

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

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3 **PROPOSED 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 SECRETARY OF**
6 **STATE.**

7
8 **ON JANUARY 11, 2022, THE TEXAS WORKFORCE COMMISSION PROPOSED THE**
9 **RULES BELOW WITH PREAMBLE TO BE SUBMITTED TO THE *TEXAS REGISTER*.**

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11 Estimated Publication Date of the Proposal in the *Texas Register*: **January 28, 2022**

12 Estimated End of Comment Period: **February 28, 2022**

13
14 The Texas Workforce Commission (TWC) proposes amendments to the following sections of
15 Chapter 804, relating to the Jobs and Education for Texans (JET) Grant Program:

16
17 Subchapter A. Definitions, §804.1

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

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

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

22
23 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

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

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

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

40
41 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

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

44
45 **SUBCHAPTER A. DEFINITIONS**

46 TWC proposes the following amendments to Subchapter A:

1
2 **§804.1. Definitions**

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

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

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

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

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

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

22 TWC proposes the following amendments to Subchapter B:

23
24 **§804.12. Meetings Required**

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

30
31 **§804.13. General Advisory Board Responsibilities**

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

37
38 **SUBCHAPTER C. GRANT PROGRAM**

39 TWC proposes the following amendments to Subchapter C:

40
41 **§804.21. General Statement of Purpose**

42 Section 804.21 currently provides the JET general statement of purpose to "award grants from
43 the JET fund for the development of career and technical education programs at public junior
44 colleges, public technical institutes, and ISDs that meet the requirements of Texas Education
45 Code, §134.006 and §134.007." TWC proposes amending the list of potential grant recipients to

1 add "public state colleges, charter schools, and school districts" and remove "ISDs" to reflect the
2 changes implemented by HB 2431, HB 4279, and SB 346.

3
4 **§804.24. Reporting Requirements**

5 Section 804.24 currently states that a "public junior college, public technical institute, or ISD"
6 that receives a JET grant is required to comply with all reporting requirements of the contract
7 established by TWC. TWC amends the list of grant recipients to add "public state college,
8 charter school, or school district" and remove "ISD" to reflect the changes implemented by HB
9 2431, HB 4279, and SB 346.

10
11 **SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND**
12 **TECHNICAL EDUCATION PROGRAMS**

13 TWC proposes the following amendments to Subchapter D:

14
15 **§804.41. Grants for Career and Technical Education Programs**

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

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

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

34
35 **PART III. IMPACT STATEMENTS**

36 Chris Nelson, Chief Financial Officer, determined that for each year of the first five years the
37 rules will be in effect, the following statements will apply:

38
39 There are no additional estimated costs to the state or to local governments expected as a result
40 of enforcing or administering the rules.

41
42 There are no estimated cost reductions to the state or to local governments as a result of
43 enforcing or administering the rules.

44
45 There are no estimated losses or increases in revenue to the state or to local governments as a
46 result of enforcing or administering the rules.

1
2 There are no foreseeable implications relating to costs or revenue of the state or local
3 governments as a result of enforcing or administering the rules.

4
5 There are no anticipated economic costs to individuals required to comply with the rules.

6
7 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural
8 communities as a result of enforcing or administering the rules.

9
10 Based on the analyses required by Texas Government Code, §2001.024, TWC determined that
11 the requirement to repeal or amend a rule, as required by Texas Government Code, §2001.0045,
12 does not apply to this rulemaking.

13
14 Takings Impact Assessment

15 Under Texas Government Code, §2007.002(5), "taking" means a governmental action that
16 affects private real property, in whole or in part or temporarily or permanently, in a manner that
17 requires the governmental entity to compensate the private real property owner as provided by
18 the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, Article I,
19 §17 or §19, or restricts or limits the owner's right to the property that would otherwise exist in
20 the absence of the governmental action, and is the producing cause of a reduction of at least 25
21 percent in the market value of the affected private real property, determined by comparing the
22 market value of the property as if the governmental action is not in effect and the market value of
23 the property determined as if the governmental action is in effect. TWC completed a Takings
24 Impact Analysis for the proposed rulemaking action under Texas Government Code, §2007.043.
25 The primary purpose of this proposed rulemaking action, as discussed elsewhere in this
26 preamble, is to align the JET Grant Program rules to implement HB 2431, HB 4279, and SB 346,
27 expanding eligibility for the JET Grant Program.

28
29 The proposed rulemaking action will not create any additional burden on private real property or
30 affect private real property in a manner that would require compensation to private real property
31 owners under the US Constitution or the Texas Constitution. The proposal also will not affect
32 private real property in a manner that restricts or limits an owner's right to the property that
33 would otherwise exist in the absence of the governmental action. Therefore, the proposed
34 rulemaking will not cause a taking under Texas Government Code, Chapter 2007.

35
36 Government Growth Impact Statement

37 TWC has determined that during the first five years the rules will be in effect, they:
38 --will not create or eliminate a government program;
39 --will not require the creation or elimination of employee positions;
40 --will not require an increase or decrease in future legislative appropriations to TWC;
41 --will not require an increase or decrease in fees paid to TWC;
42 --will not create a new regulation;
43 --will expand an existing regulation because of legislative changes to Texas Education Code,
44 Chapter 134;
45 --will not change the number of individuals subject to the rules; and
46 --will not positively or adversely affect the state's economy.

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Economic Impact Statement and Regulatory Flexibility Analysis

TWC has determined that the rules will not have an adverse economic impact on small businesses or rural communities, as the proposed rules place no requirements on small businesses or rural communities.

Mariana Vega, Director, Labor Market Information, determined that there is not a significant negative impact upon employment conditions in the state as a result of the rules.

Mary York, Director, Outreach and Employer Initiatives, determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to expand eligibility to more entities across the state.

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

PART IV. COORDINATION ACTIVITIES

In the development of these rules for publication and public comment, TWC sought the involvement of Texas' 28 Local Workforce Development Boards (Boards). TWC provided the Policy Concept regarding these rule amendments to the Boards for consideration and review on October 19, 2021. TWC also conducted a conference call with Board executive directors and Board staff on October 29, 2021, to discuss the Policy Concept. During the rulemaking process, TWC considered all information gathered in order to develop rules that provide clear and concise direction to all parties involved.

PART V. PUBLIC COMMENT

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than February 28, 2022.

PART VI. STATUTORY AUTHORITY

The rules are proposed under Texas Labor Code, §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities; and Texas Education Code, §134.008, which requires TWC adopt rules necessary for the administration of Texas Education Code, Chapter 134.

The proposed rules implement HB 2431, HB 4279, and SB 346 and the requirements set out in 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.
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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 stateState 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 college,
28 including industry consortia, community or foundation grants, individual
29 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.