Chapter 837. APPRENTICESHIP TRAINING PROGRAM

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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, 30 TexReg 277

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§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 website at 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 (DOL) 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, approved by the DOL Office of Apprenticeship, operates independently as a designated sponsor for an 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 DOL 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, including but not limited to those in skilled trades and crafts, by combining training under the supervision of an experienced journey worker with job-related classroom instruction.


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

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

(8) 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, 30 TexReg 277; amended to be effective June 16, 2014, 39 TexReg 4664; amended to be effective April 23, 2018, 43 TexReg 2452

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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, 30 TexReg 277
§837.22. Eligible Applicants.

(a) Grant recipients are the entities eligible to apply to the Agency for apprenticeship training funding.

(b) Approved grant recipients 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) apply for funds for each apprenticeship training program, 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.

(c) Local education agencies that fund job-related classroom instruction for a registered apprenticeship training program shall contract with the local, independently operated apprenticeship committee.

(d) Apprenticeship committees that fund job-related classroom instruction for a registered apprenticeship training program shall contract directly with the Agency.

The provisions of this §837.22 adopted to be effective January 26, 2005, 30 TexReg 277; amended to be effective June 16, 2014, 39 TexReg 4664; amended to be effective April 23, 2018, 43 TexReg 2452

§837.23. Local Workforce Development Board Review.

The grant recipient 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 grant recipient concurrently.

The provisions of this §837.23 adopted to be effective January 26, 2005, 30 TexReg 277; amended to be effective April 23, 2018, 43 TexReg 2452
§837.24. Funding Qualifications for Apprenticeship Training Programs.

(a) To qualify for funding, each apprenticeship training program shall be:

(1) conducted by an independently operated apprenticeship committee; or

(2) sponsored by a local education agency pursuant to a contract between the local education agency and an apprenticeship committee.

(b) The apprenticeship training program must be certified and registered by the US Department of Labor (DOL) Office of Apprenticeship prior to the applicable fiscal year.

(c) Each apprenticeship training program shall:

(1) provide the local education agency with a validated copy of its written, national standards as approved by the DOL Office of Apprenticeship (or where national standards do not exist, individual program standards approved by the DOL Office of Apprenticeship); or

(2) adhere to apprenticeship committee procedures for maintaining individual program standards as approved by the DOL Office of Apprenticeship.

(d) A funded apprenticeship training program must comply with Commission rules and Texas Education Code, Chapter 133.

The provisions of this §837.24 adopted to be effective January 26, 2005, 30 TexReg 277; amended to be effective June 16, 2014, 39 TexReg 4664; amended to be effective April 23, 2018, 43 TexReg 2452

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§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;
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(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, 30 TexReg 277


(a) Funds are distributed to the eligible grant recipients 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

(b) Planning Estimates.

(1) Each grant recipient 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 grant
recipient 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 grant recipient of its planning estimates for the prospective fiscal year.

(c) Final Distributions.

(1) Each grant recipient 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 grant
recipient 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 grant recipient of its final distribution based on the final contact-hour rate.

The provisions of this §837.26 adopted to be effective January 26, 2005, 30 TexReg 277; amended to be effective April 23, 2018, 43 TexReg 2452

§837.27. Administrative Costs Limitation.

Costs that are allowable, necessary, and reasonably incurred by a grant recipient to properly administer and manage the funds, such as salaries for grant recipient 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, 30 TexReg 277; amended to be effective April 23, 2018, 43 TexReg 2452

§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 §837.28 adopted to be effective June 16, 2014, 39 TexReg 4664

SUBCHAPTER C. COMPLIANCE

§837.41. Funds Management and Accountability.

Grant recipients shall comply with the applicable rules in Chapter 802 of this title, relating to 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, 39 TexReg 4664; amended to be effective April 23, 2018, 43 TexReg 2452

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