

Jobs and Education for Texans (JET) Grant Program Rules

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CHAPTER 8. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM

SUBCHAPTER A. DEFINITIONS

§8.1. Definitions.

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

(1) "Act" means Education Code, Chapter 134, as adopted by House Bill 3, 81st Legislature, 2009, and Government Code, Chapter 403, Subchapter O, as adopted by House Bill 1935, 81st Legislature, 2009.

(2) "Advisory board" means the advisory board of education and workforce stakeholders created pursuant to the Act.

(3) "Career and technical education" means 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" means 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 (THECB) approved certificate or associate degree from a public technical institute or public junior college.

(5) "Comptroller" means the Comptroller of Public Accounts.

(6) "Developmental education" means 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).

(7) "Emerging industry" means a growing, evolving or developing industry based on new technological products or concepts.

(8) "Enrolled" means registered for or in the process of registering for a post-secondary education or training program.

(9) "Financial need" may be determined by proof of one or more of the following:

(A) annual household adjusted income at or below 200% of the federal poverty income guidelines;

(B) eligibility for Temporary Assistance to Needy Families (TANF) or other public assistance programs (includes Women, Infants, and Children (WIC) program participants);

(C) eligibility for a Pell Grant or comparable state program of need-based financial assistance;

(D) eligibility for benefits under the Food Stamp Act of 1977 or the Health and Human Services (HHS) Poverty Guidelines; or

(E) eligibility as determined by the Free Application for Federal Student Aid (FAFSA).

(10) "High-demand occupation" means 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 comptroller may consider:

(A) the Texas Workforce Commission's list of high-demand occupations and/or its labor market projections;

(B) whether the occupation has been targeted for Workforce Investment Act (WIA) training as a result of employer or community input; or

(C) research, projections, or workforce data that are compiled by the comptroller or derived from one of the following sources:

(i) the Texas Workforce Commission;

(ii) the United States Department of Labor; or

(iii) another source, such as a letter from employers, which provides evidence that a particular job, profession, skill, or trade will provide potential economic benefits to the state or a local or regional area within the state.

(11) "In-kind contribution" means a cash value placed on a non-monetary contribution or investment.

(12) "JET" means the Jobs and Education for Texans Grant Program.

(13) "Low income student" means a student who demonstrates financial need as determined under this section.

(14) "Nonprofit organization" means an organization that is exempt from federal income taxation under Internal Revenue Code of 1986, §501(a), and that is described by §501(c)(3) of that code.

(15) "Notice of Availability" or "NOA" means the notice of availability that is published by the comptroller pursuant to §8.22 of this title (relating to Notice of Grant Availability and Application).

(16) "Persistence rates" means the rate at which students persist in career and technology education courses, often measured by the percentage of students who continue to be enrolled from one year to the succeeding year.

(17) "Prevailing wage" means a wage determination as used by the Texas Workforce Commission for the Skills Development Fund or similar TWC programs or as determined by the comptroller using relevant federal, state and local labor wage data.

(18) "Public junior college" means any junior college certified by the Texas Higher Education Coordinating Board (THECB) in accordance with Education Code, §61.003.

(19) "Public technical institute" means the Lamar Institute of Technology or the Texas State Technical College System in accordance with Education Code, §61.003.

SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES**§8.11. Advisory Board Purpose and Composition.**

- (a) The advisory board shall assist the comptroller in administering the Jobs and Education for Texans (JET) Grant Program.
- (b) The comptroller is the presiding officer of the board.

§8.12. Meetings Required.

- (a) The advisory board is required to meet at least once each quarter to recommend awarding grants to public junior colleges, public technical institutes, and eligible nonprofit organizations.
- (b) Meetings may be called at the request of the board's presiding officer.
- (c) Meetings shall be subject to the requirements of the Open Meetings Act.

§8.13. General Advisory Board Responsibilities.

The advisory board shall provide advice and recommendations to the comptroller on:

- (1) the manner in which public junior colleges, public technical institutes, and eligible nonprofit organizations apply for Jobs and Education for Texans (JET) Grant Program grants; and
- (2) the JET grants to be awarded by the comptroller.

§8.14. General Comptroller Responsibilities to the Advisory Board.

The comptroller serves as presiding officer of the board. The presiding officer shall perform all duties and responsibilities imposed by law and in this chapter.

SUBCHAPTER C. GRANT PROGRAM**34 TAC §§8.21 - 8.25****§8.21. General Statement of Purpose.**

In accordance with the Act, the comptroller establishes the Jobs and Education for Texans (JET) Grant Program which shall be administered pursuant to the Act and the rules in this chapter to award grants from the JET fund for the following purposes:

- (1) to develop, support, or expand programs of nonprofit organizations that meet the requirements of Education Code, §134.005 and Government Code, §403.355, and that prepare low-income students for careers in high-demand occupations;
- (2) for the development of new career and technical education programs at public junior colleges and public technical institutes that meet the requirements of Education Code, §134.006 and Government Code, §403.356; and
- (3) to provide scholarships for students in career and technical education programs who meet the requirements of Education Code, §134.007 and Government Code, §403.357.

§8.22. Notice of Grant Availability and Application.

(a) From time to time, the comptroller may publish a Notice of Availability (NOA) of grant funds under this chapter. The notice shall be published in the Texas Register and on the comptroller's Web site. In addition to the respective purpose for each grant program under this chapter, the notice 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 comptroller;
- (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 comptroller.

(b) To be eligible for a grant award, an applicant meeting the eligibility criteria identified in the NOA shall submit an application in the form and manner as prescribed by the comptroller in the NOA.

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

§8.23. Grant Award and Acceptance.

(a) To award a grant, the comptroller shall provide a grant contract to the grant recipient that shall contain all the terms and conditions for the use of the grant funds.

(b) To receive grant funds, an applicant must execute and return the contract to the comptroller's office.

§8.24. Reporting Requirements.

A public junior college, public technical institute, nonprofit organization or any other entity receiving a grant under this chapter must comply with all reporting requirements of the contract in a frequency and format determined by the comptroller 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.

§8.25. Enforcement.

(a) Grant funds must be used in compliance with the terms of the contract for the purposes designated in the contract or will be subject to refund by the grantee, disqualification from receiving further funds under this chapter or any other available legal remedies. If deemed appropriate, the grantee may also be referred to another department or agency including, but not limited to, the Attorney General's Office, the Comptroller's Criminal Investigation Division, or the Comptroller's Internal Audit Department.

(b) The comptroller or the comptroller's designee may audit the use of funds.

SUBCHAPTER D. GRANTS TO NONPROFIT ORGANIZATIONS FOR INNOVATIVE AND SUCCESSFUL PROGRAMS**34 TAC §8.31****§8.31. Grants to Nonprofit Organizations.**

(a) This subchapter is applicable to the Jobs and Education for Texans (JET) Grant Program awards to nonprofit organizations to develop, support, or expand programs of nonprofit organizations that meet the requirements of Education Code, §134.005 and Government Code, §403.355, and that prepare low-income students for careers in high-demand occupations.

(b) The nonprofit organization must meet the following criteria to be eligible to receive an award:

(1) provide a program to offer assistance to low-income students in preparing for, applying to, and enrolling in a public junior college or public technical institute;

(2) be governed by a board or other governing structure that includes recognized leaders of broad-based community organizations and members of the local business community;

(3) demonstrate the organization's program has achieved or will achieve success among program participants in the following areas, to the extent applicable to the type of program the organization provides:

(A) above average completion of developmental education among participating public junior college or public technical institute students;

(B) above average persistence rates among participating public junior college or public technical institute students; and

(C) above average certificate or degree completion rates by participating students within a three-year period compared to demographically comparable public junior college and public technical institute students; and

(4) provide matching funds in accordance with the Act and this chapter.

(c) To be eligible to receive a grant under JET, a nonprofit organization must be exempt from federal income taxation under Internal Revenue Code of 1986, §501(a), as an organization described by §501(c)(3) of that code. In its application, the nonprofit organization must provide proof of its federal income taxation exemption in a format determined by the comptroller.

(d) The comptroller shall not award a grant to:

- (1) a nonprofit organization to provide a comprehensive educational program to students that serves as a substitute for a regular educational program provided by a school district or open-enrollment charter school;
- (2) a private elementary or secondary school; or
- (3) a nonprofit organization that provides services to an individual who also receives a scholarship awarded by the comptroller under this chapter.

(e) 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 nonprofit organization, including in-kind contributions, 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) in-kind contributions;
- (C) equipment, equipment use, materials or supplies;
- (D) personnel or curriculum development cost; or
- (E) 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 comptroller.

(f) The comptroller may disburse grants to nonprofit organizations in one or more payments.

(g) Grants awarded under this subchapter shall be distributed only upon a showing by the nonprofit organization that the funds awarded will be used for low income current or prospective students age 18 or older who have graduated from high school or obtained a GED and that are preparing for, applying to and enrolling in a public junior college or public technical institute.

(h) Grants awarded under this subchapter shall be awarded in a manner that takes a balanced geographical distribution into account. A balanced geographical distribution shall be determined by the comptroller and notice of balanced geographical distribution considerations shall be provided in the Notice of Availability (NOA).

SUBCHAPTER E. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS**34 TAC §8.41****§8.41. Grants for Career and Technical Education Programs.**

(a) This subchapter is applicable to the Jobs and Education for Texans (JET) Grant Program awards to public junior colleges and public technical institutes for the development of career and technical education programs that meet the requirements of Education Code, §134.006 and Government Code, §403.356.

(b) A grant received under this subchapter may be used only:

- (1) to support courses or programs that prepare students for career employment in occupations that are identified by local business as being in high demand;
- (2) to 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) to 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 comptroller shall primarily consider the potential economic returns to the state from the development of the career and technical education course or program. The comptroller 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; or
- (3) is provided in cooperation with other public junior colleges or public technical institutes 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 college, including in-kind contributions, 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) in-kind contributions or equipment use;

(C) equipment, equipment use, materials or supplies;

(D) personnel or curriculum development cost; or

(E) 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 comptroller.

SUBCHAPTER F. GRANTS FOR SCHOLARSHIPS**34 TAC §8.51****8.51. Scholarship Grants.**

(a) This subchapter is applicable to the Jobs and Education for Texans (JET) Grant Program awards that provides scholarships for students in career and technical education programs who meet the requirements of Education Code, §134.007 and Government Code, §403.357.

(b) The comptroller may award grants to public junior colleges and public technical institutes that meet the eligibility criteria as published in a Notice of Availability (NOA). A public junior college or public technical institute that receives a grant under this subchapter shall award scholarships to students who:

(1) demonstrate financial need;

(2) are permanent legal residents of the United States; and

(3) are enrolled or enrolling in a public junior college's or public technical institute's training program for a high-demand occupation as determined by the comptroller.

(c) The comptroller may authorize an eligible public junior college or public technical institute to make the final selection of the scholarship recipient.

(d) Students receiving a scholarship under this subchapter may only use the scholarship funds to pay for tuition and fees, including lab fees and exam or certification fees, for qualifying training programs for high-demand occupations as determined by the comptroller.

(e) The comptroller will publish a list of approved training programs for high-demand occupations on an annual basis or more frequently if necessary.

(f) The comptroller shall not award a scholarship under this subchapter to an individual who also receives assistance from a nonprofit organization that receives a grant under this chapter. A recipient violating this requirement may be prohibited from reapplying for a scholarship under this chapter in subsequent years.

(g) If the public junior college or public technical institute attended by the scholarship recipient determines that the recipient is not complying with the scholarship conditions under this chapter or any subsequent agreements entered into with the recipient, then the recipient's scholarship shall terminate. The public junior college or public technical institute must either refund the amount of the scholarship received, prorated according to the fraction of the semester or academic year not completed, to the comptroller or ensure that the amount is made available to another eligible student who is selected to receive a JET scholarship.

(h) Each public junior college or public technical institute that receives scholarship funding under this chapter must ensure that the scholarship recipient consents to the release of personal and educational information to the comptroller to enable the comptroller to study and compile a report on the effectiveness of the JET program.