

# PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

**Symbols in proposed rule text.** Proposed new language is indicated by underlined text. ~~[Square brackets and strikethrough]~~ indicate existing rule text that is proposed for deletion. "(No change)" indicates that existing rule text at this level will not be amended.

## TITLE 19. EDUCATION

### PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

#### CHAPTER 1. AGENCY ADMINISTRATION SUBCHAPTER D. RIGHT TO CORRECTION OF INCORRECT INFORMATION

##### 19 TAC §§1.96 - 1.99

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter D, §§1.96 - 1.99, concerning Right to Correction of Incorrect Information. Specifically, these rules are being repealed because they were determined to be no longer necessary during the four-year rule review.

Texas Education Code, §61.027, provides the Coordinating Board with rulemaking authority.

Douglas Brock, General Counsel, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Douglas Brock, General Counsel, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be to remove a rule that was determined to be no longer necessary during the four-year rule review. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

##### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Douglas Brock, General Counsel, P.O. Box 12788, Austin, Texas 78711-2788, or via email at RulesComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with rulemaking authority.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter D.

§1.96. *Scope and Purpose.*

§1.97. *Definitions.*

§1.98. *Individual's Right to Correction of Incorrect Information.*

§1.99. *Correction Procedure.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6375



#### CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS SUBCHAPTER D. DUAL CREDIT PARTNERSHIPS BETWEEN SECONDARY SCHOOLS AND TEXAS PUBLIC COLLEGES 19 TAC §§4.83 - 4.85

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter D, §§4.83 - 4.85, concerning Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges. Specifically, this amendment implements the requirements of House Bill 3041, 89th Texas Legislature, Regular Session by providing additional guidance on the institutional obligations related to establishing institutional agreements with home schools and the offering of dual credit courses to home school students.

Texas Education Code, §28.009(b) provides authority to the Coordinating Board to adopt rules on dual credit.

Section 4.83, Definitions, is amended to add a definition of Home School for the purposes of this subchapter and to make grammatical changes to update the rules to *Texas Register* standards.

Section 4.84, Institutional Agreements, is amended to add new Subsection (d) to outline requirements for institutions regarding development of institutional agreements with home schools and to make grammatical changes to update the rules to *Texas Register* standards.

Section 4.85(a), Dual Credit Requirements, is amended to make grammatical changes to update the rules to *Texas Register* standards.

Section 4.85(b), Dual Credit Requirements, is amended to specifically include dual credit eligibility requirements for students enrolled in home schools.

Section 4.85(c), Dual Credit Requirements, is amended to clarify the requirements for institutions regarding the location in which a dual credit course can be offered to a home school student.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be improved transparency for home schools and institutions of higher education regarding requirements for institutional agreements for dual credit courses. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;

- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at [AHAComments@highered.texas.gov](mailto:AHAComments@highered.texas.gov). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 28.009(b), which provides authority to the Coordinating Board to adopt rules on dual credit.

The proposed amendment affects Texas Education Code, Sections 51.9675 and 28.009(b).

#### §4.83. Definitions.

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

(1) **Avocational Course**--A course of study in a subject or activity that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby, including a community interest course, as defined in Education Code, §130.351(2).

(2) **Board**--The governing body of the agency known as the Texas Higher Education Coordinating Board.

(3) **Career and Technical Education Course**--A workforce or continuing education college course offered by an institution of higher education for which a high school student may earn credit toward satisfaction of a requirement necessary to obtain an industry-recognized credential, certificate, or associate degree.

(A) A career and technical education course is listed in the Workforce Education Course Manual (WECM).

(B) For the purpose of this subchapter, this definition excludes:

- (i) an avocational course;
- (ii) a continuing education course that is ineligible for conversion as articulated college credit; and
- (iii) a continuing education course that does not meet the institution's program or instructor accreditation standards.

(4) **Certificate**--A Certificate Program as defined in Education Code, §61.003(12).

(5) **College Board Advanced Placement** (also referred to as Advanced Placement or AP)--College-level courses and exams available to secondary students under the auspices of an approved College Board program.

(6) **Commissioner**--The Commissioner of Higher Education.

(7) **Coordinating Board**--The agency known as the Texas Higher Education Coordinating Board, including the agency staff.

(8) Credit--College credit earned through the successful completion of a college career and technical education or academic course that fulfills specific requirements necessary to obtain an industry-recognized credential, certificate, associate degree, or other academic degree.

(9) Degree-Seeking Student--A student who has filed a degree plan with an institution of higher education or is required to do so pursuant to Education Code §51.9685.

(10) Dual Credit Course or Dual Enrollment Course--A course that meets the following requirements:

(A) The course is offered pursuant to an agreement under §4.84 of this subchapter (relating to Institutional Agreements).

(B) A course for which the student may earn one or more of the following types of credit:

(i) joint high school and junior college credit under Education Code, §130.008, or

(ii) another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:

(I) a course defined in paragraph (3) of this section that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;

(II) a foreign language requirement at an institution of higher education;

(III) a requirement in the core curriculum, as that term is defined by Education Code, §61.821, at an institution of higher education; or

(IV) a requirement in a field of study curriculum developed by the Coordinating Board under Education Code, §61.823.

(C) Dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course meets the requirements of this section.

(D) A student may earn a single grade toward both the college course and the high school credit or may earn two separate grades where the high school grade only reflects a student's mastery of secondary content.

(E) Dual credit and dual enrollment are synonymous in Title 19, Part 1 of these rules unless otherwise expressly provided by rule.

(F) Each dual credit course must meet the requirements of this subchapter.

(11) Equivalent of a Semester Credit Hour--A unit of measurement for a continuing education course, determined as a ratio of one continuing education unit to 10 contact hours of instruction. This may be expressed as a decimal of 1.6 continuing education units of instruction which equals one semester credit hour of instruction. In a continuing education course, [course,] not fewer than 16 contact hours are equivalent to one semester credit hour.

(12) Field of Study Curriculum (FOSC)--A Board-approved set of courses authorized under Subchapter [subchapter] B of this chapter (relating to Transfer of Credit, Core Curriculum and Field of Study Curricula) that satisfies lower-division requirements for a baccalaureate degree in a specific academic area at a general academic teaching institution. A field of study curriculum is designed to facili-

tate transfer of courses toward designated academic degree programs at public junior colleges, public technical institutes, or universities.

(13) Home School--A school that provides secondary education instruction in a bona fide manner from curriculum designed to meet basic education goals at or through a child's home by the parent or a person standing in parental authority.

(14) [(13)] Institution of Higher Education or Institution--A public institution of higher education as defined in Education Code, §61.003(8).

(15) [(14)] International Baccalaureate Diploma Program (also referred to as IB)--The curriculum and examinations leading to an International Baccalaureate diploma awarded by the International Baccalaureate Organization.

(16) [(15)] Locally Articulated College Credit--Credit earned through a high school course that fulfills specific requirements identified by a college for a career and technical education course and provides a pathway for high school students to earn credit toward a technical certificate or technical degree at a partnering institution of higher education upon high school graduation.

(17) [(16)] Program of Study Curriculum (POSC)--A block of courses which is designed to progress in content specificity for an industry or career cluster while also incorporating rigorous college and career readiness standards, authorized under Education Code §61.8235. A POSC generally incorporates multiple entry and exit points for participating students with portable demonstrations of technical or career competency, including credit transfer agreements or industry-recognized credentials.

(18) [(17)] Public Two-Year College--Any public junior college, public technical institute, or public state college as defined in Education Code, §61.003.

(19) [(18)] School District--Under this subchapter, school district includes a charter school or district operating under Education Code, chapter 12, unless otherwise specified.

(20) [(19)] Semester Credit Hour--A unit of measure of instruction, represented in intended learning outcomes and verified by evidence of student achievement, that reasonably approximates one hour of classroom instruction or direct faculty instruction and a minimum of two hours out of class student work for each week over a 15-week period in a semester system or the equivalent amount of work over a different amount of time. An institution is responsible for determining the appropriate number of semester credit hours awarded for its programs in accordance with federal definitions, requirements of the institution's accreditor, and commonly accepted practices in higher education.

#### §4.84. Institutional Agreements.

(a) Need for Institutional Agreements. For any dual credit partnership between a school district or private school and an institution, an agreement must be approved by the governing boards or designated authorities (e.g., superintendent or chief academic officer) of both the public school district or private secondary school, as applicable, and the institution prior to the offering of such courses. Each institution shall report to the Coordinating Board a list of school districts and private schools with which it has agreements under this section, and the URL where these agreements are posted on the institution's Internet website.

(b) Elements of Institutional Agreements. An Institutional Agreement entered into or renewed between an institution and a school district or private school, including a memorandum of understanding or articulation agreement, shall include the following elements:

(1) Eligible Courses;

- (2) Student Eligibility;
- (3) Location of Class;
- (4) Student Composition of Class;
- (5) Faculty Selection, Supervision, and Evaluation;
- (6) Course Curriculum, Instruction, and Grading;
- (7) Academic Policies and Student Support Services;
- (8) Transcribing of Credit;

(9) Funding, including the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees, instructional materials, or textbooks for students participating in the program, including for students eligible to take dual credit courses at no cost to the student under the FAST program, under Texas Administrative Code, Chapter [chapter] 13, Subchapter [subchapter] Q;

(10) All requirements for joint implementation of the FAST program under Education Code, §28.0095, including ensuring the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course, for eligible public schools and students participating in the FAST program, under Texas Administrative Code, Chapter [chapter] 13, Subchapter [subchapter] Q;

(11) Defined sequences of courses that apply to academic or career and technical education program requirements at the institution or industry-recognized credentials, where applicable;

(12) Specific program goals aligned with the statewide goals developed under Education Code, §§28.009(b-1), 130A.004, and 130A.101(c)(3);

(13) Coordinated advising strategies and terminology related to dual credit and college readiness, including strategies to assist students in selecting courses that will satisfy applicable high school and college requirements for the student's intended program;

(14) Provision for the alignment of endorsements described by Education Code, §28.025(c-1), offered by the school district and dual credit courses offered under the agreement that apply toward those endorsements with postsecondary pathways and credentials at the institution and industry-recognized credentials;

(15) Identification of tools, including online resources developed by the Texas Education Agency, Coordinating Board, or the Texas Workforce Commission, to assist counselors, students, and families in selecting endorsements offered by the school district and college courses offered by the institution under the agreement;

(16) A procedure for establishing the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method of identifying the number of high school and college credits that may be earned for each course completed through the program;

(17) A description of the academic supports and, if applicable, other support that will be provided to students participating in the program (e.g., transportation to and from a college campus);

(18) The respective roles and responsibilities of the institution of higher education and the school district or private school in providing the program and ensuring the quality of instruction and instructional rigor of the program;

(19) A requirement that the school district and the institution consider the use of free or low-cost open educational resources in courses offered under the program; and

(20) Designation of at least one employee of the school district or private school, or the institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.

(c) Each Agreement must be posted each year on the institution of higher education's and the school district's respective Internet websites.

(d) Institutional Agreements for Dual Credit Purposes Between Institutions and Home schools.

(1) An institution that has an institutional agreement with a public school district, charter school or private secondary school for the purpose of a dual credit partnership shall similarly consider or offer an institutional agreement with a home school.

(2) An institution may not, on the basis that a school is a home school, deny, delay, or obstruct the provision or execution of an institutional agreement with the home school, or impose additional criteria, conditions, or requirements pertaining to the institutional agreement that would not otherwise be applicable to institutional agreements with a public school district, charter school or private secondary school. Final decisions regarding such agreements remain at the discretion of the institution.

(3) For the purpose of approving, signing, and executing an institutional agreement between an institution and a home school, the institution shall recognize a home school as having equivalent approval and signatory authority to a private secondary school as described by subsection (a) of this section.

§4.85. Dual Credit Requirements.

(a) Eligible Courses.

(1) An institution may offer any dual credit course as defined in §4.83(11) of this subchapter (relating to Definitions).

(2) A dual credit course offered by an institution must be in the approved undergraduate course inventory of the institution.

(3) An Early College High School may offer any dual credit course as defined in §4.83(11) or Texas Education Code, §28.009 and §130.008, subject to the provisions of Subchapter [subchapter] G of this chapter (relating to Early College High Schools).

(4) An institution may not offer a remedial or developmental education course for dual credit. This limitation does not prohibit an institution from offering a dual credit course that incorporates Non-Course-Based College Readiness content or other academic support designed to increase the likelihood of student success in the college course, including any course offered under §4.86 of this subchapter (relating to Optional Dual Credit Program: College Connect Courses).

(b) Student Eligibility.

(1) A high school student who attends a public school, private school, parochial school, or a home school so long as the student is at least 16 years of age, is eligible to enroll in dual credit courses if the student:

(A) is not a degree-seeking student as defined in §4.83(10) of this subchapter (relating to Definitions);

(B) demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in §4.54 of this chapter (relating to Exemption);

(C) demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative as set forth in §4.57 of this chapter (relating to Texas Success Initiative Assessment College Readiness Standards) on relevant

section(s) of an assessment instrument approved by the Board as set forth in §4.56 of this chapter (relating to Assessment Instrument); or

(D) Meets the eligibility requirements for a Texas First Diploma under §21.52 of this title (relating to Eligibility for Texas First Diploma).

(2) In admitting or enrolling students in a dual credit course, an institution shall apply the same enrollment and admission criteria and conditions for a high school student who attends a public, private, parochial, or home school, in accordance with Texas Education Code, §51.9675.

~~[(2) A student who is enrolled in private or non-accredited secondary schools or who is home-schooled must satisfy paragraph (b)(1) of this subsection.]~~

(3) An institution may require a student who seeks to enroll in a dual credit course to meet all the institution's regular prerequisite requirements designated for that course (e.g., a minimum score on a specified placement test, minimum grade in a specified previous course, etc.).

(4) An institution may impose additional requirements for enrollment in specific dual credit courses that do not conflict with this subchapter.

(5) An institution is not required, under the provisions of this section, to offer dual credit courses for high school students.

(c) Location of Class. An institution may teach dual credit courses on the college or university campus or on the high school campus. ~~[For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught via distance education, the institution shall comply with chapter 2, subchapter J of this title (relating to Approval of Distance Education for Public Institutions).]~~

(1) For dual credit courses taught exclusively to high school students on the high school campus and for dual credit courses taught via distance education, the institution shall comply with Chapter 2, Subchapter J, of this title (relating to Approval of Distance Education for Public Institutions).

(2) An institution may offer the same dual credit course to a high school student who attends a public, private, parochial, or home school, through an alternate delivery method (e.g., distance education, asynchronous online, or hybrid format) if the existing method is not reasonably accessible to that student.

(3) If an institution offers a section of a dual credit course only on a high school campus, the institution is not required to create an additional section of the same course in another format or location (e.g., on campus, distance education, asynchronous online, or hybrid) to serve high school students.

(d) Composition of Class. A dual credit course may be composed of dual credit students only or of a mixture of dual credit and college students. Notwithstanding the requirements of subsection (e) of this section, exceptions for a mixed class that combines dual credit students and high school credit-only students may be allowed when the creation of a high school credit-only class is not financially viable for the high school and only under one of the following conditions:

(1) If the course involved is required for completion under the State Board of Education High School Program graduation requirements;

(2) If the high school credit-only students are College Board Advanced Placement or International Baccalaureate students; or

(3) If the course is a career and technical education course and the high school credit-only students are eligible to earn articulated college credit.

(e) Faculty Selection, Supervision, and Evaluation. Each institution shall apply the standards for selection, supervision, and evaluation for instructors of dual credit courses as required by the institution's accreditor. A high school teacher may only teach a high school course offered through a dual credit agreement if the teacher is approved by the institution offering the dual credit course.

(f) Course Curriculum, Instruction, and Grading. The institution shall ensure that a dual credit course offered at a high school is at least equivalent in quality to the corresponding course offered at the main campus of the institution with respect to academic rigor, curriculum, materials, instruction, and methods of student evaluation. These standards must be upheld regardless of the student composition of the class, location, and mode of delivery.

(g) Academic Policies and Student Support Services.

(1) Regular academic policies applicable to courses taught at an institution's main campus must also apply to dual credit courses. These policies may include the appeal process for disputed grades, drop policy, the communication of grading policy to students, when the syllabus must be distributed, etc. Additionally, each institution is strongly encouraged to provide maximum flexibility to high school students in dual credit courses, consistent with the institution's academic policies, especially with regard to drop policies, to encourage students to attempt rigorous courses without potential long-term adverse impacts on students' academic records.

(2) Each student in a dual credit course must be eligible to utilize support services that are appropriate for dual credit students. The institution is responsible for ensuring timely and efficient access to such services (e.g., academic advising and counseling), to learning materials (e.g., library resources), and to other benefits for which the student may be eligible.

(3) A student enrolled in a dual credit course at an institution shall file a degree plan with the institution as prescribed by Texas Education Code, §51.9685.

(h) Transcripting of Credit. Each institution or high school shall immediately transcript the credit earned by a student upon a student's completion of the performance required in the course.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 5, 2026.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6182



## SUBCHAPTER F. TEXAS STATE SCIENCE AND ENGINEERING FAIR

### 19 TAC §§4.131 - 4.135

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19,

Part 1, Chapter 4, Subchapter F, §§4.131 - 4.135, concerning the Texas State Science and Engineering Fair. Specifically, this repeal will remove unnecessary rules in the Texas Administrative Code that are no longer needed.

Texas Education Code, §61.027, authorizes the Coordinating Board to adopt and repeal rules. The statute related to these rules has been repealed, and so the Coordinating Board has determined that the rules are no longer required.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the removal of unnecessary rules in the Texas Administrative Code. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at [AHAComments@highered.texas.gov](mailto:AHAComments@highered.texas.gov). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt and repeal rules.

The proposed repeal affects Texas Education Code, Section 61.027.

§4.131. *Purpose, Scope, and Authority.*

§4.132. *Eligible Students.*

§4.133. *Awards.*

§4.134. *Organizations and Operations.*

§4.135. *Dissemination of Information and Rules.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6182



## SUBCHAPTER U. RECOMMENDED COURSE SEQUENCING; DEVELOPMENT AND INSTITUTIONAL REPORTING

### 19 TAC §§4.360 - 4.364

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter U, §§4.360 - 4.364, concerning Recommended Course Sequencing; Development and Institutional Reporting. Specifically, this repeal of existing rules is required to propose new rules for the Subchapter that will streamline reporting requirements and implement new statutory degree plan requirements. Replacement rules will be proposed at the same time under separate rulemaking.

Texas Education Code, §61.027, authorizes the Coordinating Board to adopt and repeal rules.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the repeal of existing rules and replacing them with new rules that will reduce the administrative burden on institutions relating to the reporting of degree planning requirements for academic undergraduate degrees. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;

- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed repeal information related to the cost, benefit, or effect of the proposed repeal, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at [AHAComments@highered.texas.gov](mailto:AHAComments@highered.texas.gov). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt and repeal rules.

The proposed repeal affects Texas Education Code, Section 61.027.

*§4.360. Purpose.*

*§4.361. Authority.*

*§4.362. Definitions.*

*§4.363. Recommended Course Sequence Development.*

*§4.364. Recommended Course Sequence: Institutional Reporting.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 5, 2026.

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Douglas Brock

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Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6182



## 19 TAC §§4.360 - 4.365

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter U, §§4.360 - 4.365, concerning Required Degree and Course Planning. Specifically, this new section will implement degree and certificate plan transparency requirements of Senate Bill (SB) 3039, 89th Texas Legislature, Regular Session and update the degree planning and reporting requirements related to Texas Education Code (TEC), §51.96852, to better align with updated compliance practices at the Coordinating Board. These new rules will replace existing rules in Chapter 4, Subchapter U, which will be repealed at the same time. The Coordinating Board used negotiated rulemaking to develop these proposed rules. The Coordinating Board

will make reports of negotiated rulemaking committees available upon request.

Section 4.360, Purpose, establishes that the purpose of the subchapter is to establish requirements for institutions related to degree and course planning in alignment with statutory obligations.

Section 4.361, Authority, outlines the statutory authority for rule adoption by the Coordinating Board.

Section 4.362, Applicability, specifies which degree program the rules apply to, and clarifies that §4.364 is applicable only to academic undergraduate degree programs.

Section 4.363, Definitions, establishes definitions for key terms relevant to the subchapter, and establishes a new definition for a "Program Plan" that is designed to be broadly applicable to all types of degree plans.

Section 4.364, Certificate and Degree Program Plan Transparency, implements the requirements of SB 3039, 89th Texas Legislature, Regular Session under TEC, §61.07771.

Section 4.365, Requirements and Reporting for Undergraduate Program Plans, outlines degree planning and reporting requirements specific to academic undergraduate degree program plans as required by TEC, §51.96852. This section also proposes shifting the reporting requirements from an annual submission to a submission every five years, to follow the five-year review cycle for the core curriculum as required by TEC, §51.315.

TEC, §51.96852, requires each institution of higher education to develop and report to the Coordinating Board at least one sequence of courses that are recommended for a student to complete each academic undergraduate degree program with a specified period of time and requires the Coordinating Board to utilize negotiate rulemaking procedures for rulemaking related to these requirements. TEC, §61.07771, requires the Coordinating Board to adopt rules requiring institutions of higher education to provide transparency in certificate and degree program requirements for students enrolling in or transferring to the institution.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the clear requirements for institutions on degree program plan transparency and a streamline approach to reporting requirements for recommended degree plans for academic undergraduate degrees. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Education Code, Section 61.07771, and Section 51.96852, which provides the Coordinating Board with the authority to adopt rules relating to the implementation of these statutes.

The proposed new sections affect Texas Education Code, Section 61.07771, and Section 51.96852.

#### §4.360. Purpose.

The purpose of this subchapter is to establish requirements for institutions related to degree and course planning in alignment with statutory obligations.

#### §4.361. Authority.

Texas Education Code, §51.96852, requires the Board to adopt rules relating to the development, reporting, and publication of recommended course sequences. Texas Education Code, §61.07771, requires the Board to adopt rules regarding the availability of certificate and degree program requirements for students enrolling at or transferring into institutions of higher education.

#### §4.362. Applicability.

These rules apply to credit-bearing academic and workforce degree programs and certificates offered at institutions of higher education. These rules do not apply to Continuing Education Certificates, as defined in §2.262(2) of this title (relating to Certificate Titles, Length, and Program Content), Institutional Credential Leading to Licensure or Certification (ICLC) as defined in §2.262(4) of this title, Occupational Skills Award (OSA) as defined in §2.262(7) of this title, or Third-Party Credential as defined in §2.262(8) of this title, or microcredentials. Section 4.364 of this subchapter (relating to Certificate and Degree Program Plan Transparency), applies only to academic undergraduate degree program plans.

#### §4.363. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless otherwise defined in the subchapter:

- (1) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.

- (2) Certificate Program--Has the meaning as defined in §2.3(12) of this title (relating to Definitions).

- (3) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.

- (4) Degree Program--Has the meaning prescribed in §2.3(18) of this title.

- (5) Lower-Division Academic Course Guide Manual (ACGM)--a publication listing academic courses, as defined in §4.23(13) of this title (relating to Definitions).

- (6) Program Plan--a recommended sequence of courses by semester, term, or enrollment period that will satisfy the requirement for a student to complete a certificate or degree program.

- (7) Texas Common Course Numbering System (TC-CNS)--a common course numbering system, as defined in §4.23(10) of this title, and authorized by Texas Education Code, §61.832.

#### §4.364. Certificate and Degree Program Plan Transparency.

- (a) An institution of higher education shall ensure that each certificate and degree program at the institution has an associated program plan.

- (b) Each certificate and degree program plan shall:

- (1) be current, accessible, and consistent each catalog year for students enrolled at the institution and members of the public through the following sources, as applicable:

- (A) the institution's internal Internet website for students;

- (B) the institution's Internet website; and

- (C) the Internet website of the department at the institution that offers the certificate or degree program; and

- (2) state the prerequisites for each course required as part of the certificate or degree program;

- (3) list any non-course requirements for the certificate or degree program; and

- (4) provide the requirements for any track in the certificate or degree program.

#### §4.365. Requirements and Reporting for Undergraduate Program Plans.

- (a) An academic undergraduate program plan, as defined in §4.363(6) of this subchapter (relating to Definitions), shall:

- (1) identify all required lower-division courses for the applicable certificate or degree program;

- (2) include for each program plan course, if applicable:

- (A) the assigned course number under the common course numbering system under Texas Education Code, §61.832;

- (B) the course equivalent in the Lower-Division Academic Course Guide Manual or its successor adopted by the Board;

- (3) be designed to enable a full-time student to obtain a certificate or degree, as applicable, within the following time frames:

- (A) for a 60-hour degree or certificate program, two years;

- (B) for a 120-hour degree program, four years; or

- (C) a comparable time frame, for an approved certificate or degree program that requires credit hours other than those specified in subparagraph (A) or (B) of this paragraph;



(4) include a specific recommended sequence in which courses should be completed to ensure completion of the applicable program within the time frame described by paragraph (3) of this subsection; and

(5) be included in the institution's course catalog and on the institution's Internet website.

(b) Beginning September 1, 2027, each institution shall submit to the Coordinating Board not less than once every five (5) years:

(1) the location of each undergraduate program plan, as applicable, that is accessible on the institutions Internet website.

(2) a certification of compliance with the requirements of this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 5, 2026.

TRD-202600016

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6182



## CHAPTER 5. RULES APPLYING TO PUBLIC UNIVERSITIES, HEALTH-RELATED INSTITUTIONS, AND/OR SELECTED PUBLIC COLLEGES OF HIGHER EDUCATION IN TEXAS

### SUBCHAPTER D. OPERATION OF OFF-CAMPUS EDUCATIONAL UNITS OF PUBLIC SENIOR COLLEGES, UNIVERSITIES AND HEALTH-RELATED INSTITUTIONS

#### 19 TAC §§5.71 - 5.73, 5.76, 5.78

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 5, Subchapter D, §§5.71 - 5.73, 5.76, and 5.78, concerning Operation of Off-Campus Educational Units of Public Senior Colleges, Universities and Health-Related Institutions. Specifically, this repeal will remove existing requirements for universities and health-related institutions to seek prior approval from the Coordinating Board to establish an off-campus educational unit.

Texas Education Code, §61.027, authorizes the Coordinating Board to adopt and repeal rules. The Coordinating Board has determined that statutory authority to require this approval does not exist and therefore the rules are being repealed.

David Troutman, Deputy Commissioner for Academic and Workforce Initiatives, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing

or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

David Troutman, Deputy Commissioner for Academic and Workforce Initiatives, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be reducing the administrative burden on universities and health-related institutions to establish off-campus educational units and streamlining the process to make courses and programs more accessible to students through off-campus education. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to David Troutman, Deputy Commissioner for Academic and Workforce Initiatives, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt and repeal rules.

The proposed repeal affects Texas Education Code, Section 61.027.

§5.71. *Purpose.*

§5.72. *Authority.*

§5.73. *Definitions.*

§5.76. *General Principles for Off-Campus Educational Units.*

§5.78. *Supply/Demand Pathway.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6182



## CHAPTER 6. HEALTH EDUCATION, TRAINING, AND RESEARCH FUNDS SUBCHAPTER K. AUTISM GRANT PROGRAM

### 19 TAC §§6.210 - 6.218

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 6, Subchapter K, §§6.210 - 6.218, concerning the Autism Grant Program. Specifically, this repeal will shift grant administration rules for this program to more general rules designed for grant programs that do not have statutory authority for rulemaking and are only required by riders. Moving forward, the Autism Grant Program will be administered using rules in Chapter 10, Subchapter A.

Texas Education Code, §61.027, authorizes the Coordinating Board to adopt and repeal rules. The Coordinating Board has determined that statutory authority for specific rulemaking of this grant program does not exist and therefore the rules are being repealed.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the aligning the Autism Grant Program rules with more general procedures for grant programs that do not include statutory authority. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will not create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at [AHAComments@highered.texas.gov](mailto:AHAComments@highered.texas.gov). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 61.027, which provides the Coordinating Board with the authority to adopt and repeal rules.

The proposed repeal affects Texas Education Code, Section 61.027.

§6.210. *Purpose.*

§6.211. *Authority.*

§6.212. *Definitions.*

§6.213. *Eligibility.*

§6.214. *Grant Application Procedures.*

§6.215. *Award Amounts.*

§6.216. *Review Criteria.*

§6.217. *General Information.*

§6.218. *Reporting.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

TRD-202504807

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6182



## CHAPTER 8. CREATION, EXPANSION, DISSOLUTION, OR CONSERVATORSHIP OF PUBLIC COMMUNITY COLLEGE DISTRICTS SUBCHAPTER D. FORMATION OF A BRANCH CAMPUS

### 19 TAC §§8.71 - 8.76

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title

19, Part 1, Chapter 8, Subchapter D, §§8.71 - 8.76, concerning Formation of a Branch Campus. Specifically, this repeal will remove sections to allow the Coordinating Board to establish new updated rules to be considered for adoption at the April 2026 Board Meeting.

Texas Education Code, §61.053, §61.061, §61.063(c) - (d), §130.001(b)(3) - (4), and §130.251, provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to define, establish, and authorize a branch campus and to provide rules and regulations for a public community college district to operate such a campus.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the repeal of out-of-date rules concerning the establishment of branch campuses by two-year public institutions of higher education. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Sections 61.053, 61.061, 61.063(c) - (d), 130.001(b)(3) - (4), and 130.251, which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to define, establish, and authorize a branch campus and to

provide rules and regulations for a public community college district to operate such a campus.

The proposed repeal affects Texas Education Code, Sections 6.053, 61.061, 61.063(c) - (d), 130.001(b)(3) - (4), and 130.251.

§8.71. *Purpose.*

§8.72. *Authority.*

§8.73. *Provisions for Conversion of an Out-of-District Extension Center or Extension Facility to a Branch Campus.*

§8.74. *Application and Approval Procedures.*

§8.75. *Action and Order of the Board.*

§8.76. *Reclassification.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

TRD-202504809

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6209



#### 19 TAC §§8.71 - 8.75

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 8, Subchapter D, §§8.71 - 8.75, concerning Formation of a Branch Campus. Specifically, the new rules will clarify and streamline processes that public two-year institutions of higher education will go through to establish a branch campus.

Texas Education Code, §61.053, §61.061, §61.063(c) - (d), §130.001(b)(3) - (4), and §130.251 which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to define, establish, and authorize a branch campus and to provide rules and regulations for a public community college district to operate such a campus.

Rule 8.71, Purpose, designates the purpose of the new rules as outlining processes to establish a branch campus.

Rule 8.72, Authority, indicates the Coordinating Board has the authority to adopt policies, enact regulations, and establish rules to define, establish, and authorize a branch campus and to provide rules and regulations for a public community college district to operate such a campus.

Rule 8.73, Application and Approval Procedures, outlines an institutional self-study that institutions must undertake, the nature of funding required, a regional review and certification process, and Coordinating Board staff site visits and reporting concerning the application.

Rules 8.74, Action and Order of the Board, details procedures and actions taken by the Coordinating Board in review and approval of a branch campus application.

Rule 8.75, Reclassification, outlines under what conditions the Coordinating Board may withdraw approval of a branch campus application.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clarified rules concerning the establishment of branch campuses by two-year public institutions of higher education. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@higher.ed.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under Texas Education Code, Sections 61.053, 61.061, 61.063(c) - (d), 130.001(b)(3) - (4), and 130.251 which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to define, establish, and authorize a branch campus and to provide rules and regulations for a public community college district to operate such a campus.

The proposed new section affects Texas Education Code, Sections 6.053, 61.061, 61.063(c) - (d), 130.001(b)(3) - (4), and 130.251.

#### §8.71. Purpose.

This subchapter provides rules and regulations for requesting approval from the Coordinating Board to establish, authorize, and operate a branch campus.

#### §8.72. Authority.

Texas Education Code, §61.053, §61.061, §61.062(c) - (d), §130.001(b)(3) - (4), and §130.251, authorize the Coordinating Board to adopt policies, enact regulations, and establish rules to define, establish, and authorize a branch campus and to provide rules and regulations for a public community college district to operate such a campus.

#### §8.73. Application and Approval Procedures.

(a) The governing board of a community college district requesting authority to create or convert a branch campus must submit a notice of intent to apply to the Commissioner, on the form required by the Coordinating Board.

(b) The community college district must conduct a self-study to assess whether the proposed branch campus meets the following criteria:

(1) Role and Mission; Purpose. In its program aspects, a branch campus shall be equivalent to a public community college. Therefore, the branch campus must provide:

(A) career and technical programs up to two years in length leading to associate degrees or certificates;

(B) lower-division courses, including the state-mandated core curriculum;

(C) continuing education programs for occupational training, upskilling, reskilling, licensure or certification;

(D) developmental education programs designed to fulfill the commitment of an admissions policy allowing enrollment of disadvantaged students;

(E) a continuing program of counseling and college and career advising designed to assist students in achieving their individual goals;

(F) career and technical education programs designed to meet local and statewide needs;

(G) adult literacy and other basic skills programs for adults; and

(H) such other purposes as may be prescribed by the Coordinating Board or local governing boards in the best interest of postsecondary education in Texas.

(2) Programs and Courses. All courses, programs, and degrees shall be offered in the name of the parent district, approved by THECB pursuant to applicable rules, included in the parent district's program inventory as applicable, and shall be subject to the following criteria:

(A) Courses and programs must meet the role, mission, and purposes described in paragraph (1) of this subsection.

(B) Courses and programs must be developed and operated with the ongoing assistance and involvement of the parent district faculty and staff.

(C) Instructional faculty credentials, full-time/part-time faculty ratios, teaching loads, faculty performance evaluation and effectiveness, student accessibility to faculty, etc., must be reviewed to ensure that these elements contribute to the quality of courses and programs offered in accordance with accreditation standards.

(D) If the proposed branch campus is within the service area of another operating public junior college, said public junior college must not offer or be capable of offering the proposed course. This requirement does not apply to a course offered in a county with a population of more than three million high school students enrolled in a

school district located wholly or partly in a county with a population of more than three million.

(3) Description of Staffing Plan. There must be sufficient academic and student support staff to meet the needs of faculty and students at the branch campus.

(4) Funding.

(A) The branch campus shall be supported either by means of a branch campus maintenance tax as set forth in Chapter 8, Subchapter E, of this title (relating to Branch Campus Maintenance Tax), or by local sources of community and/or economic support.

(B) If a local tax is not levied, local sources of support must be furnished at a level sufficient to provide adequate facilities needed at the proposed branch campus location. "Facilities" include the operation and maintenance of the physical plant including any rehabilitation and repairs. Local sources of support may be "in kind."

(C) Appropriate accounts which comply with generally accepted accounting principles for the branch campus must be kept and financial reports submitted as required for community college districts.

(D) State aid shall be earned according to community college finance methodologies as specified in Title 19.

(c) The Commissioner shall appoint a team, a majority of which should be community college presidents, for the purposes of reviewing the self-study and determining if the self-study meets the criteria set forth in §8.74(b) of this subchapter (relating to Action and Order of the Board). The team shall deliver a report on its findings to the Commissioner and Board staff.

(d) Board staff shall conduct a site visit and complete a report on whether the proposed branch campus meets the criteria set forth in §8.74(b). Board staff shall submit the report to the Commissioner. The report shall include a recommendation for approval or denial.

(e) A Board Committee may conduct one or more public hearings on the proposed branch campus to:

(1) assess public sentiment regarding the proposed branch campus;

(2) determine whether programs in the proposed branch campus will create unnecessary duplication or seriously harm programs in existing community college districts or other institutions of higher education in the area; and

(3) assess the potential impact of the proposed branch campus on existing community colleges or other institutions of higher education in the area and on the State of Texas.

§8.74. Action and Order of the Board.

(a) The Board shall take action on the request for approval for establishment of the branch campus at the next regularly scheduled quarterly Board meeting following completion of the report set forth in §8.73(b) (relating to Application and Approval Procedures). In making its decision, the Board shall consider the needs of the district, the needs of the community served by the proposed branch campus, the potential impact on other institutions of higher education, and the welfare of the state as a whole.

(b) A resolution shall be entered in the minutes of the Board and conveyed in writing by the Commissioner to the governing board of the community college district.

(c) Branch campus designation shall be used only upon approval by the Board.

(d) If the Board approves establishment of a branch campus, the governing board of the community college district may accept or acquire by purchase or rent land and facilities in the name of said institution.

§8.75. Reclassification.

The Board may withdraw approval for a branch campus whenever the Board:

(1) approves the establishment of a community college district which includes the site of the branch campus (Such local effort shall be reviewed by the Board according to the criteria as set forth in Subchapter B of this title) (relating to the Creation of a Public Community College District) as to the feasibility of establishing a separate community college district.

(2) approves the merger of the out-of-district area which includes the site of the branch campus with the parent district; or

(3) determines that the community college district has failed to maintain the standards and criteria of Board rules and regulations at the branch campus.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6209



## **SUBCHAPTER E. BRANCH CAMPUS MAINTENANCE TAX**

### **19 TAC §§8.91 - 8.103**

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 8, Subchapter E, §§8.91 - 8.103, concerning the Branch Campus Maintenance Tax. Specifically, this repeal will remove sections to allow the Coordinating Board to establish new updated rules to be considered for adoption at the April 2026 Board Meeting.

Texas Education Code, Sections 61.053, 130.001(b)(3)-(4), and 130.253 provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to adopt policies, enact regulations, and establish rules for a school district or county to request authorization from the Board to hold an election to establish and levy a branch campus maintenance tax.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the repeal of out-of-date rules concerning the process of establishing a Branch Campus Maintenance Tax. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Sections 61.053, 130.001(b)(3) - (4), and 130.253 which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to adopt policies, enact regulations, and establish rules for a school district or county to request authorization from the Coordinating Board to hold an election to establish and levy a branch campus maintenance tax.

The proposed repeal affects Texas Education Code, Sections 6.053, 130.001(b)(3) - (4), and 130.251.

§8.91. *Purpose.*

§8.92. *Authority.*

§8.93. *Creation of a Local Steering Committee.*

§8.94. *Application Procedures.*

§8.95. *Conduct of a Local Feasibility Study and Survey.*

§8.96. *Circulation of a Petition.*

§8.97. *Legality of the Petition.*

§8.98. *Presentation of a Certified Petition to the Board.*

§8.99. *Standards and Board Procedures for Approval.*

§8.100. *Action and Order of the Board.*

§8.101. *Calling the Election.*

§8.102. *Election.*

#### §8.103. *Resubmission of Applications.*

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 5, 2026.

TRD-202600018

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6209



### 19 TAC §§8.91 - 8.101

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 8, Subchapter E, §§8.91 - 8.101, concerning Branch Campus Maintenance Tax. Specifically, the new rules will clarify and streamline processes regarding the establishment of the branch campus maintenance tax process.

Texas Education Code, §61.053, §130.001(b)(3) - (4), and §130.253 provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to adopt policies, enact regulations, and establish rules for a school district or county to request authorization from the Board to hold an election to establish and levy a branch campus maintenance tax.

Rule 8.91, Purpose, designates the purpose of the new rules as outlining processes to obtain the Coordinating Board's authorization to call a branch maintenance tax election.

Rule 8.92, Authority, indicates the Coordinating Board has the authority to adopt policies, enact regulations, and establish rules for school district or county requests for authorization from the Coordinating Board to hold an election to establish and levy a branch campus maintenance tax.

Rule 8.93, Petition for a Branch Campus Maintenance Tax Election, describes the petition process for the authorization of an election to levy a public community college branch campus maintenance tax.

Rule 8.94, Legality of the Petition, describes how the governing body of the school district or county makes a determination of genuineness and legality of the petition.

Rule 8.95, Conduct of a Needs Assessment, indicates that a needs assessment of the branch maintenance tax may be conducted in lieu of a petition in the case of counties with a population of 150,000 or less. The needs assessment must be reviewed by the Coordinating Board and the county's governing board before formal submission for approval to the board.

Rule 8.96, Conduct of Feasibility Study, describes the topics and data that must be included in a mandatory feasibility study to be conducted by all school districts and counties proposing a branch maintenance tax.

Rule 8.97, Standards and Board Procedure for Approval, lays out the criteria and procedure for approval that the Coordinating Board must undertake, concluding with a report from Coordinating Board staff to the Commissioner on whether those criteria have been met.

Rule 8.98, Action and Order of the Board, describes the process of how the Coordinating Board acts on the request for approval to hold an election on a branch campus maintenance tax.

Rule 8.99, Calling the Election, describes how the governing body of a school district or county shall call and conduct an election regarding the establishment of a branch campus maintenance tax.

Rule 8.100, Election, indicates that a majority of electors in the branch campus maintenance tax jurisdiction shall determine the creation of a branch campus maintenance tax.

Rule 8.101, Resubmission of Applications, indicates that if a branch campus maintenance tax election fails, twelve months must elapse before resubmission of a proposed branch campus maintenance tax proposition to the Coordinating Board.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clarified rules and regulations setting out the procedures for the Coordinating Board's authorization to call an election for a public community college district branch campus maintenance tax. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Education Code, Sections 61.053, 130.001(b)(3) - (4), and 130.253 which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules to adopt policies, enact regulations, and establish rules for a school district or county to request authorization from the Board to hold an election to establish and levy a branch campus maintenance tax.

The proposed new sections affect Texas Education Code, Sections 6.053, 130.001(b)(3) - (4), and 130.253.

#### §8.91. Purpose.

This subchapter provides rules and regulations setting out the procedure by which a school district or county may obtain Coordinating Board authorization to call an election for a public community college district branch campus maintenance tax. The amount of a branch campus maintenance tax shall not exceed five cents on each \$100 valuation of all taxable property in the jurisdiction.

#### §8.92. Authority.

Texas Education Code, §61.053, §130.001(b)(3) - (4), and §130.253, authorizes the Coordinating Board to adopt policies, enact regulations, and establish rules for a school district or county to request authorization from the Board to hold an election to establish and levy a branch campus maintenance tax.

#### §8.93. Petition for a Branch Campus Maintenance Tax Election.

(a) A petition for the authorization of an election to levy a public community college branch campus maintenance tax shall be presented to the school district or county where the branch campus is located. At a minimum, the petition shall include the maintenance tax limits that will appear on the ballot in the event an election is authorized.

(b) The petition must incorporate and comply with all requirements as set forth in the Texas Election Code, chapter 277.

(c) A county with a population less than 150,000, the county may conduct a needs assessment pursuant to §8.95 of this subchapter (relating to Needs Assessment), in lieu of a petition.

#### §8.94. Legality of the Petition.

(a) After the petition has been signed by not less than five percent of the qualified electors of the proposed branch maintenance tax jurisdiction, the petition shall be presented to the governing body of the school district or county. The governing body at a lawfully called and held meeting must determine the legality and genuineness of the petition in accordance with Texas Education Code, §130.253, and Texas Election Code, chapter 277.

(b) The governing body shall make its determination on the genuineness and legality of the petition via a resolution.

(c) The governing body shall send the petition and resolution to the Coordinating Board a minimum of 45 days before the quarterly meeting of the Board.

#### §8.95. Needs Assessment.

(a) A needs assessment may be carried out by the governing body of a county if such county has a population of 150,000 or less. The needs assessment may be carried out by the county or by professionals contracted by the county.

(b) The needs assessment shall consider and address at a minimum a survey of need, potential student clientele, and financial ability of the jurisdiction.

(c) The county must submit a draft of the needs assessment to Coordinating Board staff. The Commissioner, in consultation with

Board staff, shall determine if further documentation or clarification is needed to supplement the information presented in the needs assessment and share such needs with the county. and share such needs with the county.

(d) The county's governing body must approve the needs assessment at a lawfully called and held meeting via a resolution.

(e) The county shall send the needs assessment and resolution to the Coordinating Board a minimum of 45 days before the quarterly meeting of the Board.

#### §8.96. Feasibility Study.

(a) The governing body proposing the branch campus maintenance tax shall carry out a feasibility study on the feasibility and desirability of the proposed tax. The feasibility study may be carried out by the governing body or by professional contracted by the governing body.

(b) The feasibility study shall consider and address:

(1) Demographic and economic characteristics of the jurisdiction seeking to establish the maintenance tax, including such things as:

- (A) population trends by age group;
- (B) economic development trends and projection;
- (C) employment trends and projection;
- (D) educational levels by age group; and
- (E) college-bound data (i.e., trends by age group).

(2) The financial status of the proposed jurisdiction to be taxed and the state as a whole, including:

- (A) any projected growth or decline in the tax base; and
- (B) trends in state appropriations for community/junior colleges and other institutions of higher education.

(3) financial or other limitations on existing institutions of higher education inhibiting the offering of programs and services in the proposed jurisdiction;

(A) availability of facilities, libraries, and equipment for institutions to offer classes in the proposed jurisdiction;

(B) distance and traffic patterns to existing institutions of higher education;

(C) effect on enrollments of existing institutions of higher education; and

(D) effect on financing of existing institutions of higher education.

(4) The governing body must approve the feasibility study at a lawfully called and held meeting via a resolution.

(5) The governing body shall send the needs assessment and resolution to the Coordinating Board a minimum of 45 days before the quarterly meeting of the Board.

#### §8.97. Standards and Board Procedure for Approval.

(a) The Texas Education Code, §130.253, requires the Board to determine that:

(1) the branch campus maintenance tax rate does not exceed five cents on each \$100 valuation of all taxable property;

(2) a certified petition or needs assessment has been submitted by the appropriate authorities to the Board; and

(3) the proposed tax is feasible and desirable based on the criteria set forth in §8.96(b) of this subchapter (relating to Feasibility Study).

(b) A Board Committee may conduct one or more public hearings in the proposed jurisdiction to:

(1) assess public sentiment regarding the levying of a branch campus maintenance tax;

(2) determine whether programs in the proposed jurisdiction would create unnecessary duplication or seriously harm programs in existing community/junior college districts or other institutions of higher education in the area; and

(3) assess the potential impact of the proposed jurisdiction on existing community/junior colleges or other institutions of higher education in the area and on the State of Texas.

(c) After the feasibility study has been reviewed and, if applicable, public hearings are conducted by a Board Committee, a report from Board staff shall be submitted to the Commissioner indicating whether the criteria as set out in this subchapter have been met. The report shall include a recommendation for approval or denial of the request for approval to hold an election to levy a branch campus maintenance tax but shall not be binding on the Commissioner or the Board.

#### §8.98. Action and Order of the Board.

(a) Board action on the request for approval to hold an election to levy a branch campus maintenance tax shall be taken at the next quarterly Board meeting. In making its decision, the Board shall consider the needs of the community/junior college and the district, the needs of the community or communities served by the branch campus maintenance tax jurisdiction, and the welfare of the state as a whole.

(b) A resolution shall be entered in the minutes of the Board and conveyed in writing by the Commissioner to the governing board of the community/junior college district and to the governing body of the county or school district.

#### §8.99. Calling the Election.

(a) If the Board approves the establishment of the branch campus maintenance tax, the governing body of the school district or county shall enter an order for an election to be held in the territory under its jurisdiction in accordance with the Texas Election Code, chapter 3. In the case of joint school district or joint county elections, by mutual agreement of the governing bodies, the elections shall be held on the same date throughout the jurisdictions.

(b) The president of the governing board of the school district or the county judge, as applicable, shall give notice of the election in the manner provided by law for notice by the county judge of general elections.

(c) The governing body of the school district or county, as applicable, shall procure the election supplies necessary to conduct the election and shall determine the quantity of the various types of supplies to be provided for use at each precinct polling place and early voting polling place.

(d) Any qualified voter residing within the boundaries of the jurisdiction in which the tax may be levied is entitled to vote at the election.

(e) The ballot shall comply with Texas Education Code, §130.253(h) and Texas Election Code, §52.072.

#### §8.100. Election.

A majority of the electors in the proposed branch campus maintenance tax jurisdiction voting in the election shall determine the question of the



creation of the branch campus maintenance tax jurisdiction submitted in the order.

§8.101. Resubmission of Applications.

Should an election to create a branch campus maintenance tax jurisdiction fail, a period of twelve months must elapse before resubmission of the proposition to the Board.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 5, 2026.

TRD-202600019

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6209



## CHAPTER 10. GRANT PROGRAMS

### SUBCHAPTER C. STATEWIDE PRECEPTORSHIP GRANT PROGRAM

#### 19 TAC §§10.70 - 10.72, 10.74 - 10.76

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 10, Subchapter C, §§10.70 - 10.72 and §§10.74 - 10.76, concerning Statewide Preceptorship Grant Program. Specifically, this amendment will implement the requirements of Senate Bill 1998, 89th Texas Legislature, Regular Session and integrates a pediatric subspecialty into the Preceptorship Grant Program. The Coordinating Board used negotiated rulemaking to develop these proposed rules. The Coordinating Board will make reports of negotiated rulemaking committees available upon request.

The Coordinating Board is authorized to operate the Statewide Preceptorship Program under Texas Education Code §58.006, and §58.011, which establishes the Statewide Pediatric Subspecialty Preceptorship Program.

Section 10.70, Purpose, is amended to add pediatric subspecialties to the purpose of the Statewide Preceptorship Grant Program.

Section 10.71, Authority, is amended to add Texas Education Code, §58.011, to the authorizing statute for the grant program.

Section 10.72, Definitions, is amended to remove standardized definitions for the subchapter now found in Chapter 10, §10.2 relating to Definitions, and add definitions for family medicine and pediatric subspecialty.

Section 10.74, Application Process, is amended to add pediatric subspecialty to the criteria for applications.

Section 10.75, Evaluation, is amended to add pediatric subspecialty to the evaluation criteria.

Section 10.76, Grant Awards, is amended to specify that up to forty (40) percent of a general pediatrics award can be used for pediatric subspecialties.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years

the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be increased options for pediatric subspecialty residency positions. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at [AHAComments@highered.texas.gov](mailto:AHAComments@highered.texas.gov). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 58.011, which establishes the Statewide Pediatric Subspecialty Preceptorship Program, and Section 58.006, which provides the Coordinating Board with authority to operate the Statewide Preceptorship Program.

The proposed amendment affects Texas Education Code, Section 58.011.

#### §10.70. Purpose.

The purpose of this subchapter is to administer the Statewide Preceptorship Grant Program to provide funding support to preceptorship programs in general internal medicine, family medicine, [and] general pediatrics, and pediatric subspecialties.

#### §10.71. Authority.

The authority for this subchapter is found in Texas Education Code, §58.006, which provides the Coordinating Board with authority to operate the statewide preceptorship program and Texas Education Code §58.011 which provides the Coordinating Board with authority to in-

clude the pediatric subspecialty option in its statewide preceptorship program.

*§10.72. Definitions.*

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

(1) Family Medicine--The medical specialty that provides continuous, comprehensive health care for individuals, families, and communities across all ages.

~~[(1) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.]~~

~~[(2) Commissioner--The Texas Commissioner of Higher Education.]~~

~~[(3) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.]~~

(2) ~~[(4)]~~ General Internal Medicine--Primary care general internal medicine in which the internal medicine physician cares for patients longitudinally, throughout their health journey and provides preventive, acute, and chronic care, most often in the ambulatory setting.

(3) ~~[(5)]~~ General Pediatrics--Primary care pediatrics encompasses comprehensive care across the life cycle, from infancy to young adulthood. Health supervision is included, along with a focus on prevention of physical and mental health conditions; anticipatory guidance and promotion of wellness including mental health and monitoring physical, cognitive, and social growth and development; and age-appropriate screening for health promotion and disease prevention.

(4) ~~[(6)]~~ Medical School--An eligible medical institution as identified in Texas Education Code, chapter 61.501(1), and the school of osteopathic medicine at the University of the Incarnate Word, as authorized by Texas Education Code, §58.006(d).

(5) Pediatric Subspecialty--A pediatric medical subspecialty certification offered by a member board of the American Board of Medical Specialties or American Osteopathic Association.

(6) ~~[(7)]~~ Preceptor--A skilled and experienced physician who serves as a mentor to medical students in accordance with the terms and conditions of the Request for Application (RFA).

~~[(8) Request for Application (RFA)--The official document issued by the Coordinating Board to solicit applicants for an award of available grant funds.]~~

*§10.74. Application Process.*

(a) Unless otherwise specified in the RFA, an eligible entity may not submit more than one application.

(b) Each Applicant shall limit participation to students with a documented interest in a primary care or pediatric subspecialty career.

(c) To qualify for funding consideration, an eligible applicant must submit an application to the Board. The application shall:

(1) be submitted electronically in a format specified in the RFA;

(2) adhere to the grant program requirements contained in the RFA and these rules; and

(3) be submitted with proper authorization on or before the day and time specified by the RFA.

*§10.75. Evaluation.*

(a) The Commissioner shall competitively select applicants for funding based on requirements and award criteria provided in the RFA and these rules.

(b) At a minimum, an applicant shall:

(1) limit participation to students with a documented interest in a primary care or pediatric subspecialty career; and

(2) maximize use of award funds to support medical student participation in, and only for activities related to, preceptorship programs in general internal medicine, family medicine, ~~[and]~~ general pediatrics, and pediatric subspecialties.

*§10.76. Grant Awards.*

(a) The amount of funding available to the program is dependent on the legislative appropriation for the program for each biennial state budget. The Coordinating Board will provide award levels and an estimated number of awards in the RFA.

(b) Up to forty (40) percent of the general pediatrics award can be used for pediatric subspecialties.

~~(c) [(b)]~~ Program awards shall be subject to approval pursuant to §1.16, of this title (relating to Contract, Including Grants, for Materials and/or Services).

~~(d) [(e)]~~ The Commissioner of Higher Education may negotiate or adjust a grantee award to best fulfill the purpose of the RFA.

~~(e) [(d)]~~ The Coordinating Board shall not disburse any awarded funds until the Notice of Grant Award (NOGA) has been fully executed and, if applicable, the institution has filed and received acknowledgement of the Disclosure of Interested Parties, as described in the RFA or until the institution has filed and obtained Coordinating Board approval of its periodic expenditure reports for payment.

~~(f) [(e)]~~ The Coordinating Board shall set forth the determination of the allowability of administrative costs in the RFA unless otherwise agreed in writing by the Commissioner and Grantee.

~~(g) [(f)]~~ An entity shall use a grant award to support the preceptorship program as described in the RFA and these rules.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6182



## SUBCHAPTER F. BEHAVIORAL HEALTH INNOVATION GRANT PROGRAM

### 19 TAC §§10.410 - 10.419

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 10, Subchapter F, §§10.410 - 10.419, concerning the Behavioral Health Innovation Grant Program. Specifically, this new section will establish key components of

administering the grant program including, but not limited to, application and awards processes, eligibility criteria, and reporting and evaluation requirements. The Coordinating Board used negotiated rulemaking to develop these proposed rules. The Coordinating Board will make reports of negotiated rulemaking committees available upon request.

Texas Education Code, §61.9991, establishes the Behavioral Health Innovation Grant Program and requires the Coordinating Board to administer the program, subject to available funds. Texas Education Code, §61.9993, authorizes the coordinating board to adopt rules to administer the grant program.

Section 10.410, Purpose, states that the purpose of the rules is to administer the Behavioral Health Innovation Grant Program.

Section 10.411, Authority, outlines the statutory authority for administration of the grant program.

Section 10.412, Definitions, defines key terms relevant to grant program administration.

Section 10.413, Eligibility, outlines criteria that institutions must meet to apply for and receive funding under the grant program.

Section 10.414, Application Process, outlines the steps required to apply for funding under the grant program.

Section 10.415, Evaluation, outlines the criteria that will be used to evaluate grant applications, including criteria for prioritizing certain grant applications.

Section 10.416, Grant Awards, specifies limits for funding amounts and process for awarding funds under this grant program.

Section 10.417, Reporting, establishes annual performance and financial reporting requirements.

Section 10.418, Additional Requirements, outlines requirements for the forfeiture and return of funds for the grant program.

Section 10.419, Monitoring Effectiveness of Grant, outlines statutory requirements for evaluation of the outcomes of the grant program.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be clear guidance on requirements for institutions seeking funding through the Behavioral Health Innovation Grant Program. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

(1) the rules will not create or eliminate a government program;

(2) implementation of the rules will not require the creation or elimination of employee positions;

(3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

(4) the rules will not require an increase or decrease in fees paid to the agency;

(5) the rules will create a new rule;

(6) the rules will not limit an existing rule;

(7) the rules will not change the number of individuals subject to the rule; and

(8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under Texas Education Code, Section 61.9993, which provides the Coordinating Board with the authority to adopt rules to administer the grant program.

The proposed new section affects Texas Education Code, Sections 61.9991- 61.9997.

§10.410. Purpose.

The purpose of this subchapter is to administer the Behavioral Health Innovation Grant Program to support institutions of higher education that administer innovative recruitment, training, and retention programs designed to increase the number of mental health professionals.

§10.411. Authority.

The authority for this subchapter is found in Texas Education Code, §61.9991- 61.9997, which provides the Coordinating Board with authority to operate the Behavioral Health Innovation Grant Program.

§10.412. Definitions.

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

(1) Innovative Programs--Innovative programs as defined by recruitment, training, or retention initiatives that introduce strategies, models, or partnerships designed to address persistent behavioral health workforce shortages, particularly in medically underserved or rural areas. Such a program is characterized by its capacity/ability to be scaled, sustained, evaluated for impact, and adapted in response to workforce and community needs.

(2) Institution of Higher Education--As defined by Texas Education Code, §61.003.

(3) Joint Program--A program where a student receives instruction at two (or more) institutions in prescribed curricula leading to the institutions granting a single academic award bearing the names, seals, and officials' signatures of each participating institution.

(4) Medically Underserved--Patient populations that experience challenges in accessing medical services due to the lack of adequate health insurance coverage or no insurance coverage, who have a low economic status as can reasonably be determined by the residency program, or experience other access barriers such as a shortage of available services. Access barriers may be demonstrated through references

to existing federal designations such as a Medically Underserved Area, as that term is defined in Texas Government Code, §487.251.

(5) Mental Health Professionals--As defined by Texas Education Code, §61.601.

(6) Professionals in Related Fields--Paraprofessionals whose education or training actively supports behavioral health service delivery, care coordination, or prevention, but who may not hold a credential specifically recognized under 'mental health professional' such as peer specialists, community health workers, behavior analysts, recovery coordinator, nurses, educators, public health practitioners, or other allied and support personnel whose work directly or indirectly impacts behavioral health care, prevention, or coordination.

(7) Rural--A location that is eligible for Federal Office of Rural Health Policy grant programs.

#### §10.413. Eligibility.

To be eligible to apply for and receive funding under the Program an entity must:

(1) Be an institution of higher education;

(2) Administer innovative recruitment, training, and retention programs designed to increase the number of mental health professionals, or professionals in related fields;

(3) Demonstrate the ability to be scaled, sustained, evaluated for impact, and adapted in response to workforce and community needs, particularly for medically underserved areas;

(4) Demonstrate regional and state workforce need; and

(5) Fulfill any other eligibility criteria set forth in the RFA.

#### §10.414. Application Process.

(a) The Board will request information from the Behavioral Health Executive Council to identify programs they anticipate to produce the best outcomes and serve the greatest needs of the state.

(b) Unless otherwise specified in the RFA, an eligible entity may not submit more than one application.

(c) To qualify for funding consideration, an eligible applicant must submit an application to the Board. The application shall:

(1) Be submitted electronically in a format specified in the RFA;

(2) Adhere to the grant program requirements contained in the RFA and these rules;

(3) Provide evidence of specific mental health professional regional or state workforce need in the profession targeted in the application; and

(4) Be submitted with proper authorization on or before the day and time specified by the RFA.

#### §10.415. Evaluation.

The Commissioner shall give priority to applicants for funding based on requirements and award criteria provided in the RFA, including the extent to which an applicant proposes to:

(1) Utilize existing behavioral health degree programs and thereby reduce the time and expenses necessary for seeking degree approval;

(2) Establish or grow a program that serves a rural or medically underserved area;

(3) Partner with:

(A) Another institution of higher education to develop a joint program; or

(B) A public Texas Independent School District or Texas public charter school for the purpose of creating and implementing an evidence-informed early recruitment program to behavioral health degree programs for high school students;

(4) Establish or grow a program that incentivizes professionals described by Texas Education Code, §61.9991, to serve in their field or a related field of study for at least three consecutive years following graduation in an inpatient or outpatient behavioral health facility or community behavioral health programs that receives any state funding in whole or in part;

(5) Establish or grow a degree or certificate program to educate behavioral health professionals in specialties that the applicant demonstrates faces significant regional or statewide workforce shortages; or

(6) Establish or grow psychiatric fellowship programs that serve correctional facilities or inpatient psychiatric facilities.

#### §10.416. Grant Awards.

(a) A grant awarded under this subchapter, including any amendments, may not exceed \$1 million.

(b) Program awards shall be subject to Coordinating Board approval pursuant to §1.16 of this title (relating to Contracts, Including Grants for Materials and/or Services).

(c) The Commissioner may negotiate or adjust a grantee award to best fulfill the purpose of the RFA.

(d) The Coordinating Board may advance a portion of the grant award to a grantee if such advancement is necessary for the success of the grant program, with the remainder of the award distributed based on grantee performance as determined by their reporting pursuant to §10.417 of this subchapter (relating to Reporting).

(e) Determination of the allowability of administrative costs will be set forth in the RFA.

(f) Grant awards may only be used on necessary and reasonable costs as described in the RFA.

#### §10.417. Reporting.

A grantee shall submit performance and financial reports in the format required by the Board based on deadlines set forth in the RFA, including an annual report.

#### §10.418. Additional Requirements.

(a) Forfeiture and Return of Funds.

(1) Each grantee shall return any award funds remaining unspent at the end of the grant term as set forth in the RFA or Notice of Grant Agreement (NOGA) to the Coordinating Board within ninety (90) calendar days after written request or an earlier due date if specified by the RFA.

(2) Each grantee shall return or repay to the Coordinating Board any award funds that the State determines an eligible institution improperly expended on items not listed in the RFA or otherwise prohibited by law within the time frame and subject to the requirements set forth in the RFA.

(b) The Commissioner may take the following actions if a grantee fails to comply with requirements set forth in the RFA:

(1) Reduce the grant award;

(2) Require the grantee to return unspent grant funds;

(3) Amend the grant agreement; or

(4) Terminate the grant agreement.

(c) The RFA may set forth additional return or reimbursement of fund requirements and termination provisions.

(d) The Coordinating Board may retain returned and reimbursed funds for award in a future year as authorized by the General Appropriations Act.

§10.419. Monitoring Effectiveness of Grant.

The Coordinating Board shall use methods for tracking the effectiveness of the grant program that:

(1) Use data submitted in the performance reports submitted by grantees;

(2) Consider relevant information regarding the career paths of professionals described by Texas Education Code, §61.9991 during the four-year period following their graduation; and

(3) Evaluate whether, to what extent, and for how long those professionals practice in a field described by Texas Education Code, §61.9991 in this state; and

(4) Consider number of professionals serving rural and medically underserved communities.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6182



## CHAPTER 13. FINANCIAL PLANNING

### SUBCHAPTER G. TUITION AND FEES

#### 19 TAC §13.130

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G, §13.130, concerning Cost of Attendance Calculation for Competency-Based Baccalaureate Degree Programs. Specifically, this new section will effectuate the provisions of Texas Education Code (TEC), §51.3535, established by House Bill 4848, 89th Texas Legislature, Regular Session, which became effective September 1, 2025.

The Coordinating Board is authorized by TEC, §51.3535, to adopt rules necessary to administer the section.

Rule 13.130, Cost of Attendance Calculation for Competency-Based Baccalaureate Degree Programs, is created to describe the annual determination and publication of the maximum allowable cost of attendance for competency-based baccalaureate degree programs offered under TEC, §51.3535. Subsection (a) describes the statutory authority for the rule. Subsection (b) provides definitions for words and terms used throughout the rule, aligning directly with definitions for these terms already

present in statute or other Coordinating Board rules. Subsection (c) describes the applicability of the rule in applying only to competency-based baccalaureate degree programs offered under TEC, §51.3535, by general academic teaching institutions or medical or dental units associated with a university system.

Subsection (d) describes the Coordinating Board's annual determination of the maximum allowable cost of attendance for an applicable competency-based baccalaureate degree program, effectuating TEC, §51.3535(c) and (d). In setting the initial limit for the 2026 - 2027 academic year in Subsection (d)(1), the Coordinating Board would set the amount as one-half of the average cost of attendance for resident baccalaureate students at applicable institutions to maintain a clear connection between cost of attendance for students enrolled in competency-based baccalaureate degree programs and their peers in "traditional" degree programs at the same institutions. Subsection (d)(2) effectuates TEC, §51.3535(d), in describing how the Coordinating Board will apply an annual inflation adjustment to the maximum allowable cost of attendance, using the twelve-month Consumer Price Index calculated by the U.S. Bureau of Labor Statistics. Subsection (e) delineates that the cost of attendance of a competency-based baccalaureate degree program offered under TEC, §51.3535, may not exceed the amount announced by the Coordinating Board.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the clarified administration of competency-based baccalaureate degree programs. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under Texas Education Code, Section 51.3535, which provides the Coordinating Board with the authority to adopt rules as necessary to administer the section.

The proposed new section affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G.

§13.130. Cost of Attendance Calculation for Competency-Based Baccalaureate Degree Programs.

(a) Authority. Authority for this section is Texas Education Code, §51.3535, Responsibility of System Administration Regarding Competency-Based Education.

(b) Definitions. In addition to the words and terms defined in §13.1 of this chapter (relating to Definitions) and §13.121 of this subchapter (relating to Definitions), the following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Competency-Based Baccalaureate Degree Program--A baccalaureate degree program under which academic credit is awarded based solely on a student's attainment of competencies. The term may include a program that is organized around traditional course-based units, including for online or other distance education, that a student must earn for degree completion.

(2) Cost of Attendance/Total Cost of Attendance--An institution's estimate of the expenses incurred by a typical financial aid recipient in attending a particular institution of higher education. It includes direct educational costs (tuition and fees) as well as indirect costs (room and board, books and supplies, transportation, personal expenses, and other allowable costs for financial aid purposes).

(3) Medical or Dental Unit--As defined in Texas Education Code, §61.003.

(4) University System--As defined in Texas Education Code, §61.003.

(c) Applicability. The provisions of this section apply only to a general academic teaching institution or medical or dental unit associated with a university system in meeting the requirement to offer competency-based baccalaureate degree programs in high-demand fields of study under Texas Education Code, §51.3535.

(d) Maximum Allowable Cost of Attendance. The Coordinating Board shall annually determine and announce the maximum allowable cost of attendance for a competency-based baccalaureate degree program offered under Texas Education Code, §51.3535.

(1) For the 2026 - 2027 academic year, the amount will equal one-half of the average cost of attendance for resident baccalaureate students at general academic teaching institutions or medical or dental units associated with a university system.

(2) Not later than the final day of January prior to the start of each subsequent fiscal year, the Coordinating Board shall determine and announce the amount for the forthcoming fiscal year, calculated by using the Consumer Price Index for the preceding twelve months, as calculated by the U.S. Bureau of Labor Statistics, to apply an inflationary adjustment to amount announced for the prior fiscal year.

(e) The cost of attendance of a competency-based baccalaureate degree program offered under Texas Education Code, §51.3535, may not exceed the amount described by subsection (d) of this section for the applicable fiscal year.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6365



## SUBCHAPTER Q. FINANCIAL AID FOR SWIFT TRANSFER (FAST) PROGRAM

### 19 TAC §13.505

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter Q, §13.505, concerning the Financial Aid for Swift Transfer (FAST) Program (Program). Specifically, this amendment will substantively revise the process by which institutions of higher education receive Program funding.

The Coordinating Board is authorized by Texas Education Code, §28.0095, to adopt rules necessary to administer the Program.

Rule 13.505, FAST Funding Formula, is amended. The revisions are proposed for the purpose of improving program and funding efficiency and reflect the Coordinating Board's experience in administering the Program for two full years as well as improved data and data infrastructure. The proposed new model is within the parameters of the governing statute, and these amendments are undertaken in collaboration with the Texas Education Agency (TEA), in accordance with the shared responsibility for Program administration set forth in Texas Education Code, §28.0095.

These amendments will shift the Program funding model from a reimbursement model to more closely resemble formula funding. The proposed amendments do not represent a change in the amount of funding disbursed through the Program to any institution, but rather the process by which funding levels are determined and later adjusted. Each of Subsections (a) through (c), as revised, describes one of the three steps of the revised model: projection, disbursement, and true-up.

Subsection (a) describes the process by which the Coordinating Board will determine each participating institution's initial funding level for the upcoming fiscal year. Subsection (a)(1) describes the calculation for institutions that participated in the Program during the prior year; in such cases, the institution's prior year FAST-eligible credit hours (retrieved from the institution's CBM reporting to the Coordinating Board) will be used and multiplied by the upcoming fiscal year's FAST tuition rate. These calculations would be categorized into three terms, which correspond to disbursements in subsection (b): fall, spring, and summer, inclusive of any alternative term lengths. Subsection (a)(1)(A)

specifies that the Coordinating Board will use "FAST semester credit hours or equivalents [...] for the most recent summer, fall, and spring semesters [...] for which data are available"; because Subsection (a)(3) states that the projection calculation would be conducted and distributed not later than the end of June and prior-year data for the summer term would not be available, summer term data from the prior-prior year (i.e., two fiscal years prior to the year for which the projections are assembled) will be used.

Subsection (a)(2) describes the calculation for institutions newly entering the Program. For these, the Coordinating Board would use the institution's total dual credit semester credit hours for the most recent summer, fall, and spring terms for which data are available via CBM reports, assemble a statewide average percentage of dual credit semester credit hours or equivalents that are FAST eligible for the same period, and then multiply these two figures, multiplying the final result by the FAST funding rate for the upcoming fiscal year. Subsection (a)(3) describes the process by which the Coordinating Board would distribute these projections to participating institutions, providing ten business days for review and comment regarding potential inaccuracies. This aligns with Coordinating Board practice with similar functions, such as financial aid program allocations.

Subsection (b) describes the timeline by which the Coordinating Board disburses Program funds to participating institutions. Under the current rules, this timeline varies by institution, relying on data reporting and eligibility verification that can cause disbursement to occur months after the applicable semester or term has ended. The proposed rule, using the projections described in subsection (a), would allow for disbursements to occur by October 15 for the fall semester, March 15 for the spring semester, and June 15 for the summer semester for all institutions.

Subsection (c) describes the revised "true-up" process, the process by which institutional disbursements are reconciled against data provided by the TEA. A true-up occurs under the current rule, but other changes in the proposed rule- notably, the projections- necessitate changes to the process. Under the proposed rule, the true-up would involve a comparison between the projection assembled prior the fiscal year and what actually occurred. Institutions' CBM reporting to the Coordinating Board would be reconciled with TEA attendance and educationally disadvantaged status data to determine the actual number of semester credit hours or equivalents for which the institution is eligible to receive Program funds. The difference between the actual number and the projected number- positive or negative- multiplied by the FAST tuition rate for the applicable fiscal year is the institution's true-up adjustment. Subsection (c)(3) describes how this adjustment is then applied to the institution's next disbursement. Subsection (c)(4) provides for a ten-business-day review and comment period for institutions' true-up adjustments, as with the projections in Subsection (a).

Subsection (d) describes potential actions that could be taken by the Coordinating Board, including postponement of an institution's projection or withholding of a disbursement, if a participating institution fails to provide necessary information or data in a timely manner. The FAST Program relies on timely reporting from participating institutions, and this provision ensures that delayed data from a single institution does not adversely impact other institutions that met reporting deadlines.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved efficiency in program administration. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 28.0095, which provides the Coordinating Board with the authority to adopt rules for the administration of the Program.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter Q.

#### *§13.505. FAST Funding Formula.*

(a) Projections. The Coordinating Board shall produce FAST funding projections for the upcoming fiscal year through the following process described in this subsection.

(1) Returning Institutions. For an institution that participated in the Program during the prior fiscal year, the institution's projected FAST funding shall be calculated for each semester of the upcoming fiscal year by multiplying:

(A) The number of FAST semester credit hours or equivalents reported by the institution to the Coordinating Board via CBM reports for the most recent summer, fall, and spring semesters (with "flex" terms being grouped with the following semester; e.g., spring-flex is included in the summer semester) for which data are available; and

(B) The FAST tuition rate for the upcoming fiscal year, as determined under §13.504 of this subchapter (relating to FAST Tuition Rate).

(2) New Institutions. For an institution that did not participate in the Program during the prior fiscal year, the institution's projected FAST funding shall be calculated for each semester of the upcoming fiscal year by multiplying:

(A) The number of dual credit semester credit hours or equivalents reported by the institution to the Coordinating Board via CBM reports for the most recent summer, fall, and spring semesters (inclusive of "flex" terms) for which data are available;

(B) The statewide average percentage of dual credit semester credit hours that are FAST eligible for the same period; and

(C) The FAST tuition rate for the upcoming fiscal year, as determined under §13.504 of this subchapter.

(3) Verification. The Coordinating Board will share projections for the upcoming fiscal year with each participating institution for comment and verification not later than the final day of June preceding the fiscal year for which the projections were assembled. The institution will be given ten business days, beginning the day of the notice's distribution, and excluding State holidays, to confirm that the calculation accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

[(a) Frequency of Disbursements. The Coordinating Board will provide each participating institution with a disbursement for each fall, spring, and summer semester upon the certification of the institution's eligible enrollments. The Coordinating Board will combine enrollment periods under this subsection when a semester includes more than one enrollment period (for example, a Summer 1 and a Summer 2 session).]

(b) Disbursements. The Coordinating Board will make up to three disbursements per fiscal year to each participating institution based on the projections assembled under subsection (a) of this section.

(1) Fall Disbursement. Not later than October 15 of each fiscal year, the Coordinating Board shall disburse to each participating institution an amount equal to the institution's projected FAST funding calculated for the fall semester under either subsection (a)(1) or (a)(2) of this section.

(2) Spring Disbursement. Not later than March 15 of each fiscal year, the Coordinating Board shall disburse to each participating institution an amount equal to the institution's projected FAST funding calculated for the spring semester under either subsection (a)(1) or (a)(2) of this section.

(3) Summer Disbursement. Not later than June 15 of each fiscal year, the Coordinating Board shall disburse to each participating institution an amount equal to the institution's projected FAST funding calculated for the summer semester under either subsection (a)(1) or (a)(2) of this section.

[(b) Disbursement Calculation. Each disbursement will equal the amount outlined in §13.504 of this subchapter (relating to FAST Tuition Rate) for the relevant semester multiplied by the number of semester credit hours or equivalent in which students who met the eligibility criteria in §13.503 of this subchapter (relating to Eligible Students) were enrolled in dual credit courses at the institution for the relevant semester.]

[(e) Data Sources. The source of data for the disbursement calculation will be reports collected by Board staff and certified by the institution for the relevant semester which provide an eligible student's

dual credit enrollment in semester credit hours or their equivalent and the student's Texas Student Data System (TSDS) unique identification number issued by the Texas Education Agency, combined with data regarding educationally disadvantaged students, as reported by the Texas Education Agency, unless otherwise provided by rule.]

[(d) Verification of Data. The Coordinating Board will share each semester's calculation with the participating institution for comment and verification prior to disbursement. The institution will be given ten business days, beginning the day of the notice's distribution, and excluding State holidays, to confirm that the calculation accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.]

(c) [(e)] True-Up. Upon receipt of attendance data and educationally disadvantaged status data, including for students described by §13.503(a)(3)(A) of this subchapter (relating to Eligible Students), for the full school year from the Texas Education Agency, the Coordinating Board will conduct a true-up adjustment of the prior fiscal year's FAST disbursements in accordance with this subsection. [review all eligible students used in the calculation outlined in subsection (d) of this section to verify that those students were in attendance at the high school during the period of dual credit enrollment. If any student is identified as not having been in attendance in high school during the period of dual credit enrollment, then the Coordinating Board will calculate the amount of funding the institution received for that student's dual credit enrollment. The Coordinating Board shall reduce each institution's subsequent disbursement under subsection (a) of this section by the amount calculated in this subsection.]

(1) The Coordinating Board shall calculate, using its own CBM reports and the Texas Education Agency data, the number of semester credit hours or equivalents each participating institution provided to FAST-eligible students during the prior fiscal year.

(2) True-up Adjustment. An institution's True-up Adjustment, which may be a positive or negative amount, is:

(A) the amount calculated in paragraph (1) of this subsection multiplied by the FAST tuition rate for the prior fiscal year; minus

(B) the total of all FAST disbursements made to the institution during the prior fiscal year.

(3) Adjustment. Upon completion of the True-up process, the Coordinating Board will increase or decrease, as applicable, the amount of each institution's subsequent disbursement described by subsection (b) of this section, in an amount equal to the True-up Adjustment.

(4) Verification. The Coordinating Board will share its calculation of the true-up adjustment with the participating institution for comment and verification prior to its subsequent disbursement. The institution will be given ten business days, beginning the day of the notice's distribution, and excluding State holidays, to confirm that the calculation accurately reflects the data they submitted or to advise the Coordinating Board of any inaccuracies.

(d) If an institution fails to provide data or information necessary for the administration of the Program by the Coordinating Board's publicized dates, then the Coordinating Board may postpone the publication of the institution's projection under subsection (a) of this section or the disbursement of the funds to the institution under subsection (b) of this section.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.





## CHAPTER 20. APPLICATIONS AND ADMISSION FOR INSTITUTIONS OF HIGHER EDUCATION

### SUBCHAPTER B. FREE COLLEGE APPLICATION WEEK

#### 19 TAC §20.31

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 20, Subchapter B, §20.31, concerning Definitions. Specifically, this amendment will expand the definition of an undergraduate admission application to include all applications submitted for an undergraduate degree.

The Coordinating Board is authorized by Texas Education Code, §61.0731 to establish rules to implement Free College Application Week.

Rule 20.31, Definitions, is amended to revise the definition of undergraduate admission application from an application submitted for first-year freshman or undergraduate transfer admission to include all undergraduate admission application types.

Dr. Brandon Griggs, Assistant Commissioner for College and Career Advising, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Brandon Griggs, Assistant Commissioner for College and Career Advising, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the expanded definition of an undergraduate admission application to include all applications submitted for an undergraduate degree. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;

- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Brandon Griggs, Assistant Commissioner for College and Career Advising, P.O. Box 12788, Austin, Texas 78711-2788, or via email at [collegeandcareeradvising@highered.texas.gov](mailto:collegeandcareeradvising@highered.texas.gov). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.0731, which provides the Coordinating Board with the authority to establish rules to implement Free College Application Week.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 20, Subchapter B.

#### §20.31. Definitions.

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

(1) Free College Application Week--The week starting on the second Monday in October and continuing through the following Sunday, during which application fees for undergraduate admission shall be waived for Texas residents using the ApplyTexas application system.

(2) Institution of Higher Education--A public institution as defined in Texas Education Code, §61.003, that offers undergraduate courses including any public technical institute, public junior college, public senior college and university, or state college. [s]

(3) Texas Resident--An individual who meets the residency requirements for in-state tuition under Texas Education Code, Chapter 54, Subchapter B.

(4) Undergraduate Admission Application--Any [An] application submitted for admission to an [first-year freshman or] undergraduate program for any available term [transfer admission]. This includes:

- (A) Undergraduate (two-year);
- (B) Undergraduate (four-year);
- (C) Transfer;
- (D) Returning Student; and
- (E) Visiting Student.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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## CHAPTER 22. STUDENT FINANCIAL AID PROGRAMS

### SUBCHAPTER A. GENERAL PROVISIONS

#### 19 TAC §22.9

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter A, §22.9, concerning Institutional Responsibilities. Specifically, this amendment will codify an existing requirement that each institution participating in state financial aid programs designate a Disbursing Officer.

The Coordinating Board is authorized by Texas Education Code, §56.0035, to adopt rules necessary to carry out the purposes of that chapter.

Rule 22.9, Institutional Responsibilities, is amended by adding a Subsection (b)(1) that describes the responsibility of each institution participating in state financial aid programs in designating a Disbursing Officer. This officer, appointed by the institution's chief fiscal officer, is responsible for the administration of program funds in accordance with state law and Coordinating Board rules. The rule clarifies that the Disbursing Officer and Program Officer cannot be the same person and that, to ensure proper fiscal governance, in designating a Disbursing Officer, there should be a clear segregation of duties between selecting financial aid recipients and disbursing of program funds. Subsection (b)(1) codifies an existing requirement and does not constitute a change in policy regarding this institutional responsibility.

Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved transparency by codifying an existing compliance requirement. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rule will not create or eliminate a government program;
- (2) implementation of the rule will not require the creation or elimination of employee positions;

- (3) implementation of the rule will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rule will not require an increase or decrease in fees paid to the agency;
- (5) the rule will not create a new rule;
- (6) the rule will not limit an existing rule;
- (7) the rule will not change the number of individuals subject to the rule; and
- (8) the rule will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 56.0035, which provides the Coordinating Board with the authority to adopt rules necessary to carry out the purposes of that chapter.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter A.

#### §22.9. *Institutional Responsibilities.*

(a) Probation Notice. If the institution is placed on probation by its accrediting agency, the institution shall immediately notify the Coordinating Board and advise state financial aid recipients of this condition and maintain evidence to demonstrate that state financial aid program recipients were so informed.

(b) Disbursements to Students.

(1) Disbursing Officer. The chief fiscal officer of each institution participating in a program administered under this chapter or Chapter 24 of this title (relating to Student Loan Programs) shall designate a Disbursing Officer who is responsible for releasing state financial aid funds to financial aid recipients in accordance with program statutes and rules. The Disbursing Officer may not also be the institution's Program Officer, as defined in §22.1 of this subchapter (relating to Definitions). In designating a Disbursing Officer under this section, an institution shall ensure there is a clear segregation of duties between selecting financial aid recipients and disbursing funds.

(2) [(+)] Documentation. Each institution shall maintain records to prove the crediting of state financial aid program funds to the student's school account.

(3) [(2)] Procedures in Case of Unauthorized Disbursements. If an institution receives an audit or compliance monitoring finding or otherwise determines that the institution has disbursed state financial aid program funds for unauthorized purposes, whether over-allocated, misused, or misallocated, the Program Officer shall notify the Coordinating Board within five business days.

(4) [(3)] If the Commissioner determines that the institution has made an unauthorized disbursement, the Commissioner will notify the Program Officer of this determination in writing.

(5) [(4)] The Commissioner may demand, in writing, that the institution return the funds to the Coordinating Board. The institution may comply with this demand and return the funds to the Coordinating Board within thirty calendar days of receipt, unless the Commissioner specifically permits a later deadline. If the institution elects

not to comply with this demand, the Coordinating Board may utilize additional tools of recovery, as permitted by law, including any means of recovery authorized by Texas Education Code, §61.035.

(6) [(5)] In addition, the Commissioner may subject the institution to compliance monitoring.

(7) [(6)] The Coordinating Board shall not disburse further funds from the program in question to the institution until the funds have been repaid.

(c) Reporting Requirements/Deadlines. Each institution shall submit such reports and information as the Coordinating Board may require in connection with the administration or evaluation of the state financial aid programs. These materials must be submitted within the time allotted by the Coordinating Board for each such report or information request. The Program Officer shall ensure that all reports and information provided to the Coordinating Board properly reflect the facts and certify that those reports may be relied upon as being complete and accurate.

(d) Compliance Monitoring. If selected for such by the Board, Commissioner, or Internal Auditor, a participating institution shall submit to reviews of activities related to state financial aid programs.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 5, 2026.

TRD-202600021

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6365



## SUBCHAPTER B. TUITION EQUALIZATION GRANT PROGRAM

### 19 TAC §§22.22, 22.23, 22.25

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter B, §§22.22, 22.23, and 22.25, concerning the Tuition Equalization Grant Program (Program). Specifically, this amendment will clarify existing practices relating to program administration and codify an existing reporting requirement for institutions participating in the Program.

Texas Education Code, §61.229, provides the Coordinating Board with the authority to adopt rules relating to the Program.

Rule 22.22, Definitions, is amended by clarifying the definition of "tuition differential" to codify how the Coordinating Board identifies "comparable" institutions. The definition now specifies that the Coordinating Board uses the Southern Association of Colleges and Schools Commission on Colleges' degree level designations. This does not represent a change in the administration of the Program.

Rule 22.23, Eligible Institutions, is amended by adding a new subsection (d), which describes the requirement of participating institutions to submit an audit engagement report for the prior fiscal year to the Coordinating Board no later than April 15 each year. The report must be addressed to the institution's chief ex-

ecutive officer and include any findings and a corrective action plan for any identified deficiencies. The new subsection codifies an existing requirement previously detailed in Coordinating Board guidance; nothing in the proposed rule constitutes a change in the administration of the Program.

Rule 22.25, Satisfactory Academic Progress, is amended by codifying Coordinating Board guidance to participating institutions regarding the interaction between summer terms and satisfactory academic progress (SAP) determinations. In summary, summer coursework funded by state grants must be included in SAP determinations, while summer coursework not funded by such grants may be used to reestablish eligibility for the Program if the student failed to meet SAP requirements in the prior term. However, unfunded summer coursework should not be used for SAP determinations if it would result in the student losing eligibility. This does not represent a change in the administration of the Program.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rules. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rules.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be improved transparency by codifying an existing reporting requirement and improved program administration by clarifying existing practices. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will

be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.229, which provides the Coordinating Board with the authority to adopt rules relating to the Program.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 22, Subchapter B.

#### §22.22. *Definitions.*

In addition to the words and terms defined in §22.1 of this chapter (relating to Definitions) the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) **Adjusted Gross Need**--An amount equal to a student's financial need less the amount of his or her Federal Pell Grant and any categorical aid the student might have brought to the institution.

(2) **First Grant**--The first Tuition Equalization Grant ever offered to and received by a specific student.

(3) **Program or TEG**--The Tuition Equalization Grant Program.

(4) **Subsequent Grant**--A TEG grant received in any academic year other than the year in which an individual received his or her first TEG grant.

(5) **Tuition Differential**--The difference between the tuition paid at the private or independent institution attended and the tuition the student would have paid to attend a comparable public institution. Institutions with the same degree level designation from the Southern Association of Colleges and Schools Commission on Colleges are considered comparable.

#### §22.23. *Eligible Institutions.*

##### (a) Eligibility.

(1) Any private or independent institution of higher education, as defined in §22.1 of this chapter (relating to Definitions), or a branch campus of a private or independent institution of higher education located in Texas and accredited on its own or with its main campus institution by the Commission on Colleges of the Southern Association of Colleges and Schools, is eligible to participate in the TEG Program.

(2) No participating institution may, on the grounds of race, color, national origin, gender, religion, age, or disability exclude an individual from participation in, or deny the benefits of, the program described in this subchapter.

(3) Each participating institution must follow the Civil Rights Act of 1964, Title VI (Public Law 88-352) in avoiding discrimination in admissions or employment.

(4) A private or independent institution of higher education that previously qualified under paragraph (1) of this subsection but no longer holds the same accreditation as public institutions of higher education may temporarily participate in the TEG Program if it is:

(A) accredited by an accreditor recognized by the Board;

(B) actively working toward the same accreditation as public institutions of higher education;

(C) participating in the federal financial aid program under 20 United States Code (U.S.C.) §1070a; and

(D) a "part B institution" as defined by 20 U.S.C. §1061(2) and listed in 34 Code of Federal Regulations §608.2.

(5) The Commissioner may grant temporary approval to participate in the TEG program to an institution described under paragraph (4) of this subsection for a period of two years. The Commissioner may renew that approval for a given institution twice, each for a period of two additional years.

(6) A private or independent institution of higher education that previously qualified under paragraph (1) of this subsection but no longer holds the same accreditation as public institutions of higher education is eligible to participate in the TEG Program if it is:

(A) accredited by an accreditor recognized by the Board in accordance with §7.6 of this title (relating to Recognition of Accrediting Agencies);

(B) a work college, as that term is defined by 20 U.S.C. Section 1087-58; and

(C) participating in the federal financial aid program under 20 U.S.C. §1070(a).

##### (b) Participation Requirements.

(1) **Agreement.** Each eligible institution must enter into an agreement with the Coordinating Board, prior to participating in the program, the terms of which shall be prescribed by the Commissioner.

(2) **Intent to Participate.** An eligible institution interested in participating in the Program must indicate this intent by June 1 of each odd-numbered year in order for qualified students enrolled in that institution to be eligible to receive grants in the following fiscal biennium. An eligible institution's data submissions, as required in §22.29 of this subchapter (relating to Allocation of Funds), must occur on or before the institution's indication of its intent to participate.

(c) **Responsibilities.** Participating institutions are required to abide by the General Provisions outlined in subchapter A of this chapter (relating to General Provisions).

(d) **Audit Engagement Report.** An institution participating in the Program shall submit an audit engagement report for the prior fiscal year to the Coordinating Board not later than April 15 each year. The report must be addressed to the chief executive officer of the institution and include findings and a corrective action plan for any noted deficiencies.

#### §22.25. *Satisfactory Academic Progress.*

(a) **Eligibility at End of First Grant Year.** Students who complete their first year receiving a Tuition Equalization Grant in compliance with their institutions' financial aid satisfactory academic progress requirements are eligible to receive subsequent awards in the following year if they meet the other requirements listed in §22.24 of this subchapter (relating to Eligible Students).

(b) **Eligibility at End of a Subsequent Grant Year.** Students shall, unless granted a hardship provision in accordance with §22.27 of this subchapter (relating to Hardship Provisions), as of the end of an academic year in which the student receives a subsequent grant:

(1) have completed at least:

(A) for undergraduate students, 24 semester credit hours in the most recent academic year; or

(B) for graduate students, 18 semester credit hours in the most recent academic year;

(2) have an overall cumulative grade-point average of at least 2.5 on a four-point scale or its equivalent; and

(3) have completed at least 75 percent of the semester credit hours attempted in the most recent academic year.

(c) Summer Terms.

(1) If a student receives state grant funding for the summer term(s), an institution shall include credits attempted for summer coursework when determining whether a student is meeting satisfactory academic progress requirements.

(2) If a student does not receive state grant funding for the summer term(s), the student can take summer coursework to reestablish eligibility if the student failed to meet satisfactory academic progress requirements during the last term or semester. However, an institution shall not use summer coursework not funded by state grants to recalculate satisfactory academic progress if the attempted credits would result in a student losing eligibility for the fall term.

(d) [(e)] The institution shall calculate a student's GPA in accordance with §22.10 of this chapter (relating to Grade Point Average Calculations for Satisfactory Academic Progress).

(e) [(d)] The completion rate calculations may be made in keeping with institutional policies.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6365



## CHAPTER 23. EDUCATION LOAN REPAYMENT PROGRAMS SUBCHAPTER C. PHYSICIAN EDUCATION LOAN REPAYMENT ASSISTANCE PROGRAM

### 19 TAC §23.65, §23.67

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter C, §23.65 and §23.67, concerning the Physician Education Loan Repayment Assistance Program. Specifically, this amendment will add a definition of "outpatient setting" to clarify eligibility for primary care physicians and align rule language regarding applicant prioritization with similar provisions throughout the chapter.

The Coordinating Board is authorized by Texas Education Code, §61.537, to adopt rules necessary for the administration of the program.

Rule 23.65, Definitions, is amended by adding a definition for "outpatient setting." The definition aligns with that of Texas Occupations Code, §162.101 and §301.601. Defining "outpatient setting" further clarifies the definition of "primary care physician," which states that, "With the exception of psychiatrists and geriatricians, physicians must provide services in an outpatient setting to be considered primary care." An applicant's status as a primary care physician is relevant for both eligibility and prioritization determinations, warranting greater specificity.

Rule 23.67, Applicant Ranking Priorities, is amended to align with similar provisions in the chapter and to ensure that all applicants can be ranked in the event that insufficient funds are available to provide loan repayment assistance to all eligible persons. Subsection (a) is redundant with §23.66(a)(1) and its removed. The language introducing the section (previously (b)) is revised to align with phrasing in similar rules throughout the chapter. Subsection (2)(G) is added to provide a final criterion, student loan debt, on which to prioritize applicants in this category.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved rule clarity regarding eligibility and prioritization. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.537, which provides the Coordinating Board with the authority to adopt rules necessary for the administration of the Program.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 23 Subchapter C.

§23.65. *Definitions.*

In addition to the words and terms defined in §23.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Full-time Service--An average of at least thirty-two hours of direct patient care per week during the service period at the practice site.

(2) HPSAs--Health Professional Shortage Areas (HPSAs) are designated by the U. S. Department of Health and Human Services (HHS) as having shortages of primary medical care, dental or mental health providers and may be geographic (a county or service area), demographic (low income population) or institutional (comprehensive health center, federally qualified health center, as defined under 42 USC §1396d (1)(2)(B), or other public facility). Designations meet the requirements of Sec. 332 of the Public Health Service Act, 90 Stat. 2270-2272 (42 U.S.C. 254e).

(3) Medicaid--The medical assistance program authorized by Chapter 32, Human Resources Code.

(4) NPI--National Provider Identifier; the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification Standard unique identification number for covered health care providers. Covered health care providers and all health plans and health care clearinghouses must use the NPIs in the administrative and financial transactions adopted under HIPAA.

(5) Outpatient Setting--A facility, clinic, center, office, or other setting that is not part of a licensed hospital or licensed ambulatory surgical center.

(6) ~~[(5)]~~ Primary Care Physician--Physicians practicing family medicine, family practice, general practice, obstetrics/gynecology, general internal medicine, general pediatrics, combined internal medicine and pediatrics (medicine-pediatrics) ~~[in an outpatient setting]~~, psychiatry, or geriatrics. With the exception of psychiatrists and geriatricians, physicians must provide services in an outpatient setting to be considered primary care.

(7) ~~[(6)]~~ Program--The Physician Education Loan Repayment Assistance Program.

(8) ~~[(7)]~~ Rural HPSA--A HPSA-designated whole county with a population of less than 50,000 persons or a HPSA-designated facility or population group located in a county with a population of less than 50,000 persons.

(9) ~~[(8)]~~ Service Period--A period of twelve consecutive months qualifying a physician for loan repayment.

(10) ~~[(9)]~~ Texas Women's Health Program--The program authorized by Health and Safety Code, §31.002(a)(4)(C) and (H), §31.003, and §31.004, which provides primary health care services, including family planning services and health screenings, at no cost to eligible low-income women; administered by the Texas Health and Human Services Commission.

(11) ~~[(10)]~~ TMHP--Texas Medicaid and Healthcare Partnership; the entity that administers Texas Medicaid and other state health-care programs on behalf of the Texas Health and Human Services Commission.

(12) ~~[(11)]~~ TPI--Texas Provider Identifier; the number Managed Care Medicaid Providers must use when filing claims with the Texas Medicaid and Healthcare Partnership (TMHP), for payment of services rendered.

§23.67. *Applicant Ranking Priorities.*

~~[(a) Application deadlines will be established throughout the fiscal year and will be posted on the program web page.]~~

~~[(b) If there are not sufficient funds to offer loan repayment assistance for all eligible physicians [whose applications are received by the stated deadline], then applications shall be ranked using priority determinations [according to the following criteria,] in the following [priority] order:~~

(1) the first ten applications received each year from eligible physicians serving persons committed to a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor or persons confined to a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor;

(2) applications from physicians practicing in HPSAs, in the following priority order:

(A) renewal applications from primary care physicians practicing in HPSAs;

(B) applications from primary care physicians practicing in rural HPSAs, prioritizing higher HPSA scores;

(C) applications from primary care physicians practicing in non-rural HPSAs, prioritizing higher HPSA scores;

(D) renewal applications from non-primary care physicians practicing in HPSAs;

(E) applications from non-primary care physicians practicing in rural HPSAs, prioritizing higher HPSA scores;

(F) applications from non-primary care physicians practicing in non-rural HPSAs, prioritizing higher HPSA scores;

(G) applications from physicians having the greatest amount of student loan debt;

(3) applications from primary care physicians who have provided outpatient health care services to a designated number of Medicaid or Texas Women's Health Program enrollees, as established annually by methods outlined in the Coordinating Board's Memorandum of Understanding with the Texas Health and Human Services Commission, in the following order of priority:

(A) renewal applications;

(B) applications from physicians practicing in a county with a population of less than 50,000 persons;

(C) applications from geriatricians;

(D) applications from physicians having the greatest amount of student loan debt.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6365



## SUBCHAPTER D. MENTAL HEALTH PROFESSIONALS LOAN REPAYMENT ASSISTANCE PROGRAM

### 19 TAC §§23.94, 23.96, 23.97, 23.100

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter D, §§23.94, 23.96, 23.97, and 23.100, concerning the Mental Health Professionals Loan Repayment Assistance Program (Program). Specifically, this amendment will provide for the consideration of program applicants who provide mental health services via telehealth, as well as clarify aspects of applicant eligibility.

The Coordinating Board is authorized by Texas Education Code, §61.608, to adopt rules necessary for the administration of the Program.

Rule 23.94, Definitions, is amended by clarifying the definition of "full-time service" and adding definitions for "mental health services" and "telehealth provider" to facilitate consideration of program applicants who provide services via telehealth and other aspects of eligibility and prioritization determinations. The "full-time service" definition is amended by removing the word "direct" before "mental health services" - this phrasing is unnecessary given the addition of a definition for that term - and by clarifying that full-time service applies only to mental health services provided to patients in Texas. Reference to "patients in Texas" also are added to §23.96(a)(5)(A) of the proposed rule. These additions do not represent changes in the administration of the Program, but rather are intended to clarify the scope of the Program with the addition of potentially eligible telehealth providers.

The rule is further revised by adding a definition of "mental health services" in §23.94(5) to further clarify the types of service that an individual must provide to be eligible for the Program. The definition cites to that of Texas Health and Safety Code, §531.002, ("Mental health services" includes all services concerned with research, prevention, and detection of mental disorders and disabilities, and all services necessary to treat, care for, supervise, and rehabilitate persons who have a mental disorder or disability, including persons whose mental disorders or disabilities result from a substance abuse disorder.) and further clarifies that such services delivered to patients via telehealth are considered mental health services. Finally, §23.94(13) provides a definition for "telehealth provider" as an eligible professional who delivers fifty percent or more of the professional's mental health services to patients via telehealth. This status, determined as part of the application process, will be used in prioritizing applicants but does not relate to eligibility.

Rule 23.96, Applicant Eligibility, is amended to clarify program eligibility requirements and align rule language. Subsection (a)(5)(A) is amended to include reference to the state of Texas, as previously mentioned, and to replace "direct patient care" with the defined term "mental health services," which aligns with references elsewhere in the rule and the Program's statute.

Rule 23.97, Applicant Ranking Priorities, is amended to eliminate an unnecessary provision and situate telehealth providers in the Program's prioritization rule. Subsection (a) is redundant with §23.96(a)(1) and is removed. Telehealth providers are added to the prioritization rule such that, in the event of insufficient funding to offer loan repayment assistance to all eligible providers, they will be the final non-renewal applicants funded. Subsection (a)(8) is amended to prioritize providers

who practice in counties with populations of 150,000 persons or fewer, aligning with the one-time increase in §23.100(e). Portions of subsections (a)(3) and (a)(8) are removed or revised because they add unnecessary complexity to the prioritization determinations.

Rule 23.100, Amount of Repayment Assistance, is amended to clarify that a telehealth provider is not eligible to receive the one-time increase in loan repayment assistance for practicing in a county with population of 150,000 persons or fewer.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the expanded access to the Mental Health Professionals Loan Repayment Assistance Program to eligible providers offering services via telehealth. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.608, which provides the Coordinating Board with the authority to adopt rules necessary to administer the Program.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter D.

§23.94. *Definitions.*

In addition to the words and terms defined in §23.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) CHIP--The Children's Health Insurance Program, authorized by the Texas Health and Safety Code, Chapter 62.

(2) Community-Based Mental Health Services--The services found under the Texas Health and Safety Code, Chapter 534, Subchapter B.

(3) Full-time Service--Employed or contracted full-time (at least 32 hours per week for providers participating only in the state-funded program, or at least 40 hours per week for providers participating in both the state funded program and the SLRP) by an agency or facility for the primary purpose of providing [direct] mental health services to patients in Texas.

(4) Medicaid--The medical assistance program authorized by the Texas Human Resources Code, Chapter 32.

(5) Mental Health Services--As defined in Texas Health and Safety Code, §531.002. For the purposes of this subchapter, such services delivered to patients at a different physical location than the professional using secure telecommunication or information technology are considered mental health services.

(6) ~~[(5)]~~ MHPSAs--Mental Health Professional Shortage Areas (MHPSAs) are designated by the U.S. Department of Health and Human Services (HHS) as having shortages of mental health providers and may be geographic (a county or service area), demographic (low income population), or institutional (comprehensive health center, federally qualified health center, or other public facility). Designations meet the requirements of Sec. 332 of the Public Health Service Act, 90 Stat. 2270-2272 (42 U.S.C. 254e).

(7) ~~[(6)]~~ Program--Mental Health Professionals Loan Repayment Assistance Program.

(8) ~~[(7)]~~ Psychiatrist--A licensed physician who is a graduate of a residency training program or fellowship program in psychiatry accredited by the Accreditation Council for Graduate Medical Education (ACGME) or the American Osteopathic Association (AOA).

(9) ~~[(8)]~~ Public school--A school in a Texas school district or a public charter school authorized to operate under Texas Education Code, chapter 12.

(10) ~~[(9)]~~ Service Period--A period of:

(A) twelve (12) consecutive months qualifying a mental health professional for loan repayment assistance; or

(B) for a mental health professional employed by a public school, at least nine (9) months of a 12-month academic year qualifying the professional for loan repayment assistance.

(11) ~~[(10)]~~ SLRP--A grant provided by the Health Resources and Services Administration to assist states in operating their own State Loan Repayment Program (SLRP) for primary care providers working in Health Professional Shortage Areas (HPSA).

(12) ~~[(11)]~~ State Hospital--Facilities found under the Texas Health and Safety Code, §552.0011.

(13) Telehealth Provider--An eligible professional who delivers fifty percent or more of the professional's applicable mental health services (measured in hours per week) to patients at a different physical location than the professional using secure telecommunication or information technology.

§23.96. *Applicant Eligibility.*

(a) To be eligible to receive loan repayment assistance, an applicant must:

(1) submit a completed application to the Coordinating Board by the established deadline, which will be posted on the program web page;

(2) be a U.S. citizen or a Legal Permanent Resident;

(3) at the time of application, hold a full license with no restrictions from the state of Texas for the applicant's practice specialty;

(4) currently be employed as one of the following eligible practice specialties:

(A) a psychiatrist;

(B) a psychologist, as defined by §501.002, Texas Occupations Code;

(C) a licensed professional counselor, as defined by §503.002, Texas Occupations Code;

(D) an advanced practice registered nurse, as defined by §301.152, Texas Occupations Code, who holds a nationally recognized board certification in psychiatric or mental health nursing;

(E) a licensed clinical social worker, as defined by §505.002, Texas Occupations Code;

(F) a licensed specialist in school psychology, as defined by §501.002, Texas Occupations Code;

(G) a licensed chemical dependency counselor, as defined by §504.001, Texas Occupations Code;

(H) a licensed marriage and family therapist, as defined by §502.002, Texas Occupations Code;

(I) a licensed master social worker, as defined by §505.002, Texas Occupations Code;

(J) a licensed professional counselor associate, as indicated by holding a licensed professional counselor associate license issued by the Texas State Board of Examiners of Professional Counselors;

(K) a licensed marriage and family therapist associate, as defined by §502.002, Texas Occupations Code; or

(L) a school counselor certified under Texas Education Code, chapter 21, subchapter B, who has earned at least a master's degree relating to counseling from any public or accredited private institution of higher education; and

(5) have completed one, two, or three consecutive service periods:

(A) in an MHPSA in Texas, providing mental health services [direct patient care] to:

(i) Medicaid enrollees;

(ii) CHIP enrollees, if the practice serves children;

(iii) persons in a secure correctional facility operated by or under contract with the Texas Juvenile Justice Department or its successor; or

(iv) persons in a secure correctional facility operated by or under contract with any division of the Texas Department of Criminal Justice or its successor;

(B) in a state hospital, providing mental health services to patients;



(C) providing mental health services to individuals receiving community-based mental health services from a local mental health authority, as defined in Texas Health and Safety Code, §531.002; or

(D) providing mental health services to students enrolled in a public school.

(b) Notwithstanding the number of consecutive service periods that qualify an applicant for eligibility described in subsection (a)(4) of this section, an otherwise eligible applicant who receives repayment assistance under this subchapter for three consecutive service periods is eligible to receive repayment assistance for a fourth and fifth consecutive service period in an amount described by §23.100(f) of this subchapter (relating to Amount of Repayment Assistance) and subject to the limitations established in §23.101 of this subchapter (relating to Limitations). An applicant who establishes eligibility under this subsection is not considered a renewal applicant for the purposes of §23.97 of this subchapter (relating to Applicant Ranking Priorities).

*§23.97. Applicant Ranking Priorities.*

~~{(a) Each fiscal year an application deadline will be posted on the program web page.}~~

(a) ~~[(b)]~~ If there are not sufficient funds to offer loan repayment assistance for all eligible providers, then applications shall be ranked using priority determinations in the following order:

- (1) renewal applications;
- (2) applications from providers who sign SLRP contracts;
- (3) applications from providers who are not telehealth providers whose employers are located in an MHPSA, prioritizing higher MHPSA scores. If a provider works for an agency located in an MHPSA that has satellite clinics and the provider works in more than one of the clinics, [the highest MHPSA score where the provider works shall apply. If a provider] travels to make home visits, or [the provider's agency base location and its MHPSA score shall apply. If a provider] works for different employers in multiple MHPSAs having different degrees of shortage, the Coordinating Board will use the address certified by the applicant's employer to determine MHPSA score [location having the highest MHPSA score shall apply];
- (4) applications from providers in state hospitals, excluding telehealth providers;
- (5) applications from providers in a local mental health authority, excluding telehealth providers;
- (6) applications from providers in public schools, excluding telehealth providers;
- (7) applications from telehealth providers;
- (8) ~~[(7)]~~ applications from providers who are not telehealth providers whose employers are located in counties with a population of less than 150,000 [50,000] persons. In the case of a provider [providers] serving at multiple sites, the Coordinating Board will use the address certified by the applicant's employer to determine whether an applicant is [at least 75 percent of their work hours are spent] serving in a county [counties] with a population of less than 150,000 [50,000] persons;
- (9) ~~[(8)]~~ applications from providers described by §23.96(b) of this subchapter (relating to Applicant Eligibility); and
- (10) ~~[(9)]~~ applications received on the earliest dates.

(b) ~~[(e)]~~ If state funds are not sufficient to allow for maximum loan repayment assistance amounts stated in §23.100 of this subchap-

ter (relating to Amount of Repayment Assistance) for all eligible applicants described by subsection (b)(1) of this section, the Coordinating Board shall adjust in an equitable manner the state-funded distribution amounts for a fiscal year, in accordance with Texas Education Code, §61.607(d).

*§23.100. Amount of Repayment Assistance.*

(a) Repayment assistance for each service period will be determined by applying the following applicable percentage to the lesser of the maximum total amount of assistance allowed for the provider's practice specialty, as established by §23.101 of this subchapter (relating to Limitations), or the total student loan debt owed at the time the provider established eligibility for the program:

- (1) for the first service period, 33.33 percent;
- (2) for the second service period, 33.33 percent; and
- (3) for the third service period, 33.34 percent.

(b) An eligible provider may receive prorated loan repayment assistance based on the percentage of full-time service provided for each service period, for a minimum of twenty (20) hours per week.

(c) Failure to meet the program requirements will result in non-payment for the applicable service period(s) and, except under circumstances determined by the Coordinating Board to constitute good cause, removal from the program.

(d) One-Time Increase for Fluency in Language of Need.

(1) Each biennium, the Coordinating Board shall publish for each profession described by §23.96(a)(3) of this subchapter (relating to Applicant Eligibility) a list of languages other than English for which there is a critical need for fluent providers in Texas.

(2) Subject to the limitations established in §23.101 of this subchapter, a provider whose employer certifies that the provider is fluent in a language listed by the Coordinating Board under paragraph (1) of this subsection shall receive an increase of \$5,000 to the amount of repayment assistance described by subsection (a) of this section.

(3) A provider may receive an increased amount of repayment assistance under this subsection only once. The increase will be applied to assistance received for the first service period during which the provider meets the criteria described in paragraph (2) of this subsection.

(4) This subsection applies only to providers who first establish eligibility for the program on or after September 1, 2025.

(e) One-Time Increase for Service in Less Populous Counties.

(1) Subject to the limitations established in §23.101 of this subchapter, a provider, other than a telehealth provider, who practices in a county with a population of 150,000 or fewer persons shall receive an increase of \$10,000 to the amount of repayment assistance described by subsection (a) of this section.

(2) A provider may receive an increased amount of repayment assistance under this subsection only once. The increase will be applied to assistance received for the first service period during which the provider meets the criteria described in paragraph (1) of this subsection.

(3) This subsection applies only to providers who first establish eligibility for the program on or after September 1, 2025.

(f) Subject to the limitations established in §23.101 of this subchapter, a provider who first established eligibility for the program on or after September 1, 2025, and who establishes eligibility under §23.96(b) of this subchapter (relating to Applicant Eligibility) may re-

ceive up to \$15,000 per service period for a maximum of two consecutive service periods.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

TRD-202504820

Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 427-6365



## SUBCHAPTER K. NURSE LOAN REPAYMENT ASSISTANCE PROGRAM

### 19 TAC §§23.301 - 23.303

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter K, §§23.301 - 23.303, concerning the Nurse Loan Repayment Assistance Program. Specifically, this amendment will provide for the consideration of eligible nurses offering services via telehealth in the Program and make minor rule alignments relating to prioritization of applicants.

Texas Education Code, §61.656, provides the Coordinating Board with the authority to adopt rules necessary for the administration of the Program.

Rule 23.301, Definitions, is amended by revising the definition of "rural county" and adding a new definition for "telehealth provider." The definition of "rural county" in §23.301(7) is amended to change the population level from 50,000 or fewer persons to 150,000 or fewer persons, aligning with changes in other loan repayment assistance programs for administrative consistency. A definition of "telehealth provider" is added in §23.301(8) as an eligible nurse who delivers fifty percent or more of the nurse's applicable services using telecommunications or information technology. This status, determined as part of the application process, will be used in prioritizing applicants but does not relate to eligibility.

Rule 23.302, Applicant Eligibility, is amended to specify that an applicant's employer's certification of hours worked will delineate hours worked in-person and via telecommunications or information technology, allowing the Coordinating Board to determine whether an applicant is a telehealth provider, as previously defined.

Rule 23.303, Applicant Ranking Priorities, is amended to specify in paragraph (3) that eligible nurses who are not telehealth providers will be prioritized over telehealth providers if insufficient funds are available to offer loan repayment assistance to all eligible applicants. Portions of Subsections (a)(4), (a)(5), and (b) are removed or revised because they add unnecessary complexity to the prioritization determinations.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal

implications for state or local governments as a result of enforcing or administering the rules. There are no estimated reductions in costs to the state and to local governments as a result of enforcing or administering the rule. There are no estimated losses or increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

There is no impact on small businesses, micro businesses, and rural communities. There is no anticipated impact on local employment.

Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the increased clarity regarding how eligible nurses offering services via telehealth are considered in the Nurse Loan Repayment Assistance Program. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

#### Government Growth Impact Statement

- (1) the rules will not create or eliminate a government program;
- (2) implementation of the rules will not require the creation or elimination of employee positions;
- (3) implementation of the rules will not require an increase or decrease in future legislative appropriations to the agency;
- (4) the rules will not require an increase or decrease in fees paid to the agency;
- (5) the rules will not create a new rule;
- (6) the rules will not limit an existing rule;
- (7) the rules will not change the number of individuals subject to the rule; and
- (8) the rules will not affect this state's economy.

Comments on the proposed rule or information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research or analysis, may be submitted to Dr. Charles W. Contero-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at [SFAPPolicy@highered.texas.gov](mailto:SFAPPolicy@highered.texas.gov). Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 61.656, which provides the Coordinating Board with the authority to adopt rules necessary for the administration of the Program.

The proposed amendment affects Texas Administrative Code, Title 19, Part 1, Chapter 23, Subchapter K.

#### §23.301. Definitions.

In addition to the words and terms defined in §23.1 of this chapter (relating to Definitions), the following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) Advanced Practice Nurse--A professional nurse, currently licensed in the State of Texas, who has been approved by the Texas Board of Nursing to practice as an advanced practice nurse based on completing an advanced educational program of study acceptable to the Texas Board of Nursing. The term includes a nurse practitioner, nurse-midwife, nurse anesthetist, and a clinical nurse specialist.

(2) Full-Time--An average of at least 32 hours per week during the service period.

(3) Licensed Vocational Nurse--A person currently licensed by the Texas Board of Nursing to practice vocational nursing.

(4) Primary Care HPSA--Primary Care Health Professional Shortage Areas (HPSAs) designated by the U.S. Department of Health and Human Services (HHS) as having shortages of primary care providers and may be geographic (a county or service area), demographic (low-income population), or institutional (comprehensive health center, federally qualified health center, or other public facility), in compliance with the requirements of Section 332 of the Public Health Service Act, 90 Stat. 2270-2272 (42 U.S.C.A. 254e).

(5) Registered Nurse--A person currently licensed by the Texas Board of Nursing to practice professional nursing. For the purposes of this subchapter, an advanced practice nurse is not considered a registered nurse.

(6) Rural County--A county with a population of less than 150,000 [50,000].

(7) Service Period--A period of 12 consecutive months qualifying an applicant for loan repayment.

(8) Telehealth Provider--An eligible nurse who delivers fifty percent or more of the nurse's applicable services (measured in hours per week) to patients at a different physical location than the nurse using secure telecommunication or information technology.

#### *§23.302. Applicant Eligibility.*

To be eligible to receive loan repayment assistance, an applicant must submit to the Coordinating Board an application for enrollment in the program that includes:

(1) employer verification of the applicant's employment as a nurse in Texas for at least one service period and the person's current employment in Texas as of the date of the application, including the average number of hours per week the applicant worked, both in-person and as a telehealth provider, during the last service period;

(2) documentation that the applicant is licensed by the Texas Board of Nursing as a Licensed Vocational Nurse, Registered Nurse, or Advanced Practice Nurse, with no restrictions; and

(3) a statement of the total amount of principal, accrued interest, fees, and other charges due on unpaid eligible education loans, as described in §23.2(c) of this chapter (relating to Eligible Lender and Eligible Education Loan), obtained for enrollment in a nursing degree or certificate program at:

(A) an institution of higher education, as defined in Texas Education Code, §61.003;

(B) a private or independent institution of higher education, as defined in Texas Education Code §61.003; or

(C) a college or university described by Texas Education Code, §61.651(1)(C); and

(4) any other document deemed necessary by the Coordinating Board.

#### *§23.303. Applicant Ranking Priorities.*

[(a)] If insufficient funds are available in a year to offer loan repayment assistance to all eligible applicants, then applications shall be ranked using priority determinations in the following order.

(1) The Coordinating Board may choose to post an application deadline, which will be posted on the program web page. In such

a case, applications received prior to the application deadline will be given priority over applications received after the application deadline.

(2) Renewal applications shall be given priority over initial-year applications, unless a break in service period has occurred, in which case the application would be treated as an initial-year application for priority ranking.

(3) Applications from eligible nurses who are not telehealth providers, as defined in §23.301 of this subchapter (relating to Definitions), shall be given priority over applications from telehealth providers.

(4) [(3)] Applications for those employed in rural counties shall be given priority over those who are not employed in rural counties. In the case of applicants serving at multiple sites, the Coordinating Board will use the address certified by the applicant's employer to determine whether the applicant [an applicant who spends at least 75 percent of their work hours serving in rural counties] is considered to be working in a rural county.

(5) [(4)] Applications shall be ranked based on the Primary Care HPSA score for the address certified by the applicant's [in which the] employer, including for applicants who work for agencies with satellite clinics or who conduct home visits [is located]. Applications with the highest Primary Care HPSA score shall be given priority over applications with the next highest Primary Care HPSA score, and so on.

(6) [(5)] Applications from Registered Nurses shall be given priority over applications from Licensed Vocational Nurses, who shall be given priority over applications from Advanced Practice Nurses.

(7) [(6)] Applications shall be ranked based on the date of application submission. Applications from the group with the earliest application submission date shall be given priority over applications from the next earliest application submission date, and so on.

[(b) In determining the Primary Care HPSA score, the following shall apply:]

[(1) If an applicant works for an agency located in a Primary Care HPSA that has satellite clinics and the nurse works in more than one of the clinics, the highest Primary Care HPSA score where the applicant works shall apply.]

[(2) If an applicant travels to make home visits, the applicant's agency base location and its Primary Care HPSA score shall apply.]

[(3) If an applicant works for different employers in multiple Primary Care HPSAs having different degrees of shortage, the location having the highest Primary Care HPSA score shall apply.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Douglas Brock

General Counsel

Texas Higher Education Coordinating Board

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For further information, please call: (512) 427-6365

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## PART 2. TEXAS EDUCATION AGENCY

### CHAPTER 74. CURRICULUM REQUIREMENTS

#### SUBCHAPTER AA. COMMISSIONER'S RULES ON COLLEGE AND CAREER READINESS

##### 19 TAC §74.1005

The Texas Education Agency (TEA) proposes an amendment to §74.1005, concerning college and career funding and reimbursements. The proposed amendment would update language concerning college and career related assessment reimbursements as required by House Bill (HB) 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, and make technical edits for clarification and consistency.

**BACKGROUND INFORMATION AND JUSTIFICATION:** Texas Education Code (TEC), §48.106, establishes a weighted annual allotment for approved career and technical education (CTE) courses, and TEC, §48.155 and §48.156, establish college preparation assessments and certification examinations for which school districts may receive reimbursements.

Section 74.1005 describes the eligibility of school districts and charter schools to receive CTE weighted funding under TEC, §48.106. The rule also details school district eligibility for reimbursements for college preparation assessments and certification examinations, as allowed under TEC, §48.155 and §48.156.

HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, updated provisions related to allotments and reimbursements. To implement the legislation, the following changes would be made.

The proposed amendment would remove New Tech Network campuses from eligibility for allotment funding, add a career readiness assessment to the list of assessments for which districts may receive reimbursement, and increase the number of industry-based certification (IBC) examinations eligible for reimbursement per student.

Additional technical edits would be made for clarification and consistency throughout the rule.

**FISCAL IMPACT:** Monica Martinez, associate commissioner for standards and programs, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

**LOCAL EMPLOYMENT IMPACT:** The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

**SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT:** The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

**COST INCREASE TO REGULATED PERSONS:** The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

**TAKINGS IMPACT ASSESSMENT:** The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by adding career readiness assessments to the options for which districts may be reimbursed and increase the number of IBC exams that are reimbursable per student. The proposed rulemaking would also limit an existing regulation by eliminating New Tech Network campuses from eligibility for the \$150 per student allotment.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to clarify expanded college and career assessment reimbursements and additional college and career related funding. There is no anticipated economic cost to persons who are required to comply with the proposal.

**DATA AND REPORTING IMPACT:** The proposal would have no data and reporting impact.

**PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS:** TEA has determined that the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

**PUBLIC COMMENTS:** TEA requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins January 16, 2026, and ends February 16, 2026. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on January 16, 2026. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About\\_TEA/Laws\\_and\\_Rules/Commissioner\\_Rules\\_\(TAC\)/Proposed\\_Commissioner\\_of\\_Education\\_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

**STATUTORY AUTHORITY.** The amendment is proposed under TEC, §29.190(a-1), as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, which establishes that a student may not receive more than two subsidies if the student passes a certification examination to qualify for a license or certificate that is an industry certification for purposes of TEC, §39.053(c)(1)(B)(v), administered while the student is enrolled in a school district; TEC, §39.0261(a)(3), as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025,

which permits high school students in the spring of the 11th grade or during the 12th grade to select and take once, at state cost, one of the valid, reliable, and nationally norm-referenced assessment instruments used by colleges and universities as part of their undergraduate admissions processes; the assessment instrument designated by the Texas Higher Education Coordinating Board; or a nationally recognized career readiness assessment instrument that measures foundational workforce skills approved by commissioner rule; TEC, §48.106, as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, which specifies certain students for whom a district is entitled to \$150 in addition to the amount under TEC, §48.106(a); and TEC, §48.156, as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, which entitles a school district to reimbursement for the amount of a subsidy paid by the district for not more than two certification examinations per student.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§29.190(a-1), 39.0261(a)(3), and 48.106, and §48.156, as amended by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025.

*§74.1005. College and Career Funding and Reimbursements.*

(a) Applicability. The provisions of this section apply to school districts and open-enrollment charter schools.

(b) Eligibility for funding.

(1) A district is eligible to receive funding under Texas Education Code (TEC), §48.106(a) [~~§48.106(a)(1)~~], for students in Grades 7-12 who take an approved career and technical education (CTE) course designated with an "H" in the CTE Course column of the Texas Education Data Standards, Section 4, Service-ID (CO22) code table.

(2) A district is eligible to receive funding under TEC, §48.106(a)(2)(A), for an advanced CTE course identified as Level 3 or Level 4 in a statewide CTE program of study.

(3) A district is eligible to receive funding under TEC, §48.106(a)(2)(B), for a campus that has been designated by the Texas Education Agency (TEA) as a Pathways in Technology Early College High School (P-TECH) for the current school year or a student who completes a course of study in a P-TECH program or a Rural Pathway Excellence Partnership program.

~~{(4) A district is eligible to receive funding under TEC, §48.106(a)(2)(C), for a campus that has an active agreement with the New Tech Network as defined by the New Tech Network for the current school year.}~~

(c) Eligibility for reimbursement.

(1) A district is eligible to receive a certification examination reimbursement for a certification identified on the TEA list of industry-based certifications (IBCs) for public school accountability, pursuant to §74.1003 of this title (relating to Industry-Based Certifications for Public School Accountability).

(A) A district is eligible to receive the certification examination reimbursement for students in Grades 9-12 who pass an examination beginning in the 2019-2020 school year.

(B) Examinations must be taken between September 1 and August 31 of any school year.

(C) A district is eligible for reimbursement for a student's first examination reported in the Texas Student Data System Public Education Information Management System with an associated dollar amount.

(2) A district is eligible to receive a reimbursement for a college preparation assessment administered under TEC, §39.0261(a)(3)(A), for ~~[the amount of]~~ fees paid by the district for the state negotiated rate for the SAT® or ACT® for students in spring of their junior year or during their senior year.

(A) Assessment reimbursement only includes the standard ~~[basic]~~ SAT® and ACT® test. Additional ~~[Other additional]~~ costs ~~[or fees]~~ such as writing tests, subject area tests, or late fees are not eligible for reimbursement.

(B) A student must take the assessment between January of Grade 11 and ~~[through]~~ August 31 of the year the student graduates.

(3) A district is eligible to receive a reimbursement for a college preparation assessment administered under TEC, §39.0261(a)(3)(B), for ~~[the amount of]~~ fees paid by the district for the Texas Success Initiative Assessment for students in spring of their junior year or during their senior year.

(A) Assessment reimbursement includes both the reading and mathematics portions of the examination. Neither portion is eligible for reimbursement on its own, and additional costs ~~[and fees]~~ such as writing tests and late fees are not eligible for reimbursement.

(B) A student must take the assessment between January of Grade 11 and ~~[through]~~ August 31 of the year the student graduates.

(4) A district is eligible to receive reimbursement for a nationally recognized career readiness assessment administered under TEC, §39.0261(a)(3)(C), for fees paid by the district for the assessment for students in spring of their junior year or during their senior year.

(A) Assessment reimbursement only includes the primary assessments(s) associated with the TEA-identified nationally recognized career readiness assessment. Additional costs such as subject area tests or late fees are not eligible for reimbursement.

(B) A student must take the assessment between January of Grade 11 and August 31 of the year the student graduates.

(5) ~~[(4)]~~ A district may only be reimbursed under this subsection for up to two ~~[one]~~ IBC examinations ~~[examination]~~ per student and one college preparation assessment or one career readiness assessment per student.

(6) ~~[(5)]~~ A district must submit reimbursement requests and data in accordance with instructions provided by TEA within the published timeline.

(d) Final decisions. Reimbursement decisions are final and may not be appealed.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 5, 2026.

TRD-202600013

Cristina De La Fuente Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 475-1497



## TITLE 22. EXAMINING BOARDS

# PART 1. TEXAS BOARD OF ARCHITECTURAL EXAMINERS

## CHAPTER 1. ARCHITECTS

The Texas Board of Architectural Examiners ("Board") proposes the amendment of 22 Texas Administrative Code, Chapter 1 relating to Architects, §1.27, relating to Provisional Licensure, and §1.149, relating to Criminal Convictions.

### SUBJECT MATERIAL STATEMENT

This proposed rulemaking action would implement Senate Bill 1080 (89th Regular Session, 2025), which amends provisions in Chapter 53, Texas Occupations Code, relating to licensing and Consequences of Criminal Conviction.

Through Senate Bill 1080, the legislature provides licensing authorities discretion to revoke a license following imprisonment for a felony conviction, unless the felony offense is directly related to the duties and responsibilities of the licensed occupation, the felony offense is a sexually violent offense under Article 62.001, Code of Criminal Procedure, or the felony offense is an offense listed in Article 42A.054, Code of Criminal Procedure, pursuant to §53.021, Texas Occupations Code.

Additionally, SB 1080 added §53.0211(b-1), Texas Occupations Code, which allows licensing authorities discretion to consider the issuance of a provisional license to an applicant who has committed an offense and is an imprisoned inmate of the Texas Department of Criminal Justice (TDCJ) or is an applicant on parole or mandatory supervision who is residing at a halfway house or community residential facility. The applicant must be a student or graduate of the Windham School District or an institution of higher education. A provisional license issued under §53.0211(b-1), Texas Occupations Code is valid for twelve (12) months, and the term begins on the date an applicant who is an inmate is released, pursuant to amendments to §53.0211(b)(2) and §53.0211(c), Texas Occupations Code

### EXPLANATION OF ACTION

The Board proposes to implement Senate Bill 1080 by amending 22 Texas Administrative Code §1.27 and §1.149. The amendments to §53.0211, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §1.27. The amendments to §53.021, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §1.149. Both rule sections also include non-substantive grammatical changes, changes for clarity in accordance with Chapter 53, Texas Occupations Code, and paragraph renumbering.

### FISCAL NOTE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the amendments will have no significant adverse fiscal impact upon state government, local government, or the Texas Board of Architectural Examiners. Ms. Mayo has determined that enforcing or administering the rules will not result in additional estimated costs, reduction in costs, loss or increase in revenue, or foreseeable implications relating to the costs or revenues of state or local government.

### PUBLIC BENEFIT/COST OF COMPLIANCE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the public ben-

efit includes reducing barriers to entry for applicants with felony criminal convictions. Compliance with the proposed rules is not expected to result in any additional economic costs to persons who are impacted by the rules.

### LOCAL EMPLOYMENT IMPACT STATEMENT

The agency has determined that the proposed rules will not affect any local economy, so the agency is not required to prepare a local employment impact statement under §2001.022, Texas Government Code.

### GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years the proposed rules would be in effect, no government program would be created or eliminated. The adoption of the proposed rules would not result in the creation or elimination of employee positions. Implementation of the proposed rules is not expected to require an increase or decrease in legislative appropriations to the agency. The proposed rules do not require an increase or decrease in fees paid to the Board. The proposed rules would not result in the adoption of new regulations. The proposed rules amend existing regulations in a manner consistent with statutory requirements. The proposed rules may increase the number of individuals subject to the rule's applicability. The proposed rules are not expected to have a significant impact on the state's economy.

### IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under §2006.002, Texas Government Code, is not required.

### TAKINGS IMPACT ASSESSMENT

The agency has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under §2007.043, Texas Government Code.

### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

As a self-directed semi-independent agency, §2001.0045, Texas Government Code does not apply to rules adopted by the Board.

### PUBLIC COMMENT

Comments on the proposed rule may be submitted to Pim Mayo, General Counsel, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337.

## SUBCHAPTER B. ELIGIBILITY FOR REGISTRATION

### 22 TAC §1.27

### STATUTORY AUTHORITY

The amendments to §1.27 are proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of archi-

ture; §1051.207, Texas Occupations Code, which authorizes the Board to adopt rules as necessary to comply with Chapter 53, Texas Occupations Code; and §53.0211, Texas Occupations Code, which provides licensing authorities authority grant licenses and provisional licenses to certain applicants with prior criminal convictions.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

##### *§1.27. Provisional Licensure Following Criminal Conviction.*

(a) The Board shall grant a certificate [Certificate] of registration [Registration] or a provisional certificate [Certificate] of registration [Registration] to an otherwise qualified Candidate who has been convicted of an offense that:

(1) is not directly related to the Practice of Architecture as determined by the executive director [directory] under §1.149 of this chapter (relating to Criminal Convictions);

(2) - (3) (No change.)

(b) The Board may issue a provisional certificate of registration to an Applicant who has been convicted of an offense, including an Applicant who:

(1) is:

(A) an inmate imprisoned in the Texas Department of Criminal Justice; or

(B) a person released on parole or mandatory supervision and residing at a place described by §508.118 or §508.119, Texas Government Code; and

(2) is enrolled in or has completed an educational program offered by:

(A) the Windham School District; or

(B) an institution of higher education, as defined by §61.003, Education Code.

(c) [(b)] A provisional certificate [Certificate] of registration [Registration] expires twelve (12) [~~six (6)~~] months after the date it is issued.

(d) The term of a provisional certificate of registration issued to an Applicant who is an inmate imprisoned in the Texas Department of Criminal Justice begins on the date the Applicant is released.

(e) [(e)] A provisional certificate [Certificate] of registration [Registration] shall [may] be Revoked for the following reasons:

(1) the [The] provisional Registrant commits a new offense [another offense during the 6-month provisional registration period];

(2) the [The] provisional Registrant's community supervision, mandatory supervision, or parole is revoked [Revoked]; or

(3) the [The] provisional Registrant violates a statute or rule enforced by the Board.

(f) [(d)] A provisional Registrant who is subject to community supervision, mandatory supervision, or parole shall provide the Board name and contact information of the probation or parole department to which the provisional Registrant reports. The Board shall provide notice to the department upon the issuance of the provisional certificate [Certificate] of registration [Registration], as well as any terms, conditions or limitations upon the provisional Registrant's practice.

(g) [(e)] Upon successful completion of the provisional registration [Registration] period, the Board shall issue a certificate

[Certificate] of registration [Registration] to the provisional Registrant. If a provisional Registrant's provisional certificate [Certificate] is Revoked, the provisional Registrant is disqualified from receiving a certificate [Certificate] of registration [Registration] and may not apply for a certificate [Certificate] of registration [Registration] for a period of three (3) years from the date of Revocation.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

TRD-202600005

Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 305-9040



## SUBCHAPTER H. PROFESSIONAL CONDUCT

### 22 TAC §1.149

#### STATUTORY AUTHORITY

The amendments to §1.149 are proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of architecture; §1051.207, Texas Occupations Code, which authorizes the Board to adopt rules as necessary to comply with Chapter 53, Texas Occupations Code; and §53.021, Texas Occupations Code, which provides licensing authorities authority to revoke, suspend, or deny a license based on a criminal conviction.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

##### *§1.149. Criminal Convictions.*

(a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board may suspend or Revoke [revoke] an existing certificate of registration, disqualify a person from receiving a certificate of registration, issue a provisional license subject to the terms and limitations of §1.27 of this chapter (relating to Provisional Licensure Following Criminal Conviction), or deny to a person the opportunity to be examined for a certificate of registration because of the person's conviction for [committing an offense if]:

(1) an [the] offense that directly relates to the duties and responsibilities of an Architect;

(2) an [the] offense [is] listed in Article 42A.054, Texas Code of Criminal Procedure; or

(3) [the offense is] a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure.

(b) A Registrant's registration shall be Revoked on the Registrant's imprisonment following:

(1) a felony conviction for:

(A) an offense that directly relates to the duties and responsibilities of an Architect;

(B) an offense listed in Article 42A.054, Texas Code of Criminal Procedure; or

(C) a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure;

(2) felony community supervision revocation;

(3) revocation of parole; or

(4) revocation of mandatory supervision.

(c) A Registrant's registration may be Revoked on the Registrant's imprisonment following a conviction for a felony other than those listed in subsection (b)(1) of this section.

(d) [(b)] The following procedures will apply in the consideration of an application for registration as an Architect or in the consideration of a Registrant's criminal history:

(1) - (3) (No change.)

(4) The notice provided by the executive director under this subsection must contain:

(A) a statement that the person is disqualified from being registered or being examined for registration because of the person's prior conviction of an offense specified in the notice; or

(B) a statement that:

(i) the final decision of the Board to Revoke [revoke] or suspend the registration or deny the person a registration or the opportunity to be examined for the registration will be based on the factors listed in subsection (f) [(d)] of this section; and

(ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the factors listed in subsection (f) [(d)] of this section.

(5) (No change.)

(e) [(e)] In determining whether a criminal conviction is directly related to the duties and responsibilities of an Architect, the executive director and the Board shall consider each of the following factors:

(1) - (5) (No change.)

(f) [(d)] If the executive director or the Board determines under subsection (e) [(e)] of this section that a criminal conviction directly relates to the duties and responsibilities of an Architect, the executive director and the Board shall consider the following in determining whether to suspend or Revoke [revoke] a registration, disqualify a person from receiving a registration, or deny to a person the opportunity to take a registration examination:

(1) - (7) (No change.)

(g) [(e)] Crimes directly related to the duties and responsibilities of a Registered Architect include any crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld for the professional Practice of Architecture, such as the following:

(1) - (5) (No change.)

[(f)] The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration of any Registrant whose felony probation, parole, or mandatory supervision is revoked.]

(h) [(g)] If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the Applicant for registration during the period of incarceration, other than the issuance of a provisional certificate of registration under §1.27 of this chapter (relating to

Provisional Licensure Following Criminal Conviction). If an Applicant's felony probation, parole, or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the Applicant successfully completes the sentence imposed as a result of the revocation.

(i) [(h)] If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall provide the Applicant or Registrant with the following information in writing:

(1) the reason for rejecting the application or taking action against the Registrant's certificate of registration, including any factor considered under subsections (e) [(e)] or (f) [(d)] of this section that served as the basis for the action;

(2) - (3) (No change.)

(j) [(i)] All proceedings pursuant to this section shall be governed by the Administrative Procedure Act, Chapter 2001, Government Code.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

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Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 305-9040



## SUBCHAPTER B. ELIGIBILITY FOR REGISTRATION

### 22 TAC §1.29

The Texas Board of Architectural Examiners ("Board") proposes the amendment of 22 Texas Administrative Code, Chapter 1 relating to Architects, §1.29 relating to Registration of a Military Service Member, Military Veteran, or Military Spouse.

#### SUBJECT MATERIAL STATEMENT

This proposed rulemaking action would implement Senate Bill 1818 and House Bill 5629 (89th Regular Session, 2025), which amend provisions in Chapter 55, Texas Occupations Code, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses.

Senate Bill 1818 mandates the prompt issuance of a provisional registration to an applicant under §55.004 or §55.0041, Texas Occupations Code if the agency is unable to promptly issue a license or recognition of an out-of-state license, respectively. A provisional license expires the earlier of the date the license is issued or recognition is granted, or the 180th day after the date the provisional registration is issued.

House Bill 5629 makes several changes to Chapter 55, Texas Occupations Code. Under the changes to §55.004, Texas Occupations Code, licensing agencies are required to issue a license to a military service member, military veteran, or military spouse who holds a license in good standing in another state with a similar scope of practice to Texas. Amendments to §55.0041, Texas Occupations Code, allow a military service member, military veteran, or military spouse to practice in Texas under an out-of-state



license without having to become registered in Texas, and provides procedures for recognizing the out-of-state license.

Additionally, HB 5629 adds §55.0042, Texas Occupations Code, which specifies how "good standing" is determined, and also adds §55.0043, Texas Occupations Code, which requires that agencies track and publish complaints made against a military service member, military veteran, or military spouse. The law also modifies §55.005(a), Texas Occupations Code, which requires agencies to process applications and issue registrations for qualified applicants within 10 business days instead of 30. Finally, HB 5629 modifies §55.009, Texas Occupations Code to waive application fees for any individual who is a military service member, military veteran, or military spouse.

#### EXPLANATION OF ACTION

The Board proposes to implement Senate Bill 1818 and House Bill 5629 by amending 22 Texas Administrative Code §1.29. The amendments to Chapter 55, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §1.29. The proposed amendments also include non-substantive grammatical changes and paragraph renumbering.

#### FISCAL NOTE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the amendments will have no significant adverse fiscal impact upon state government, local government, or the Texas Board of Architectural Examiners. Ms. Mayo has determined that enforcing or administering the rules will not result in additional estimated costs, reduction in costs, loss or increase in revenue, or foreseeable implications relating to the costs or revenues of state or local government.

#### PUBLIC BENEFIT/COST OF COMPLIANCE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the public benefit includes reducing barriers to entry for military service members, military veterans, and military spouses. Compliance with the proposed rules is not expected to result in any additional economic costs to persons who are impacted by the rules.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The agency has determined that the proposed rules will not affect any local economy, so the agency is not required to prepare a local employment impact statement under §2001.022, Texas Government Code.

#### GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years the proposed rules would be in effect, no government program would be created or eliminated. The adoption of the proposed rules would not result in the creation or elimination of employee positions. Implementation of the proposed rules is not expected to require an increase or decrease in legislative appropriations to the agency. The proposed rules do not require an increase or decrease in fees paid to the Board. The proposed rules would not result in the adoption of new regulations. The proposed rules amend existing regulations in a manner consistent with statutory requirements. The proposed rules may increase the number of individuals subject to the rule's applicability. The proposed rules are not expected to have a significant impact on the state's economy.

#### IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under §2006.002, Texas Government Code, is not required.

#### TAKINGS IMPACT ASSESSMENT

The agency has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under §2007.043, Texas Government Code.

#### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

As a self-directed semi-independent agency, §2001.0045, Texas Government Code does not apply to rules adopted by the Board.

#### PUBLIC COMMENT

Comments on the proposed rule may be submitted to Pim Mayo, General Counsel, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337.

#### STATUTORY AUTHORITY

The amendment of §1.29 is proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of architecture; §1051.704, Texas Occupations Code, which requires the Board to examine each applicant for registration on any architectural subject or procedure the Board requires and to issue a certificate of registration to each applicant who passes the examination; and §§55.004, 55.0041, 55.0042, 55.0043, 55.005, and 55.009, Texas Occupations Code, which relate to the Licensing of Military Service Members, Military Veterans, and Military Spouses.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

*§1.29. Registration of a Military Service Member, Military Veteran, or Military Spouse.*

(a) For the purposes of this section, terms shall have the following definitions: [Definitions:]

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Good Standing" means an Applicant:

(A) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(B) has not been disciplined by the licensing authority with respect to the license or person's practice of architecture; and

(C) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or profession.

(4) "License" means a license or registration to practice architecture.

(5) [(3)] "Military service member" means a person who is on active duty.

(6) [(4)] "Military spouse" means a person who is married to a military service member.

(7) [(5)] "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Expedited Licensure Procedure for a Military Service Member, Military Veteran, or Military Spouse.

(1) A military service member, military veteran, or military spouse may apply for a registration in accordance with:

(A) §1.21 of this chapter (relating to Registration by Examination);

(B) §1.22 of this chapter (relating to Registration by Reciprocal Transfer); or

(C) §55.004, Texas Occupations Code.

(2) A military service member, military veteran, or military spouse is eligible for registration under §55.004, Texas Occupations Code if:

(A) the Applicant holds a current license issued by another state that is similar in scope of practice to a Texas architectural registration and is in Good Standing with that state's licensing authority; or

(B) the Applicant held a Texas architectural registration within the five years preceding the application date under this subsection.

(3) Not later than the 10th business day after the date a military service member, military veteran, or military spouse files an application for registration under §1.21 or §1.22 of this chapter, the Board shall process the application and issue a registration to a qualifying Applicant.

(4) On receipt of an application for registration in accordance with §55.004, Texas Occupations Code, the Board shall promptly issue a provisional registration to the Applicant while the Board processes the application or issue the registration. A provisional registration issued under this subsection expires on the earlier of:

(A) the date the Board approves or denies the application for registration; or

(B) the 180th day after the date the provisional registration is issued.

[(b) Architectural registration eligibility requirements for military service members, military veterans, and military spouses.]

[(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.]

[(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:]

[(A) Holds an active architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration in this state; or]

[(B) Held an active architectural registration in this state within the five years preceding the application.]

[(3) Not later than 30 days after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.]

[(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.]

(c) Recognition of Out-of-State License of Military Service Members and Military Spouses.

(1) As applicable, a military service member or military spouse who holds a current license issued by another state that is similar in scope of practice to a Texas architectural registration and who is in Good Standing with that state's licensing authority may submit an application to the Board to request recognition of the out-of-state license in accordance with the provisions of §55.0041, Texas Occupations Code, if:

(A) the military service member has been ordered to relocate to Texas, or

(B) the military spouse is married to a military service member who has been ordered to relocate to Texas.

(2) An Applicant whose out-of-state license is recognized under this subsection may engage in the Practice of Architecture in this state without obtaining a registration.

(3) Prior to engaging in the Practice of Architecture under this subsection, the Applicant must submit the following information to the Board to demonstrate eligibility for recognition of an out-of-state license:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the Applicant is a military spouse, a copy of the military spouse's marriage license; and

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the Applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the Applicant understands the scope of practice for an architect in this state and will not perform outside of that scope of practice; and

(iv) the Applicant is in Good Standing in each state in which the Applicant holds or has held a license.

(4) Not later than 10 business days after a military service member or military spouse files an application for registration under this subsection, the Board shall:

(A) Notify the Applicant of the Board's determination that:

(i) the Board recognizes the Applicant's out-of-state license;

(ii) the application is incomplete; or  
(iii) the Board is unable to recognize the Applicant's out-of-state license because the Board does not issue a registration similar in scope of practice to the Applicant's license; or

(B) Issue a provisional registration to the Applicant pending the issuance of a determination under paragraph (4)(A) of this subsection.

(5) A provisional registration issued under this subsection expires on the earlier of:

(A) the date the Board issues a determination under paragraph (4)(A) of this subsection; or

(B) the 180th day after the date the provisional registration is issued.

(6) An Applicant under this subsection shall comply with all other laws and regulations applicable to the Practice of Architecture in this state.

(7) A military service member or military spouse may engage in the Practice of Architecture under the authority of this subsection only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state.

(8) In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the Practice of Architecture under the authority of this subsection until the third anniversary of the date the spouse submitted the application required under paragraph (3) of this subsection.

[(e) Alternative temporary registration procedure for an individual who is a military service member or military spouse.]

[(1) An individual who is a military service member or military spouse may qualify for a temporary architectural registration if the individual:]

[(A) holds a current architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for architectural registration in this state;]

[(B) notifies the Board in writing of the individual's intent to practice Architecture in this state;]

[(C) submits to the Board required information to demonstrate eligibility for temporary architectural registration; and]

[(D) receives a verification letter from the Board that:]

[(i) the Board has verified the individual's license or registration in the other jurisdiction; and]

[(ii) the individual is issued a temporary architectural registration.]

[(2) The Board will review and evaluate the following criteria when determining whether another jurisdiction's licensing requirements are substantially equivalent to the requirements for an architectural registration in Texas:]

[(A) whether the other jurisdiction requires an applicant to pass the Architect Registration Examination (ARE);]

[(B) any experience qualifications required by the jurisdiction to obtain the license or registration; and]

[(C) any education credentials required by the jurisdiction to obtain the license or registration.]

[(3) The individual must submit the following information to the Board to demonstrate eligibility for temporary architectural registration:]

[(A) a written request for the Board to review the individual's eligibility for temporary architectural registration;]

[(B) sufficient documentation to verify that the individual is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;]

[(C) proof of residency in this state;]

[(D) a copy of the individual's military identification card; and]

[(E) proof the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in Texas.]

[(4) Not later than the 30th day after the date an individual submits the information described by paragraph (3) of this subsection, the Board shall provide the verification described by paragraph (1)(D) of this subsection if the individual is eligible for a temporary registration under this subsection.]

[(5) A temporary architectural registration issued under this subsection expires three years from the date of issuance or when the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.]

[(6) In the event of a divorce or similar event that affects an individual's status as a military spouse, the spouse's registration will continue in effect until the registration expires three years from the date of issuance.]

[(7) Except as provided under this subsection, an individual who receives a temporary architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the Practice of Architecture in this state.]

[(8) A temporary architectural registration issued under this subsection may be revoked if the individual:]

[(A) fails to comply with paragraph (7) of this subsection; or]

[(B) the individual's license or registration required under paragraph (1)(A) of this subsection expires or is suspended or revoked.]

[(9) The Board shall not charge a fee for the issuance of a temporary architectural registration under this subsection.]

(d) The Board will review and evaluate the following criteria when determining whether another state's scope of practice of a licensed architect is similar to the scope of practice of an Architect in Texas:

(1) Whether the statutory definition of the practice of architecture includes the core functions recognized in Texas;

(2) Whether architects are responsible for public health, safety, and welfare in a manner comparable to Texas;

(3) Whether the other state restricts architectural services to licensed architects in a manner consistent with Texas practice;

(4) The similarity of exemptions from licensure, including building-type or size exemptions, and whether such exemptions materially alter the scope of services architects perform;

(5) Whether architects in the other state are authorized or required to perform construction observation services similar to those required in Texas;

(6) The similarity of requirements for responsible charge or responsible control, including duties related to supervision, document preparation, and sealing construction documents for regulatory approval, permitting, or construction;

(7) Whether architects have comparable responsibilities for building code compliance, accessibility, life-safety considerations, and related regulatory obligations;

(8) The extent to which the division of responsibilities between architects and other licensed professions, such as engineers, aligns with Texas practice;

(9) Whether requirements for architectural involvement in public-sector projects align with Texas standards;

(10) Whether rules, interpretations, or guidance issued by the other state's architectural licensing board result in a functional scope of practice comparable to Texas; and

(11) The similarity of enforcement mechanisms, disciplinary authority, and standards of professional responsibility that define and limit the scope of practice.

(e) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(f) The Board shall not charge an application or examination fee paid to the Board for any Applicant who is a military service member, military veteran, or military spouse.

(g) A military service member is exempt from any increased fee or other penalty for failing to renew a registration in a timely manner if the individual establishes to the satisfaction of the Board that the failure was due to the individual serving as a military service member.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

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Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

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For further information, please call: (512) 305-9040



## CHAPTER 3. LANDSCAPE ARCHITECTS

The Texas Board of Architectural Examiners ("Board") proposes the amendment of 22 Texas Administrative Code, Chapter 3 relating to Landscape Architects, §3.27, relating to Provisional Licensure, and §3.149, relating to Criminal Convictions.

### SUBJECT MATERIAL STATEMENT

This proposed rulemaking action would implement Senate Bill 1080 (89th Regular Session, 2025), which amends provisions in

Chapter 53, Texas Occupations Code, relating to licensing and Consequences of Criminal Conviction.

Through Senate Bill 1080, the legislature provides licensing authorities discretion to revoke a license following imprisonment for a felony conviction, unless the felony offense is directly related to the duties and responsibilities of the licensed occupation, the felony offense is a sexually violent offense under Article 62.001, Code of Criminal Procedure, or the felony offense is an offense listed in Article 42A.054, Code of Criminal Procedure, pursuant to §53.021, Texas Occupations Code.

Additionally, SB 1080 added §53.0211(b-1), Texas Occupations Code, which allows licensing authorities discretion to consider the issuance of a provisional license to an applicant who has committed an offense and is an imprisoned inmate of the Texas Department of Criminal Justice (TDCJ) or is an applicant on parole or mandatory supervision who is residing at a halfway house or community residential facility. The applicant must be a student or graduate of the Windham School District or an institution of higher education. A provisional license issued under §53.0211(b-1), Texas Occupations Code is valid for twelve (12) months, and the term begins on the date an applicant who is an inmate is released, pursuant to amendments to §53.0211(b)(2) and §53.0211(c), Texas Occupations Code

### EXPLANATION OF ACTION

The Board proposes to implement Senate Bill 1080 by amending 22 Texas Administrative Code §3.27 and §3.149. The amendments to §53.0211, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §3.27. The amendments to §53.021, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §3.149. Both rule sections also include non-substantive grammatical changes, changes for clarity in accordance with Chapter 53, Texas Occupations Code, and paragraph renumbering.

### FISCAL NOTE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the amendments will have no significant adverse fiscal impact upon state government, local government, or the Texas Board of Architectural Examiners. Ms. Mayo has determined that enforcing or administering the rules will not result in additional estimated costs, reduction in costs, loss or increase in revenue, or foreseeable implications relating to the costs or revenues of state or local government.

### PUBLIC BENEFIT/COST OF COMPLIANCE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the public benefit includes reducing barriers to entry for applicants with felony criminal convictions. Compliance with the proposed rules is not expected to result in any additional economic costs to persons who are impacted by the rules.

### LOCAL EMPLOYMENT IMPACT STATEMENT

The agency has determined that the proposed rules will not affect any local economy, so the agency is not required to prepare a local employment impact statement under §2001.022, Texas Government Code.

### GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years the proposed rules would be in effect, no government program would be created or eliminated. The adoption of the proposed rules would not result in the creation or elimination of employee positions. Implementation of the proposed rules is not expected to require an increase or decrease in legislative appropriations to the agency. The proposed rules do not require an increase or decrease in fees paid to the Board. The proposed rules would not result in the adoption of new regulations. The proposed rules amend existing regulations in a manner consistent with statutory requirements. The proposed rules may increase the number of individuals subject to the rule's applicability. The proposed rules are not expected to have a significant impact on the state's economy.

#### IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, microbusinesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under §2006.002, Texas Government Code, is not required.

#### TAKINGS IMPACT ASSESSMENT

The agency has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under §2007.043, Texas Government Code.

#### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

As a self-directed semi-independent agency, §2001.0045, Texas Government Code does not apply to rules adopted by the Board.

#### PUBLIC COMMENT

Comments on the proposed rule may be submitted to Pim Mayo, General Counsel, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337.

## SUBCHAPTER B. ELIGIBILITY FOR REGISTRATION

### 22 TAC §3.27

#### STATUTORY AUTHORITY

The amendments to §3.27 are proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of landscape architecture; §1051.207, Texas Occupations Code, which authorizes the Board to adopt rules as necessary to comply with Chapter 53, Texas Occupations Code; and §53.0211, Texas Occupations Code, which provides licensing authorities authority grant licenses and provisional licenses to certain applicants with prior criminal convictions.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

§3.27. *Provisional Licensure Following Criminal Conviction.*

(a) The Board shall grant a certificate [Certificate] of registration [Registration] or a provisional certificate [Certificate] of registration [Registration] to an otherwise qualified Candidate who has been convicted of an offense that:

(1) - (3) (No change.)

(b) The Board may issue a provisional certificate of registration to an applicant who has been convicted of an offense, including an Applicant who:

(1) is:

(A) an inmate imprisoned in the Texas Department of Criminal Justice; or

(B) a person released on parole or mandatory supervision and residing at a place described by §508.118 or §508.119, Government Code; and

(2) is enrolled in or has completed an educational program offered by:

(A) the Windham School District; or

(B) an institution of higher education, as defined by §61.003, Education Code.

(c) [(b)] A provisional certificate [Certificate] of registration [Registration] expires twelve (12) [six (6)] months after the date it is issued.

(d) The term of a provisional certificate of registration issued to an Applicant who is an inmate imprisoned in the Texas Department of Criminal Justice begins on the date the Applicant is released.

(e) [(e)] A provisional certificate [Certificate] of registration shall [Registration may] be Revoked for the following reasons:

(1) the provisional Registrant commits a new offense [another offense during the 6-month provisional registration period];

(2) the provisional Registrant's community supervision, mandatory supervision, or parole is revoked [Revoked]; or

(3) (No change.)

(f) [(d)] A provisional Registrant who is subject to community supervision, mandatory supervision, or parole shall provide the Board name and contact information of the probation or parole department to which the provisional Registrant reports. The Board shall provide notice to the department upon the issuance of the provisional certificate [Certificate] of registration [Registration], as well as any terms, conditions or limitations upon the provisional Registrant's practice.

(g) [(e)] Upon successful completion of the provisional registration [Registration] period, the Board shall issue a certificate [Certificate] of registration [Registration] to the provisional Registrant. If a provisional Registrant's provisional certificate [Certificate] is Revoked, the provisional Registrant is disqualified from receiving a certificate [Certificate] of registration [Registration] and may not apply for a certificate [Certificate] of registration [Registration] for a period of three (3) years from the date of Revocation.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

TRD-202600007



## SUBCHAPTER H. PROFESSIONAL CONDUCT

### 22 TAC §3.149

#### STATUTORY AUTHORITY

The amendments to §3.149 are proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of landscape architecture; §1051.207, Texas Occupations Code, which authorizes the Board to adopt rules as necessary to comply with Chapter 53, Texas Occupations Code; and §53.021, Texas Occupations Code, which provides licensing authorities authority to revoke, suspend, or deny a license based on a criminal conviction.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

#### §3.149. Criminal Convictions.

(a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board may suspend or revoke an existing certificate of registration, disqualify a person from receiving a certificate of registration, issue a provisional license subject to the terms and limitations of §3.27 of this chapter (relating to Provisional Licensure Following Criminal Conviction), or deny to a person the opportunity to be examined for a certificate of registration because of the person's conviction for ~~committing an offense if~~:

(1) ~~an [the] offense that directly relates to the duties and responsibilities of a Landscape Architect;~~

(2) ~~an [the] offense [is] listed in Article 42A.054, Texas Code of Criminal Procedure; or~~

(3) ~~[the offense is] a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure.~~

(b) A Registrant's registration shall be Revoked on the Registrant's imprisonment following:

(1) a felony conviction for:

(A) an offense that directly relates to the duties and responsibilities of a Landscape Architect;

(B) an offense listed in Article 42A.054, Texas Code of Criminal Procedure; or

(C) a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure;

(2) felony community supervision revocation;

(3) revocation of parole; or

(4) revocation of mandatory supervision.

(c) A Registrant's registration may be Revoked on the Registrant's imprisonment following a conviction for a felony other than those listed in subsection (b)(1) of this section.

(d) [(b)] The following procedures will apply in the consideration of an application for registration as a Landscape Architect or in the consideration of a Registrant's criminal history:

(1) - (3) (No change.)

(4) The notice provided by the executive director under this subsection must contain:

(A) a statement that the person is disqualified from being registered or being examined for registration because of the person's prior conviction of an offense specified in the notice; or

(B) a statement that:

(i) the final decision of the Board to Revoke ~~[revoke]~~ or suspend the registration or deny the person a registration or the opportunity to be examined for the registration will be based on the factors listed in subsection (f) ~~[(d)]~~ of this section; and

(ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the factors listed in subsection (f) ~~[(d)]~~ of this section.

(5) (No change.)

(e) [(e)] In determining whether a criminal conviction is directly related to the duties and responsibilities of a Landscape Architect, the executive director and the Board shall consider each of the following factors:

(1) - (5) (No change.)

(f) [(d)] If the executive director or the Board determines under subsection (e) [(e)] of this section that a criminal conviction directly relates to the duties and responsibilities of a Landscape Architect, the executive director and the Board shall consider the following in determining whether to suspend or Revoke ~~[revoke]~~ a registration, disqualify a person from receiving a registration, or deny to a person the opportunity to take a registration examination:

(1) - (7) (No change.)

(g) [(e)] Crimes directly related to the duties and responsibilities of a Landscape Architect include any crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld for the professional practice of Landscape Architecture, such as the following:

(1) - (5) (No change.)

[(f)] The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration of any Registrant whose felony probation, parole, or mandatory supervision is revoked.]

(h) [(g)] If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the Applicant for registration during the period of incarceration, other than the issuance of a provisional Certificate of Registration under §3.27 of this chapter (relating to Provisional Licensure Following Criminal Conviction). If an Applicant's felony probation, parole, or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the Applicant successfully completes the sentence imposed as a result of the revocation.

(i) [(h)] If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall provide the Applicant or Registrant with the following information in writing:

(1) the reason for rejecting the application or taking action against the Registrant's certificate of registration including any factor considered under subsections (e) [(e)] or (f) [(d)] of this section that served as the basis for the action;

(2) - (3) (No change.)

(j) [(i)] All proceedings pursuant to this section shall be governed by the Administrative Procedure Act, Chapter 2001, Government Code.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

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Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 305-9040



## SUBCHAPTER B. ELIGIBILITY FOR REGISTRATION

### 22 TAC §3.29

The Texas Board of Architectural Examiners ("Board") proposes the amendment of 22 Texas Administrative Code, Chapter 3 relating to Landscape Architects, §3.29 relating to Registration of a Military Service Member, Military Veteran, or Military Spouse.

#### SUBJECT MATERIAL STATEMENT

This proposed rulemaking action would implement Senate Bill 1818 and House Bill 5629 (89th Regular Session, 2025), which amend provisions in Chapter 55, Texas Occupations Code, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses.

Senate Bill 1818 mandates the prompt issuance of a provisional registration to an applicant under §55.004 or §55.0041, Texas Occupations Code if the agency is unable to promptly issue a license or recognition of an out-of-state license, respectively. A provisional license expires the earlier of the date the license is issued or recognition is granted, or the 180th day after the date the provisional registration is issued.

House Bill 5629 makes several changes to Chapter 55, Texas Occupations Code. Under the changes to §55.004, Texas Occupations Code, licensing agencies are required to issue a license to a military service member, military veteran, or military spouse who holds a license in good standing in another state with a similar scope of practice to Texas. Amendments to §55.0041, Texas Occupations Code, allow a military service member, military veteran, or military spouse to practice in Texas under an out-of-state license without having to become registered in Texas, and provides procedures for recognizing the out-of-state license.

Additionally, HB 5629 adds §55.0042, Texas Occupations Code, which specifies how "good standing" is determined, and also adds §55.0043, Texas Occupations Code, which requires that agencies track and publish complaints made against a military service member, military veteran, or military spouse. The law also modifies §55.005(a), Texas Occupations Code, which requires agencies to process applications and issue registrations for qualified applicants within 10 business days instead of 30. Finally, HB 5629 modifies §55.009, Texas Occupations Code to waive application fees for any individual who is a military service member, military veteran, or military spouse.

#### EXPLANATION OF ACTION

The Board proposes to implement Senate Bill 1818 and House Bill 5629 by amending 22 Texas Administrative Code §3.29. The amendments to Chapter 55, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §3.29. The proposed amendments also include non-substantive grammatical changes and paragraph renumbering.

#### FISCAL NOTE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the amendments will have no significant adverse fiscal impact upon state government, local government, or the Texas Board of Architectural Examiners. Ms. Mayo has determined that enforcing or administering the rules will not result in additional estimated costs, reduction in costs, loss or increase in revenue, or foreseeable implications relating to the costs or revenues of state or local government.

#### PUBLIC BENEFIT/COST OF COMPLIANCE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the public benefit includes reducing barriers to entry for military service members, military veterans, and military spouses. Compliance with the proposed rules is not expected to result in any additional economic costs to persons who are impacted by the rules.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The agency has determined that the proposed rules will not affect any local economy, so the agency is not required to prepare a local employment impact statement under §2001.022, Texas Government Code.

#### GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years the proposed rules would be in effect, no government program would be created or eliminated. The adoption of the proposed rules would not result in the creation or elimination of employee positions. Implementation of the proposed rules is not expected to require an increase or decrease in legislative appropriations to the agency. The proposed rules do not require an increase or decrease in fees paid to the Board. The proposed rules would not result in the adoption of new regulations. The proposed rules amend existing regulations in a manner consistent with statutory requirements. The proposed rules may increase the number of individuals subject to the rule's applicability. The proposed rules are not expected to have a significant impact on the state's economy.

#### IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under §2006.002, Texas Government Code, is not required.

#### TAKINGS IMPACT ASSESSMENT

The agency has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules

do not constitute a taking or require a takings impact assessment under §2007.043, Texas Government Code.

#### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

As a self-directed semi-independent agency, §2001.0045, Texas Government Code does not apply to rules adopted by the Board.

#### PUBLIC COMMENT

Comments on the proposed rule may be submitted to Pim Mayo, General Counsel, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337.

#### STATUTORY AUTHORITY

The amendment of §3.29 is proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of landscape architecture; and §§55.004, 55.0041, 55.0042, 55.0043, 55.005, and 55.009, Texas Occupations Code, which relate to the Licensing of Military Service Members, Military Veterans, and Military Spouses.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

*§3.29. Registration of a Military Service Member, Military Veteran, or Military Spouse.*

(a) For the purposes of this section, terms shall have the following definitions: [Definitions.]

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Good Standing" means an Applicant:

(A) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(B) has not been disciplined by the licensing authority with respect to the license or person's practice of landscape architecture; and

(C) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or profession.

(4) "License" means a license or registration to practice landscape architecture.

(5) [(3)] "Military service member" means a person who is on active duty.

(6) [(4)] "Military spouse" means a person who is married to a military service member.

(7) [(5)] "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Expedited Licensure Procedure for a Military Service Member, Military Veteran, or Military Spouse.

(1) A military service member, military veteran, or military spouse may apply for a registration in accordance with:

(A) §3.21 of this chapter (relating to Registration by Examination);

(B) §3.22 of this chapter (relating to Registration by Reciprocal Transfer); or

(C) §55.004, Texas Occupations Code.

(2) A military service member, military veteran, or military spouse is eligible for registration under §55.004, Texas Occupations Code if:

(A) the Applicant holds a current license issued by another state that is similar in scope of practice to a Texas landscape architectural registration and is in Good Standing with that state's licensing authority; or

(B) the Applicant held a Texas landscape architectural registration within the five years preceding the application date under this subsection.

(3) Not later than the 10th business day after the date a military service member, military veteran, or military spouse files an application for registration under §3.21 or §3.22 of this chapter, the Board shall process the application and issue a registration to a qualifying Applicant.

(4) On receipt of an application for registration in accordance with §55.004, Texas Occupations Code, the Board shall promptly issue a provisional registration to the Applicant while the Board processes the application or issue the registration. A provisional registration issued under this subsection expires on the earlier of:

(A) the date the Board approves or denies the application for registration; or

(B) the 180th day after the date the provisional registration is issued.

[(b) Landscape architectural registration eligibility requirements for military service members, military veterans, and military spouses.]

[(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.]

[(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:]

[(A) Holds an active landscape architectural registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration in this state; or]

[(B) Held an active landscape architectural registration in this state within the five years preceding the application.]

[(3) Not later than 30 days after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.]

[(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.]

(c) Recognition of Out-of-State License of Military Service Members and Military Spouses.



(1) As applicable, a military service member or military spouse who holds a current license issued by another state that is similar in scope of practice to a Texas landscape architectural registration and who is in Good Standing with that state's licensing authority may submit an application to the Board to request recognition of the out-of-state license in accordance with the provisions of §55.0041, Texas Occupations Code, if:

(A) the military service member has been ordered to relocate to Texas, or

(B) the military spouse is married to a military service member who has been ordered to relocate to Texas.

(2) An Applicant whose out-of-state license is recognized under this subsection may engage in the practice of landscape architecture in this state without obtaining a registration.

(3) Prior to engaging in the practice of landscape architecture under this subsection, the Applicant must submit the following information to the Board to demonstrate eligibility for recognition of an out-of-state license:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the Applicant is a military spouse, a copy of the military spouse's marriage license; and

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the Applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the Applicant understands the scope of practice for a landscape architect in this state and will not perform outside of that scope of practice; and

(iv) the Applicant is in Good Standing in each state in which the Applicant holds or has held a license.

(4) Not later than 10 business days after a military service member or military spouse files an application for registration under this subsection, the Board shall:

(A) Notify the Applicant of the Board's determination that:

(i) the Board recognizes the Applicant's out-of-state license;

(ii) the application is incomplete; or

(iii) the Board is unable to recognize the Applicant's out-of-state license because the Board does not issue a registration similar in scope of practice to the Applicant's license; or

(B) Issue a provisional registration to the Applicant pending the issuance of a determination under paragraph (4)(A) of this subsection.

(5) A provisional registration issued under this subsection expires on the earlier of:

(A) the date the Board issues a determination under paragraph (4)(A) of this subsection; or

(B) the 180th day after the date the provisional registration is issued.

(6) An Applicant under this subsection shall comply with all other laws and regulations applicable to the practice of landscape architecture in this state.

(7) A military service member or military spouse may engage in the practice of landscape architecture under the authority of this subsection only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state.

(8) In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to engage in the practice of landscape architecture under the authority of this subsection until the third anniversary of the date the spouse submitted the application required under paragraph (3) of this subsection.

[(e) Alternative temporary registration procedure for an individual who is a military service member or military spouse:]

[(1) An individual who is a military service member or military spouse may qualify for a temporary landscape architectural registration if the individual:]

[(A) holds a current landscape architectural license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for landscape architectural registration in this state;]

[(B) notifies the Board in writing of the individual's intent to practice Landscape Architecture in this state;]

[(C) submits to the Board required information to demonstrate eligibility for temporary landscape architectural registration; and]

[(D) receives a verification letter from the Board that:]

[(i) the Board has verified the individual's license or registration in the other jurisdiction; and]

[(ii) the individual is issued a temporary landscape architectural registration.]

[(2) The Board will review and evaluate the following criteria when determining whether another jurisdiction's licensing requirements are substantially equivalent to the requirements for a landscape architectural registration in Texas:]

[(A) whether the other jurisdiction requires an applicant to pass the Landscape Architect Registration Examination (LARE);]

[(B) any experience qualifications required by the jurisdiction to obtain the license or registration; and]

[(C) any education credentials required by the jurisdiction to obtain the license or registration.]

[(3) The individual must submit the following information to the Board to demonstrate eligibility for temporary landscape architectural registration:]

[(A) a written request for the Board to review the individual's eligibility for temporary landscape architectural registration;]

[(B) sufficient documentation to verify that the individual is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;]

[(C) proof of residency in this state;]

[(D) a copy of the individual's military identification card; and]

[(E) proof the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in Texas;]

[(4) Not later than the 30th day after the date an individual submits the information described by paragraph (3) of this subsection, the Board shall provide the verification described by paragraph (1)(D) of this subsection if the individual is eligible for a temporary registration under this subsection;]

[(5) A temporary landscape architectural registration issued under this subsection expires three years from the date of issuance or when the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed;]

[(6) In the event of a divorce or similar event that affects an individual's status as a military spouse, the spouse's registration will continue in effect until the registration expires three years from the date of issuance;]

[(7) Except as provided under this subsection, an individual who receives a temporary landscape architectural registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Landscape Architecture in this state;]

[(8) A temporary landscape architectural registration issued under this subsection may be revoked if the individual;]

[(A) fails to comply with paragraph (7) of this subsection; or]

[(B) the individual's license or registration required under paragraph (1)(A) of this subsection expires or is suspended or revoked;]

[(9) The Board shall not charge a fee for the issuance of a temporary landscape architectural registration under this subsection;]

(d) The Board will review and evaluate the following criteria when determining whether another state's scope of practice of a licensed landscape architect is similar to the scope of practice of a landscape architect in Texas:

(1) Whether the statutory definition of the practice of landscape architecture includes the core functions recognized in Texas;

(2) Whether landscape architects are responsible for public health, safety, and welfare in a manner comparable to Texas;

(3) Whether the other state restricts landscape architectural services to licensed landscape architects in a manner consistent with Texas practice;

(4) The similarity of exemptions from licensure and whether such exemptions materially alter the scope of services landscape architects perform;

(5) The similarity of requirements for responsible charge or responsible control, including duties related to supervision, document preparation, and sealing construction documents for regulatory approval, permitting, or construction;

(6) Whether landscape architects have comparable responsibilities for building code compliance, accessibility, life-safety considerations, and related regulatory obligations;

(7) The extent to which the division of responsibilities between landscape architects and other licensed professions, such as architects and engineers, aligns with Texas practice;

(8) Whether rules, interpretations, or guidance issued by the other state's landscape architectural licensing board result in a functional scope of practice comparable to Texas; and

(9) The similarity of enforcement mechanisms, disciplinary authority, and standards of professional responsibility that define and limit the scope of practice.

(e) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(f) The Board shall not charge an application or examination fee paid to the Board for any Applicant who is a military service member, military veteran, or military spouse.

(g) A military service member is exempt from any increased fee or other penalty for failing to renew a registration in a timely manner if the individual establishes to the satisfaction of the Board that the failure was due to the individual serving as a military service member.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

TRD-202600003

Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

Earliest possible date of adoption: February 15, 2026

For further information, please call: (512) 305-9040



## CHAPTER 5. REGISTERED INTERIOR DESIGNERS

The Texas Board of Architectural Examiners ("Board") proposes the amendment of 22 Texas Administrative Code, Chapter 5 relating to Registered Interior Designers, §5.37, relating to Provisional Licensure, and §5.158, relating to Criminal Convictions.

### SUBJECT MATERIAL STATEMENT

This proposed rulemaking action would implement Senate Bill 1080 (89th Regular Session, 2025), which amends provisions in Chapter 53, Texas Occupations Code, relating to licensing and Consequences of Criminal Conviction.

Through Senate Bill 1080, the legislature provides licensing authorities discretion to revoke a license following imprisonment for a felony conviction, unless the felony offense is directly related to the duties and responsibilities of the licensed occupation, the felony offense is a sexually violent offense under Article 62.001, Code of Criminal Procedure, or the felony offense is an offense listed in Article 42A.054, Code of Criminal Procedure, pursuant to §53.021, Texas Occupations Code.

Additionally, SB 1080 added §53.0211(b-1), Texas Occupations Code, which allows licensing authorities discretion to consider the issuance of a provisional license to an applicant who has committed an offense and is an imprisoned inmate of the Texas Department of Criminal Justice (TDCJ) or is an applicant on parole or mandatory supervision who is residing at a halfway house or community residential facility. The applicant must be a student or graduate of the Windham School District or an in-

stitution of higher education. A provisional license issued under §53.0211(b-1), Texas Occupations Code is valid for twelve (12) months, and the term begins on the date an applicant who is an inmate is released, pursuant to amendments to §53.0211(b)(2) and §53.0211(c), Texas Occupations Code

#### EXPLANATION OF ACTION

The Board proposes to implement Senate Bill 1080 by amending 22 Texas Administrative Code §5.37 and §5.158. The amendments to §53.0211, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §5.37. The amendments to §53.021, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §5.158. Both rule sections also include non-substantive grammatical changes, changes for clarity in accordance with Chapter 53, Texas Occupations Code, and paragraph renumbering.

#### FISCAL NOTE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the amendments will have no significant adverse fiscal impact upon state government, local government, or the Texas Board of Architectural Examiners. Ms. Mayo has determined that enforcing or administering the rules will not result in additional estimated costs, reduction in costs, loss or increase in revenue, or foreseeable implications relating to the costs or revenues of state or local government.

#### PUBLIC BENEFIT/COST OF COMPLIANCE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the public benefit includes reducing barriers to entry for applicants with felony criminal convictions. Compliance with the proposed rules is not expected to result in any additional economic costs to persons who are impacted by the rules.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The agency has determined that the proposed rules will not affect any local economy, so the agency is not required to prepare a local employment impact statement under §2001.022, Texas Government Code.

#### GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years the proposed rules would be in effect, no government program would be created or eliminated. The adoption of the proposed rules would not result in the creation or elimination of employee positions. Implementation of the proposed rules is not expected to require an increase or decrease in legislative appropriations to the agency. The proposed rules do not require an increase or decrease in fees paid to the Board. The proposed rules would not result in the adoption of new regulations. The proposed rules amend existing regulations in a manner consistent with statutory requirements. The proposed rules may increase the number of individuals subject to the rule's applicability. The proposed rules are not expected to have a significant impact on the state's economy.

#### IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses,

microbusinesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under §2006.002, Texas Government Code, is not required.

#### TAKINGS IMPACT ASSESSMENT

The agency has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under §2007.043, Texas Government Code.

#### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

As a self-directed semi-independent agency, §2001.0045, Texas Government Code does not apply to rules adopted by the Board.

#### PUBLIC COMMENT

Comments on the proposed rule may be submitted to Pim Mayo, General Counsel, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337.

## SUBCHAPTER B. ELIGIBILITY FOR REGISTRATION

### 22 TAC §5.37

#### STATUTORY AUTHORITY

The amendments to §5.37 are proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of interior design; §1051.207, Texas Occupations Code, which authorizes the Board to adopt rules as necessary to comply with Chapter 53, Texas Occupations Code; and §53.0211, Texas Occupations Code, which provides licensing authorities authority grant licenses and provisional licenses to certain applicants with prior criminal convictions.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

#### *§5.37. Provisional Licensure Following Criminal Conviction.*

(a) The Board shall grant a certificate [Certificate] of registration [Registration] or a provisional certificate [Certificate] of registration [Registration] to an otherwise qualified Applicant who has been convicted of an offense that:

(1) - (3) (No change.)

(b) The Board may issue a provisional certificate of registration to an Applicant who has been convicted of an offense, including an Applicant who:

(1) is:

(A) an inmate imprisoned in the Texas Department of Criminal Justice; or

(B) a person released on parole or mandatory supervision and residing at a place described by §508.118 or §508.119, Government Code; and

(2) is enrolled in or has completed an educational program offered by:

(A) the Windham School District; or

(B) an institution of higher education, as defined by §61.003, Education Code.

(c) [(b)] A provisional certificate [Certificate] of registration [Registration] expires twelve (12) [six (6)] months after the date it is issued.

(d) The term of a provisional certificate of registration issued to an Applicant who is an inmate imprisoned in the Texas Department of Criminal Justice begins on the date the Applicant is released.

(e) [(e)] A provisional certificate [Certificate] of registration [Registration] shall [may] be Revoked for the following reasons:

(1) the provisional Registrant commits a new offense [another offense during the 6-month provisional registration period];

(2) the provisional Registrant's community supervision, mandatory supervision, or parole is revoked [Revoked]; or

(3) (No change.)

(f) [(d)] A provisional Registrant who is subject to community supervision, mandatory supervision, or parole shall provide the Board name and contact information of the probation or parole department to which the provisional Registrant reports. The Board shall provide notice to the department upon the issuance of the provisional certificate [Certificate] of registration [Registration], as well as any terms, conditions or limitations upon the provisional Registrant's practice.

(g) [(e)] Upon successful completion of the provisional registration [Registration] period, the Board shall issue a certificate [Certificate] of registration [Registration] to the provisional Registrant. If a provisional Registrant's provisional certificate [Certificate] is Revoked, the provisional Registrant is disqualified from receiving a certificate [Certificate] of registration [Registration] and may not apply for a certificate [Certificate] of registration [Registration] for a period of three (3) years from the date of Revocation.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

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Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

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For further information, please call: (512) 305-9040



## SUBCHAPTER H. PROFESSIONAL CONDUCT

### 22 TAC §5.158

#### STATUTORY AUTHORITY

The amendments to §5.158 are proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of interior design; §1051.207, Texas Occupations Code, which authorizes the Board to adopt rules as necessary to comply with Chapter 53, Texas Occupations Code; and §53.021, Texas Occupations Code, which provides licensing authorities authority to revoke, suspend, or deny a license based on a criminal conviction.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

### §5.158. Criminal Convictions.

(a) Pursuant to Chapter 53, Texas Occupations Code and §2005.052, Texas Government Code, the Board may suspend or Revoke [revoke] an existing certificate of registration, disqualify a person from receiving a certificate of registration, issue a provisional license subject to the terms and limitations of §5.37 of this chapter (relating to Provisional Licensure Following Criminal Conviction), or deny to a person the opportunity to be examined for a certificate of registration because of the person's conviction for [committing an offense if]:

(1) an [the] offense that directly relates to the duties and responsibilities of a Registered Interior Designer;

(2) an [the] offense [is] listed in Article 42A.054, Texas Code of Criminal Procedure; or

(3) [the offense is] a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure.

(b) A Registrant's registration shall be Revoked on the Registrant's imprisonment following:

(1) a felony conviction for:

(A) an offense that directly relates to the duties and responsibilities of a Registered Interior Designer;

(B) an offense listed in Article 42A.054, Texas Code of Criminal Procedure; or

(C) a sexually violent offense, as defined by Article 62.001, Texas Code of Criminal Procedure;

(2) felony community supervision revocation;

(3) revocation of parole; or

(4) revocation of mandatory supervision.

(c) A Registrant's registration may be Revoked on the Registrant's imprisonment following a conviction for a felony other than those listed in subsection (b)(1) of this section.

(d) [(b)] The following procedures will apply in the consideration of an application for registration as a Registered Interior Designer or in the consideration of a Registrant's criminal history:

(1) - (3) (No change.)

(4) The notice provided by the executive director under this subsection must contain:

(A) a statement that the person is disqualified from being registered or being examined for registration because of the person's prior conviction of an offense specified in the notice; or

(B) a statement that:

(i) the final decision of the Board to Revoke [revoke] or suspend the registration or deny the person a registration or the opportunity to be examined for the registration will be based on the factors listed in subsection (f) [(d)] of this section; and

(ii) it is the person's responsibility to obtain and provide to the Board evidence regarding the factors listed in subsection (f) [(d)] of this section.

(5) (No change.)

(e) [(e)] In determining whether a criminal conviction is directly related to the duties and responsibilities of a Registered Interior Designer, the executive director and the Board shall consider each of the following factors:

(1) - (5) (No change.)

(f) [(d)] If the executive director or the Board determines under subsection (e) [(e)] of this section that a criminal conviction directly relates to the duties and responsibilities of a Registered Interior Designer, the executive director and the Board shall consider the following in determining whether to suspend or **Revoke** [revoke] a registration, disqualify a person from receiving a registration, or deny to a person the opportunity to take a registration examination:

(1) - (7) (No change.)

(g) [(e)] Crimes directly related to the duties and responsibilities of a Registered Interior Designer include any crime that reflects a lack of fitness for professional licensure or a disregard of the standards commonly upheld for the professional practice of Interior Design, such as the following:

(1) - (5) (No change.)

[(f)] The Board shall revoke the certificate of registration of any Registrant who is convicted of any felony if the felony conviction results in incarceration. The Board also shall revoke the certificate of registration of any Registrant whose felony probation, parole, or mandatory supervision is revoked.]

(h) [(g)] If an Applicant is incarcerated as the result of a felony conviction, the Board may not approve the Applicant for registration during the period of incarceration, other than the issuance of a provisional Certificate of Registration under §5.37 of this chapter (relating to Provisional Licensure Following Criminal Conviction). If an Applicant's felony probation, parole, or mandatory supervision is revoked, the Board may not approve the Applicant for registration until the Applicant successfully completes the sentence imposed as a result of the revocation.

(i) [(h)] If the Board takes action against any Applicant or Registrant pursuant to this section, the Board shall provide the Applicant or Registrant with the following information in writing:

(1) the reason for rejecting the application or taking action against the Registrant's certificate of registration, including any factor considered under subsections (e) [(e)] or (f) [(d)] of this section that served as the basis for the action;

(2) - (3) (No change.)

(j) [(i)] All proceedings pursuant to this section shall be governed by the Administrative Procedure Act, Chapter 2001, Government Code.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on January 2, 2026.

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Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

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For further information, please call: (512) 305-9040



## SUBCHAPTER B. ELIGIBILITY FOR REGISTRATION

### 22 TAC §5.39

The Texas Board of Architectural Examiners ("Board") proposes the amendment of 22 Texas Administrative Code, Chapter 5 relating to Registered Interior Designers, §5.39 relating to Registration of a Military Service Member, Military Veteran, or Military Spouse.

#### SUBJECT MATERIAL STATEMENT

This proposed rulemaking action would implement Senate Bill 1818 and House Bill 5629 (89th Regular Session, 2025), which amend provisions in Chapter 55, Texas Occupations Code, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses.

Senate Bill 1818 mandates the prompt issuance of a provisional registration to an applicant under §55.004 or §55.0041, Texas Occupations Code if the agency is unable to promptly issue a license or recognition of an out-of-state license, respectively. A provisional license expires the earlier of the date the license is issued or recognition is granted, or the 180th day after the date the provisional registration is issued.

House Bill 5629 makes several changes to Chapter 55, Texas Occupations Code. Under the changes to §55.004, Texas Occupations Code, licensing agencies are required to issue a license to a military service member, military veteran, or military spouse who holds a license in good standing in another state with a similar scope of practice to Texas. Amendments to §55.0041, Texas Occupations Code, allow a military service member, military veteran, or military spouse to practice in Texas under an out-of-state license without having to become registered in Texas, and provides procedures for recognizing the out-of-state license.

Additionally, HB 5629 adds §55.0042, Texas Occupations Code, which specifies how "good standing" is determined, and also adds §55.0043, Texas Occupations Code, which requires that agencies track and publish complaints made against a military service member, military veteran, or military spouse. The law also modifies §55.005(a), Texas Occupations Code, which requires agencies to process applications and issue registrations for qualified applicants within 10 business days instead of 30. Finally, HB 5629 modifies §55.009, Texas Occupations Code to waive application fees for any individual who is a military service member, military veteran, or military spouse.

#### EXPLANATION OF ACTION

The Board proposes to implement Senate Bill 1818 and House Bill 5629 by amending 22 Texas Administrative Code §5.39. The amendments to Chapter 55, Texas Occupations Code are incorporated into proposed changes to 22 Texas Administrative Code §5.39. The proposed amendments also include non-substantive grammatical changes and paragraph renumbering.

#### CERTIFICATION

The Board certifies that these proposed rules have been reviewed by legal counsel and found to be within the Board's legal authority to adopt.

#### FISCAL NOTE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the amendments will have no significant adverse fiscal impact upon state government, local government, or the Texas Board of Architectural Examiners. Ms. Mayo has determined that enforcing or administering the rules will not result in additional estimated costs, reduction in costs, loss or increase in revenue, or foreseeable

implications relating to the costs or revenues of state or local government.

#### PUBLIC BENEFIT/COST OF COMPLIANCE

Pim Mayo, General Counsel, has determined that for the first five-year period the proposed rules are in effect, the public benefit includes reducing barriers to entry for military service members, military veterans, and military spouses. Compliance with the proposed rules is not expected to result in any additional economic costs to persons who are impacted by the rules.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The agency has determined that the proposed rules will not affect any local economy, so the agency is not required to prepare a local employment impact statement under §2001.022, Texas Government Code.

#### GOVERNMENT GROWTH IMPACT STATEMENT

During the first five years the proposed rules would be in effect, no government program would be created or eliminated. The adoption of the proposed rules would not result in the creation or elimination of employee positions. Implementation of the proposed rules is not expected to require an increase or decrease in legislative appropriations to the agency. The proposed rules do not require an increase or decrease in fees paid to the Board. The proposed rules would not result in the adoption of new regulations. The proposed rules amend existing regulations in a manner consistent with statutory requirements. The proposed rules may increase the number of individuals subject to the rule's applicability. The proposed rules are not expected to have a significant impact on the state's economy.

#### IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, microbusinesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under §2006.002, Texas Government Code, is not required.

#### TAKINGS IMPACT ASSESSMENT

The agency has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under §2007.043, Texas Government Code.

#### ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

As a self-directed semi-independent agency, §2001.0045, Texas Government Code does not apply to rules adopted by the Board.

#### PUBLIC COMMENT

Comments on the proposed rule may be submitted to Pim Mayo, General Counsel, Texas Board of Architectural Examiners, P.O. Box 12337, Austin, Texas 78711-2337.

#### STATUTORY AUTHORITY

The amendment of §5.39 is proposed under §1051.202, Texas Occupations Code, which authorizes the Board to adopt reasonable rules as necessary to regulate the practice of interior design; and §§55.004, 55.0041, 55.0042, 55.0043, 55.005, and 55.009, Texas Occupations Code, which relate to the Licensing of Military Service Members, Military Veterans, and Military Spouses.

#### CROSS REFERENCE TO STATUTES

The proposed rules do not affect any other statute.

*§5.39. Registration of a Military Service Member, Military Veteran, or Military Spouse.*

(a) For the purposes of this section, terms shall have the following definitions: [Definitions.]

(1) "Active duty" means current full-time military service in the armed forces of the United States or active duty military service as a member of the Texas military forces, as defined by Section 437.001, Government Code, or similar military service of another state.

(2) "Armed forces of the United States" means the army, navy, air force, coast guard, or marine corps of the United States or a reserve unit of one of those branches of the armed forces.

(3) "Good Standing" means an Applicant:

(A) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(B) has not been disciplined by the licensing authority with respect to the license or person's practice of interior design; and

(C) is not currently under investigation by the licensing authority for unprofessional conduct related to the person's license or profession.

(4) "License" means a license or registration to practice interior design or utilize a title relating to interior design.

(5) [(3)] "Military service member" means a person who is on active duty.

(6) [(4)] "Military spouse" means a person who is married to a military service member.

(7) [(5)] "Military veteran" means a person who has served on active duty and who was discharged or released from active duty.

(b) Expedited Licensure Procedure for a Military Service Member, Military Veteran, or Military Spouse.

(1) A military service member, military veteran, or military spouse may apply for a registration in accordance with:

(A) §5.31 of this Chapter (relating to Registration by Examination);

(B) §5.32 of this Chapter (relating to Registration by Reciprocal Transfer); or

(C) §55.004, Texas Occupations Code.

(2) A military service member, military veteran, or military spouse is eligible for registration under §55.004, Texas Occupations Code if:

(A) the Applicant holds a current license issued by another state that is similar in scope of practice to a Texas interior design registration and is in Good Standing with that state's licensing authority; or

(B) the Applicant held a Texas interior design registration within the five years preceding the application date under this subsection.

(3) Not later than the 10th business day after the date a military service member, military veteran, or military spouse files an application for registration under §5.31 or §5.32 of this chapter, the Board shall process the application and issue a registration to a qualifying Applicant.

(4) On receipt of an application for registration in accordance with §55.004, Texas Occupations Code, the Board shall promptly issue a provisional registration to the Applicant while the Board processes the application or issue the registration. A provisional registration issued under this subsection expires on the earlier of:

(A) the date the Board approves or denies the application for registration; or

(B) the 180th day after the date the provisional registration is issued.

[(b) Interior design registration eligibility requirements for military service members, military veterans, and military spouses.]

[(1) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.]

[(2) An Applicant who is a military service member, military veteran, or military spouse may be eligible for registration if the Applicant:]

[(A) Holds an active interior design registration issued by another jurisdiction that has licensing or registration requirements that are substantially equivalent to the requirements for registration in this state; or]

[(B) Held an active interior design registration in this state within the five years preceding the application.]

[(3) Not later than 30 days after a military service member, military veteran, or military spouse files an application for registration, the Board shall process the application, and if the applicant qualifies for registration under this subsection, issue the registration.]

[(4) This subsection does not apply if the Applicant holds a restricted registration issued by another jurisdiction or has an unacceptable criminal history.]

(c) Recognition of Out-of-State License of Military Service Members and Military Spouses.

(1) As applicable, a military service member or military spouse who holds a current license issued by another state that is similar in scope of practice to a Texas interior design registration and who is in Good Standing with that state's licensing authority may submit an application to the Board to request recognition of the out-of-state license in accordance with the provisions of §55.0041, Texas Occupations Code, if:

(A) the military service member has been ordered to relocate to Texas, or

(B) the military spouse is married to a military service member who has been ordered to relocate to Texas.

(2) An Applicant whose out-of-state license is recognized under this subsection may practice as a registered interior designer without obtaining a registration.

(3) Prior to practicing as a registered interior designer under this subsection, the Applicant must submit the following information to the Board to demonstrate eligibility for recognition of an out-of-state license:

(A) a copy of the member's military orders showing relocation to this state;

(B) if the Applicant is a military spouse, a copy of the military spouse's marriage license; and

(C) a notarized affidavit affirming under penalty of perjury that:

(i) the Applicant is the person described and identified in the application;

(ii) all statements in the application are true, correct, and complete;

(iii) the Applicant understands the scope of practice for a registered interior designer in this state and will not perform outside of that scope of practice; and

(iv) the Applicant is in Good Standing in each state in which the Applicant holds or has held a license.

(4) Not later than 10 business days after a military service member or military spouse files an application for registration under this subsection, the Board shall:

(A) Notify the Applicant of the Board's determination that:

(i) the Board recognizes the Applicant's out-of-state license;

(ii) the application is incomplete; or

(iii) the Board is unable to recognize the Applicant's out-of-state license because the Board does not issue a registration similar in scope of practice to the Applicant's license; or

(B) Issue a provisional registration to the Applicant pending the issuance of a determination under subparagraph (A) of this paragraph.

(5) A provisional registration issued under this subsection expires on the earlier of:

(A) the date the Board issues a determination under paragraph (4)(A) of this subsection; or

(B) the 180th day after the date the provisional registration is issued.

(6) An Applicant under this subsection shall comply with all other laws and regulations applicable to the practice of registered interior design in this state.

(7) A military service member or military spouse may practice as a registered interior designer under the authority of this subsection only for the period during which the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in this state.

(8) In the event of a divorce or similar event that affects a person's status as a military spouse, the former spouse may continue to practice as a registered interior designer under the authority of this subsection until the third anniversary of the date the spouse submitted the application required under paragraph (3) of this subsection.

[(e) Alternative temporary registration procedure for an individual who is a military service member or military spouse.]

[(1) An individual who is a military service member or military spouse may qualify for a temporary Interior Design registration if the individual:]

[(A) holds a current interior design license or registration in good standing in another jurisdiction that has licensing requirements substantially equivalent to the requirements for Interior Design registration in this state;]

[(B) notifies the Board in writing of the individual's intent to practice Interior Design in this state;]

[(C) submits to the Board required information to demonstrate eligibility for temporary Interior Design registration; and]

[(D) receives a verification letter from the Board that:]

[(i) the Board has verified the individual's license or registration in the other jurisdiction; and]

[(ii) the individual is issued a temporary Interior Design registration.]

[(2) The Board will review and evaluate the following criteria when determining whether another jurisdiction's licensing requirements are substantially equivalent to the requirements for an Interior Design registration in Texas:]

[(A) whether the other jurisdiction requires an applicant to pass the Council for Interior Design Qualification (CIDQ) examination;]

[(B) any experience qualifications required by the jurisdiction to obtain the license or registration; and]

[(C) any education credentials required by the jurisdiction to obtain the license or registration.]

[(3) The individual must submit the following information to the Board to demonstrate eligibility for temporary Interior Design registration:]

[(A) a written request for the Board to review the individual's eligibility for temporary Interior Design registration;]

[(B) sufficient documentation to verify that the individual is currently licensed or registered in good standing in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;]

[(C) proof of residency in this state;]

[(D) a copy of the individual's military identification card; and]

[(E) proof the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is stationed at a military installation in Texas.]

[(4) Not later than the 30th day after the date an individual submits the information described by paragraph (3) of this subsection, the Board shall provide the verification described by paragraph (1)(D) of this subsection if the individual is eligible for a temporary registration under this subsection.]

[(5) A temporary Interior Design registration issued under this subsection expires three years from the date of issuance or when the military service member or, with respect to a military spouse, the military service member to whom the spouse is married is no longer stationed at a military installation in Texas, whichever occurs first. The registration may not be renewed.]

[(6) In the event of a divorce or similar event that affects an individual's status as a military spouse, the spouse's registration will

continue in effect until the registration expires three years from the date of issuance.]

[(7) Except as provided under this subsection, an individual who receives a temporary Interior Design registration under this subsection is subject to and shall comply with all applicable laws, rules, and standards governing the practice of Interior Design in this state.]

[(8) A temporary Interior Design registration issued under this subsection may be revoked if the individual:]

[(A) fails to comply with paragraph (7) of this subsection; or]

[(B) the individual's license or registration required under paragraph (1)(A) of this subsection expires or is suspended or revoked.]

[(9) The Board shall not charge a fee for the issuance of a temporary Interior Design registration under this subsection.]

(d) The Board will review and evaluate the following criteria when determining whether another state's scope of practice of a licensed interior designer is similar to the scope of practice of a registered interior designer in Texas:

(1) Whether the statutory definition of the practice of interior design includes the core functions recognized in Texas;

(2) Whether licensed interior designers are responsible for public health, safety, and welfare in a manner comparable to Texas;

(3) Whether the other state restricts the practice of interior design to licensed interior designers;

(4) The similarity of exemptions from licensure;

(5) The similarity of requirements for responsible charge or responsible control, including duties related to supervision, document preparation, and sealing construction documents for regulatory approval, permitting, or construction;

(6) Whether licensed interior designers have comparable responsibilities for building code compliance, accessibility, life-safety considerations, and related regulatory obligations;

(7) The extent to which the division of responsibilities between licensed interior designers and other licensed professions, such as architects and engineers, aligns with Texas practice;

(8) Whether rules, interpretations, or guidance issued by the other state's licensing board result in a functional scope of practice comparable to Texas; and

(9) The similarity of enforcement mechanisms, disciplinary authority, and standards of professional responsibility that define and limit the scope of practice.

(e) Verified military service, training, or education will be credited toward the registration requirements, other than an examination requirement, of an Applicant who is a military service member or a military veteran.

(f) The Board shall not charge an application or examination fee paid to the Board for any Applicant who is a military service member, military veteran, or military spouse.

(g) A military service member is exempt from any increased fee or other penalty for failing to renew a registration in a timely manner if the individual establishes to the satisfaction of the Board that the failure was due to the individual serving as a military service member.



The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Pim S. Mayo

General Counsel

Texas Board of Architectural Examiners

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For further information, please call: (512) 305-9040



## **TITLE 37. PUBLIC SAFETY AND CORRECTIONS**

### **PART 13. TEXAS COMMISSION ON FIRE PROTECTION**

#### **CHAPTER 469. TECHNICAL RESCUE**

The Texas Commission on Fire Protection (the Commission) proposes amendments to 37 Texas Administrative Code (TAC) Chapter 469, Technical Rescue, concerning §469.1, Rope Rescue Awareness Level/Operations Level Certification, and §469.201, Rope Rescue Technician Level.

The proposed amendments clarify and update certification pathways for Rope Rescue Awareness/Operations Level and Rope Rescue Technician Level personnel. The amendments align Commission certification requirements with NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications, and provide clearer standards for training, examination, and certification.

The proposed amendments also include temporary transition provisions that allow eligible individuals currently performing rope rescue duties to test for certification during a defined time period. These provisions are intended to ensure continuity while updated certification requirements are implemented. No new certification levels are created by the proposed amendments.

#### **FISCAL NOTE / IMPACT ON STATE AND LOCAL GOVERNMENT**

Mike Wisko, Agency Chief, has determined that for each year of the first five-year period the proposed amendments are in effect, there will be no fiscal impact to state or local governments as a result of enforcing or administering the proposed amendments.

#### **PUBLIC BENEFIT AND COST NOTE**

Mr. Wisko has also determined that for each of the first five years the proposed amendments are in effect, the public benefit anticipated will be improved clarity, consistency, and administration of technical rescue certification requirements. There are no anticipated economic costs to individuals required to comply with the proposed amendments.

#### **LOCAL ECONOMY IMPACT STATEMENT**

There is no anticipated effect on local economies; therefore, no local employment impact statement is required under Texas Government Code §§2001.022 and 2001.024(a)(6).

#### **ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES**

The proposed amendments do not have an adverse economic impact on small businesses, micro-businesses, or rural communities. Accordingly, no regulatory flexibility analysis is required under Texas Government Code §2006.002.

#### **GOVERNMENT GROWTH IMPACT STATEMENT**

The Commission has determined that during the first five years the proposed amendments are in effect:

The proposed amendments will not create or eliminate a government program;

The proposed amendments will not require an increase or decrease in future legislative appropriations;

The proposed amendments will not require an increase or decrease in fees paid to the agency;

The proposed amendments will not create a new regulation;

The proposed amendments will not expand, limit, or repeal an existing regulation;

The proposed amendments will not increase the number of individuals subject to the rule; and

The proposed amendments are not anticipated to have an adverse effect on the state's economy.

#### **TAKINGS IMPACT ASSESSMENT**

The Commission has determined that the proposed amendments do not restrict or limit an owner's right to property that would otherwise exist in the absence of government action; therefore, no takings impact assessment is required under Texas Government Code §2007.043.

#### **COSTS TO REGULATED PERSONS**

The proposed amendments do not impose a cost on regulated persons, including other state agencies, special districts, or local governments, and therefore are not subject to Texas Government Code §2001.0045.

#### **ENVIRONMENTAL IMPACT STATEMENT**

The Commission has determined that the proposed amendments do not require an environmental impact analysis because they are not a major environmental rule under Texas Government Code §2001.0225.

#### **REQUEST FOR PUBLIC COMMENT**

Written comments regarding the proposed amendments may be submitted within 30 days of publication in the *Texas Register* to:

Frank King

General Counsel

Texas Commission on Fire Protection

4800 North Lamar Boulevard, Suite 342

Austin, Texas 78756

Email: [frank.king@tcfp.texas.gov](mailto:frank.king@tcfp.texas.gov)

### **SUBCHAPTER A. MINIMUM STANDARDS FOR ROPE RESCUE AWARENESS AND OPERATIONS**

#### **37 TAC §469.1**

#### **STATUTORY AUTHORITY**

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

CROSS-REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by this proposal.

§469.1. *Rope Rescue Awareness Level/Operations Level Certification.*

(a) A Rope Rescue Awareness Level/Operations Level Rescuer is an individual who has met the requirements of Chapters 5.1 and 5.2 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications and has the knowledge, skills, and ability to perform Rope Rescue at the Awareness Level/Operations Level.

(b) All individuals holding a Rope Rescue Awareness Level/Operations Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

[(c) *Special temporary provision:* Individuals are eligible to take the commission examination for Rope Rescue Awareness Level/Operations Level by:]

[(1) holding as a minimum, Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel through the commission; and]

[(2) providing documentation acceptable to the commission, in the form of an affidavit from the individual's Head of Department or Chief Training Officer, that the individual has met the department's requirements to perform as a Rope Rescuer and has demonstrated proficiency as a Rope Rescuer at the Rope Rescue Awareness Level/Operations Level.]

[(d) All applications for testing during the special temporary provision period must be received no earlier than October 1, 2024, and no later than October 1, 2025.]

[(e) This special temporary provision will expire on November 1, 2025.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

Filed with the Office of the Secretary of State on December 31, 2025.

TRD-202504826  
Mike Wisko  
Agency Chief  
Texas Commission on Fire Protection  
Earliest possible date of adoption: February 15, 2026  
For further information, please call: (512) 936-3812



SUBCHAPTER B. MINIMUM STANDARDS  
FOR ROPE RESCUE TECHNICIAN

37 TAC §469.201

STATUTORY AUTHORITY

The proposed amendments are authorized by Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

CROSS-REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by this proposal.

§469.201. *Rope Rescue Technician Level.*

(a) A Rope Rescue Technician Level Rescuer is an individual who has met the requirements of chapter 5.3 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications, and has the knowledge, skills, and ability to perform Rope Rescue at the Technician Level.

(b) All individuals holding a Rope Rescue Technician Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

[(c) *Special temporary provision:* Individuals are eligible to take the commission examinations for the Rope Rescue Technician Level by:]

[(1) holding as a minimum, Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel through the commission; and]

[(2) providing documentation acceptable to the commission, in the form of an affidavit from the individual's Head of Department or Chief Training Officer, that the individual has met the department's requirements to perform as a Rope Rescuer and has demonstrated proficiency as a Rope Rescuer at the Rope Rescue Technician Level.]

[(d) All applications for testing during the special temporary provision period must be received no earlier than October 1, 2024, and no later than October 1, 2025.]

[(e) This special temporary provision will expire on November 1, 2025.]

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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