

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

ADOPTED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY OF STATE.

ON **SEPTEMBER 3, 2024**, THE TEXAS WORKFORCE COMMISSION ADOPTED THE RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.

Publication Date of the Adoption in the *Texas Register*: **September 20, 2024**

The Rules are Effective: **September 23, 2024**

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

Subchapter A. Definitions, §804.1

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

Subchapter C. Grant Program, §§804.21, 804.22, and 804.24

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

Amended §§804.1, 804.12, 804.13, 804.21, 804.22, 804.24, and 804.41 are adopted *without changes* to the proposal, as published in the July 5, 2024, issue of the *Texas Register* (49 TexReg 4895), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 804 rule change is to ensure that this chapter aligns with terminology used in Texas Education Code, Chapter 134 and reflects updated program practices.

Texas Government Code §2001.039 requires a state agency to review and consider for re-adoption each of its rules every four years. In accordance with the statute, TWC has reviewed Chapter 804, Jobs and Education for Texans (JET) Grant Program, and proposes re-adoption of the rules as amended.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER A. DEFINITIONS

TWC adopts the following amendments to Subchapter A:

§804.1. Definitions

Section 804.1(5) is amended to change "Charter school" to "Open-enrollment charter school" to align with the terminology in Texas Education Code, Chapter 134. The paragraph is moved to retain alphabetical order and affected paragraphs are renumbered accordingly.

SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES

TWC adopts the following amendments to Subchapter B:

§804.12. Meetings Required

Section 804.12(a) is amended to change "charter school" to "open-enrollment charter school" to align with the terminology in Texas Education Code, Chapter 134.

§804.13. General Advisory Board Responsibilities

Section 804.13(1) is amended to change "charter schools" to "open-enrollment charter schools" to align with the terminology in Texas Education Code, Chapter 134.

SUBCHAPTER C. GRANT PROGRAM

TWC adopts the following amendments to Subchapter C:

§804.21. General Statement of Purpose

Section 804.21 is amended to change "charter schools" to "open-enrollment charter schools" to align with the terminology in Texas Education Code, Chapter 134.

§804.22. Notice of Grant Availability and Application

Section 804.22 is amended to change the section name from "Notice of Grant Availability and Application" to "Grant Availability and Application."

Section 804.22 is amended to replace "Notice of Availability" with "request for applications" and remove the sentence, "The notice shall be published in the *Texas Register* and on the Agency's website." These changes more closely align the rule with statute and current program practices.

§804.24. Reporting Requirements

Section 804.24 is amended to change "charter schools" to "open-enrollment charter schools" to align with the terminology in Texas Education Code, Chapter 134.

SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

TWC adopts the following amendments to Subchapter D:

§804.41. Grants for Career and Technical Education Programs

Section 804.41 has been amended to change "charter schools" to "open-enrollment charter schools" to better align with statute.

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

PART III. PUBLIC COMMENTS

The public comment period closed on August 5, 2024. No comments were received.

PART IV. STATUTORY AUTHORITY

The rules are adopted under:

- Title 3, Texas Education Code, §134.008, which provides TWC with the specific authority to establish rules for the administration of the JET Grant Program; and
- Texas Labor Code §301.0015(a)(6) and §302.002(d), which provide TWC with the general authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 3, Texas Education Code, particularly Chapter 134.

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

SUBCHAPTER A. DEFINITIONS

§804.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise.

- (1) Act--Texas Education Code, Chapter 134, Jobs and Education for Texans Grant Program.
- (2) Advisory board--The advisory board of education and workforce stakeholders created pursuant to the Act.
- (3) Career and technical education--Organized educational activities that offer a sequence of courses that:
 - (A) provides individuals with coherent and rigorous content aligned with challenging academic standards and relevant technical knowledge and skills needed to prepare for further education and careers in high-demand occupations or emerging industries;
 - (B) includes competency-based applied learning that contributes to the academic knowledge, problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual; or
 - (C) provides a license, a certificate, or a postsecondary degree.
- (4) Certificate or degree completion--Any grouping of workforce or technical courses in sequential order that, when satisfactorily completed by a student, will entitle the student to a Texas Higher Education Coordinating Board--approved certificate or associate degree from a public technical institute, public junior college, or public state college.
- (5) Developmental education--Structured courses, tutorials, laboratories, or other proven instructional efforts that successfully prepare students for college level (and therefore work-ready) courses as measured by passing the state-required college entrance exam (or meeting the Texas Success Initiative requirements).
- (6) Emerging industry--A growing, evolving, or developing industry based on new technological products or concepts.

- (7) High-demand occupation--A job, profession, skill, or trade for which employers within the state of Texas generally, or within particular regions or cities of the state, have or will have a substantial need. In determining whether there is or will be a substantial need for a particular job, profession, trade, or skill, the Agency may consider occupations identified by the 28 Local Workforce Development Boards (Board-Area Target Occupations Lists) and/or the Agency's labor market projections.
- (8) JET--The Jobs and Education for Texans Grant Program.
- (9) Open-enrollment charter school--A Texas public school operated by a charter holder under an open-enrollment charter granted pursuant to Texas Education Code §12.101.
- (10) Public junior college--Any junior college certified by the Texas Higher Education Coordinating Board in accordance with Texas Education Code §61.003.
- (11) Public state college--Lamar State College--Orange, Lamar State College--Port Arthur, or Lamar Institute of Technology, in accordance with Texas Education Code §61.003.
- (12) Public technical institute--The Lamar Institute of Technology or the Texas State Technical College System, in accordance with Texas Education Code §61.003.
- (13) School district--An independent school district or the Windham School District.

SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES

§804.12. Meetings Required.

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

§804.13. General Advisory Board Responsibilities.

The advisory board shall provide advice and recommend:

- (1) the manner in which public junior colleges, public technical institutes, public state colleges, open-enrollment charter schools, and school districts apply for JET grants; and
- (2) the JET grants to be awarded by the Agency.

SUBCHAPTER C. GRANT PROGRAM

§804.21. General Statement of Purpose.

In accordance with the Act, the Agency established JET, which it administers pursuant to the Act and this chapter to award grants from the JET fund for the development of career and technical education programs at public junior colleges, public technical institutes, public state colleges, open-enrollment charter schools, and school districts that meet the requirements of Texas Education Code §134.006 and §134.007.

§804.22. Grant Availability and Application.

- (a) From time to time, the Agency may publish a request for applications for grant funds under this chapter and post a link to the request for applications on the Agency's website. In addition to the respective purpose for the grant program, the request for applications may include:
 - (1) the total grant funds available for award;
 - (2) the minimum and maximum amount of grant funds available for each grant recipient;
 - (3) eligibility criteria;
 - (4) application requirements;
 - (5) grant award and evaluation criteria;
 - (6) any grant requirements in addition to those set forth in this chapter;
 - (7) the date by which the application must be submitted to the Agency;
 - (8) the anticipated date of grant awards; and
 - (9) any other information or instructions necessary and appropriate for awarding the grant as determined by the Agency.
- (b) To be eligible for a grant award, an applicant meeting the eligibility criteria identified in the request for applications shall submit an application in the form and manner prescribed by the Agency.

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

§804.24. Reporting Requirements.

A public junior college, public technical institute, public state college, open-enrollment charter school, or school district receiving a grant under this chapter must comply with all reporting requirements of the contract in the frequency and format determined by the Agency in order to maintain eligibility for grant payments. Failure to comply with the reporting requirements may result in termination of the grant award and the entity being ineligible for future grants under this chapter.

SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

§804.41. Grants for Career and Technical Education Programs.

- (a) This subchapter is applicable to JET awards to public junior colleges, public technical institutes, public state colleges, open-enrollment charter schools, and school districts for the development of career and technical education programs that meet the requirements of Texas Education Code, §134.006 and §134.007.
- (b) A grant received under this subchapter may be used only to:
 - (1) support courses or programs that prepare students for career employment in occupations that are identified by local businesses as being in high demand;
 - (2) finance the initial costs of career and technical education courses or program development, including the costs of purchasing equipment, and other expenses associated with the development of an appropriate course; and
 - (3) finance a career and technical education course or program that leads to a license, certificate, or postsecondary degree.
- (c) In awarding a grant under this subchapter, the Agency shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program. The Agency may also consider whether the course or program:
 - (1) is part of a new, emerging industry or high-demand occupation;
 - (2) offers new or expanded dual-credit career and technical educational opportunities in public high schools;

- (3) offers new career and technical educational opportunities not previously available to students enrolled at any campus in the Windham School District; or
 - (4) is provided in cooperation with other public junior colleges, public technical institutes, or public state colleges across existing service areas.
- (d) A grant recipient shall provide the matching funds as identified in its application.
- (1) Matching funds may be obtained from any source available to the grant recipient, including industry consortia, community or foundation grants, individual contributions, and local governmental agency operating funds.
 - (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.