the basic skills required for an individual to comply with the terms of the individual's apprenticeship agreement.

*The provisions of this §837.25 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277.*

#### **§837.26. Funding Distribution Process**

- (a) Funds are distributed to the eligible local education agencies by the Commission in a two-step process consisting of planning estimates and final distributions. Details of the annual distribution process, including the timeline, are set forth in the Administrator's Guide located on the Agency's Web site at [www.texasworkforce.org](http://www.texasworkforce.org).
- (b) Planning Estimates.
  - (1) Each local education agency shall report to the Agency the number of approved class hours, estimated number of registered apprentices, and estimated number of contact hours of job-related instruction classes for the prospective fiscal year. The estimated contact hours are determined by the number of registered apprentices anticipated to enroll in a class, multiplied by the number of approved hours that the class will be conducted during the year.

- (2) The estimated number of contact hours must be submitted by the local education agency and received by the Agency on or before the respective due dates as annually prescribed by the Agency.
  - (3) The Agency, after determining the preliminary contact-hour rate, shall notify each local education agency of its planning estimates for the prospective fiscal year.
- (c) Final Distributions.
- (1) Each local education agency shall report to the Agency the number of approved class hours, number of registered apprentices, and number of contact hours of job-related instruction classes for the fiscal year.
  - (2) The approved number of contact hours must be submitted by the local education agency and received by the Agency on or before the respective due dates as annually prescribed by the Agency.
  - (3) The Agency, after determining the final contact-hour rate, shall notify each local education agency of its final distribution based on the final contact-hour rate.

*The provisions of this §837.26 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277.*

#### **§837.27. Administrative Costs Limitation**

Costs that are allowable, necessary, and reasonably incurred by a local education agency to properly administer and manage the funds, such as salaries for local education agency supervisors and administrative supplies, are considered administrative costs. Administrative costs may not exceed 15 percent of the total contract.

*The provisions of this §837.27 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277.*

#### **§837.28. Performance.**

The Commission may:

- (1) develop and adopt annual performance measures and targets for apprenticeship training programs; and
- (2) consider past performance of apprenticeship training programs in determining eligibility for funding.

*The provisions of this §837.24 adopted to be effective June 16, 2014, as published in the Texas Register, June 13, 2013, 39 TexReg 4664.*

### **SUBCHAPTER C. COMPLIANCE MONITORING**

#### **§837.41. Program and Fiscal Monitoring - REPEALED**

*The provisions of this §837.41 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277. Repeal of the provisions of this §837.41 adopted to be effective June 16, 2014, as published in the Texas Register on June 13, 2014, 39 TexReg 4664.*

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

Local education agencies shall comply with the applicable rules in Chapter 802 of this title, regarding the Integrity of the Texas Workforce System, specifically:

- (1) Subchapter D, relating to Agency Monitoring Activities;
- (2) Subchapter F, relating to Performance and Accountability;
- (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, as published in the Texas Register, June 13, 2013, 39 TexReg 4664.*

**§837.42. Corrective Action - REPEALED**

*The provisions of this §837.42 adopted to be effective January 26, 2005, as published in the Texas Register, January 21, 2005, 30 TexReg 277. Repeal of the provisions of this §837.42 adopted to be effective June 16, 2014, as published in the Texas Register on June 13, 2014, 39 TexReg 4664.*