TEXAS REGISTER

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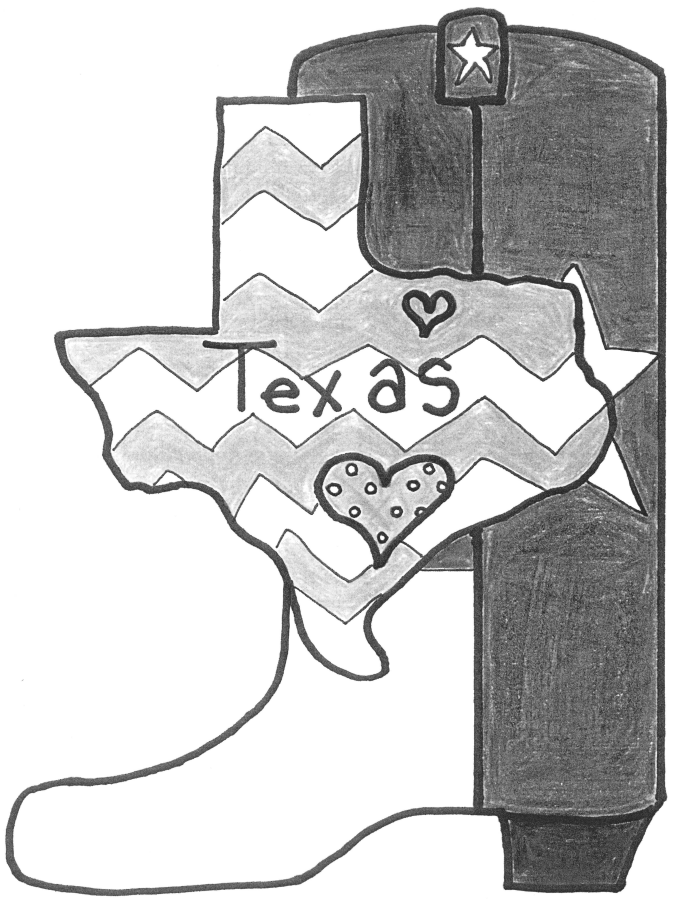

Texas

THE GOVERNOR

As required by Government Code, §2002.011(4), the *Texas Register* publishes executive orders issued by the Governor of Texas. Appointments and proclamations are also published. Appointments are published in chronological order. Additional information on documents submitted for publication by the Governor's Office can be obtained by calling (512) 463-1828.

Appointments

Appointments for February 26, 2026

Appointed to the San Jacinto River Authority Board of Directors for a term to expire October 16, 2026, William P. "Wil" Faubel of Montgomery, Texas (Mr. Faubel is being reappointed).

Appointed to the San Jacinto River Authority Board of Directors for a term to expire October 16, 2026, Stephanie A. Johnson of Montgomery, Texas (Ms. Johnson is being reappointed).

Appointed to the San Jacinto River Authority Board of Directors for a term to expire October 16, 2026, Ricardo R. "Rick" Mora, M.D. of Spring, Texas (Dr. Mora is being reappointed).

Appointments for February 27, 2026

Appointed to the Interstate Commission for Adult Offender Supervision for a term to expire at the pleasure of the Governor, Marsha S. Moberley of The Hills, Texas (replacing Rene J. Hinojosa of Pflugerville who resigned).

Appointments for March 2, 2026

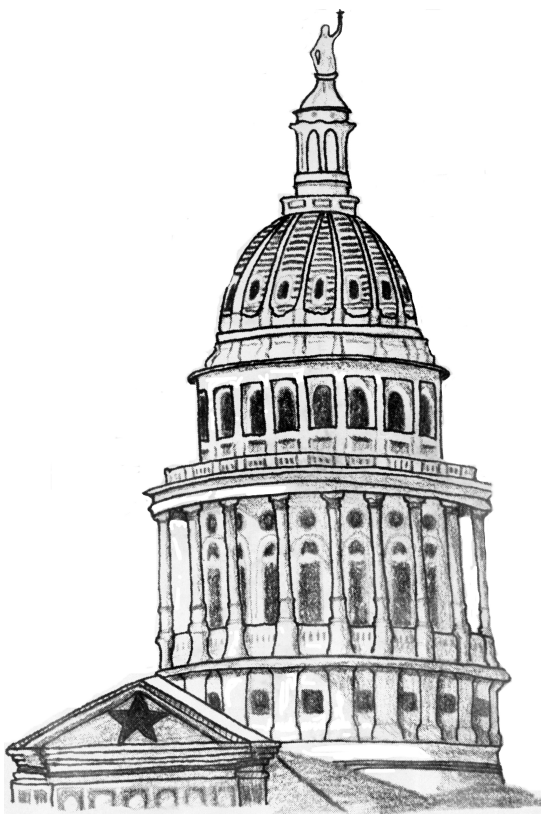
Appointed to the Texas County and District Retirement System Board of Trustees for a term to expire December 31, 2031, James M. Bass of Austin, Texas (Mr. Bass is being reappointed).

Appointed to the Texas County and District Retirement System Board of Trustees for a term to expire December 31, 2031, Holly T. Williamson of Houston, Texas (Ms. Williamson is being reappointed).

Greg Abbott, Governor

TRD-202601103

♦ ♦ ♦



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 1. ADMINISTRATION

PART 10. DEPARTMENT OF INFORMATION RESOURCES

CHAPTER 213. ELECTRONIC AND INFORMATION RESOURCES

The Texas Department of Information Resources (department) proposes amendments to 1 Texas Administrative Code Chapter 213, §§213.1, 213.10 - 213.13, 213.15 - 213.21, 213.30 - 213.33, and 213.35 - 213.41, concerning Electronic and Information Resources. The proposed changes include but are not limited to the addition of new definitions and modifications to existing definitions in §213.1; amendments throughout Subchapters B and C to clarify the federal standards to which state agencies, including institutions of higher education, are held; and transitioning the role of the Electronic and Information Resources Accessibility Coordinator (EIRAC) to that of Digital Accessibility Officer in §§213.20 and 213.40. In addition, the department proposes a new rule, §213.4, which consolidates departmental responsibilities previously replicated in both Subchapters B and C. The department also proposes the repeal of §§213.22 and 213.42 as outdated holdover provisions and replaces them with an applicable standards provision.

The proposed amendments are the result of the department's statutory quadrennial rule review of 1 Texas Administrative Code Chapter 213 in addition to the passage of new federal accessibility rules applying to state agencies. The notice of rule review was published in the November 17, 2023, issue of the *Texas Register* (48 TexReg 6751).

Throughout 1 Texas Administrative Code Chapter 213, the department proposes amendments to existing language for readability and clarification of the rules' intent and entity responsibility in addition to the correction of legal citation formatting.

In §213.1, the department proposes adding the following definitions because of new or revised content in Chapter 213: "Digital Accessibility" and "DOJ Title II Rule."

The department proposes amending the definitions of "Completed Accessibility Conformance Report (ACR)," "Accessible," "Alternate Methods," "Electronic and Information Resources (EIR)," "Product," "Telecommunications," "Voluntary Product Accessibility Template (VPAT)," and "Worldwide Web Consortium Web Content Accessibility Guidelines 2.0" found in § 213.1 to reflect current definitions by either incorporating by reference existing statutory language or to align with currently widely accepted industry definitions.

The department proposes the creation of §213.4 to consolidate department responsibilities currently duplicated across both Subchapter B, for state agencies, and Subchapter C, for institutions of higher education to increase regulatory efficiency by removing language regarding department-only activities with no requirements for state agencies or institutions of higher education.

In §213.10, for state agencies, and §213.30, for institutions of higher education, the department proposes amending the section title to remove duplicative language. The department also proposes removing federal rule section titles and the required effective date as it is no longer necessary, incorporating federal rule requirements to which Texas state agencies are already subject by reference.

In §213.11, for state agencies, and §213.31, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary and incorporating by reference additional federal rules to which Texas state agencies are already subject.

In §213.12, for state agencies, §213.32, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary, amending the appropriate standards for video and multimedia EIR, and requiring state agencies and institutions of higher education to provide closed captioning and alternative forms of accommodation upon request as mandated by federal law.

In §213.13, for state agencies, and §213.33, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary and removing rule section titles.

In §213.15, for state agencies, and §213.35, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary, incorporating by reference additional federal rules to which Texas state agencies are already subject, and removing federal section rule titles.

In §213.16, for state agencies, and §213.36, for institutions of higher education, the department proposes removing the required effective date as it is no longer necessary, incorporating by reference additional federal rules to which Texas state agencies are already subject, and removing federal section rule titles.

In §213.17, for state agencies, and §213.37, for institutions of higher education, the department proposes removing the required effective dates as they are no longer necessary. The department also proposes incorporating by reference the DOJ Title II Rule excluding web-based products and amending existing language from "significant difficulty" to "significant barrier." The department further proposes incorporating a requirement for approved accessibility exceptions to also include a list of

compliance issues posing a risk to the agency with anticipated impact of each issue. In addition, the department proposes transferring existing language regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4.

In §213.18, for state agencies, and §213.38, for institutions of higher education, the department proposes transferring existing language found at subsection (a) regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4. The department further proposes incorporating statutory references to clarify that existing language regarding commodity procurements only relate to procurement through the department's information technology commodity program. In addition, the department proposes amending the information a vendor is permitted to provide as evidence of accessibility.

In §213.19, for state agencies, and §213.39, for institutions of higher education, the department proposes updating the section title to reflect additions to this section. The department further proposes transferring existing language found at subsection (a) regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4. In addition, the department proposes clarifying existing language regarding training on accessibility-related rules to specify that training must cover how to comply with 1 Texas Administrative Code Chapters 206 and 213 in addition to requiring state agencies and institutions of higher education to establish goals for making EIR accessible.

In §213.20, for state agencies, and §213.40, for institutions of higher education, the department proposes transferring existing language found at subsection (a) regarding department-only responsibilities that do not impose any requirement upon state agencies or institutions of higher education to the newly created §213.4 and incorporating a reference to Texas Government Code §2054.464 and the newly-created §213.4(d) to clarify the survey that the rule is referencing.

In §213.21, for state agencies, and §213.41, for institutions of higher education, the department proposes updating the section title to reflect amendments to this section. The department proposes consolidating the accessibility policy minimum requirements into a single subsection rather than broken into two distinct subsections. In addition, the department proposes renaming the EIR Accessibility Coordinator role to that of Digital Accessibility Officer, streamlining the responsibilities to require compliance with 1 Texas Administrative Code Chapters 206 and 213 and to oversee agency-wide progress in digital accessibility best practices, and clarifying that a state agency or institution of higher education may either hire a person for this person or assign the responsibilities to an existing employee. Finally, the department proposes amending these sections to make explicit the requirement that state agencies and institutions of higher education report their designated person sitting in this role to the department.

The department proposes repealing §213.22, for state agencies, and §213.42, for institutions of higher education, as the holdover is no longer necessary. The department proposes replacing these sections with an Applicable Standards provision that directs state agencies and institutions of higher education to adhere to the higher standard if there is a discrepancy between federal standards.

There is no economic impact on rural communities, small businesses, or micro-businesses as a result of enforcing or administering the amended rule as proposed.

The changes to the chapter apply to state agencies and institutions of higher education.

The assessment of the impact of the proposed changes on institutions of higher education was prepared in consultation with the Information Technology Council for Higher Education (ITCHE) in compliance with Texas Government Code §2054.121(c). DIR submitted the proposed amendments to the Information Technology Council of Higher Education for their review and to assist in DIR's preparation of the statutory impact statement. While ITCHE did identify impacts resulting from the federal DOJ Title II rules, they did not relay any information indicating there was a direct impact upon institutions of higher education as a result of the proposed amendments to 1 TAC Chapter 213. After consulting with ITCHE, DIR has determined there is no impact to institutions of higher education as a result of the proposed rule.

Endi Silva, Chief Experience Officer, has determined that there will be no fiscal impact upon state agencies, institutions of higher education, and local government during the first five-year period following the adoption of the proposed amendments. The department is required by Texas Government Code §2054.453 to adopt accessibility rules, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy, and to consider the provisions of 36 C.F.R. Part 1194, which includes Section 508, already imposed under this chapter. In addition to the Section 508 requirements imposed under the rule as currently written, Texas state agencies and institutions of higher education are already subject to the requirements of the DOJ Title II Rule as proposed due to their status as public entities, defined by federal rule as any state government, including any department, agency, or other instrumentality of the state. Furthermore, the proposed amendments simply amend existing language to ensure clarity and readability, rebrand the Electronic and Information Accessibility Coordinator (EIRAC) to the Digital Accessibility Officer without a substantive alteration to the responsibilities of this individual, reduce unnecessary and duplicated rules by consolidating department-only responsibilities into a singular section, and provide direction regarding the appropriate standard to apply if there is a discrepancy between federal standards. As such, there is no fiscal impact as a result of the administrative rule.

For each year of the first five years following the adoption of the amended 1 Texas Administrative Code Chapter 213, Ms. Silva has determined that there are no anticipated additional economic costs to persons or small businesses required to comply with the amendments and proposed new rules.

Pursuant to Government Code §2001.0221, the agency provides the following Governmental Growth Impact Statement for the proposed amendment. The agency has determined the following:

1. The proposed rules neither creates nor eliminates a government program.

2. Implementation of the proposed rules does not require the creation or elimination of employee positions. There are no additional employees required nor employees eliminated to implement the rule as amended.

3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency. There is no fiscal impact as the administrative rule proposed by the department does not require an increase or decrease in future legislative appropriations. The DOJ Title II Rules passed by the federal government and applicable to Texas state agencies, including institutions of higher education, regardless of the adoption of 1 Texas Administrative Code Chapter 213, may result in a fiscal impact to the state.

4. The proposed rules do not require an increase or decrease in fees paid to the agency.

5. The proposed rules create a new section that consolidates department responsibilities into a singular section. These responsibilities were previously replicated in both Subchapters B and C.

6. The proposed rules repeal the existing §§213.22 and 213.42 and replace these with identically numbered sections.

7. The proposed rules do not increase or decrease the number of individuals subject to the rule's applicability. Texas Government Code Chapter 2054, Subchapter M, requires state agencies to comply with accessibility rules established by the department. Texas Government Code §2054.451(2) establishes the parameters of the term "state agency," which identifies the entities that are subject to the amended rule sections' requirements.

8. The proposed rules do not positively or adversely affect the state's economy. The creation of rules establishing electronic and information accessibility requirements for the state ensures that state agencies and institutions of higher education are aligning their accessibility practices with federal requirements.

Written comments on the proposed rules may be submitted to Christi Koenig Brisky, Assistant General Counsel, 300 West 15th Street, Suite 1300, Austin, Texas 78701, or to rules.review@dir.texas.gov. Comments will be accepted for 30 days after publication in the *Texas Register*.

SUBCHAPTER A. DEFINITIONS AND DEPARTMENT RESPONSIBILITIES

1 TAC §213.1

The amendments are proposed pursuant to Texas Government Code §2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code §2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.1. Applicable Terms and Technologies for Electronic and Information Resources.

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

(1) [~~Completed~~] Accessibility Conformance Report (ACR)--A report based on a completed VPAT demonstrating how a product or service conforms to WCAG standards and success criteria [~~an accessibility report of an EIR item's compliance with Section 508 that is created using a VPAT template~~].

(2) Accessible--Describes an EIR that does not depend on a single sense or ability and does not limit use by people with disabilities. [~~Describes an electronic and information resource that can be used in a variety of ways and (the use of which) does not depend on a single sense or ability.~~]

(3) Agency head--The top-most senior executive with operational accountability for an agency, department, commission, board, office, council, authority, or other agency in the executive or judicial branch of state government that is created by the constitution or a statute of the state; or institutions of higher education as defined in Texas Education Code §61.003.

(4) Alternate formats--Alternate formats usable by people with disabilities may include, but are not limited to, Braille, ASCII text, large print, recorded audio, and electronic formats that comply with this chapter.

(5) Alternate methods--Different means of providing information, including product documentation and the provision of government services through EIR, to people with disabilities. Alternate methods may include, but are not limited to, voice, fax, relay service, TTY, Internet posting, captioning, text-to-speech synthesis, and audio description.

(6) Assistive technology--Any item, piece of equipment, or system, whether acquired commercially, modified, or customized, that is commonly used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(7) Commercial off-the-shelf product--A [~~a~~] software product that is available in the commercial marketplace prior to customization.

(8) Department--The Department of Information Resources.

(9) Digital Accessibility--The practice of designing, developing, and maintaining EIR in a manner that ensures individuals with disabilities can access and utilize the technology.

(10) DOJ Title II Rule--The final rule published by the U.S. Department of Justice titled "Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Communications Technology" (28 CFR Part 35, RIN 1190-AA80). This federal regulation requires state and local government entities to ensure that their web content and mobile applications are readily accessible to and usable by individuals with disabilities by conforming to the Web Content Accessibility Guidelines (WCAG) 2.1 Level AA standards or higher.

(11) [~~(9)~~] Electronic and information resources (EIR)--As defined by Texas Government Code §2054.451. [~~Includes information technology and any equipment or interconnected system or subsystem of equipment used to create, convert, duplicate, store, or deliver data or information. EIR includes telecommunications products (such as telephones), information kiosks and transaction machines, web sites, multimedia, and office equipment such as copiers and fax machines.~~] The term does not include [~~any~~] equipment that contains embedded information technology where the principal function is not processing or managing information [~~that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information. For example, thermostats or temperature control devices, and medical equipment that contain information technology that is integral to its operation, are not information technology~~]. If the embedded information technology processes or manages information through [~~has~~] an external [~~externally available~~] web or computer interface, that interface is considered EIR. Other terms such as, but not limited to, Information and Communica-

tions Technology (ICT) as defined by Section 508 Standards, Information Technology (IT) and[,] Electronic Information Technology (EIT), etc. can be considered interchangeable terms with EIR for purposes of applicability or compliance with this chapter.

(12) [~~(10)~~] Electronic and information resources (EIR) Development Services--Design, development, and / or programming services that developers provide for web development, application development, and/or configuration that impacts a user interface [~~to enterprises and software publishers~~].

(13) [~~(11)~~] Exception--A justified, documented non-compliance with one or more standards or specifications of Chapter 206 and/or Chapter 213 of this title or, as applicable, the DOJ Title II Rule, which has been approved by the agency head or the President or Chancellor of an Institution of Higher Education.

(14) [~~(12)~~] Exemption--A justified, documented non-compliance with one or more standards or specifications of Chapter 206 and/or Chapter 213 of this title, which has been approved by the department and which is applicable statewide.

(15) [~~(13)~~] Hardware--[.]A tangible device, equipment, or physical component of ICT, such as telephones, computers, multifunction copy machines, and keyboards.

(16) [~~(14)~~] Major information resource project (MIRP)--Any information resources technology project that meets the criteria defined in Texas Government Code §2054.003(10).

(17) [~~(15)~~] Operable controls--A component of a product that requires physical contact for normal operation. Operable controls include, but are not limited to, mechanically operated controls, input and output trays, card slots, keyboards, and keypads.

(18) [~~(16)~~] Product--Electronic and information resources [~~technology~~].

(19) [~~(17)~~] Section 508 Standards--The technical standards established by Section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. § 794d [~~§794(d)~~], 36 C.F.R. § 1194.1 [~~§1194.1~~], established by the federal Architectural and Transportation Barriers Compliance Board (the "Access Board") that apply to EIR [~~electronic and information technology~~] developed, procured, maintained, or used by the federal government, including computer hardware and software, websites, phone systems, and copiers. The Section 508 standards were issued to implement Section 508 of the federal Rehabilitation Act of 1973, as amended, 29 U.S.C. §794(d) [~~794(d))~~], which requires access for both members of the public and federal employees to such technologies when developed, procured, maintained, or used by federal agencies.

(20) [~~(18)~~] Self Contained, Closed Products--Products that generally have embedded software and are commonly designed in such a fashion that a user cannot easily attach or install assistive technology. These products include, but are not limited to, information kiosks and information transaction machines, copiers, printers, calculators, fax machines, and other similar products.

(21) [~~(19)~~] Technical Accessibility Standards and Specifications--Accessibility standards and specifications for Texas agency and institution of higher education websites and EIR set forth in Chapter 206 and/or Chapter 213 of this title.

(22) [~~(20)~~] Telecommunications--As defined by Texas Government Code §2054.003(14). [~~The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.~~]

(23) [~~(21)~~] Training/Technical Assistance--Training and technical assistance to comply with the accessibility standards.

(24) [~~(22)~~] Voluntary Product Accessibility Template (VPAT)--A vendor-supplied industry template form [~~for a commercial off-the-shelf Electronic and Information Resource~~] used to document EIR [~~its~~] compliance with technical accessibility standards and success criteria [~~specifications~~]. A link to the standardized VPAT form is available at the department's website.

(25) [~~(23)~~] Worldwide Web Consortium Web Content Accessibility Guidelines [~~2.0~~]--Internationally recognized set of technical standards designed to make web content and digital media accessible to people with disabilities. [~~a referenceable, international technical standard containing 12 guidelines that are organized under 4 principles: perceivable, operable, understandable, and robust. For each guideline, there are testable success criteria, which are at three levels: A, AA, and AAA. Also known as ISO/IEC International Standard ISO/IEC 40500:2012.~~]

(26) [~~(24)~~] The terms referenced by Section 508 Appendices A and C and the DOJ Title II Rule shall have the meaning stated therein.

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 February 26, 2026.

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Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

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1 TAC §213.4

The new rule is proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.4. Department Responsibilities.

(a) The department shall establish and maintain a list of EIR that the department has determined are exempt from the standards and specifications of all or part of Chapter 206 and/or Chapter 213 of this title.

(1) The department will post the list of exempt EIR under the Accessibility section of its website.

(2) The department will provide the below information for each exemption listed:

(A) a date of expiration or duration of the exemption;

(B) a plan for alternate means of access for persons with disabilities;

(C) justification for the exemption including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and

(D) written approval of the department's executive director.

(3) The department shall establish and publish a policy under the Accessibility section of its website that defines the procedures and standards used to determine which EIR are exempt from the standards and specifications described in Chapter 206 and/or Chapter 213 of this title.

(b) In establishing information technology commodity procurement contracts pursuant to its authority under Texas Government Code § 2157.068, the department shall obtain and make available to state agencies accessibility information for products or services, where applicable, through one of the following methods:

(1) inclusion of or URLs to manufacturer's completed VPATs or ACRs for applicable Commercial Off the Shelf products or services submitted in vendor solicitation responses; or

(2) other documents/forms requested by the department in its information technology commodity procurement solicitations that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's experiences and practices related to developing accessible EIR, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results.

(c) The department shall provide training resources, and assistance regarding compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code § 2054.452.

(1) The department shall schedule on-going training events or seminars, focused on accessibility development, testing, procurement and/or awareness training.

(2) The department shall publish information regarding publicly available accessibility training opportunities and technical assistance.

(d) The department shall conduct an EIR accessibility survey regarding progress on and compliance with Chapters 206 and 213 of this title, pursuant to Texas Government Code §§ 2054.464 and 2054.651.

(e) The department shall designate and maintain a person responsible for statewide digital accessibility initiatives, including sharing information with other state agencies regarding EIR accessibility requirements under Chapters 206 and 213 of this title and other regulatory standards.

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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SUBCHAPTER B. ACCESSIBILITY STANDARDS FOR STATE AGENCIES

1 TAC §§213.10 - 213.13, 213.15 - 213.22

The amendments and new rule are proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.10. [~~Software~~] Applications and Operating Systems.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all [~~software~~] applications and operating systems EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter.

(b) Each state agency shall comply with:

(1) the DOJ Title II Rule for web content and mobile applications subject to the DOJ Title II Rule; and

(2) the following standards referenced in Section 508 Appendix C for all other applications and operating systems:

(A) [~~(1)~~] Chapter 7, §702.10 [~~(~~]WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media[~~)~~];

(B) [~~(2)~~] Chapter 5, §502 Interoperability with Assistive Technology;

(C) [~~(3)~~] Chapter 5, §503 Applications; and

(D) [~~(4)~~] Chapter 5, §504 Authoring Tools.

§213.11. Telecommunications Products.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, when purchasing telecommunication equipment or services, a state agency shall contractually require the manufacturer of telecommunication equipment or provider of telecommunication services to ensure that the equipment or services are in compliance with 47 U.S.C. § 255 [~~§255~~] and 36 C.F.R. § 1194.2 [~~§1194.2~~], Appendix B[.], when such products are readily available or compliance is achievable.

§213.12. Video and Multimedia.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to 1 Texas Administrative Code § 213.17, all video and multimedia EIR developed, procured, or changed by a

state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the applicable standards referenced in the DOJ Title II Rule [~~Section 508 Appendix C~~].

(b) Based on a request for accommodation of a webcast of a live/real time open meeting (Open Meetings Act, Texas Government Code, Chapter 551) or training and informational video productions that [~~which~~] support the agency's mission, each state agency that receives such request shall provide [~~consider~~] captioning and alternative forms of accommodation for videos posted on state websites.

§213.13. Hardware.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all EIR hardware [~~EIR~~] developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the following standards/specifications referenced in Section 508 Appendix C:

(1) Chapter 4, § 401 General;

(2) Chapter 4, § 402 Closed Functionality;

(3) Chapter 4, § 403 Biometrics;

(4) Chapter 4, § 404 Preservation of Information Provided for Accessibility;

(5) Chapter 4, § 405 Privacy;

(6) Chapter 4, § 406 Standard Connections;

(7) Chapter 4, § 407 Operable Parts;

(8) Chapter 4, § 408 Display Screens;

(9) Chapter 4, § 409 Status Indicators;

(10) Chapter 4, § 410 Color Coding;

(11) Chapter 4, § 411 Audible Signals;

(12) Chapter 4, § 412 ICT with Two-Way Communication;

(13) Chapter 4, § 413 Closed Caption Processing Technologies;

(14) Chapter 4, § 414 Audio Description Processing Technologies; and

(15) Chapter 4, § 415 User Controls for Captions and Audio Descriptions.

(b) When EIR hardware is located in maintenance or monitoring spaces[~~,~~] and where status indicators and operable parts are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to § 213.13 of this chapter.

§213.15. Functional Performance Criteria.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. To the extent that an EIR does not comply with the requirements of 1 Texas Administrative Code §§ 213.10 - 213.13 that are applicable to that EIR, the noncompliant features of that EIR shall conform to the standards referenced in the DOJ Title II Rule or Section 508 Appendix C, Chapter 3, § 302 Functional Performance Criteria , as applicable.

§213.16. Support Documentation and Services.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the agency head or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all documentation and services that support the use of EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the DOJ Title II Rule and the following standards referenced in Section 508 Appendix C, Chapter 6:

(1) Chapter 6, § 602 Support Documentation; and

(2) Chapter 6, § 603 Support.

§213.17. Compliance Exceptions and Exemptions.

All [~~Effective April 18, 2020, all~~] EIR developed, procured, or changed by a state agency shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of this title, unless the agency head approves an exception subject to this chapter or, as applicable, the DOJ Title II Rule [~~is approved by the agency head~~] or the department grants an exemption [~~is granted by the department~~].

(1) Legacy EIR. Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213 of this title[~~,~~] and the user interface has not been altered [~~on or after April 18, 2020,~~] shall not be required to be modified to conform to this revised rule unless the EIR is required to comply with the DOJ Title II Rule.

(2) In its accessibility policy, an agency shall include standards and processes for handling exception requests for all EIR, including those subject to exceptions for a significant barrier [~~difficulty~~] or expense contained in Texas Government Code § 2054.460.

(3) The agency head must approve in writing exceptions [~~Exceptions~~] for a material difficulty or expense pertaining to significant barriers to users under Texas Government Code § 2054.460 [~~must be approved in writing by the agency head~~] for EIR that does not comply with the standards and specifications described in Chapter 206 and/or Chapter 213 of this title, pursuant to Texas Government Code § 2054.460:

(A) prior to the procurement, completion, use, or deployment; or

(B) [~~or~~] at the point the barrier is identified if the vendor is unable to immediately remedy the failure to comply with Chapter 206 and/or Chapter 213 of this title.

(4) An approved exception for a significant barrier [~~difficulty~~] or expense under Texas Government Code § 2054.460 shall include the following:

(A) List of compliance issues posing a risk to the agency with anticipated impact of each issue;

(B) [~~(A)~~] a date of expiration or duration of the exception;

(C) [~~(B)~~] a plan for alternate means of access for persons with disabilities;

(D) [~~(C)~~] justification for the exception including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and

(E) [~~(D)~~] documentation of how the agency considered alternative solutions and all agency resources available to the program or program component for which the product is being developed, procured, maintained, or used. Examples may include, but are not limited to, agency budget, grants, and alternative vendor or product selections.

(5) Agencies shall maintain records of approved exceptions in accordance with the agency's records retention schedule.

[(6) The department shall establish and maintain a list of electronic and information technology resources which are determined to be exempt from the standards and specifications of all or part of Chapter 206 and/or Chapter 213 of this title.]

[(7) The list of exempt EIR will be posted under the Accessibility section of the department's website.]

[(8) The following information shall be provided for each exemption listed:]

[(A) a date of expiration or duration of the exemption;]

[(B) a plan for alternate means of access for persons with disabilities;]

[(C) justification for the exemption including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and]

[(D) written approval of the department's executive director.]

[(9) The department shall establish and publish a policy under the Accessibility section of its website which defines the procedures and standards used to determine which electronic or information resources are exempt from the standards and specifications described in Chapter 206 and/or Chapter 213 of this title.]

§213.18. Procurements.

[(a) The department, in establishing commodity procurement contracts, for which the solicitation is issued on or after April 18, 2020, shall obtain and make available to state agencies accessibility information for products or services, where applicable, through one of the following methods:]

[(1) inclusion of or URLs to manufacturer pages of completed VPATs or ACRs for applicable Commercial Off the Shelf products or services submitted in vendor solicitation responses;]

[(2) other documents/forms requested by the department in commodity procurement solicitations that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or]

[(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract;]

(a)[(b)] For the procurement of EIR made directly by an agency or through the department's information technology commodity procurement contracts entered pursuant to Texas Government Code § 2157.068, [for which the solicitation is issued on or after April 18, 2020], the agency shall require a vendor to provide accessibility information for the purchased products or services, where applicable, through one of the following methods:

(1) inclusion of URLs to manufacturer's [manufacturer pages of completed] VPATS or ACRs [accessibility conformance reports] for applicable Commercial Off the Shelf products or services;

(2) other documents/forms requested by the agency that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or

[(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract;]

(3) [(4)] If credible accessibility documentation cannot be provided, then the EIR shall be considered noncompliant.

(b) [(c)] An agency shall implement a procurement accessibility policy, and supporting business processes and contract terms[,] for making procurement decisions. An agency shall monitor the procurement processes and contracts for accessibility compliance.

(c) [(d)] This subchapter applies to EIR developed, procured, or materially changed by an agency, or developed, procured, or materially changed by a contractor under a contract with an agency, which requires the use of such product to a significant extent [,or requires the use, to a significant extent, of such product] in the performance of a service or the furnishing of a product.

(d) [(e)] Unless an exception is approved by the agency head pursuant to Texas Government Code § 2054.460 and [1 Texas Administrative Code] § 213.17 of this subchapter or unless an exemption is approved by the department[,] pursuant to Texas Government Code § 2054.460[,] and 1 Texas Administrative Code § 213.17, all EIR products developed, procured, or materially changed through a procured services contract, and all electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable.

[(f) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.]

(e) [(g)] A state agency must include accessibility [Accessibility] testing, planning, and execution criteria [shall be documented] for EIR development and implementation projects. [the project and accessibility testing shall be performed by a third-party testing resource or knowledgeable state agency staff member to validate compliance with 1 Texas Administrative Code §206.50 and this chapter for any EIR project whose developments costs exceed $500,000 and that:]

(f) Accessibility testing must be performed by a third-party testing resource or knowledgeable state agency staff member to validate compliance with 1 Texas Administrative Code § 206.50 and this chapter for any EIR development project whose costs exceed $500,000 and that:

(1) requires one year or longer to reach operations status;

(2) involves more than one state agency or institution of higher education; or

(3) substantially alters work methods of agency personnel or the delivery of services to clients.

(g) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.

§213.19. State Agency Accessibility Administration, Training, Technical Assistance, and Job Descriptions.

[(a) The department shall provide training resources, and assistance regarding compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.452.]

[(1) The department shall schedule on-going training events or seminars, focused on accessibility development, testing, procurement and/or awareness training.]

[(2) The department shall publish information regarding publicly available accessibility training opportunities and technical assistance.]

(a) [(b)] The executive director of each agency shall ensure appropriate staff receive [receives] training necessary to comply with Chapters 206 and 213 of this title [meet accessibility-related rules].

(b) [(c)] Each state agency shall consider including accessibility criteria, such as compliance with Chapters 206 and 213 of this title and other regulatory requirements, in job descriptions where the position is responsible for EIR subject to this chapter [accessibility matters].

(c) A state agency shall establish goals for making its EIR accessible, which includes progress measurements towards meeting those goals.

§213.20. Accessibility Survey and Reporting Requirements.

[(a) The department shall conduct an EIR accessibility survey regarding progress on and compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.464.]

(a) [(b)] Each state agency shall [be required to] complete the accessibility survey the department distributes pursuant to Texas Government Code § 2054.464 and § 213.4(d) of this chapter within the prescribed deadlines [deadline] established by the department.

(b) A state agency shall support its survey [Survey] responses with [shall be supported by] agency documentation.

§213.21. Digital Accessibility Officer [EIR Accessibility Policy and Coordinator].

[(a) The department shall designate and maintain a person responsible for statewide accessibility initiatives.]

(a) [(b)] Pursuant to 1 Texas Administrative Code § 206.54, each state agency shall publish to its website a current accessibility policy, which must reflect at a minimum: [includes the standards and specifications of this chapter.]

(1) Confirmation of the agency's compliance with the standards and specifications of this chapter; and

(2) An agency-approved plan by which the state agency will bring EIR into and maintain compliance with the Technical Accessibility Standards and Specifications of this chapter, which must include a process for corrective actions to remediate non-compliant items.

[(c) Each state agency's accessibility policy shall require an agency-approved plan by which EIR will be brought into and maintained in compliance with the Technical Accessibility Standards and Specifications of this chapter. The plan will include a process for corrective actions to remediate non-compliant items.]

(b) [(d)] The agency head or information resources manager shall designate a Digital Accessibility Officer, [an EIR Accessibility Coordinator] who must [shall] be organizationally placed to oversee [facilitate] agency-wide progress in EIR Accessibility compliance with Chapters 206 and 213 of this title and digital accessibility best practices in support of their internal accessibility policies and initiatives. [policy. The state agency's designation must contain the individual's name and other information in the format prescribed by the department.]

(1) In filling this role, the state agency may employ an individual solely for this purpose or may add this responsibility to a current employee's existing job duties.

(2) A state agency must inform DIR of their designation of a Digital Accessibility Officer, which must include the individual's name, contact information, and other information in the format prescribed by the department.

(3) [(e)] A state agency shall inform the department within 30 days whenever the agency Digital Accessibility Officer [EIR Accessibility Coordinator] position is vacant[,] or when the agency has designated a new Digital Accessibility Officer [new/replacement EIR Accessibility Coordinator is designated].

[(f) An agency shall establish goals for making its EIR accessible, which includes progress measurements towards meeting those goals.]

§213.22. Applicable Standards.

State agencies shall comply with the minimum expected standards established by this chapter and federal law. To the extent that there is a discrepancy between discrete federal standards, state agencies shall adopt the higher of the two standards.

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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Joshua Godbey
General Counsel
Department of Information Resources
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For further information, please call: (512) 475-4531

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1 TAC §213.22

The repeal is proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.22. Holdover.

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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SUBCHAPTER C. ACCESSIBILITY STANDARDS FOR INSTITUTIONS OF HIGHER EDUCATION

1 TAC §§213.30 - 213.33, 213.35 - 213.42

The amendments and new rule are proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.30. [~~Software~~] Applications and Operating Systems.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.17 of this chapter, all [~~software~~] applications and operating systems EIR developed, procured, or changed by an institution of higher education shall comply with the standards described in this subchapter.

(b) Each state agency shall comply with:

(1) the DOJ Title II Rule for web content and mobile applications subject to the DOJ Title II Rule; and

(2) the following standards referenced in Section 508 Appendix C for all other applications and operating systems:

(A) [~~(1)~~] Chapter 7, § 702.10 [~~(~~]WCAG 2.0 Level AA excluding Guideline 1.2 Time Based Media[~~)~~];

(B) [~~(2)~~] Chapter 5, § 502 Interoperability with Assistive Technology;

(C) [~~(3)~~] Chapter 5, § 503 Applications; and

(D) [~~(4)~~] Chapter 5, § 504 Authoring Tools.

§213.31. Telecommunications Products.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.37 of this chapter, when purchasing telecommunication equipment or services, an institution of higher education shall contractually require the manufacturer of telecommunication equipment or provider of telecommunication services to ensure that the equipment or services are in compliance with 47 U.S.C. § 255 [~~§255~~] and 36 C.F.R. § 1194.2 [~~§1194.2~~], Appendix B[~~.~~], when such products are readily available or compliance is achievable.

§213.32. Video and Multimedia.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.17, of this chapter all video and multimedia EIR developed, procured, or changed by a state agency shall comply with the standards described in this subchapter. Each state agency shall comply with the applicable standards referenced in the DOJ Title II Rule [~~Section 508 Appendix C~~].

(b) Based on a request for accommodation of a webcast of a live/real time open meeting (Open Meetings Act, Texas Government Code, Chapter 551) or training and informational video productions that [~~which~~] support the agency's mission, each institution of higher education that receives such request shall provide [~~consider~~] captioning and alternative forms of accommodation for videos posted on state websites.

§213.33. Hardware.

(a) Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to § 213.17 of this chapter, all EIR hardware [~~EIR~~] developed, procured, or changed by an institution of higher education shall comply with the following standards referenced in US Section 508 Appendix C Chapter 4:

(1) Chapter 4, § 401 General;

(2) Chapter 4, § 402 Closed Functionality;

(3) Chapter 4, § 403 Biometrics;

(4) Chapter 4, § 404 Preservation of Information Provided for Accessibility;

(5) Chapter 4, § 405 Privacy;

(6) Chapter 4, § 406 Standard Connections;

(7) Chapter 4, § 407 Operable Parts;

(8) Chapter 4, § 408 Display Screens;

(9) Chapter 4, § 409 Status Indicators;

(10) Chapter 4, § 410 Color Coding;

(11) Chapter 4, § 411 Audible Signals;

(12) Chapter 4, § 412 ICT with Two-Way Communication;

(13) Chapter 4, § 413 Closed Caption Processing Technologies;

(14) Chapter 4, § 414 Audio Description Processing Technologies; and

(15) Chapter 4, § 415 User Controls for Captions and Audio Descriptions.

(b) When EIR hardware is located in maintenance or monitoring spaces[~~,~~] and where status indicators and operable parts are located in spaces that are frequented only by service personnel for maintenance, repair, or occasional monitoring of equipment, such status indicators and operable parts shall not be required to conform to §213.13 of this chapter.

§213.35. Functional Performance Criteria.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to [~~1 Texas Administrative Code~~] §213.17 of this chapter, all EIR developed, procured, or changed by an institution of higher education shall comply with the standards described in this subchapter. To the extent that an EIR does not comply with the requirements of 1 Texas Administrative Code §§213.10 - 213.13 that are applicable to that EIR, the noncompliant features of that EIR shall conform to the standards referenced in the DOJ Title II Rule or Section 508 Appendix C, Chapter 3, § 302 [~~§302~~] as applicable [~~Functional Performance Criteria~~].

§233.36. Support Documentation and Services.

Unless [~~Effective April 18, 2020, unless~~] an exception is approved by the president or chancellor of an institution of higher education or an exemption has been made for specific technologies pursuant to §213.17 of this chapter, all documentation and services that support the use of

EIR developed, procured, or changed by an institution of higher education shall comply with the standards described in this subchapter. Each institution of higher education shall comply with the DOJ Title II Rule and the following standards referenced in Section 508 Appendix C, Chapter 6:

(1) Chapter 6, § 602 Support Documentation; and

(2) Chapter 6, § 603 Support.

§213.37. Compliance Exceptions and Exemptions.

All [~~Effective April 18, 2020, all~~] EIR developed, procured, or changed by an institution of higher education shall comply with the standards and specifications of Chapter 206 and/or Chapter 213 of this title, unless the president or chancellor of an institution of higher education approves an exception subject to this chapter or, as applicable, the DOJ Title II Rule [~~is approved by the president or chancellor of an institution of higher education~~] or the department grants an exception [~~is granted by the department~~].

(1) Legacy EIR. Any component or portion of existing EIR that complies with an earlier standard issued pursuant to Chapter 206 or Chapter 213 of this title[~~,~~] and the user interface has not been altered [~~on or after April 18, 2020,~~] shall not be required to be modified to conform to this revised rule unless the EIR is required to comply with the DOJ Title II Rule.

(2) In its accessibility policy, an institution of higher education shall include standards and processes for handling exception requests for all EIR, including those subject to exceptions for a significant barrier [~~difficulty~~] or expense contained in Texas Government Code § 2054.460 [~~§2054.460~~].

(3) The president or chancellor of an institution of higher education must approve in writing exceptions [~~Exceptions~~] for a material difficulty or expense pertaining to significant barriers to users under Texas Government Code § 2054.460 [~~§2054.460 must be approved in writing by the president or chancellor of an institution of higher education~~] for EIR that does not comply with the standards and specifications described in Chapter 206 and/or Chapter 213 of this title, pursuant to Texas Government Code § 2054.460 [~~§2054.460~~]:

(A) prior to the procurement, completion, use, or deployment; or

(B) at the point the barrier is identified if the vendor is unable to immediately remedy the failure to comply with Chapter 206 and/or Chapter 213 of this title.

(4) An approved exception for a significant barrier [~~difficulty~~] or expense under Texas Government Code § 2054.460 [~~§2054.460~~ shall include the following:

(A) List of compliance issues posing a risk to the institution of higher education with anticipated impact of each issue;

(B) [~~(A)~~] a date of expiration or duration of the exception;

(C) [~~(B)~~] a plan for alternate means of access for persons with disabilities;

(D) [~~(C)~~] justification for the exception including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and

(E) [~~(D)~~] documentation of how the institution of higher education considered alternative solutions and all institution resources available to the program or program component for which the product is being developed, procured, maintained, or used. Examples may include, but are not limited to, institution budget, grants, and alternative vendor or product selections.

(5) Institutions of higher education shall maintain records of approved exceptions in accordance with that institution of higher education's records retention schedule.

[~~(6) The department shall establish and maintain a list of electronic and information technology resources which are determined to be exempt from the standards and specifications of all or part of Chapter 206 and/or Chapter 213 of this title.~~]

[~~(7) The list of exempt EIR will be posted under the Accessibility section of the department's website.~~]

[~~(8) The following information shall be provided for each exemption listed:~~]

[~~(A) a date of expiration or duration of the exemption;~~]

[~~(B) a plan for alternate means of access for persons with disabilities;~~]

[~~(C) justification for the exemption including technical barriers, cost of remediation, fiscal impact for bringing the EIR into compliance, and other identified risks; and~~]

[~~(D) written approval of the department's executive director.~~]

[~~(9) The department shall establish and publish a policy under the Accessibility section of its website which defines the procedures and standards used to determine which electronic or information resources are exempt from the standards and specifications described in Chapter 206 and/or Chapter 213 of this title.~~]

§213.38. Procurements.

[~~(a) The department, in establishing commodity procurement contracts, for which the solicitation is issued on or after April 18, 2020, shall obtain and make available to state agencies accessibility information for products or services, where applicable, through one of the following methods:~~]

[~~(1) inclusion of or URLs to manufacturer pages of completed VPATs or ACRs for applicable Commercial Off the Shelf products or services submitted in vendor solicitation responses;~~]

[~~(2) other documents/forms requested by the department in commodity procurement solicitations that provide credible evidence of the vendor's capability or ability to produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or~~]

[~~(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract;~~]

(a) [~~(b)~~] For the procurement of EIR made directly by an institution of higher education or through the department's information technology commodity procurement contracts entered pursuant to Texas Government Code § 2157.068, [~~for which the solicitation is issued on or after April 18, 2020~~], the institution shall require a vendor to provide accessibility information for the purchased products or services, where applicable, through one of the following methods:

(1) inclusion of URLs to manufacturer's [~~manufacturer pages of completed~~] VPATS or ACRs [~~accessibility conformance reports~~] for applicable Commercial Off the Shelf products or services;

(2) other documents / forms requested by the institution that provide credible evidence of the vendor's capability or ability to

produce accessible EIR products and services. Such evidence may include, but is not limited to, a vendor's internal accessibility policy documents, contractual warranties for accessibility, accessibility testing documents, and examples of prior work results; or

[(3) the URL to a web page which explains how to request completed ACRs or VPATs for any products under contract; or]

(3) [(4)] If credible accessibility documentation cannot be provided, then the EIR shall be considered noncompliant.

(b) [(c)] An institution of higher education shall implement a procurement accessibility policy, and supporting business processes and contract terms[,] for making procurement decisions. The institution of higher education shall monitor the procurement processes and contracts for accessibility compliance.

(c) [(d)] This subchapter applies to EIR developed, procured, or materially changed by an institution of higher education, or developed, procured, or materially changed by a contractor under a contract with an institution of higher education, which requires the use of such product[, or requires the use, to a significant extent, of such product] to a significant extent in the performance of a service or the furnishing of a product.

(d) [(e)] Unless an exception is approved by the president or chancellor of an institution of higher education pursuant to Texas Government Code § 2054.460 [§2054.460] and [1 Texas Administrative Code] §213.17 of this subchapter, all EIR products developed, procured or materially changed through a procured services contract, and all electronic and information resource services provided through hosted or managed services contracts, shall comply with the provisions of Chapter 206 and Chapter 213 of this title, as applicable.

[(f) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.]

(e) An institution of higher education must include accessibility testing, planning, and execution criteria for EIR development and implementation projects.

(f) [(g)] Accessibility testing, planning, and execution criteria must [shall be documented for the project and accessibility testing shall] be performed by a third-party testing resource or knowledgeable institution of higher education staff member to validate compliance with 1 Texas Administrative Code §206.70 and this chapter for any EIR project whose [developments] costs exceed $500,000 and that

(1) requires one year or longer to reach operations status;

(2) involves more than one state agency or institution of higher education; or

(3) substantially alters work methods of agency personnel or the delivery of services to clients.

(g) Nothing in this subchapter is intended to prevent the use of designs or technologies as alternatives to those prescribed in this subchapter provided they result in substantially equivalent or greater access to and use of a product for people with disabilities.

§213.39. Institution of Higher Education Accessibility Administration, Training, Technical Assistance, and Job Descriptions.

[(a) The department shall provide training resources, and assistance regarding compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.452.]

[(1) The department shall schedule on-going training events or seminars, focused on accessibility development, testing, procurement and/or awareness training.]

[(2) The department shall publish information regarding publicly available accessibility training opportunities and technical assistance.]

(a) [(b)] The president or chancellor of each institution of higher education shall ensure appropriate staff receive [receives] training necessary to comply with Chapters 206 and 213 of this title [meet accessibility-related rules].

(b) [(c)] Each institution of higher education shall consider including accessibility criteria in job descriptions, such as compliance with Chapters 206 and 213 of this title and other regulatory requirements, where the position is responsible for EIR subject to this chapter [accessibility is applicable to that position].

§213.40. Accessibility Survey and Reporting Requirements.

[(a) The department shall conduct an EIR accessibility survey regarding progress on and compliance with Chapter 206 and Chapter 213 of this title, pursuant to Texas Government Code §2054.464.]

(a) [(b)] Each institution of higher education shall be required to complete the accessibility survey the department distributes pursuant to Texas Government Code § 2054.464 and §213.4(d) of this chapter within the prescribed deadlines [deadline] established by the department.

(b) Each institution of higher education shall support their survey [Survey] responses with [shall be supported by] institutional [institution of higher education] documentation.

§213.41. Digital Accessibility Officer [EIR Accessibility Policy and Coordinator].

[(a) The department shall designate and maintain a person responsible for statewide accessibility initiatives.]

(a) [(b)] Pursuant to 1 Texas Administrative Code §206.74, each institution of higher education shall publish to its website a current accessibility policy, which must reflect at a minimum: [includes the standards and specifications of this chapter.]

(1) Confirmation of the institution's compliance with the standards and specifications of this chapter; and

(2) An institution-approved plan by which the institution will bring EIR into and maintain compliance with the Technical Accessibility Standards and Specifications of this chapter, which must include a process for corrective actions to remediate non-compliant items.

[(c) Each institution of higher education's accessibility policy shall require an institutionally-approved plan by which EIR will be brought into and maintained in compliance with the Technical Accessibility Standards and Specifications of this chapter. The plan will include a process for corrective actions to remediate non-compliant items.]

(b) [(d)] The president or chancellor of an [head of each] institution of higher education or information resources manager shall designate a Digital Accessibility Officer [an EIR Accessibility Coordinator] who [must] be organizationally placed to oversee institution-wide EIR accessibility compliance and digital accessibility best practices in support of [in support of] their internal accessibility policies and initiatives. [policy. The institution's designation must contain the individual's name and other information in the format prescribed by the department.]

(1) In filling this role, the institution of higher education may employ an individual solely for this purpose or may add this responsibility to a current employee's existing job duties.

(2) An institution of higher education must inform DIR of their designation of a Digital Accessibility Officer, which must include the individual's name, contact information, and other information in the format prescribed by the department..

(3) [~~(e)~~] An institution of higher education shall inform the department within 30 days whenever the institution of higher education Digital Accessibility Officer [~~EIR Accessibility Coordinator~~] position is vacant[,] or when the institution of higher education has designated a new Digital Accessibility Officer [~~new/replacement EIR Accessibility Coordinator is designated~~].

[~~(f) An institution of higher education shall establish goals for making its EIR accessible, which includes progress measurements towards meeting those goals~~].

§213.42. Applicable Standards.

Institutions of higher education shall comply with the minimum expected standards established by this chapter and federal law. To the extent that there is a discrepancy between discrete federal standards, institutions of higher education shall adopt the higher of the two standards.

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 February 26, 2026.

TRD-202601003
Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

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1 TAC §213.42

The repeal is proposed pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.453, which requires the department to establish rules to implement electronic and information resources accessibility, including rules regarding the development, procurement, maintenance, and use of electronic and information resources by state agencies to provide access to individuals with disabilities and a procurement accessibility policy.

No other code, article, or statute is affected by this proposal.

§213.42. Holdover.

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 February 26, 2026.

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Joshua Godbey
General Counsel
Department of Information Resources
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-4531

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TITLE 4. AGRICULTURE

PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 51. ENTRY REQUIREMENTS

4 TAC §51.3

The Texas Animal Health Commission (Commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 51 titled "Entry Requirements." Specifically, the Commission proposes amendments to §51.3 regarding Exceptions.

BACKGROUND AND PURPOSE

The Texas Animal Health Commission proposes amendments to §51.3, concerning Exceptions. The purpose of the amendment is to eliminate duplicative regulation and expand the veterinary care permit exception to include cattle, bison, and camelids.

The Commission is tasked with creating and enforcing entry requirements for livestock, fowl, exotic livestock, and exotic fowl. The Commission requires all animals entering Texas to be accompanied by a certificate of veterinary inspection (CVI) unless specific exceptions apply. One such exception is the veterinary care exception found in §51.3(b)(1). This exception currently allows equine to enter Texas without a CVI if traveling directly to a veterinary clinic for treatment with a permit issued by the Commission. Equine must be returned immediately to their state of origin via the most direct route following treatment.

The Commission proposes expanding this veterinary care exception to include cattle, bison, and camelids. During road-side inspections, Commission staff stop ranchers from neighboring states crossing into Texas for routine preventative procedures like dehorning and castration. These entries are not permitted and result in compliance actions and ultimately represent gaps in TAHC's disease tracing efforts. The proposed amendments would allow and encourage expanded access to skilled Texas veterinarians while maintaining disease traceability.

Additionally, the proposed amendments eliminate language that allows equine entering for sale at a livestock market to first be consigned to a veterinary clinic for issuance of a CVI. This exception is duplicative of an exception found in §51.13(a)(5) which allows equine entering for sale at a livestock market to first move directly to an EIA approved lab/vet clinic for testing and CVI. Both exceptions require a permit prior to entry. And presently, §51.13 is the exception used by Commission staff rather than the exception found in §51.3. This proposed amendment tidies Commission rules without changing procedure for staff or eliminating an existing exception for the public.

SECTION-BY-SECTION DISCUSSION

Section 51.3 includes exceptions to the Commission's entry requirements. The proposed amendments expand the veterinary care exception for CVIs from equine-only to equine, cattle, bison, and camelids. The amendments also eliminate a duplicative CVI

exception for equine entering for sale at a livestock market which may be consigned directly to a veterinary clinic for issuance of a CVI.

FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years that the rule is in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of state or local governments. Commission employees will administer and enforce these rules as part of their current job duties and resources. Ms. Coggeshall also determined for the same period that there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the rule is in effect, the anticipated public benefits are expanded access to Texas veterinary services while maintaining disease traceability.

TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposal does 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. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed rules would be in effect, the proposed rules:

Will not create or eliminate a government program;

Will not require the creation or elimination of employee positions;

Will result in no assumed change in future legislative appropriations;

Will not affect fees paid to the Commission;

Will not create new regulation;

Will expand existing regulatory exceptions, thus limiting existing regulation;

Will not change the number of individuals subject to the rule; and

Will not affect the state's economy.

SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

COSTS TO REGULATED PERSONS

The proposed amendments to Chapter 51 do not impose additional costs on regulated persons and are designed to expand the CVI exception for veterinary care and eliminate duplicative regulations. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

PUBLIC COMMENT

Written comments regarding the proposed amendments may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to comments@tahc.texas.gov. To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 51, Entry Requirements" in the subject line.

STATUTORY AUTHORITY

The amendments are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.006, entitled "Documents to Accompany Shipment", if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.046, entitled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission, by rule, may regulate the

movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.113, entitled "Testing or Treatment of Livestock", if the Commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

Pursuant to §161.114, entitled "Inspection of Livestock", an authorized inspector may examine livestock consigned to and delivered on the premises of a livestock market before the livestock are offered for sale. If the inspector considers it necessary, the inspector may have an animal tested or vaccinated. Any testing or vaccination must occur before the animal is removed from the livestock market.

No other statutes, articles, or codes are affected by this proposal.

§51.3. Exceptions.

(a) (No change.)

(b) Exceptions for a certificate of veterinary inspection.

(1) Equine, cattle, bison, and camelids, may enter Texas when consigned directly to a veterinary hospital or clinic for treatment or for usual veterinary procedures when accompanied by a permit number issued by the commission. Following release by the veterinarian, animals [~~equine~~] must be returned immediately to the state of origin by the most direct route. [~~Equine entering Texas for sale at a livestock market, may first be consigned directly to a veterinary hospital or clinic for issuance of the certificate of veterinary inspection, when accompanied by a prior entry permit issued by the commission.~~]

(2) Dairy cattle 10 days of age or less are exempt from the certificate of veterinary inspection requirement if the following are met:

(A) the out-of-state premises of origin and the Texas premises of destination execute a Modified Movement Agreement with the Executive Director and the out-of-state animal health official; and

(B) the cattle are moved directly from the out-of-state premises of origin to the Texas premises of destination in compliance with the Modified Movement Agreement. The Modified Movement Agreement includes identification, recordkeeping, reporting, inspection, testing and other requirements as epidemiologically determined by the Executive Director.

(c) (No change.)

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 February 27, 2026.

TRD-202601036
Jeanine Coggeshall
General Counsel
Texas Animal Health Commission
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 839-0511

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TITLE 13. CULTURAL RESOURCES

PART 2. TEXAS HISTORICAL COMMISSION

CHAPTER 22. CEMETERIES

13 TAC §§22.1 - 22.4, 22.6

The Texas Historical Commission (hereafter referred to as the Commission) proposed amendments to §§22.1 - 22.4 and 22.6 of Title 13, Part 2, Chapter 13 of the Texas Administrative Code (relating to Cemeteries). These changes are needed to update definitions, remove definitions not used in Chapter 22, and clarify language as needed in §22.1; remove unnecessary language and make corrections to §22.2; clarify and specify Commission's role in abatement of a cemetery as a nuisance and options in such cases in §22.3; correct cross-references to the Health and Safety Code and add more accurate and specific language to §22.4; and update procedures for Historic Texas Cemetery (HTC) designations and add procedures to §22.6 for the new Historic Texas Freedmen's Cemetery (HTFC) designation, which was added to Chapter 442 of the Government Code by adoption of Senate Bill 217 by the 89th Texas Legislature.

FISCAL NOTE. Joseph Bell, Executive Director, has determined that for the first five-year period the amended rules are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering these rules.

PUBLIC BENEFIT. Mr. Bell has also determined that for the first five-year period the amended rule is in effect, the public benefit will be more accurate and clearer definitions for Chapter 22, and greater clarity regarding the Commission's authority of cemeteries; the Commission's role in abatement of a cemetery as a nuisance and options in such cases; regarding unknown, abandoned, and unverified cemeteries; *insert*; and regarding procedures for Historic Texas Cemeteries and adopted procedures for Historic Texas Freedmen's Cemeteries.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES. Mr. Bell has also determined that there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing these rules. Accordingly, no regulatory flexibility analysis, as specified in Texas Government Code § 2006.002, is required.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL EMPLOYMENT. There are no anticipated economic costs to persons who are required to comply with the amendments to these rules, as proposed. There is no effect on local economy for the first five years that the proposed new section is in effect; therefore, no local employment impact statement is required under Texas Government Code § 2001.022 and 2001.024(a)(6).

GOVERNMENT GROWTH IMPACT STATEMENT. During the first five years that the amendments would be in effect, the pro-

posed amendments: will not create or eliminate a government program; will not result in the addition or reduction of employees; will not require an increase or decrease in future legislative appropriations; will not lead to an increase or decrease in fees paid to a state agency; will not create a new regulation; will not repeal an existing regulation; and will not result in an increase or decrease in the number of individuals subject to the rule. During the first five years that the amendments would be in effect, the proposed amendments will not positively or adversely affect the Texas economy.

TAKINGS IMPACT ASSESSMENT. The Commission has determined that no private real property interests are affected by this proposal and the proposal does not restrict or limit an owner's right to his or her property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code, § 2007.043.

PUBLIC COMMENT. Comments on the proposal and as to whether the reasons for initially adopting these rules continue to exist may be submitted to Joseph Bell, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY. These amendments are proposed under the authority of Texas Government Code §442.005(q), which provides the Commission with the authority to promulgate rules to reasonably affect the purposes of the Commission, and Texas Government Code §442.302(h), which requires the Commission to establish a Historic Texas Freedmen's Designation Program.

CROSS REFERENCE TO OTHER LAW. No other statutes, articles, or codes are affected by these amendments.

§22.1. Definitions.

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

(1) "Abandoned cemetery" means a non-perpetual care cemetery containing one or more graves and possessing cemetery elements for which no cemetery organization exists and which is not otherwise maintained by any caretakers. It may or may not be recorded in deed records of the county in which it lies.

(2) "Antiquities Permit" means a permit issued by the Texas Historical Commission under the jurisdiction of the Antiquities Code of Texas, Natural Resources Code Ch. [~~ch.~~] 191.

[~~(3) "Atlas" means the Texas Historic Sites Atlas which is a cultural resource database that is maintained by the Commission and contains historic properties.~~]

(3) [~~(4)~~] "Burials" and "Burial pits" mean marked and unmarked locales of a human burial or burials [~~set aside for a human burial or burials purposes~~]. Burials and burial pits may contain the remains of one or more individuals located in a common grave in a locale. The site area [~~encompasses the human remains present and also~~] may contain gravestones, markers, containers, coverings, garments, vessels, tools, and other grave objects [~~which may be present~~] or could be evidenced by the presence of depressions, pit feature stains, or other archeological evidence.

(4) [~~(5)~~] "Cemetery" means a place that is used or intended to be used for interment, and includes a graveyard, burial park, unknown cemetery, abandoned cemetery, mausoleum, or any other area containing one or more graves or unidentified graves.

(5) [~~(6)~~] "Commission" means the Texas Historical Commission.

(6) [~~(7)~~] "Declaration of Dedication" means a notarized statement submitted to the appropriate county clerk's office, in which the state verifies and acknowledges that the named cemetery contains human burials at least 50 years old.

[~~(8) "Department" means the Texas Department of State Health Services.~~]

(7) [~~(9)~~] "Disinterment Permit" means a permit issued by the State Registrar of Vital Statistics, Texas Department of State Health Services, that authorizes the exhumation of human remains from a grave location.

(8) [~~(10)~~] "Family cemetery" means a cemetery containing members of a single family or kinship group, usually located on land belonging to the family or occupied by the family when established.

(9) [~~(11)~~] "Funerary objects" means physical objects associated with a burial, such as a casket, whether whole or deteriorated into pieces, personal effects, ceremonial objects, and any other objects interred with human remains.

(10) [~~(12)~~] "Grave" means a space of ground that contains interred human remains or is in a burial park and this is used or intended to be used for interment of human remains in the ground.

(11) [~~(13)~~] "Identified grave" means a grave that is marked with name of the individual interred in the grave or for which there is other evidence of the name of the individual interred in the grave.

(12) [~~(14)~~] "Interment" means the permanent disposition of human remains by entombment, burial, or placement in a niche, but does not include the location of displaced or disarticulated human remains.

(13) [~~(15)~~] "Historic cemetery" means a cemetery with at least one grave that is 50 years old or older.

(14) [~~(16)~~] "Human remains" means the body of a decedent.

(15) [~~(17)~~] "Marked grave" means a grave that has some physical object or objects identifying it as a grave, including a headstone, wooden or metal marker, arrangement of field stones, plantings, or other such indicia, whether or not the individual in the grave is identified.

(16) [~~(18)~~] "Nonperpetual care cemetery" means a cemetery that is not a perpetual care cemetery.

[~~(19) "Perpetual care" or "endowment care" means the maintenance, repair, and care of all places in the cemetery.~~]

(17) [~~(20)~~] "Perpetual care cemetery" [~~or "endowment care cemetery"~~] means a cemetery for the benefit of which a perpetual care trust fund is established as provided by Chapter 712 of the Health and Safety Code.

(18) [~~(21)~~] "Physical anthropologist" means an archeologist certified by the Register of Professional Archeologists (RPA) for the level of required investigation; anyone determined a professional archeologist by the state archeologist, according to the criteria of the RPA; or anyone meeting required qualifications and standards detailed in pertinent state rules (§26.4 of this title) or federal requirements specified in the Secretary of Interior's Professional Qualifications Standards (36 CFR Part 61, Appendix A) for archeological investigations [~~individual who has a graduate degree in anthropology or archaeology with a concentration of study in the assessment of human skeletal remains. This person must be qualified~~

to obtain measurements of the skeleton and obtain a biological profile, including sex, age, ancestry, stature, and anomalous pathological and traumatic conditions].

(19) [(22)] "Professional archeologist" means an individual who has a degree in anthropology, archeology, or a closely related field if that degree also included formal training in archeological field methods, research, and site interpretation, and who conducts archeological investigations as a vocation.

(20) "Texas Historic Sites Atlas" means the cultural resource database that is maintained by the Commission and contains historic properties.

(21) [(23)] "Unidentified grave" means a grave that is not marked in a manner that provides the identity of the interment.

(22) [(24)] "Unknown cemetery" means an abandoned cemetery evidenced by the presence of marked or unmarked graves that does not appear on a map or in deed records.

(23) [(25)] "Unverified cemetery" means a location having some evidence of human burial interments, but in which the presence of one or more unmarked graves has not been verified by a person described by §711.0105(a) of the Health and Safety Code of Texas or by the commission.

(24) [(26)] "Verified cemetery" means the location of a human burial interment or interments as verified by the commission.

§22.2. Authority of Commission.

(a) Section 22.3 and §22.6 of this title (relating to Abatement of Cemetery as Nuisance and Historic Texas Cemeteries) withstanding, the [The] authority of the Commission and this chapter apply only to non-perpetual care cemeteries. Its authority includes previously unknown cemeteries, abandoned cemeteries, and unverified cemeteries, and all other graves not located in a perpetual care cemetery.

(b) For information concerning perpetual care cemeteries, members of the public should contact the Texas Department of Banking [Finance Commission or the Texas Funeral Services Commission].

[(c) For information concerning city or county cemeteries, members of the public should contact the appropriate city or county government.]

§22.3. Abatement of Cemetery as Nuisance.

(a) If the Commission receives notice of legal action under Health and Safety Code §711.007 to abate a cemetery as a nuisance, the Commission will commence an investigation to determine whether it should request the Attorney General of Texas to intervene on the Commission's behalf in the legal action.

(b) In its investigation, the Commission will attempt to determine:

(1) whether the cemetery contains marked, unmarked, and/or unverified graves that are more than 50 years old;

(2) whether the cemetery has historical significance to the local area or the State;

(3) whether repair and restoration of the cemetery is physically possible;

(4) whether the cost of repair and restoration of the cemetery is unreasonable;

(5) whether there is a cemetery organization or other party financially responsible for the repair and restoration of the cemetery;

(6) whether the cemetery is used or maintained in violation of Health and Safety Code Chapter 711 or 712;

(7) whether the cemetery is neglected so that it is offensive to the inhabitants of the surrounding section; and

(8) the impact to affected parties of the removal of the graves to a perpetual care cemetery and abatement of the cemetery.

(c) The Commission may present the results of its investigation to the Court whether or not it intervenes in the lawsuit.

(d) If the court determines that the cemetery is a nuisance and must be abated by repair and restoration, all [All] repairs and restoration in a non-perpetual care cemetery should comply with the Standards for Preservation of Historic Cemeteries, published by the Texas Historical Commission.

(e) If the court or governing body of the municipality authorizes abatement of the cemetery nuisance by removal of the cemetery to a perpetual care cemetery, [The extent allowed by the rules of the perpetual care cemetery to which the remains are moved,] the original relationship of the various elements of the cemetery, such as monuments and fencing, should be retained and reinstalled in the perpetual care cemetery to the extent allowed by its rules.

§22.4. Unknown, Abandoned, and Unverified Cemeteries.

(a) Discovery of Unknown or Abandoned Cemeteries. §711.011 [§711.010] of the Health and Safety Code requires that a person who discovers an unknown or abandoned cemetery shall file notice of the discovery of the cemetery with the county clerk of the county in which the cemetery is located and concurrently mail notice to the landowner on record in the county appraisal district not later than the 10th day after the date of the discovery. The notice must contain a legal description of the land on which the unknown or abandoned cemetery was found and describe the approximate location of the cemetery and the evidence of the cemetery that was discovered.

(1) The Commission may provide assistance to any party required to file this notice.

(2) The Notice of Existence of Cemetery form available on the Commission's website may be used to file this notice.

(3) The county clerk must provide a copy of the notice to the Commission within 15 days after the filing of the notice with the clerk, by mailing it to the following address: Cemetery Preservation Coordinator, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711-2276.

(b) If one or more graves are discovered during construction of improvements on a property, construction must stop and may only proceed in a manner that would not further disturb the grave or graves unless the graves are removed in accordance with §711.010 and §711.0105 of the Health and Safety Code.

(c) Agricultural (including ranching), construction, utility lines, industrial, and mining operations may not be conducted in a manner that will disturb a grave, grave marker, burial pit, or cemetery unless the graves and dedication of the cemetery are removed in accordance with §711.010 [§711.035] of the Health and Safety Code.

(d) Discovery of Unverified Cemeteries. Section 711.0111 of the Health and Safety Code of Texas requires that any person that discovers an unverified cemetery shall file a notice and evidence of the discovery with the commission on a form provided by the commission. Section 711.0111 also requires that any person that discovers an unverified cemetery shall concurrently provide a copy of the notice of the filing with the landowner on record in the county appraisal district on whose land the unverified cemetery is located. The commission shall evaluate the notice and the evidence submitted with the notice, and consider the response of the landowner, if any is received not later than the 30th day after notice, and shall determine whether there is sufficient

evidence to support the claim of the existence of a cemetery. If the commission determines that sufficient evidence supports the existence of a cemetery, the commission shall notify the landowner and may file notice of the existence of the cemetery under §711.011 of the Health and Safety Code. If a notice of existence has already been filed under §711.011 and the commission has determined that there is not sufficient evidence of a cemetery the commission shall notify the landowner of its determination, amend the notice to include the commission's determination, and file the amendment with the county clerk to correct the dedication.

(1) The Commission may provide assistance to a person required to file this notice.

(2) The Notice of Unverified Cemetery form, which is available on the Commission's website, shall be used to file this notice.

(3) The Texas Historical Commission, with consent of the landowner, may investigate a suspected but unverified cemetery or may delegate the investigation to a qualified person described by §711.0105(a).

(e) The commission shall use one or more of the following criteria when assessing the verification of the existence of a cemetery:

(1) the location contains interment(s) that is/are confirmed through archival or field assessments or investigations consented by the landowner and performed by a professional archeologist or other individuals as defined by §711.0105(a) of the Health and Safety Code of Texas;

(2) the location contains human burial caskets or other containers or vessels that contain human remains or are contextually known to have been used to inter human remains;

(3) the location contains articulated human remains that were deliberately interred; or

(4) the location contains a burial pit or burial pit features.

§22.6. Historic Texas Cemeteries.

(a) Any cemetery that is deemed worthy of recognition and preservation for its historic associations is eligible for designation as a Historic Texas Cemetery. The purpose of this designation is to alert the public, as well as present and future owners of land adjacent to the cemetery of the existence of the cemetery. Such cemeteries are eligible for this status if established at least 50 years before the date of application. The Commission [~~History Programs Committee~~] may waive the age requirement for cemeteries that are deemed to be exceptionally significant. Designation as a Historic Texas Cemetery does not restrict in any way the private owner's use of the land outside the cemetery boundaries.

(b) Designation applications including additional information as required by the Commission may be further recognized as a Historic Texas Freedmen's Cemetery. To be eligible, applications must meet the eligibility criteria for Historic Texas Cemetery, plus establish that the cemetery is one in which the burials are predominantly African American and associated with a Freedom Colony or other historically African American settlement or institution, and which contains the grave of at least one freed slave. For the purposes of this designation, a freed slave is defined as a person of African descent living in the United States who was freed from the institution of chattel slavery by the Thirteenth Amendment to the U.S. Constitution in 1865 or earlier through manumission, self-purchase, or other means. For those cemeteries designated as a Historic Texas Cemetery prior to the establishment of the Historic Texas Freedmen's Cemetery program, an additional application may be required.

(c) [~~(b)~~] Any individual, organization, or agency may submit an application for designation. The Commission shall notify the owner of the property containing a cemetery, [~~or~~] adjacent landowners having common boundaries with the cemetery, and the cemetery organization (if applicable) about the proposed designation.

(d) [~~(c)~~] Applications for [~~Historic Texas Cemetery~~] designation are available [~~at the Commission or~~] on the Commission's website. Completed applications, along with the processing fee of $25 (twenty-five dollars), shall be sent to the Commission for processing and review. The Commission will notify County Historical Commissions [~~will be notified~~] of applications submitted for cemeteries in their county and will be provided a copy of the application materials. The Commission may request further documentation if necessary. The burden of proof of the existence of an eligible [~~the~~] cemetery is on the applicant. If the application is accepted for designation, the applicant will be sent a Declaration of Dedication to be filed with the appropriate county clerk's office. The applicant must forward to the Commission a copy of the recorded Declaration of Dedication and exhibit(s) which include the filing date and recording data. [~~Applications rejected because of ineligibility may be reviewed by the History Programs Committee upon the request of the applicant.~~] The cemetery will be officially recognized as a Historic Texas Cemetery or a Historic Texas Freedmen's Cemetery once certified by the Commission at a quarterly meeting [~~when the applicant forwards a copy of the recorded Declaration of Dedication and exhibits which include the filing date and recording data~~].

(e) [~~(d)~~] Designation [~~as a Historic Texas Cemetery~~] must be based on complete documentation of the cemetery's eligibility as outlined in the application form available from the Commission. Examples of documentation that may be requested include deed and title, historic map(s), [~~plot records,~~] archival documents, photographs, oral histories, genealogical records, and archeological data.

(f) [~~(e)~~] The [~~Historic Texas Cemetery~~] designation may be removed only by action of the Commission or by an order of the court of proper jurisdiction removing the dedication or permitting the removal of the cemetery and the return of the land to other purposes. A transfer of ownership does not result in a removal of the dedication.

(g) [~~(f)~~] A designated cemetery [~~Historic Texas Cemetery~~] may be further recognized with an Official Historic Texas Cemetery Marker, available for purchase through the Commission. The marker shall be placed in accordance with §21.7 of this title (relating to Application Requirements) and §21.9 of this title (relating to Application Evaluation Procedures).

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 February 27, 2026.

TRD-202601022
Joseph Bell
Executive Director
Texas Historical Commission
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 463-6100

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TITLE 16. ECONOMIC REGULATION

PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 71. RESIDENTIAL SOLAR RETAILERS AND SALESPERSONS

The Texas Department of Licensing and Regulation (Department) proposes new rules at 16 Texas Administrative Code (TAC), Chapter 71, Subchapter A, §§71.1, 71.2, 71.3, and 71.4; Subchapter C, §§71.20, 71.21, 71.22, 71.23, 71.24, and 71.25; Subchapter D, §§71.30, 71.31, and 71.32; Subchapter E, §§71.40, 71.41, 71.42 and 71.43; Subchapter F, §§71.50, 71.51, and 71.52, Subchapter G, §71.60; and Subchapter H, §§71.71, 71.72, and 71.73, regarding the Residential Solar Retailers and Salespersons program. These proposed changes are referred to as the "proposed rules."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The proposed rules implement Senate Bill (SB) 1036, 89th Legislature, Regular Session (2025), which enacted Texas Occupations Code, Chapter 1806, the Residential Solar Retailer Regulatory Act (the Act). SB 1036 provides the Department with regulatory authority over residential solar transactions and requires salespersons and the companies that oversee them, known as solar retailers, to obtain registrations. SB 1036 went into effect on September 1, 2025. Under the transition language of SB 1036, certain provisions went into effect on the bill's effective date, while registration requirements and certain enforcement provisions begin on September 1, 2026. SB 1036 also directed the Department to form and consult a stakeholder workgroup for the development of rules implementing that legislation. The proposed rules were developed with the assistance of that workgroup.

The proposed rules define key concepts, clarify the Department's regulatory scope, provide details regarding registration and insurance requirements, state requirements for the form and format of solar contracts, and create a code of conduct for solar retailers and salespersons. Further, the proposed rules set out requirements for solar salespersons and solar retailers to provide consumers with disclosures and educational materials, specify the manner in which solar contracts can be cancelled, and include provisions relating to fees and enforcement provisions.

SECTION-BY-SECTION SUMMARY

Subchapter A. General Provisions

The proposed new §71.1, Authority, provides citations to the statutory authority for the rule chapter. Subsection (a) clarifies that although Chapters 51 and 1806 of the Texas Occupations serve as the primary authority, specific provisions of the chapter also implement other statutes. Subsection (b) clarifies that in addition to this chapter, the provisions of 16 TAC Chapter 60, Procedural Rules of the Commission and Department, also apply to this program.

The proposed new §71.2, Applicability, specifies the applicability of the rule chapter. Subsection (a) clarifies how the date of a solar contract impacts applicability. Subsection (b) clarifies that the registration provisions of the chapter do not apply until September 1, 2026. Subsection (c) clarifies that the chapter also applies to licensed electrical contractors except where they are specifically exempted by statute or rule.

The proposed new §71.3, Definitions, provides definitions for the chapter. The definitions incorporate by reference certain statutory definitions, supplement these definitions, and provide additional definitions. The proposed rules define the term "lease" broadly to include power purchase agreements, which are separately defined.

The proposed new §71.4, Exemption of Solar Retailers from Continuing Education Requirements, implements Texas Occupations Code §1806.106 and clarifies that any continuing education requirements will be applicable only to solar salespersons and not to solar retailers.

Subchapter C. Registration of Solar Retailers and Salespersons

The proposed new §71.20, Registration Requirements--Retailers, consists of three subsections. Subsection (a) outlines the general requirement for a solar retailer to be registered unless exempt. Subsection (b) establishes eligibility criteria for registration. Subsection (c) establishes the required documents to be submitted, along with the required fee, to obtain a registration.

The proposed new §71.21, Insurance Requirements--Retailers, establishes insurance requirements for solar retailers. Pursuant to this section, solar retailers are required to maintain general liability insurance that covers liability to consumers arising from the acts of the solar retailer and salespersons. The section establishes the minimum coverage amounts and types of eligible insurers. The section also provides that the Department must be named as a certificate holder on the policy and that the solar retailer must notify the Department within ten days of any change in coverage.

The proposed new §71.22, Registration Renewal Requirements--Retailers, establishes that solar retailers must renew their registration annually, provide required documentation, including information about salespersons and proof of insurance, and pay the required fee.

The proposed new §71.23, Registration Requirements--Solar Salespersons, consists of three subsections. Subsection (a) establishes a general requirement for solar salespersons to be registered and to work under a registered solar retailer. Subsection (b) establishes general registration requirements. Subsection (c) establishes required documents to be submitted, along with the required fee, to obtain a registration.

The proposed new §71.24, Registration Renewal Requirements--Solar Salespersons, establishes that solar salespersons must renew their registration annually, provide required documentation, and pay the required fee.

The proposed new §71.25, Duty to Update Registration Information--Solar Retailers and Solar Salespersons, establishes a duty to notify the Department of changes to certain information. Both solar retailers and solar salespersons are required to notify the Department within 30 days of any change to certain contact information. Solar retailers are additionally required to notify the Department of changes related ownership or controlling persons.

Subchapter D. Exemptions

The proposed new §71.30, Exemptions, tracks statutory exemptions under Texas Occupations Code §1806.005 and details systems to which the chapter does not apply.

The proposed new §71.31, Exempt Agreements, clarifies that the chapter does not apply to solar contracts entered into before September 1, 2025, the effective date of SB 1036.

The proposed new §71.32, Exemption of Electrical Contractors and Employees, implements Texas Occupations Code §1806.004, and clarifies when and to what extent the chapter applies to licensed electrical contractors or to employees of the contractors, when those persons engage in conduct that would otherwise require registration as a solar retailer or solar salesperson.

Subchapter E. Requirements of Solar Contracts

The proposed new §71.40, Requirements of Solar Contract--General, consists of two subsections. Subsection (a) establishes standards for the form and format of solar contracts and requires the inclusion of certain substantive provisions to protect consumers. Subsection (b) sets forth when and how the executed contract must be delivered to the consumer.

The proposed new §71.41, Requirements of Contract--Disclosures, establishes requirements regarding the use of a disclosure form designed by the Department. The rule consists of five subsections. Subsection (a) requires the solar salesperson to complete all information on the form, to provide it to the consumer prior to the solar contract being signed, and to provide the form in the consumer's preferred language if the Department makes the form available in that language. Subsection (b) requires the form to be signed by both the consumer and the solar salesperson. Subsection (c) requires the information on the form to be accurate. Subsection (d) provides that the terms stated on the form are considered part of the contract. Subsection (e) specifies when the form must be provided in printed, rather than electronic, form.

The proposed new §71.42, Requirements of Contract--Right to Cancel, implements Texas Occupations Code §1806.156, which gives consumers a right to cancel solar contracts within five business days. The proposed rule establishes certain contract requirements pertaining to the right to cancel, clarifies how cancellation is communicated, and states how timeliness of cancellation is computed.

The proposed new §71.43, Educational Materials, implements Texas Occupations Code §1806.053. The rule clarifies that the Department will publish the required educational brochure on its website and that solar salespersons must provide the brochure to consumer at least 24 hours prior to the execution of a solar contract.

Subchapter F. Code of Conduct; Prohibited Acts

The proposed new §71.50, Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons, consists of eight subsections. Subsection (a) makes the code of conduct for solar salespersons also applicable to solar retailers, and requires solar retailers to comply with the Act, applicable rules, and orders of the Department. Subsection (b) establishes the duties of a solar retailer in supervising salespersons, including remedial measures the solar retailer must take in response to prohibited acts. Subsection (c) specifies a solar retailer's duties regarding the processing of a solar contract cancellation. Subsections (d) and (e) establish record retention and production responsibilities. Subsection (f) establishes responsibilities related to ceasing operations. Subsection (g) establishes duties regarding responses to consumer requests. Subsection (h) requires cooperation with Department investigations.

The proposed new §71.51, Code of Conduct for Solar Salespersons, consists of three subsections. Subsection (a) requires general compliance with the Act, applicable rules, and orders of the Department. Subsection (b) imposes requirements of honesty, integrity, and fair dealing. Subsection (c) requires solar salespersons to provide certain contact and registration information to consumers upon request.

The proposed new §71.52, Prohibited Acts, applies to both solar retailers and solar salespersons. Subsection (a) relates to false and misleading statements. Subsections (b) and (c) relate to specific restricted or prohibited marketing and business practices. Subsection (d) prohibits solar salespersons from operating unless they are associated with a supervising solar retailer. Subsection (e) prohibits solar retailers from failing to comply with the terms of solar contracts.

Subchapter G. Fees

The proposed new §71.60, Fees, establishes fees for the program.

Subchapter H. Enforcement

The proposed §71.71, Enforcement Authority, cites to the statutory enforcement authority.

The proposed §71.72, Administrative Penalties and Sanctions, consists of three subsections. Subsection (a) sets forth in general that a person who violates the Act, this chapter, or related orders, is subject to administrative penalties and sanctions. Subsection (b) clarifies that a person who violates statutes or rules applicable to electricians and electrical contractors may be prosecuted under those provisions in addition to the Act and this chapter. Subsection (c) implements Texas Occupations Code §1806.203 and provides that the Department may consider whether a person harmed by a violation was elderly in determining the amount of an administrative penalty.

The proposed §71.73, Contract Recission and Refunds, implements Texas Occupations Code §1806.207 and contains provisions related to contract recission and refunds being ordered by the Department's executive director or governing commission in response to violations of the Act or rules.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Senior Policy Research and Budget Analyst, has determined that for each year of the first five years the proposed rules are in effect, there is no estimated loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

Mr. Couvillon has determined that for each year of the first five years the proposed rules are in effect, there will be an increase in revenue to the state of approximately $217,000 as a result of registration-related fees for solar retailers and solar salespersons. It is anticipated that the increase in revenue will offset the costs of program administration.

Mr. Couvillon has also determined that for each year of the first five years the proposed rules are in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of local governments.

LOCAL EMPLOYMENT IMPACT STATEMENT

Because Mr. Couvillon has determined that the proposed rules will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS

Mr. Couvillon has determined that for each year of the first five-year period the proposed rules are in effect, the public will benefit from increased consumer protection and the reduction of predatory business practices.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon has determined that for each year of the first five-year period the proposed rules are in effect, there will be additional costs to persons who are required to comply with the proposed rules. Each solar retailer will be required to pay an initial registration fee of $350 and an annual renewal fee of the same amount. Solar retailers will also be required to obtain liability insurance, if they do not already carry such insurance, and make necessary expenditures to revise the form and format of contracts and otherwise conform to the rules. The cost to each solar retailer will vary based on individual circumstances and cannot be estimated. Each solar salesperson will be required to pay a $56 initial registration fee and an annual renewal fee of the same amount.

FISCAL IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Because the agency has determined that the proposed rule 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 Texas Government Code §2006.002, is not required.

ONE-FOR-ONE REQUIREMENT FOR RULES WITH A FISCAL IMPACT

The proposed rules have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government; however, the proposed rules fall under the exception for rules that are necessary to protect the health, safety, and welfare of the residents of this state under §2001.0045(c)(6) and the exception for rules that are necessary to implement legislation under §2001.0045(c)(9). Therefore, the agency is not required to take any further action under Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the proposed rules. For each year of the first five years the proposed rules will be in effect, the agency has determined the following:

1. The proposed rules do not create or eliminate a government program.

2. Implementation of the proposed rules does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rules does not require an increase or decrease in future legislative appropriations to the agency.

4. The proposed rules require an increase or decrease in fees paid to the agency. The proposed rules require an increase in fees paid to the agency in the form of newly required registration fees for solar retailers and solar salespersons.

5. The proposed rules create a new regulation. The proposed rules provide for the regulation of solar contracts, solar retailers, and solar salespersons that were previously not regulated by the Department.

6. The proposed rules do not expand, limit, or repeal an existing regulation.

7. The proposed rules increase or decrease the number of individuals subject to the rules' applicability. The proposed rules increase the number of individuals subject to the rules' applicability by making solar retailers and solar salespersons subject to the rules.

8. The proposed rules do not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Department 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 Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department is requesting public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rules and responses to the request for information may be submitted electronically on the Department's website at https://ga.tdlr.texas.gov:1443/form/gcerules; by facsimile to (512) 475-3032; or by mail to Monica Nuñez, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication in the *Texas Register*.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §§71.1 - 71.4

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.1. Authority.

(a) These rules are promulgated under the authority of Texas Occupations Code, Chapter 1806, Residential Solar Retailers, and Texas Occupations Code, Chapter 51, Texas Department of Licensing

and Regulation. Specific provisions within this chapter also implement statutory requirements under Chapter 115, Texas Business and Commerce Code, and other applicable statutes.

(b) In addition to this chapter, the rules under 16 Texas Administrative Code (TAC) Chapter 60, Procedural Rules of the Commission and the Department, are applicable to the Residential Solar Retailers program.

§71.2. Applicability.

(a) Unless otherwise stated, this chapter governs non-exempt residential solar retail transactions occurring in this state on or after September 1, 2025.

(b) The provisions of subchapter C apply beginning September 1, 2026, the effective date of §1806.101 and §1806.102 of the Act.

(c) This chapter applies to an electrical contractor licensed under Texas Occupations Code, Chapter 1305, except as exempted by subchapter D of this chapter or §1806.004 of the Act.

§71.3. Definitions.

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

(1) Act--Texas Occupations Code, Chapter 1806, the Residential Solar Retail Regulatory Act.

(2) Business days--means calendar days excluding weekends and legal holidays as defined by Texas Government Code §662.021.

(3) Commission--means the Texas Commission of Licensing and Regulation.

(4) Consumer--means:

(A) an individual who, for primarily personal, family, or household purposes:

(i) Purchases or leases a solar energy system;

(ii) Agrees to the installation of a solar energy system on the consumer's premises; or

(iii) Purchases electricity generated by a solar energy system installed on the individual's premises under a power purchase agreement; or

(B) a person who would constitute a consumer under subparagraph (A) if a solicited or proposed solar contract were executed.

(5) Controlling Person--has the meaning assigned by §1806.003 of the Act.

(6) Department--means the Texas Department of Licensing and Regulation.

(7) DTPA--means the Texas Deceptive Trade Practices-Consumer Protection Act, Subchapter E, Chapter 17, Texas Business and Commerce Code.

(8) Electric cooperative--has the meaning assigned by Texas Utilities Code §11.003.

(9) Electrical contractor--means a person licensed as an electrical contractor under Texas Occupations Code, Chapter 1305.

(10) Installer--means a person responsible for the installation of a residential solar energy system.

(11) Lease--with respect to residential solar energy systems, includes any arrangement in which a consumer agrees, for financial consideration, to the installation of a system on the consumer's premises without acquiring ownership of the system. The term includes a power purchase agreement.

(12) Municipally owned utility--has the meaning assigned by Texas Utilities Code §11.003.

(13) Person--includes an individual, corporation, organization, estate, trust, partnership, association, and any other legal entity.

(14) Power purchase agreement--means an agreement between a consumer and a solar retailer for the consumer's purchase of electricity generated by a solar energy system not owned by the consumer, but located on the consumer's premises.

(15) Residential solar energy system--has the meaning assigned by §1806.002 of the Act

(16) Residential solar retail--means:

(A) the sale or lease of, or an offer to sell or lease, a residential solar energy system; or

(B) a transaction involving any combination of the acts described by subparagraph (A).

(17) Solar contract--means an agreement, subject to the Act, for the sale or lease of a residential solar energy system.

(18) Solar energy system--means a system or configuration of solar energy devices that collects and uses solar energy to generate electricity.

(19) Solar retailer--means a person who employs or otherwise contracts for the services of an individual to engage in residential solar retail on the person's behalf.

(20) Solar salesperson--means an individual who engages in residential solar retail for compensation.

§71.4. Exemption of Solar Retailers from Continuing Education Requirements.

In accordance with §1806.106 of the Act, any continuing education requirements of this chapter apply only to the renewal of a solar salesperson registration and are not required for renewal of a solar retailer registration.

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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SUBCHAPTER C. REGISTRATION OF SOLAR RETAILERS AND SALESPERSONS

16 TAC §§71.20 - 71.25

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas

Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.20. Registration Requirements--Retailers.

(a) Unless registered as a solar retailer or exempt, a person must not employ or otherwise contract for the services of an individual to engage in residential solar retail on the person's behalf.

(b) To be eligible for registration as a solar retailer:

(1) the applicant must meet all applicable registration requirements of the department; and

(2) each controlling person must satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in 16 TAC, Chapter 60, subchapter D.

(c) An applicant for a solar retailer registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire for each controlling person;

(3) the fee required under §71.60;

(4) proof of insurance required under §71.21, which may be in the form of an industry standard certificate of insurance;

(5) a phone number, mailing address, and e-mail address or website address at which consumers may reach the applicant with inquiries; and

(6) the name and department-issued registration number of each solar salesperson who will provide solar retail on the applicant's behalf, if known.

§71.21. Insurance Requirements--Retailers.

(a) A solar retailer must maintain a general liability insurance policy in an amount not less than $1 million per occurrence and $2 million in the aggregate. The policy must:

(1) be issued by:

(A) an insurance company authorized to do business in Texas;

(B) an eligible Texas surplus lines insurer as defined in the Texas Insurance Code, Chapter 981 (relating to Surplus Lines Insurance);

(C) a Texas registered risk retention group; or

(D) a Texas registered purchasing group;

(2) name the department as a certificate holder; and

(3) cover liability to consumers arising from acts of the solar retailer and all solar salespersons authorized to act on the solar retailer's behalf.

(b) A solar retailer or applicant must notify the department in writing within ten days of any lapse or change in insurance coverage.

§71.22. Registration Renewal Requirements--Retailers.

(a) A solar retailer registration is valid for one year and must be renewed annually.

(b) To renew a registration, a solar retailer must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) an updated list of the name and department-issued registration number of each solar salesperson who will provide solar retail on the applicant's behalf;

(3) a completed personal information form and criminal history questionnaire for each controlling person;

(4) the fee required under §71.60; and

(5) proof of new or continuing insurance coverage required under §71.21.

§71.23. Registration Requirements--Solar Salespersons.

(a) A person must not engage in residential solar retail unless the person:

(1) is registered as a solar salesperson; and

(2) engages in solar retail on behalf of a registered solar retailer.

(b) To be eligible to register as a solar salesperson, a person must:

(1) be an individual;

(2) satisfy the department's criminal history criteria, in accordance with Texas Occupations Code §51.356 and the department's rules in Chapter 60, subchapter D; and

(3) meet all applicable registration requirements of the department.

(c) An applicant for a solar salesperson registration must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire;

(3) the business name and registration number of the solar retailer on whose behalf the solar salesperson will engage in residential solar retail, if known; and

(4) the fee required under §71.60.

§71.24. Registration Renewal Requirements--Solar Salespersons.

(a) A solar salesperson registration is valid for one year and must be renewed annually.

(b) To renew a registration, a solar salesperson must submit the following in the manner prescribed by the department:

(1) a completed application form;

(2) a completed criminal history questionnaire;

(3) the business name and registration number of the solar retailer on whose behalf the solar salesperson will engage in residential solar retail, if known; and

(4) the fee required under §71.60.

§71.25. Duty to Update Registration Information--Solar Retailers and Solar Salespersons.

(a) After filing an initial application for registration as a solar retailer, a person must report any change in name, address, telephone number, e-mail address, website address, ownership, or controlling persons, to the department within 30 days after the change, in a manner prescribed by the department.

(b) After filing an initial application for registration as a solar salesperson, an individual must report any change in name, address, telephone number, or e-mail address to the department within 30 days after the change, in a manner prescribed by the department.

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SUBCHAPTER D. EXEMPTIONS

16 TAC §§71.30 - 71.32

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.30. Exempt Solar Energy Systems.

(a) This chapter does not apply to solar energy systems that:

(1) are for temporary or emergency use;

(2) provide power to a single appliance;

(3) if combined with other systems that produce electricity, produce in combination with the other systems a total peak output power of less than one kilowatt; or

(4) if not combined with other systems that produce electricity, are designed to produce a peak output power of less than one kilowatt.

(b) This chapter does not apply to solar energy systems that are sold or leased:

(1) for commercial purposes, including a solar energy system installed on the premises of a nonresidential property;

(2) to provide power to a multifamily dwelling that exceeds four dwelling units or stories;

(3) before September 1, 2025; or

(4) in connection with new residential construction.

§71.31. Exempt Agreements.

This chapter does not apply to solar contracts entered into before September 1, 2025.

§71.32. Exemption of Electrical Contractors and Employees.

(a) An electrical contractor licensed in this state may act as a solar retailer and is exempt from the registration and insurance requirements of this chapter applicable to solar retailers.

(b) An individual employed by a licensed electrical contractor exempt under subsection (a) to engage in solar retail on behalf of the electrical contractor is exempt from the registration requirements applicable to solar salespersons.

(c) A person exempt from the insurance or registration requirements under this rule remains subject to all other provisions of the Act and this chapter.

(d) Unless the context indicates otherwise, the term "solar retailer" used in this chapter includes a licensed electrical contractor, and the term "solar salesperson" includes an individual who acts in the capacity of a solar salesperson while employed by a licensed electrical contractor.

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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SUBCHAPTER E. REQUIREMENTS OF SOLAR CONTRACTS

16 TAC §§71.40 - 71.43

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.40. Requirements of Solar Contract--General.

(a) A solar contract must:

(1) be written in English, unless another language is requested by the consumer;

(2) be written in clear, understandable language that is easy to read; and understand;

(3) state the name, business address, registration number, business email address, and business phone number, of both the solar retailer and solar salesperson;

(4) prominently and in plain language set forth any energy production guarantees, the terms conditions of any warranty, and any provisions related to the rights and remedies of any party in the event of a default;

(5) provide that the installer will be a Texas-licensed electrical contractor;

(6) state the name and license number of the installer, or a list of names and license numbers of electrical contractors from which the installer will be selected;

(7) provide that the solar retailer or installer will obtain:

(A) any permit required by a government entity for the installation; and

(B) approval by the electric utility, electric cooperative, or municipally owned utility serving the person's residence of the interconnection of the residential solar energy system, if applicable;

(8) contain and prominently display all contract provisions and disclosures required by the Act and this chapter, including a statement of the consumer's right to cancel the transaction in accordance with §1806.156 of the Act and §71.42 of this chapter; and

(9) If the sale or lease of a residential solar energy system involves a third-party lender that is affiliated with or referred by the solar retailer or solar salesperson, the solar contract must include provisions:

(A) requiring the third-party lender to cancel any accompanying loan made by the third-party lender to the buyer or lessee upon the consumer's cancellation of the solar contract under §1806.156 of the Act; and

(B) requiring the solar retailer to pay the outstanding balance of the loan in the event a cancellation is ordered by the Department or Executive Director after notice and a hearing, in accordance with §1806.207 of the Act.

(b) A solar salesperson must provide a copy of the executed solar contract to the consumer as follows.

(1) Except as provided in paragraph (2), the solar salesperson must provide a printed copy of the solar contract to the consumer at the time the contract is executed.

(2) If the contract is executed electronically, the solar salesperson may provide only an electronic copy of the contract to the consumer at the time of execution, if:

(A) the consumer provides an e-mail address for this purpose;

(B) the solar salesperson verifies that the consumer is able to access the e-mail account and view electronic documents, and;

(C) the consumer, in electronic form, consents to electronic delivery of the contract and waives the right to receive a printed copy of the contract at the time of execution.

(3) An electronic copy of a contract provided pursuant to paragraph (2) must be in portable document (.PDF) format.

(4) If a solar salesperson provides a consumer with a printed copy of the contract at the time of execution, the solar salesperson or solar retailer may also provide the consumer with an electronic courtesy copy and is not required to comply with the provisions of paragraph (2).

(5) A consumer who receives an electronic copy of the contract pursuant to paragraph (2) may later request a printed copy of the contract from the solar retailer. Upon such request, the solar retailer must deliver a printed copy of the contract to the consumer within:

(A) one business day, if the request is made within five business days of the date the contract is executed, or

(B) five business days, if the request is made at any other time.

§71.41. Requirements of Contract--Disclosures.

(a) Before a consumer may sign a solar contract, a solar salesperson must provide the consumer with the department's approved disclosure form, which must contain all required information. The solar salesperson must provide the form in the consumer's preferred language if the department has an approved form written in that language.

(b) The disclosure form must be signed by both the consumer and the solar salesperson before the solar contract may be executed.

(c) The solar salesperson and solar retailer must ensure that the information provided on the disclosure form is true and accurately reflects the terms of the solar contract.

(d) The terms stated on the disclosure form shall be considered part of the solar contract.

(e) A solar salesperson must provide a printed copy of the completed disclosure form to any consumer who is 65 years of age or older at the time of the transaction or who indicates that they are not fluent in the English language. In all other instances, a solar salesperson may provide a consumer with an electronic copy of the disclosure form to the extent permitted for electronic delivery of a solar contract under §71.40.

§71.42. Requirements of Contract--Right to Cancel.

(a) A consumer may cancel a solar contract, without penalty or further obligation, by providing written notice of cancellation to the solar retailer on or before the fifth business day after the date the consumer signs the contract.

(b) A solar contract must contain, in bold, capitalized letters in 14-point font or larger, a plain statement of:

(1) the consumer's right to cancel the contract;

(2) the process for canceling the contract; and

(3) the mailing address or e-mail address to which a notice of cancellation may be sent.

(c) If a solar contract does not contain the address or e-mail address for cancellation required by subsection (b), a consumer may cancel the contract during the period described by subsection (b) by providing written notice of cancellation to the solar retailer by any reasonable method.

(d) If a solar contract provides for cancellation only by mail, a mailed notice of cancellation is effective on the date the notice is placed in the mail. A cancellation notice is rebuttably presumed to have been mailed on the date noted on the form by the consumer.

§71.43. Educational Materials.

(a) The department will develop and maintain on its website an educational brochure with information for consumers concerning solar contracts.

(b) A solar salesperson must provide a consumer with a copy of the department's approved educational brochure at least 24 hours before the consumer may sign a solar contract.

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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SUBCHAPTER F. CODE OF CONDUCT; PROHIBITED ACTS

16 TAC §§71.50 - 71.52

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.50. Code of Conduct for Solar Retailers; Duty to Supervise Solar Salespersons.

(a) A solar retailer must comply with all provisions of §71.51, Code of Conduct for Solar Salespersons, all applicable requirements of the Act and this chapter, and all orders of the department or executive director issued in accordance with the Act or this chapter.

(b) A solar retailer must exercise reasonable supervision over all solar salespersons who perform services on the solar retailer's behalf, and must:

(1) Ensure that the form and format of solar contracts prepared by the solar retailer:

(A) comply with the requirements of the Act and this chapter; and

(B) include all required disclosures required by the Act, this chapter, or other law;

(2) Provide adequate training to solar salespersons to inform them of the requirements of the Act and this chapter;

(3) Verify at the time of hire that all solar salespersons requiring a registration under the Act and this chapter are registered with the department; and

(4) Take the following steps, where applicable in response to a violation by a solar salesperson of the Act or rules which becomes known to the solar retailer:

(A) promptly provide a consumer with accurate information to remedy false or misleading information provided by a solar salesperson; and

(B) promptly take corrective action, including at a minimum a written warning, to a solar salesperson in response to any violation, and provide remedial training reasonably necessary to prevent recurrence.

(c) When a consumer timely requests cancellation of a contract in accordance with the Act, a solar retailer must timely process the cancellation, arrange the removal of any installed equipment, and refund any monies advanced by the consumer.

(d) A solar retailer must maintain the following documents for the term of the solar contract, including the term of any warranty provided for in the solar contract, plus a period of five years:

(1) the signed disclosure form;

(2) the executed solar contract; and

(3) any documentation related to the installation of the solar energy system.

(e) A solar retailer must maintain records for each solar salesperson of the date of hire, the date of separation, and any written admonishment for a violation of the Act or this chapter during the salesperson's tenure and for five years after the salesperson's separation from the solar retailer. The solar retailer must produce the records to the department upon request.

(f) Prior to ceasing operations in this state, a solar retailer must designate a record keeper to maintain the records required by this chapter for the required time periods, designate a responsible party to honor any ongoing warranty or other obligations of the solar retailer under the original contract, if applicable, and provide the Department with name and contact information for the record keeper and designated responsible party.

(1) The solar retailer must notify the Department within 30 days of any change in contact information for the designated record keeper or responsible party.

(2) The Department will upon request furnish a member of the public with the record keeper and responsible party contact information provided under this subsection.

(g) Upon a request from a consumer, a solar retailer must:

(1) promptly respond to reasonable inquiries concerning a solar contract, including inquiries regarding the required cancellation procedures, installation, and the performance of other obligations under the contract;

(2) furnish the solar retailer's name and department-issued registration number and that of any solar salesperson who acts under the solar retailer's supervision; and

(3) furnish to the consumer or the consumer's designated representative, a copy of the solar contract.

(h) A solar retailer must cooperate with an investigation by the department by furnishing information or documents for inspection when directed to do so.

§71.51. Code of Conduct for Solar Salespersons.

A solar salesperson must:

(1) comply with all applicable provisions of the Act, this chapter, and any order issued by the department under the Act or this chapter;

(2) conduct business with honesty, integrity, and fair dealing; and

(3) upon request, furnish a consumer with the solar salesperson's name, department-issued registration number, and the name, current contact information, and department-issued registration number of the supervising solar retailer.

§71.52. Prohibited Acts.

(a) A solar retailer or solar salesperson must not orally, electronically, or in writing, make any false or misleading statements to a consumer, and must take reasonable steps to correct a consumer's misunderstanding of matter related to a solar contract if the solar retailer or solar salesperson is aware of the misunderstanding. A statement is misleading if:

(1) the statement, regardless of whether it is false, would lead a reasonable person to a materially incorrect conclusion;

(2) the statement is intended to mislead consumers; or

(3) the statement in isolation would otherwise be misleading as defined in this rule, but for statements of disclaimer, and the disclaimer statements are not prominently displayed.

(b) A solar retailer or solar salesperson must not, while marketing solar contracts:

(1) state or imply that the person is a representative of a utility, electric cooperative, or municipally owned utility;

(2) state that the consumer will be eligible for tax incentives without simultaneously advising the consumer to seek tax advice from a qualified independent professional; or

(3) solicit door-to-door in violation of posted signage indicating that soliciting is prohibited, unless otherwise directed by an occupant of the residence;

(c) A solar retailer or solar salesperson must not:

(1) cause the installation of a residential solar energy system to be performed by a person who is not a licensed electrical contractor;

(2) make a material misrepresentation in an application submitted to the department under this chapter or in any other document submitted to the department under this chapter; or

(3) violate, attempt to violate, or conspire to violate:

(A) the Act or this chapter;

(B) the Deceptive Trade Practices Act;

(C) Texas Business & Commerce Code, Chapter 115; or

(D) the disclosure provisions of the federal Truth in Lending Act (15 U.S.C. Section 1601 et seq.) or Texas Finance Code, Title IV, Subtitle B.

(d) A solar salesperson must not, on or after September 1, 2026, engage in residential solar retail unless the solar salesperson operates under the supervision of a registered solar retailer.

(e) A solar retailer must not fail to comply with the terms of a solar contract.

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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SUBCHAPTER G. FEES

16 TAC §71.60

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.60. Fees.

(a) Application fees:

(1) Solar Retailer registration--$350;

(2) Solar Salesperson registration--$56;

(b) Renewal fees:

(1) Solar Retailer registration--$350;

(2) Solar Salesperson registration--$56;

(c) Revised or Duplicate Registration--$25; and

(d) Verification of registration to other states--$15.

(e) Late renewals fees for registrations under this chapter are provided under 16 TAC §60.83 (relating to Late Renewal Fees).

(f) All fees are non-refundable, except as otherwise provided by law or commission rule.

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SUBCHAPTER H. ENFORCEMENT

16 TAC §§71.71 - 71.73

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapters 51 and 1806 which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement these chapters and any other law establishing a program regulated by the Department.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 1806, Business & Commerce Code, Chapters 17 and 115. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is Senate Bill 1036, 89th Legislature, Regular Session (2025).

§71.71. Enforcement Authority.

The enforcement authority granted under the Act and Texas Occupations Code, Chapter 51, and any associated rules may be used to enforce the Act and this chapter.

§71.72. Administrative Penalties and Sanctions.

(a) If a person or entity violates any provision of the Act, any provision of this chapter, or any provision of an order of the executive director or department, proceedings may be instituted to impose administrative penalties, administrative sanctions, or both administrative penalties and sanctions in accordance with the provisions of the Act and Texas Occupations Code, Chapter 51.

(b) If a person or entity, including a licensed electrical contractor, engages in conduct that would subject the actor to disciplinary action both as provided under subsection (a), and under the provisions of Texas Occupations Code, Chapter 1305, or the rules at 16 TAC, Chapter 73 (Electricians), the person or entity is subject to disciplinary action under all applicable provisions.

(c) In accordance with §1806.203 of the Act, in determining the appropriate amount of an administrative penalty, the Department may, in addition to any other factor permitted by law, consider whether any individual over the age of 65 at the time of the prohibited conduct was harmed by the conduct.

§71.73. Contract Rescission and Refunds.

(a) Applicability. This rule takes effect beginning September 1, 2026.

(b) In accordance with §1806.207 of the Act, the commission or executive director may, after notice and a hearing and after finding that a violation of this chapter or a rule adopted under this chapter has occurred, order the cancellation of solar contract and the refund of any amount paid by the consumer under the solar contract.

(c) The amount of a refund ordered under this section may not exceed the amounts paid by the consumer under the solar contract.

(d) A proceeding under this section is a contested case under Texas Government Code, Chapter 2001.

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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TITLE 19. EDUCATION

PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 227. PROVISIONS FOR EDUCATOR PREPARATION CANDIDATES

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§227.5, 227.10, 227.15, 227.17, and 227.19; new §227.6; and the repeal of §227.20, concerning admission to educator preparation programs. The proposed revisions would update current requirements for candidate admission into educator preparation programs (EPPs) to align with proposed revisions to 19 TAC Chapter 228, Requirements for Educator Preparation Programs, and 19 TAC Chapter 230, Professional Educator Preparation and Certification. The proposed revisions would implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 227 are organized as follows: Subchapter A, Admission to Educator Preparation Programs, and Subchapter B, Preliminary Evaluation of Certification Eligibility. These subchapters establish requirements for admission into an EPP and preliminary evaluation of certification eligibility. Requirements in Subchapter A ensure that EPPs attract and admit applicants who demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of Texas.

At the September 19 and December 5, 2025 meetings, the SBEC discussed potential updates to Chapter 227 to support the implementation of applicable statutory requirements and align, where appropriate, with proposed revisions to 19 TAC Chapter 228 and Chapter 230. The updates to Chapter 227 discussed included definitions, admission requirements for the Residency route, and contingency and formal admission requirements. In response to subsequent updates in Chapter 228, additional refinements and revisions were proposed related to admissions requirements for other routes and to existing rules for clarity.

The following is a description of the proposed amendments to 19 TAC Chapter 227, Subchapter A. This proposal also includes technical edits to conform to Texas Register style requirements.

Subchapter A, Admission to Educator Preparation Programs

§227.5. Definitions

The proposed amendment to §227.5 would include the addition of definitions for Classroom Teacher, Late Hire, Partnership Preservice Program, Preparing and Retaining Educators Through Partnership (PREP) Program, PREP Alternative Preservice Program, PREP Residency Preservice Program, PREP Traditional Preservice Program, School Year, and Teacher of Record to align with requirements established by HB 2. Numbering of definitions was adjusted to accommodate the proposed new definitions.

The proposed amendment to §227.5(1), Accredited Institution of Higher Education, would increase clarity and consistency.

The proposed amendment to §227.5(2), Alternative Certification Route, would clarify and align the definition with requirements established by HB 2.

The proposed amendment to §227.5(6), Certification Class, would clarify the certification classes offered by EPPs.

Proposed new §227.5(7) would add a definition for Classroom Teacher and align with Chapter 228.

Proposed §227.5(11), Contingency Admission, would remove the term "conditional" from the definition of Contingency Admission for clarity and consistency.

Proposed §227.5(12) would update the definition of EPP for clarity.

Proposed new §227.5(14), Graduate Degree, would add clarity to degree requirements for admissions.

Proposed §227.5(18), Post-Baccalaureate Program, would realign the definition as applicable to a route that includes candidates pursuing certification in classes other than classroom teacher at university-based EPPs. This amendment would allow for the realignment of the Traditional route to include candidates in the Teacher class who are pursuing initial teacher certification concurrent with a graduate degree that is a result of new routes identified in HB 2.

Proposed new §227.5(26), Traditional Route, would distinguish the route as separate from the PREP Traditional route defined in §227.22 to align routes with those identified in HB 2.

§227.6. Implementation Date and §227.20. Implementation Date.

The proposed revisions to the admission requirements in Chapter 227 would specify that the requirements should be effective for applicants admitted into EPPs on or after the date the requirements are effective. The repeal of §227.6 and new §227.20 would align with formatting in 19 TAC Chapter 228.

§227.10. Admission Criteria.

The proposed amendment to §227.10(a)(1) would clarify that candidates seeking a degree concurrent with certification must be enrolled in the university and align the route with new routes identified in HB 2.

The proposed amendment to §227.10(a)(2) would clarify the degree required at admission based on the new routes identified in HB 2 and add further clarity by aligning with existing admission requirements for the Superintendent class in §242.5, Minimum Requirements for Admission to a Superintendent Preparation Program.

The proposed amendment to §227.10(a)(3)(A) and (B) would maintain the statutory requirement in TEC, §21.0441, requiring a 2.50 GPA at minimum but update the language for clarity and to more closely align with the language in the statute for operational flexibility. The updates would further refine the language in the rule to align with new routes identified in HB 2.

A refinement to proposed §227.10(a)(3)(C) would clarify the CTE certificate categories that are exempt from the minimum GPA requirement.

The proposed amendment to §227.10(a)(3)(D) would clarify the GPA requirement.

The proposed amendment to §227.10(a)(7) would align the language with the new route requirements identified in HB 2.

The proposed amendment to §227.10(a)(8) and proposed new subsection (a)(9) would separate the application submission and screening processes related to admission criteria. Proposed new subsection (a)(9) would add clarity to and elevate quality in requirements for the applicant screening process. The addition of proposed new paragraph (9) resulted in shifting the numbering of the following item to paragraph (10).

Proposed new §227.10(b) would align with the statutory requirements in TEC, §21.04422(b)(1), related to recruiting and admissions for SBEC-approved Residency programs; would require EPPs use research-based best practices for recruiting and admitting candidates into a Residency route; would elevate the Residency partnership experience by encouraging EPPs in partnerships to provide counseling and support for applicants to consider pursuing certification in areas that support partner local education agency (LEA) hiring needs. The addition of proposed new §227.10(b) would shift the citations following the additions.

Proposed new §227.10(d)(3) and §227.10(e) would support transparency for applicants to, and candidates in, EPPs regarding expiring certification examinations and/or certificates so that candidates are informed of expiration deadlines and can plan to complete preparation requirements efficiently to meet expiration deadlines.

The proposed amendment to §227.10(g) would clarify the language related to admission requirements for applicants seeking certification in Trade and Industrial Workforce Training: Grades 6-12.

The proposed amendment to §227.10(i)(4) would update the list of certificates that include certification in early childhood that qualify for admission into the Early Childhood: Prekindergarten-Grade 3 certificate area seeking additional training required in Chapter 228 for certification by examination purposes. The addition of one certificate category would require renumbering.

§227.15. Contingency Admission.

The proposal, including §227.15(a) and (e), would address updates to preparation routes to align with new routes identified in HB 2 and refine some existing language for clarity.

The proposed amendment to §227.15(c) would clarify the process EPPs use to notify the Texas Education Agency (TEA) of a candidate's contingency admission into the EPP.

The proposed amendment to §227.15(d) would clarify that EPPs that contingently admit candidates must collect an official transcript to verify the degree has been conferred.

The proposed amendment to §227.15(f) would update the language to reflect that the end of a semester would be dependent upon the calendar of the accredited institution of higher education in which the candidate is enrolled pursuing a degree because the common calendar is no longer maintained by the

Texas Higher Education Coordinating Board effective November 2024.

Proposed new §227.15(g) would clarify the consequence for a contingently admitted candidate if the required degree does not confer as expected, as required in §227.15(f).

§227.17. Formal Admission.

The proposal, including §227.17(f), would address updates to preparation routes in alignment with new routes identified in HB 2 and refine some existing language for clarity.

The proposed amendment to §227.17(e) would clarify the process EPPs use to notify the TEA of a candidate's formal admission into the EPP.

§227.19. Incoming Class Grade Point Average.

The proposal would address updates to preparation routes in alignment with new routes identified in HB 2 and align revisions with the GPA language referenced in §227.10(a)(3).

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of the state or local governments. There are no additional costs to entities 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 TGC, §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 TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: This proposal is exempt from the requirements of TGC, §2001.0045, per TEC, §21.041(e), as added by HB 2, 89th Texas Legislature, Regular Session, 2025.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §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 create a new regulation by requiring the EPP to notify candidates upon admission if the certificate sought by the candidate, or the test required for the certificate sought by the candidate, is set to expire. This provides transparency to candidates for efficient processing. The proposed rulemaking would also expand an existing regulation by adding a requirement for residency programs that they must use research-based best practices for recruiting and admitting candidates into the route and offer counseling and support for applicants and candidates to consider pursuing certification in the areas of need for partner LEAs. This addition implements a statutory requirement.

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 limit or 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. 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 new data and reporting impact.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER A. ADMISSION TO EDUCATOR PREPARATION PROGRAMS

19 TAC §§227.5, 227.6, 227.10, 227.15, 227.17, 227.19

STATUTORY AUTHORITY. The amendments and new section are proposed under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC,

§21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.031; 21.041; 21.041(e), as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a) and (g)(2) and (3); 21.0441; 21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code, §§53.105 and 53.151-53.153.

§227.5. Definitions.

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

(1) Accredited institution of higher education--An institution of higher education (IHE) that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.

(2) Alternative certification route--A pathway to certification [~~program--An approved educator preparation program,~~] delivered by entities described in §228.25 of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional [~~undergraduate~~] certification program, that may offer an internship or practicum experience for individuals already holding the degree that is required for Standard certification that was conferred by [~~at least a bachelor's degree from~~] an accredited IHE [~~institution of higher education~~].

(3) Applicant--An individual seeking admission to an educator preparation program (EPP) for any class of certificate.

(4) Candidate--An individual who has been formally or contingently admitted to an EPP [~~educator preparation program~~]; also referred to as an enrollee or participant.

(5) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(6) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories as described in Chapter 233 of this title.

(7) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide, a full-time administrator, or a substitute teacher. For the purposes of this chapter, a classroom teacher includes an educator who may not yet hold a certificate issued under Texas Education Code (TEC), Chapter 21, Subchapter B.

(8) [~~(7)~~] Clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching. [~~An assignment, as described in §228.67 of this title (relating to Clinical Teaching).~~]

(9) [~~(8)~~] Content certification examination--A standardized test or assessment required by statute or SBEC [~~State Board for Educator Certification~~] rule that governs an individual's admission to an EPP [~~educator preparation program~~].

(10) [~~(9)~~] Content pedagogy examination--A standardized test or assessment required by statute or SBEC [~~State Board for Educator Certification~~] rule that governs an individual's certification as an educator.

(11) [~~(10)~~] Contingency admission--Admission [~~Conditional admission~~] to an EPP [~~educator preparation program~~] when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria) except graduation and degree conferred from an accredited institution of higher education.

(12) [~~(11)~~] Educator preparation program--An entity that is [~~must be~~] approved by SBEC [~~the State Board for Educator Certification~~] to prepare and recommend candidates for certification in one or more certification classes [~~classes of certificates~~].

(13) [~~(12)~~] Formal admission--Admission to an EPP [~~educator preparation program~~] when an applicant meets all admission requirements specified in §227.10 of this title (relating to Admission Criteria).

(14) Graduate degree--A degree earned from and conferred by an IHE after the initial undergraduate degree.

(15) [~~(13)~~] Incoming class--Individuals contingently or formally admitted between September 1 and August 31 of each year by an EPP [~~educator preparation program~~].

(16) Late hire--An individual who is both accepted into an EPP after the 45th day before the first day of instruction and hired for a teaching assignment by a school after the 45th day before the first day of instruction or within the first semester of the academic year; or who is both admitted into the EPP and hired by the district or after

the school's academic year has begun, and requires additional time to complete the pre-internship requirements.

(17) Partnership preservice program--A Preparing and Retaining Educators Through Partnership (PREP) Preservice program established under TEC, §21.902, that includes a partnership between a school district or eligible charter school and an eligible EPP. Also known as PREP route as defined in §228.2 of this title (relating to Definitions). The PREP routes include PREP Traditional, Residency, and Preservice Alternative Certification.

(18) [~~(14)~~] Post-baccalaureate program--An EPP [~~educator preparation program~~], delivered by an accredited IHE [~~institution of higher education~~] and approved by SBEC [~~the State Board for Educator Certification~~] to prepare and recommend candidates for certification in non-teacher classes concurrent with obtaining a graduate degree [~~recommend candidates for certification, that is designed for individuals who already hold at least a bachelor's degree from an accredited institution of higher education and are seeking an additional degree~~].

(19) Preparing and Retaining Educators Through Partnership (PREP) program--One of the five PREP programs under TEC, §§21.903-21.907 and 48.157.

(20) Preparing and Retaining Educators Through Partnership (PREP) Alternative Preservice program--The PREP Alternative Preservice program established under TEC, §21.905. Also called Preservice Alternative Certification route as defined in §228.2 of this title.

(21) Preparing and Retaining Educators Through Partnership (PREP) Residency Preservice program--The PREP Residency Preservice program established under TEC, §21.904. Also called Residency route as defined in §228.2 of this title.

(22) Preparing and Retaining Educators Through Partnership (PREP) Traditional Preservice program--The PREP Traditional Preservice program established under TEC, §21.903. Also called PREP Traditional route as defined in §228.2 of this title.

(23) [~~(15)~~] Semester credit hour--One semester credit hour is equal to 15 clock-hours at an accredited IHE [~~institution of higher education~~].

(24) School year--The period of time starting with the first instructional day for students through the last instructional day for students as identified on the calendar of the campus or district for the school year in which the candidate is completing the clinical experience.

(25) Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.

(26) Traditional route--A pathway to teacher certification that provides a clinical teaching experience for candidates who are seeking a degree concurrent with certification.

(27) [~~(16)~~] Undergraduate degree--A bachelor's degree earned from and conferred by an accredited IHE [~~institution of higher education~~].

§227.6. Implementation Date.

The provisions of this chapter that were in effect on the date an educator preparation program (EPP) candidate was admitted to an EPP shall determine the program requirements applicable to that candidate.

§227.10. Admission Criteria.

(a) The educator preparation program (EPP) delivering educator preparation shall require the following minimum criteria of all applicants seeking initial certification in any class of certificate, unless specified otherwise, prior to admission to the program.

(1) For a university traditional teacher route or a university post-baccalaureate route for a class other than teacher [~~undergraduate or post-baccalaureate program~~], an applicant shall be enrolled in an accredited institution of higher education (IHE).

(2) For an alternative certification or Preservice Alternative Certification route [~~program~~] or a university post-baccalaureate route for a class other than teacher [~~program~~], an applicant shall have, at a minimum, a bachelor's degree earned from and conferred by an accredited IHE. Applicants to a Superintendent program must hold, at minimum, a master's degree or higher earned from and conferred by an accredited IHE as required in §242.5 of this title (relating to Minimum Requirements for Admission to a Superintendent Preparation Program).

(3) To [~~For an undergraduate university program, alternative certification program, or post-baccalaureate program, to~~] be eligible for admission into an EPP, an applicant shall have a grade point average (GPA) of at least 2.50 on a four-point scale or the equivalent [~~2.5~~] before admission.

(A) The GPA shall be calculated from an official transcript as follows:

(i) 2.50 [~~2.5~~] on all coursework previously attempted by the person at an accredited IHE:

(I) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]; or

(II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~]; or

(ii) 2.50 [~~2.5~~] in the last 60 semester credit hours on all coursework previously attempted by the person at an accredited IHE:

(I) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]. If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall use grades from all coursework previously attempted by a person at the most recent accredited institution(s) of higher education, starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or

(II) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~].

(B) In accordance with the Texas Education Code, (TEC), §21.0441(b), an exception to the minimum GPA requirement may be granted by the program director only in extraordinary circumstances and may not be used by a program to admit more than 10% of any incoming class of candidates. An applicant is eligible for this exception only if these requirements are met:

(i) the program director documents [~~documentation and certification from the program director~~] that the [~~an~~] applicant's work, business, or career experience demonstrates achievement equivalent to the academic achievement represented by the GPA requirement; and

(ii) in accordance with the TEC, §21.0441(a)(2)(B), the [~~an~~] applicant achieves a passing score on [~~must pass~~] an appropriate content certification examination as specified in paragraph (4)(C) of this subsection for each subject in which the applicant seeks certification prior to admission. [~~In accordance with the TEC, §21.0441(b), applicants who do not meet the minimum GPA requirement and have previously been admitted into an EPP may request permission to register for an appropriate content certification examination if the applicant is not seeking admission to the same EPP that previously granted test approval for a certification examination in the same certification class.~~]

(C) An applicant who is seeking a career and technical education (CTE) certificate that does not require a degree from an accredited IHE as described in §233.14(c) and (d) of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) is exempt from the minimum GPA requirement.

(D) An applicant who does not meet the minimum GPA requirement and is seeking certification in a class other than classroom teacher must perform at or above a score equivalent to a 2.50 [~~2.5~~] GPA on the Verbal Reasoning, Quantitative Reasoning, and Analytic Writing sections of the GRE® (Graduate Record Examinations) revised General Test. The State Board for Educator Certification will use equivalency scores established by the Educational Testing Service, and the Texas Education Agency (TEA) will publish those equivalency scores annually on the TEA website.

(4) For an applicant who will be seeking an initial certificate in the classroom teacher class of certificate, the applicant shall have successfully completed, prior to admission, at least:

(A) a minimum of 12 semester credit hours in the subject-specific content area for the certification sought, unless certification sought is for mathematics or science at or above Grade 7; or

(B) 15 semester credit hours in the subject-specific content area for the certification sought if the certification sought is for mathematics or science at or above Grade 7; or

(C) a passing score on the appropriate content certification examination as specified in the figure provided in this subparagraph.

Figure: 19 TAC §227.10(a)(4)(C) (No change.)

(5) For an applicant who will be seeking an initial certificate in a class other than classroom teacher, the applicant shall meet the minimum requirements for admission described in Chapter 239 of this title (relating to Student Services Certificates); Chapter 241 of this title (relating to Certification as Principal); and Chapter 242 of this title (relating to Superintendent Certificate). If an applicant has not met the minimum certification, degree, and/or experience requirement(s) for issuance of a standard certificate prior to admission, the EPP shall inform the applicant in writing of any deficiency prior to admission.

(6) An applicant must demonstrate basic skills in reading, written communication, and mathematics by meeting the requirements of the Texas Success Initiative under the rules established by the Texas Higher Education Coordinating Board (THECB) in Part 1, Chapter 4, Subchapter C, of this title (relating to Texas Success Initiative), including one of the requirements established by §4.54 of this title (relating to Exemption [~~Exemptions, Exceptions, and Waivers~~]).

(7) An applicant must demonstrate the English language proficiency skills as specified in §230.11 of this title (relating to General Requirements).

(A) An applicant for CTE certification that does not require a bachelor's degree from an accredited IHE may satisfy the English language proficiency requirement with an associate's degree or high school diploma or the equivalent that was earned at an accredited IHE or an accredited high school in the United States.

(B) An applicant to a university Traditional, PREP Traditional, or Residency program [~~undergraduate program~~] that leads to a bachelor's degree may satisfy the English language proficiency requirement by meeting the English language proficiency requirement of the accredited IHE at which the applicant is enrolled.

(8) An applicant must submit an application [~~and participate in either an interview or other screening instrument to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought~~].

(9) An applicant must participate in a screening process that uses at least one evaluative tool, scored on a rubric developed for that purpose, to determine if the EPP applicant's knowledge, experience, skills, and aptitude are appropriate for the certification sought.

(10) [~~(9)~~] An applicant must fulfill any other academic criteria for admission that are published and applied consistently to all EPP applicants.

(b) A program approved by the State Board for Educator Certification to offer a Residency route shall use research-based best practices for recruiting and admitting candidates into the route and offer counseling and support for applicants and candidates to consider pursuing certification in the areas of need for partner local education agencies.

(c) [~~(b)~~] An EPP may adopt admission requirements in addition to and not in conflict with those required in this section.

(d) [~~(c)~~] An EPP may not admit an applicant who:

(1) has been reported as completing all EPP requirements by another EPP in the same certification category or class, unless the applicant only needs certification examination approval; or

(2) has been employed for three years in a public school under a permit, intern, or probationary certificate as specified in Chapter 230, Subchapter D, of this title (relating to Types and Classes of Certificates Issued), unless the applicant is seeking clinical teaching that may lead to the issuance of an initial standard certificate.

(3) is seeking certification in a certificate category or class where the certificate and/or related certification examination is scheduled to expire within one calendar year of the admission date if the EPP is not approved to offer the next generation of that certificate.

(e) Candidates who are admitted into certificate areas where the certification examination and/or certificate will expire must be notified by the EPP of the expiration timeline at admission and, thereafter, must be notified prior to expiration within a reasonable amount of time, based on the structure and requirements of the program, for the candidate to be able to complete requirements for standard certification before the certification examination and/or certificate expires.

(f) [~~(d)~~] An EPP may admit an applicant for CTE certification who has met the experience and preparation requirements specified in Chapter 230 of this title (relating to Professional Educator Preparation and Certification) and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(g) [~~(e)~~] An EPP may admit an applicant for the Trade and Industrial Workforce Training: Grades 6-12 certification who has met all requirements specified in §233.14(e) of this title (relating to Career and Technical Education Certificates requiring experience and preparation in a skill area, Trade and Industrial Workforce Training: Grades 6-12 certificate). [~~the following requirements:~~]

[~~(1) has been issued a high school diploma or a postsecondary credential, certificate, or degree;~~]

[~~(2) has seven years of full-time wage-earning experience within the preceding 10 years in an approved occupation for which instruction is offered;~~]

[~~(3) holds with respect to that occupation a current license, certificate, or registration, as applicable, issued by a nationally recognized accrediting agency based on a recognized test or measurement; and~~]

[~~(4) within the period described by paragraph (2) of this subsection, has not been the subject of a complaint filed with a licensing entity or other agency that regulates the occupation of the person, other than a complaint that was determined baseless or unfounded by that entity or agency.~~]

(h) [~~(f)~~] An EPP may admit an applicant who has met the minimum academic criteria through credentials from outside the United States that are determined to be equivalent to those required by this section using the procedures and standards specified in Chapter 245 of this title (relating to Certification of Educators from Other Countries). An EPP at an entity that is accredited by an accrediting organization recognized by the THECB may use its own foreign credential evaluation service to meet the requirement described in §245.10(a)(2) of this title (relating to Application Procedures), if the entity is in good standing with its accrediting organization.

(i) [~~(g)~~] An applicant is eligible to enroll in an EPP for the purpose of completing the course of instruction, defined in §228.45(b) of this title (relating to Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification), that is required for the issuance of an Early Childhood: Prekindergarten-Grade 3 certificate if the individual holds a valid standard, provisional, or one-year certificate specified in §230.31 of this title (relating to Types of Certificates) in one of the following certificate categories:

(1) Bilingual Generalist: Early Childhood-Grade 4;

(2) Bilingual Generalist: Early Childhood-Grade 6;

(3) Core Subjects: Early Childhood-Grade 6;

(4) Core Subjects with Science of Teaching Reading; Early Childhood-Grade 6;

(5) [~~(4)~~] Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6;

(6) [~~(5)~~] Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6;

(7) [~~(6)~~] Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6;

(8) [~~(7)~~] Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6;

(9) [~~(8)~~] Core with the Science of Teaching Reading: Early Childhood-Grade 6;

(10) [~~(9)~~] Early Childhood Education;

(11) [~~(10)~~] Elementary--General;

(12) [~~(11)~~] Elementary--General (Grades 1-6);

(13) [~~(12)~~] Elementary--General (Grades 1-8);

(14) [~~(13)~~] Elementary Early Childhood Education (Prekindergarten-Grade 6);

(15) [~~(14)~~] Elementary Self-Contained (Grades 1-8);

(16) [~~(15)~~] English as a Second Language Generalist: Early Childhood-Grade 4;

(17) [~~(16)~~] English as a Second Language Generalist: Early Childhood-Grade 6;

(18) [~~(17)~~] Generalist: Early Childhood-Grade 4;

(19) [~~(18)~~] Generalist: Early Childhood-Grade 6;

(20) [~~(19)~~] Kindergarten;

(21) [~~(20)~~] Prekindergarten-Grade 5--General;

(22) [~~(21)~~] Prekindergarten-Grade 6--General; or

(23) [~~(22)~~] Teacher of Young Children--General.

§227.15. Contingency Admission.

(a) An applicant may be accepted into an alternative certification program preparing candidates in any certification class or a post-baccalaureate program preparing candidates in a class other than teacher on a contingency basis pending receipt of an official transcript showing the degree required for admission [~~conferred~~], as specified in §227.10(a)(1) and (2) [~~§227.10(a)(2)~~] of this title (relating to Admission Criteria), has been conferred, provided that:

(1) the applicant is currently enrolled in and expects to complete the courses and other requirements for obtaining[~~,~~] the minimum [~~at a minimum, a bachelor's~~] degree required for admission at the end of the semester in which admission to the program is sought;

(2) all other admission requirements specified in §227.10 of this title have been met;

(3) the educator preparation program (EPP) [~~EPP~~] must notify the applicant of the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification; and

(4) the applicant must accept the offer of contingency admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.

(b) The effective date of contingency admission shall be included in the offer of contingency admission.

(c) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's contingency admission by creating an admission record in the Educator Certification Online System (ECOS) for that entity.

(d) An applicant admitted on a contingency basis may begin program training and may be approved to take a certification examination[~~,~~] but shall not be recommended for an intern or a probationary certificate until the EPP verifies on an official transcript that the required degree [~~bachelor's degree or higher from an accredited institution of higher education (IHE)~~] has been conferred.

(e) Except as provided by this section, an alternative certification program or post-baccalaureate program, prior to admission on a contingency basis, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A program within a university-based EPP [~~post-baccalaureate or alternative certification program at an IHE~~] may

admit an applicant if coursework and training was provided by the same institution of higher education (IHE) [~~IHE~~] as part of:

(1) the degree to be conferred;

(2) prerequisite courses for a degree [~~a prerequisite for a master's degree~~] leading to initial certification; or

(3) a different [~~post-baccalaureate~~] program of study.

(f) The contingency admission will be valid for only the fall, spring, or summer semester for which the contingency admission was granted and may not be extended for another semester. The end of the semester is determined by the calendar of the IHE in which the candidate is enrolled. [~~The end of each semester shall be consistent with the common calendar established by the Texas Higher Education Coordinating Board.~~]

(g) The EPP must collect an official transcript that reflects the required degree has been conferred. If the required degree is not conferred at the end of the semester identified in subsection (f) of this section, the candidate must be removed from the EPP. A candidate who is removed and who seeks reinstatement into the EPP must apply and meet all admission requirements as set forth in §227.10 of this title (relating to Admission Criteria) and must be formally admitted as set forth in §227.17 of this title (relating to Formal Admission).

§227.17. Formal Admission.

(a) For an applicant to be formally admitted to an educator preparation program (EPP), the applicant must meet all the admission requirements specified in §227.10 of this title (relating to Admission Criteria).

(b) For an applicant to be formally admitted to an EPP, the EPP must notify the applicant of the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.

(c) For an applicant to be considered formally admitted to the EPP, the applicant must accept the offer of formal admission in writing by mail, personal delivery, facsimile, email, or an electronic notification.

(d) The effective date of formal admission shall be included in the offer of formal admission.

(e) An EPP must notify the Texas Education Agency within seven calendar days of a candidate's formal admission by creating an admission record in the Educator Certification Online System (ECOS) for that entity.

(f) Except as provided by §227.15 of this title (relating to Contingency Admission), an alternative certification program or post-baccalaureate program, prior to formal admission, shall not provide coursework, training, and/or examination approval to an applicant that leads to initial certification in any class of certificate. A program within a university-based EPP [~~post-baccalaureate or alternative certification program at an institution of higher education (IHE)~~] may admit an applicant if coursework and training was provided by the same accredited institution of higher education [~~IHE~~] as part of:

(1) a previous degree that was conferred;

(2) [a] prerequisite courses for a [~~master's~~] degree leading to initial certification; or

(3) a different [~~post-baccalaureate~~] program of study.

§227.19. Incoming Class Grade Point Average.

(a) The overall grade point average (GPA) of each incoming class admitted between September 1 and August 31 of each year by an educator preparation program (EPP), including an alternative certification program, may not be less than 3.00 on a four-point scale or the equivalent. In computing the overall GPA of an incoming class, an EPP may include:

(1) the GPA of each person in the incoming class based on all coursework previously attempted by the person at an accredited institution of higher education (IHE):

(A) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]; or

(B) from which the most recent bachelor's degree or higher from an accredited IHE was conferred [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~]; or

(2) the GPA of each person in the incoming class based only on the last 60 semester credit hours of all coursework attempted by the person at an accredited IHE:

(A) at which the applicant is currently enrolled [~~(undergraduate university program formal admission, alternative certification program contingency admission, or post-baccalaureate program contingency admission)~~]. If an applicant has less than 60 semester credit hours on the official transcript from the accredited IHE at which the applicant is currently enrolled, the EPP shall [~~may~~] use grades from all coursework previously attempted by a person at the most recent accredited IHE(s), starting with the most recent coursework from the official transcript(s), to calculate a GPA for the last 60 semester credit hours; or

(B) from which the most recent bachelor's degree or higher from an accredited IHE was conferred. If an applicant has hours beyond the most recent degree, an EPP may use grades from the most recent 60 hours of coursework from an accredited IHE [~~(alternative certification program formal admission or post-baccalaureate program formal admission)~~].

(b) A person seeking career and technical education certification is not included in determining the overall GPA of an incoming class.

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 March 2, 2026.

TRD-202601039
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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19 TAC §227.20

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators and states that in proposing rules under the TEC, Chapter 21, Subchapter B, the SBEC shall ensure that all candidates for certification or renewal of certification demonstrate the knowledge and skills necessary to improve the performance of the diverse student population of

this state; TEC, §21.041, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide an exemption from the requirements of Texas Government Code, §2001.0045; TEC, §21.044(a), which requires the SBEC to propose rules establishing training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program; TEC, §21.044(g)(2) and (3), which requires each EPP to provide certain information related to the effect of supply and demand forces on the educator workforce of the state and the performance over time of the EPP; TEC, §21.0441, which requires the SBEC to adopt rules setting certain admission requirements for EPPs; TEC, §21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to propose rules for recruiting and admitting candidates into the Teacher Residency Preparation route; TEC, §21.0489(c), which requires the SBEC to adopt rules establishing eligibility requirements for an Early Childhood: Prekindergarten-Grade 3 certificate; TEC, §21.049(a), which authorizes the SBEC to propose rules providing for educator certification programs as an alternative to traditional EPPs; TEC, §21.050(a), which requires a person who applies for a teaching certificate for which SBEC rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under the TEC, Chapter 28, Subchapter A; Texas Occupations Code (TOC), §53.105, which specifies that a licensing authority may charge a person requesting an evaluation under the TOC, Chapter 53, Subchapter D, a fee adopted by the authority. Fees adopted by a licensing authority under the TOC, Chapter 53, Subchapter D, must be in an amount sufficient to cover the cost of administering this subchapter; TOC, §53.151, which sets the definitions of "licensing authority" and "occupational license" to have the meanings assigned to those terms by the TOC, §58.001; TOC, §53.152, which requires EPPs to provide applicants and enrollees certain notice regarding potential ineligibility for a certificate based on convicted offenses, the SBEC rules concerning the certificate eligibility of an individual with a criminal history, and the right of the individual to request a criminal history evaluation letter; and TOC, §53.153, which requires an EPP to refund tuition, application fees, and examination fees paid by an individual if the EPP failed to provide the required notice under the TOC, §53.152, to an individual who was denied a certificate because the individual was convicted of an offense.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.031; 21.041; 21.041(e), as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a) and (g)(2) and (3); 21.0441; 21.04422, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0489(c); 21.049(a); 21.050(a); and Texas Occupations Code, §§53.105 and 53.151-53.153.

§227.20. Implementation Date.

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 March 2, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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CHAPTER 228. REQUIREMENTS FOR EDUCATOR PREPARATION PROGRAMS

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§228.2; 228.6; 228.15; 228.25; 228.31; 228.33; 228.35; 228.41; 228.43; 228.45; 228.55; 228.57; 228.61; 228.63; 228.65; 228.67; 228.73; 228.79; 228.81; 228.91; 228.93; 228.95; 228.97; 228.101; 228.105; 228.107; 228.109, the repeal of §228.39 and §228.71, and new §228.68, concerning requirements for educator preparation programs (EPPs). The rules provide requirements and definitions as applicable to support EPPs and candidates in the successful implementation of these rules. The proposed revisions would implement House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 228 are organized as follows: Subchapter A, General Guidance; Subchapter B, Approval of Educator Preparation Programs; Subchapter C, Administration and Governance of Educator Preparation Programs; Subchapter D, Required Educator Coursework and Training; Subchapter E, Educator Candidate Clinical Experiences; and Subchapter F, Support for Candidates During Required Clinical Experiences. These rules establish the requirements for EPPs. HB 2, 89th Texas Legislature, Regular Session, 2025, introduced significant educator preparation reforms, including the Preparing and Retaining Educators Through Partnership (PREP) Allotment. PREP strengthens teacher recruitment, preparation, and mentorship, requiring the SBEC to define new preparation routes, training standards, and quality review processes for EPPs.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential revisions to Chapter 228 to implement HB 2. The recommendations discussed were informed by legislative changes and stakeholder feedback.

The following proposed revisions to 19 TAC Chapter 228, Subchapters A-F, incorporate both SBEC and stakeholder input. This proposal also includes technical edits to update cross references and conform to Texas Register style requirements.

Subchapter A, General Guidance

§228.2. Definitions.

The proposed revisions to §228.2 would update the definitions for alternative certification route, classroom teacher, cooperating teacher, formal admission, late hire, post-baccalaureate program and would clarify existing definitions or align the definitions with new route requirements in HB 2.

Proposed new §228.2(40) and (46)-(50) would add definitions for Partnership Preservice Program, Preparing and Retaining Educators Through Partnership (PREP), PREP Alternative Preservice Program, PREP Grow Your Own Program, PREP Residency Preservice Program, and PREP Traditional Preservice Program to define new PREP routes that will impact EPPs' and their candidates' participation in PREP allotments identified in HB 2.

Proposed new §228.2(64) would add a definition for traditional route and clarify that an EPP may have two traditional routes, the PREP traditional route in proposed new §228.2(50), which qualifies for the PREP allotment, and the traditional route in proposed new §228.2(64), which does not.

Proposed new §228.2(6) and (60) would add definitions for asynchronous coursework and synchronous coursework, respectively, to provide guidance to EPPs to meet requirements in HB 2 that PREP programs and traditional programs must deliver coursework synchronously or be approved to offer coursework asynchronously.

The proposed amendments to §228.2(16), related to clock hours, and §228.2(19), related to cooperating teacher, would add the new pre-internship clinical teaching requirement as part of the new preservice alternative certification route identified in HB 2.

The proposal would strike §228.2(10), related to candidate coach, and (33), related to intensive preservice, due to the proposed repeal of §228.39, Intensive Preservice, to provide for the new preservice alternative certification route identified in HB 2.

Proposed new §228.2(34) would define intern mentor teacher to distinguish a mentor that is supporting candidates in EPPs who are completing internships. This proposed new definition would accommodate PREP Mentorship Program and rule updates in 19 TAC Chapter 153, School District Personnel.

The proposed revision to §228.2(39) would strike the definition for mentor and replace it with a definition of mentoring educators to provide for a collective term for the variety of roles of campus support personnel, including cooperating teachers, host teachers, mentor teachers, and intern mentor teachers. This proposed revision would accommodate PREP Mentorship Program and rule updates in Chapter 153.

§228.6. Implementation Date.

The proposed updates to the implementation of requirements in this chapter include adding pre-internship clinical teaching to the list of assignments requiring formal observations that are required to be completed and reported by the EPP. The references to the formal observation requirements in §228.6(1)(A) are adjusted as a result of proposed revisions to those sections but the implementation requirements for formal observations are maintained. While the rule text maintains the transition runway for phasing out training under Legacy Chapter 228 with a deadline of August 31, 2026, an effective date was added for currently proposed rules that identifies the candidate must meet the requirements in this chapter that were in effect at the time the candidate was admitted into the EPP. The proposal would update the implementation year to September 1, 2026, for the provisions of Chapter 228, unless otherwise specified in rule.

Subchapter B, Approval of Educator Preparation Programs

§228.15. Additional Approval.

The proposed amendment to §228.15(b) would require the EPP seeking approval to implement an SBEC-approved residency program must include evidence of compliance with Chapter 227, Provisions for Educator Preparation Programs, and address the addition of a statutory requirement for admission of candidates to the residency route.

The proposed revisions to §228.15(b)(1) would provide the application process and requirements for previously approved residency programs to meet SBEC approval for the residency route in 2027-2028. Proposed repeal and new Figure: 19 TAC §228.15(b)(1) would provide evidence needed by the EPP in the application process in 2027-2028.

The proposed revisions to §228.15(b)(2) and (3) would incorporate the application process for the addition of new residency requirements related to HB 2, beginning 2028-2029 and application process and requirements for new residency program applicants. The proposed revisions would also reinforce that an EPP cannot be approved to offer a residency route if the EPP's accreditation status is Accredited Probation. Proposed new Figure: 19 TAC §228.15(b)(2) would provide evidence needed by the EPP in the application process beginning 2028-2029.

The proposed amendment to §228.15(b)(4) and proposed new §228.15(b)(5) would provide detail on how EPPs are held accountable for meeting ongoing requirements of an approved residency route.

Proposed new §228.15(c)(1)-(5) would provide application requirements for SBEC approval of a preservice alternative certification route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency. Proposed new Figure: 19 TAC §228.15(c)(1) would provide evidence needed by the EPP in the application process for 2027-2028 approval. Proposed new Figure: 19 TAC §228.15(c)(2) would provide evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Proposed new §228.15(d)(1)-(5) would add application requirements for SBEC approval of a PREP traditional route to mirror the application process and EPP accountability identified in §228.15(b) for an SBEC-approved residency and in proposed new §228.15(c)(1)-(5) for an SBEC approved preservice alternative certification route. Proposed new Figure: 19 TAC §228.15(d)(1) would provide evidence needed by the EPP in the application process for 2027-2028 SBEC approval. Proposed new Figure: 19 TAC §228.15(d)(2) would provide evidence needed by the EPP in the application process for 2028-2029 SBEC approval.

Proposed new §228.15(g) would provide guidance for EPPs to apply for TEA approval to offer asynchronous coursework for routes that require coursework to be delivered synchronously, as established by HB 2.

Subchapter C, Administration and Governance of Educator Preparation Programs

§228.25. Governance of Educator Preparation Programs.

Proposed new §228.25(e) would provide guidance to EPPs approved to offer PREP traditional and preservice alternative certification routes related to the duration and quality of collaboration with partner local education agencies (LEA).

Subchapter D, Required Educator Coursework and Training

§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

Proposed new §228.31(d) would provide clarification to EPPs that the EPP must maintain qualified instructors to deliver instruction to candidates and that EPP staff providing instruction in required content must apply for, attain, and maintain certification to provide that instruction, as required by HB 2.

Proposed new §228.31(e) would implement the statutory requirement that the EPP must comply with the prohibi-

tions and requirements under Texas Education Code (TEC), §28.0022(a)(1)-(4), related to instructional personnel and coursework.

§228.33. Preparation Program Coursework and/or Training for All Certification Classes.

Proposed new §228.33(d) would implement the statutory requirement in HB 2 that the EPP must be approved to offer coursework asynchronously for traditional and PREP traditional, residency, and preservice alternative certification routes.

§228.35. Substitution of Applicable Experience and Training.

Proposed new §228.35(b) would allow an uncertified teacher that has enrolled in the EPP to secure certification to substitute experience as a teacher of record for the required 50 hours of field-based experience in §228.43.

§228.39. Intensive Pre-Service.

The proposed repeal of §228.35 would be necessary to implement the preservice alternative certification route statutorily required by HB 2.

§228.41. Preservice Coursework and Training for Classroom Teacher Candidates.

The proposed amendment to §228.41(a)(2) would update the list of pedagogical skills in which candidates must be allowed to pursue proficiency during coursework and training that occurs before the required clinical experience. The proposed revisions would align with recently adopted pedagogy standards in Chapter 235, Classroom Teacher Certification Standards.

Proposed new §228.41(b) would reinforce that late hire candidates must complete the pre-service coursework and training but would provide new flexibility that the requirements must be completed within the first half of the internship instead of the first 90 days.

Proposed new §228.41(c) would implement the statutory requirement that candidates in the preservice alternative certification route must complete a portion of the required content from the Texas Reading Academies and Mathematics Achievement Academies to meet the preservice coursework and training requirement prior to beginning the required clinical experience.

§228.43. Preservice Field-Based Experiences for Classroom Teacher Candidates.

Proposed new §228.43(a) would reinforce the allowance in proposed new §228.35(b) that an uncertified teacher that has enrolled in the EPP to secure certification may substitute experience as a teacher of record for the required 50 hours of field-based experience detailed in this section. Proposed new subsection (a) would also reinforce the allowance in proposed new §228.68(h) that a candidate completing the pre-internship clinical practice within the preservice alternative certification route is exempt from the required 50 hours of field-based experience.

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification.

The proposed amendment to §228.45(c) would update the term "mentor" to "intern mentor teacher" to align with the new definition of the mentoring educator assigned to support a candidate completing an internship.

§228.55. Late Hire Candidates.

The proposed amendment to the requirements in §228.55 would implement the two-year intern certificate required by HB 2 and reinforce that the late hire candidate may begin the internship under the two-year certificate prior to completing the preservice coursework and training required in §228.41 and §228.43. The proposed amendment would also add flexibility by allowing the late hire candidate to complete the required coursework and training within the first half of the internship and reinforce the existing requirement that the intern certificate must be deactivated if the candidate does not complete the preservice coursework and training as required.

§228.57. Educator Preparation Curriculum.

Proposed new §228.57(f) would add the curriculum requirements identified in HB 2 and establish timelines for training content implementation specific to the preservice alternative certification route, the PREP traditional route, and the residency route. The proposal would also outline the process for SBEC approval of training content.

Subchapter E, Educator Candidate Clinical Experiences

§228.61. Required Clinical Experiences.

Proposed new §228.61(b) would integrate the preservice alternative certification route required in HB 2 into the requirements for clinical experiences by adding that a candidate completing requirements in this route must also complete pre-internship clinical teaching, which is further detailed in proposed new §228.68.

§228.63. Locations for Required Clinical Experiences.

The proposed amendment to §228.63 would update the list of locations of clinical experiences to integrate the new pre-internship clinical teaching requirement for the preservice alternative certification route and replace references to the term "mentor" with "intern mentor teacher". The proposed amendment would align with the requirements identified in HB 2 and related updates in Chapter 153. The proposal would also update the rule for candidates who seek to complete the required clinical experience outside of Texas by removing residency from the options. The residency route requires the EPP and LEA to partner, which is not feasible with school systems outside of Texas.

§228.65. Residency.

The proposed amendment to §228.65(a)(3) would provide flexibility to residency candidates who are pursuing a disciplinary degree in an educational setting outside of education (such as biology or mathematics) concurrent with certification by allowing a reduction of up to 50 clock hours of the residency assignment as needed by the candidate to complete degree requirements. The proposed amendment would also address stakeholder feedback regarding the flexibility necessary for candidates earning a disciplinary degree with additional coursework to successfully complete the residency route certification requirements.

The proposed amendment to §228.65(g) would clarify language related to the types of certificates for which a successful residency candidate could qualify.

§228.67. Clinical Teaching.

The proposed amendment to §228.67(b)(1) would incorporate the new definition of intern mentor teacher.

Proposed new §228.67(b)(4) would clarify that a candidate may not change districts during the clinical teaching experience if the candidate is completing clinical teaching through a PREP tradi-

tional program. This revision would honor the partnership between the district and the EPP.

The proposed amendment to §228.67(d) would clarify that increased instructional responsibility in clinical teaching includes opportunities for the candidate to lead classroom instruction.

§228.68. Pre-internship Clinical Teaching.

Proposed new §228.68 would incorporate the structure of the new preservice alternative certification route established by HB 2. The proposal would outline parameters for the "preservice" portion of the route requirement, which is a version of clinical teaching that candidates in this route will complete prior to beginning the internship portion of their training. The proposed requirements would also include the number of hours of preservice clinical teaching and the activities in which the candidate will engage and the support the candidate will receive during the experience.

Proposed new §228.68(g) would carve out that a candidate who has completed a PREP Grow Your Own Program will be exempt from this pre-internship clinical teaching portion of the preservice alternative certification requirements. Proposed new §228.68(h) would exempt candidates who complete the pre-internship clinical teaching portion of the preservice alternative certification requirements from the required 50 hours of field-based experiences in §228.41(a)(1).

§228.71. Exceptions to Clinical Teaching Requirement.

The proposed repeal of §228.71 would align with the routes and requirements established by HB 2.

§228.73. Internship.

Proposed new §228.73(a) and (b) would align the internship as the clinical experience type for candidates pursuing certification through the alternative certification routes and clarify the candidate must hold a conferred bachelor's degree to participate in an internship. The proposal would add a carve out for candidates in an alternative certification route who no longer qualify to complete an internship and thus must complete clinical teaching to finish requirements.

Proposed §228.73(c) and (d) would identify the two alternative certification routes required by HB 2 and update language to reflect the type of intern certificate available to each route, including the new two-year intern certificate and the new intern with preservice certificate. The proposed amendment would also update the duration and assignment information to clarify that a one-year internship is required for either route and establish that the candidate in the preservice alternative certification route must complete the internship in one district, which honors the partnership for the purpose of qualifying for the PREP allotment.

The internship extension requirements in proposed §228.73(h) would be maintained with added clarification that the intern must not have exhausted the three years of eligibility to extend an internship or complete an additional internship. The clarification further bifurcates the options of extending the internship into a second year if the candidate has additional coursework or other requirements to complete versus completing an additional internship, which would be required if the candidate's first internship was not successful. This is further detailed in proposed updates to the observation requirements in §228.109(b), which would require formal field supervision for a second internship if the first was unsuccessful but would not require formal supervision if the first internship was successful and the internship is extended to allow the candidate to finish other requirements. The proposal would benefit the EPP due to the reduced cost of field supervision and benefit the candidate and district by allowing the candidate to hold an SBEC credential and maintain employment after the successful internship year is complete.

The proposal would also update the term "mentor" to "intern mentor teacher" to align with the change in definition of the mentoring educator supporting candidates in internships.

Proposed §228.73(i) would adjust the certificate deactivation requirements to add flexibility for late hire candidates to complete pre-service requirements within the first half of the internship instead of the first 90 days.

Proposed §228.73(j) would update the certificate deactivation rules to align with the updated preservice coursework requirement for late hire candidates proposed in §228.41(b) and §228.55(c) by extending the time frame for completing preservice requirements from the first 90 days to the first half of the internship. The proposed changes to the certificate deactivation requirements would also add flexibility to the timeline for EPPs to notify the TEA to deactivate a certificate and address stakeholder feedback that the current timelines are difficult to meet.

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

The proposed amendment to §228.79(b) would update language related to a candidate pursuing certification as a Junior Reserve Officer Training Corps instructor.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

The proposed amendment to §228.81(c) would establish that the two-year intern certificate is available to candidates pursuing certification in a class other than teacher who meet the requirements for the certificate. The proposed amendment would be applicable to candidates who seek to complete a practicum while employed in a role that requires an SBEC credential.

Subchapter F, Support for Candidates During Required Clinical Experiences

§228.91. Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors.

The proposed amendment to §228.91 would update language throughout this section to change the term "mentor" to "intern mentor teacher" to align with the new definition in §228.2 and apply the term "mentoring educators" when collectively referring to requirements for the campus personnel supporting teacher candidates in clinical experiences. The proposed updates would also reflect new requirements established by HB 2, including the addition of the pre-internship clinical experience as a clinical experience that requires a cooperating teacher, and add clarification that a mentoring educator must agree to be assigned to support the candidate during the clinical experience.

The proposed amendment to §228.91(e) and proposed new subsection (f) would clarify training requirements for mentoring educators and site supervisors to add the requirement for PREP routes that mentoring educators must be trained through *Texas Mentorship Training* and would provide a timeline for phasing in the *Texas Mentorship Training*.

§228.93. Cooperating Teacher Qualifications and Responsibilities.

The proposed amendment to §228.93 would add co-teaching to increase clarity around the duties of a cooperating teacher, update the term "mentor" to "intern mentor teacher" to align with changes in terminology, and add pre-internship clinical teaching as required by the preservice alternative certification route established by HB 2. The proposal would also require that cooperating teachers supporting candidates in PREP programs complete *Texas Mentorship Training*.

§228.95. Host Teacher Qualifications and Responsibilities.

The proposed amendment to §228.95(a)(3) would detail the *Texas Mentorship Training* requirements for host teachers supporting candidates in residency assignments, including an implementation runway for completing the first training, as required by HB 2.

§228.97. Intern Mentor Teacher Qualifications and Responsibilities.

The proposed amendment to §228.97 would include updating the term "mentor" to "intern mentor teacher" to align with changes to that terminology and revising qualification requirements to align with requirements in Chapter 153.

The changes to proposed §228.97(a)(3) and (b)(2) and (3) would add requirements established by HB 2 for intern mentor teachers supporting candidates in the preservice alternative certification route, including a training requirement that intern mentor teachers must complete *Texas Mentorship Training* and the addition of duties of an intern mentor teacher to align with requirements in TEC, §21.458(f).

§228.101. Field Supervisor Qualifications and Responsibilities.

The proposed amendment to §228.101 would clarify qualifications for field supervisors of candidates in PREP routes and update the term "mentor" to "intern mentor teacher" to align with new terminology in §228.2.

The proposed amendment to §228.101(b)(1) would extend the timeline for field supervisors to renew the TEA-approved training to the next year. Additional proposed updates provide options for field supervisors to credit training in areas such as T-TESS certification and other approved agency training to count as a portion of the TEA-approved field supervisor training.

The proposed amendment to §228.101(b)(4) and (5) would add pre-internship clinical teaching and the preservice alternative certification route to the requirements for formal and informal observations conducted by the field supervisor. The proposed amendment to subsection (b)(5) would add flexibility for candidates in the alternative certification route completing internships by reducing the number of informal observations from three per semester of the internship to two per semester.

The proposed amendment to §228.101(b)(6) would align formatting with other similar rules but retain the informal observation requirement for candidates who are late hires to maintain the added support needed for late hire candidates as they enter the classroom with minimal formal training.

Proposed new subsection (b)(8) would establish that candidates in the pre-internship clinical teaching assignment are required to have informal observations conducted by field supervisors, including feedback on candidate progress toward mastering the competencies identified in §228.41 required for all preservice candidates.

Proposed §228.101(b)(9), (11), and (12) would update guidance related to collaboration between field supervisors and mentoring educators and feedback provided to mentoring educators and other campus or district staff related to candidate performance to ensure that field supervisors and mentoring educators collaborate and communicate regularly in support of the candidate. Proposed subsection (b)(12) would define requirements for field supervisors of candidates in PREP routes and require the field supervisor to have collaborative meetings with campus supervisors at least three times per semester and with the mentoring educator at least two times monthly.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification.

The proposed amendment to §228.105 would integrate the pre-internship clinical teaching experience requirement for the preservice alternative certification route established by HB 2 into the field supervisors' requirement for formal observations in §228.105(a) and clarify that the field supervisor must provide a copy of the written feedback resulting from a formal observation to the mentoring educator supporting the candidate in any type of clinical experience.

§228.107. Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments.

The proposed amendment to §228.107 would integrate the pre-internship clinical teaching experience requirement for the preservice alternative certification route into the formal observation schedule for clinical teaching and require one formal observation during the pre-internship clinical teaching assignment.

§228.109. Formal Observations for Candidates in Internship Assignments.

The proposed amendment to §228.109(b) would reduce the number of formal observations required for candidates holding a two-year intern certificate who are not late hires from five observations to four for both the initial internship and an additional internship that is required when the first internship was not successful. The proposed amendment would add flexibility and reduce cost for EPPs.

Proposed new §228.109(c) would maintain observation requirements for late hire candidates. The proposal would require the field supervisor to conduct five total observations during the internship as is currently required. The number of formal observations for late hire candidates would not be reduced to maintain a higher level of support for the candidates who may lack formal training prior to beginning the internship.

The proposed amendment to §228.109(d) would extend the modified observation schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and require one additional observation per semester for the second subject area.

Proposed new §228.109(e) and (f) would implement the formal observation requirements for an internship for candidates holding an intern with preservice certificate while pursuing certification through the preservice alternative certification route. In addition to the one formal observation during the pre-internship clinical teaching portion of the training detailed in §228.107(e), the proposed observation schedule for the internship would require four formal observations during the full school year internship, with two in the first half of the internship and two in the last half. Proposed new subsection (f) would extend the observation

schedule to candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area and require one additional observation per semester for the second subject area.

Proposed new §228.109(g) and (h) would establish requirements for formal observations of candidates completing an internship under a probationary certificate. The proposal would reorganize current subsection (e) to proposed new subsection (g) to improve overall readability; however, the observation requirement of five total observations, three in the first half of the internship and two in the last half of the internship has not changed. Proposed new subsection (h) would identify requirements for candidates completing an internship in more than one subject area that cannot be observed by the field supervisor concurrent with the first subject area, requiring one additional observation per semester for the second subject area. The proposal would also align language across subsections (d), (f), and (h).

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rules may impose a cost on other state agencies (institutions of higher education) and on small businesses and micro-businesses (EPPs). An initial implementation cost may be incurred by EPPs that choose to offer any or all of the PREP preparation routes.

HB 2 requires EPPs to make updates to coursework and candidate training if they seek to offer the PREP routes specified in the TEC. EPPs are not, however, required to offer these routes.

The proposed PREP routes require EPPs to apply, at no cost, for pathway approval. While there may be additional costs for an EPP associated with developing a high-quality program, the preparation pathways are optional for EPPs and, therefore, not a required cost. The costs to EPPs would be widely variable; for example, EPPs may already have an established residency preparation pathway that meets the proposed requirements while other EPPs would need to invest time and resources into the development of the residency preparation pathway. Additionally, while the preservice alternative certification route is new for all prospective programs and will require time, effort, and resources, it will be varied depending on the type of model designed, the quality of current partnerships, etc. It is difficult to estimate this cost.

As described, one key cost to the implementation of the PREP routes is the initial cost to EPPs to ensure training and certification of staff to redeliver the content. There may be initial costs to EPPs in Fiscal Year (FY) 2027 regarding time and effort to train faculty and ensure the training content is integrated into the program. TEA estimates that each program will train on average 10 faculty to engage in training for 40 hours to seek certification to redeliver content. This training may also be counted for continuing education for those faculty members. TEA estimates an additional 10 hours to integrate the training content into existing courses. It is estimated that the average course release stipend for faculty is $3,500 for 144 hours of faculty time. This means that for faculty to engage in 50 additional hours, TEA staff would estimate the cost to be about $1,300 for each faculty, meaning an average of $13,000 for faculty to complete the training in FY 2027. TEA staff would estimate a 30% attrition rate and retraining of faculty in subsequent years, in addition to new content training in FY 2028. When TEA staff combines attrition costs with new training content, TEA staff estimates it will cost the program $16,900 to implement in FY 2028. It should, however, be additionally noted that programs will begin to generate $10,000-$11,500 per candidate completer by FY 2029. This cost savings to EPPs is difficult to predict, given that programs range in annual production.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code (TGC), §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 TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: This proposal is exempt from the requirements of TGC, §2001.0045, per TEC, §21.041(e), as added by HB 2, 89th Texas Legislature, Regular Session, 2025.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §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 create a new regulation for EPPs that seek to offer the optional PREP Residency, PREP Traditional, or PREP Preservice Alternative Certification routes. The proposed rulemaking would also update requirements for Alternative Certification Route requirements and establish regulation pertaining to PREP route review and approval and new regulation for the SBEC's review of coursework for certain routes. Additionally, the proposed rulemaking would set the requirement that the EPP must comply with the prohibitions and requirements under TEC, §28.0022(a)(1)-(4), regarding instructional personnel and coursework, as required in TEC, §21.0442(b)(3). All new regulations are necessary to implement statutory requirements of HB 2. In addition, the proposed rulemaking would repeal an existing regulation by repealing §228.39, Intensive Preservice Requirements, to address statutory requirements as well as §228.71, Exceptions to Clinical Teaching Requirement.

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 limit 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. 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 new data and reporting impact.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER A. GENERAL GUIDANCE

19 TAC §228.2, §228.6

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's

degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.2. Definitions.

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

(1) Academic year--If not referring to the academic year of a particular public, private, or charter school or institution of higher education (IHE), September 1 through August 31.

(2) Accredited institution of higher education--An IHE that, at the time it conferred the degree, was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordinating Board.

(3) Alternative certification route [~~program~~]--A pathway to certification [~~An approved educator preparation program~~], delivered by entities described in §228.25(a) of this title (relating to Governance of Educator Preparation Programs), specifically designed as an alternative to a traditional [~~undergraduate~~] certification program, that may offer an internship or practicum experience for individuals already holding the degree that is required for standard certification that was conferred by [~~at least a bachelor's degree from~~] an accredited IHE.

(4) Analysis--Examining [~~examining~~] teaching and/or instructional resources (e.g., student work samples, a video of teaching practices) to recognize key teaching practices enacted in a variety of ways, build understanding of the practice through repeated review, develop a shared vision for a teacher practice, and compare their own practice for improvement.

(5) Assignment start date--For an internship, clinical teaching, or residency, the first day of instruction with students. For a non-teacher practicum experience, the first day of the window in which the candidate is authorized by the educator preparation program (EPP) [~~EPP~~] to begin the practicum experience.

(6) Asynchronous coursework--Self-paced, non-simultaneous instruction during which students can access materials and complete assignments at any time, in a manner and time frame prescribed within the course. Courses are delivered online rather than in a traditional classroom. A course is asynchronous when greater than 50% of the coursework is delivered asynchronously.

(7) [~~(6)~~] Authentic school setting--For the purpose of field-based experiences, during the school day and the school year and including summer school; not to include professional development, extracurricular activities, workdays when students are not present, and before- or after-school childcare or tutoring.

(8) [~~(7)~~] Benchmarks--Reference points throughout the preparation process where candidates are assessed for progress toward completing EPP requirements (e.g., admission, passing a specific course or courses, passing a certification exam, completing preservice requirements).

(9) [~~(8)~~] Campus supervisor--A school administrator or designee responsible for the annual performance appraisal of an intern or a candidate pursuing a residency certificate.

(10) [~~(9)~~] Candidate--An individual who has been formally or contingently admitted into an EPP; also referred to as an enrollee or participant.

[~~(10) Candidate coach--A person as defined in §228.39(b)(1)-(3) of this title (relating to Intensive Pre-Service) who participates in a minimum of four observation/feedback coaching cycles provided by program supervisors, completes a Texas Education Agency (TEA)-approved observation training or has completed a minimum of 150 hours of observation/feedback training, and has current certification in the class in which supervision is provided.~~]

(11) Certification category--A certificate type within a certification class, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(12) Certification class--A certificate, as described in §230.33 of this title (relating to Classes of Certificates), that has defined characteristics; may contain one or more certification categories, as described in Chapter 233 of this title.

(13) Classroom teacher--An educator who is employed by a school or district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technical instructional setting. This term does not include an educational aide, a full-time administrator, or a substitute teacher. For purposes of this chapter, a classroom teacher includes an educator who may not yet hold a certificate issued under Texas Education Code (TEC), Chapter 21, Subchapter B.

(14) Clinical experience--A supervised educator assignment through an EPP at a public school accredited by the Texas Education Agency (TEA) [~~TEA~~] or other school approved by the TEA for this purpose where candidates demonstrate proficiency in the

standards for the certificate sought and that may lead to completion of a standard certificate. Clinical experience includes clinical teaching, internship, practicum, and residency.

(15) Clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of a standard certificate; also referred to as student teaching.

(16) Clock-hours--The actual number of hours of coursework or training provided; for purposes of calculating the training and coursework required by this chapter, one semester credit hour at an accredited IHE is equivalent to 15 clock-hours. Clock-hours of field-based experiences, clinical teaching, pre-internship clinical teaching, internship, residency, and practicum are actual hours spent in the required educational activities and experiences.

(17) Contingency admission--Admission as defined in §227.5 of this title (relating to Definitions) and described in §227.15 of this title (relating to Contingency Admission).

(18) Completer--A person who has met all the requirements of an approved EPP; also referred to as finisher. In applying this definition, the fact that a person has or has not been recommended for a standard certificate or passed a certification examination shall not be used as criteria for determining who is a completer.

(19) Cooperating teacher--An [~~For a clinical teacher candidate, an~~] educator who is collaboratively assigned by the EPP and campus administrator who supports the candidate during the clinical teaching experience or during the pre-internship clinical teaching experience.

(20) Co-teaching--A practice in which two or more teachers share instructional responsibility for a single group of students to address specific content and related learning objectives through a variety of approaches that best support the students' learning needs.

(21) Educator--An individual who is required to hold a certificate issued under TEC, Chapter 21, Subchapter B.

(22) Educator preparation program--An entity that is approved by the SBEC to prepare and recommend candidates for certification in one or more [~~educator~~] certification classes.

(23) Enactments--Opportunities to engage teacher candidates in sheltered/protected practice to develop a skill through such examples as doing student work, role playing student interactions, coached lesson rehearsals, and peer run throughs of a proposed lesson. Candidates should have the opportunity to receive feedback on current practice and integrate feedback into future practices.

(24) Enhanced standard certificate--A type of certificate issued to an individual who has met all requirements as specified in §230.39(b) of this title (relating to Enhanced Standard Certificates) under the teacher class of certificates.

(25) Entity--The individual, corporation, partnership, IHE, public school or school district that is approved to deliver an EPP.

(26) Extracurricular activities--Activities sponsored by the University Interscholastic League (UIL), the school district board of trustees, or an organization sanctioned by resolution of the board of trustees as specified in Chapter 76, Subchapter AA, of Part 2 of this title (relating to Commissioner's Rules).

(27) Field-based experiences--Introductory experiences for a classroom teacher certification candidate, incorporated with preparation coursework that involve, at the minimum, reflective observation of and interaction with Early Childhood-Grade 12 students, teachers, and faculty/staff members engaging in educational activities in an authentic school setting.

(28) Field supervisor--A currently certified educator, who preferably has advanced credentials, hired by the EPP to observe candidates, monitor their performance, and provide constructive feedback to improve their effectiveness as educators.

(29) Formal admission--Admission as defined in §227.5 of this title (relating to Definitions) and described in §227.17 of this title (relating to Formal Admission).

(30) Head Start Program--The federal program established under the Head Start Act (42 United States Code (USC), §9801 et seq.) and its subsequent amendments.

(31) Host teacher--For a teacher resident candidate, an educator who is jointly assigned by the EPP and the campus administrator who supports the candidate through co-teaching and coaching during their teacher residency field placement.

(32) Initial certification--The first Texas certificate in a class of certificate issued to an individual based on participation in an approved EPP.

[~~(33) Intensive pre-service--An educator assignment supervised by an EPP accredited and approved by the SBEC prior to a candidate meeting the requirements for issuance of intern and probationary certificates.~~]

(33) [~~(34)~~] Intern certificate--A type of certificate as specified in §230.36 of this title (relating to Intern Certificates) that is issued to a candidate who has passed all required content pedagogy certification examinations and is completing requirements for initial certification through an approved EPP.

(34) Intern mentor teacher--For a candidate serving in an internship, an educator who serves or has served as a teacher in Texas who provides effective support to candidates during the internship experience.

(35) Internship--A paid supervised classroom teacher assignment for one full school year at a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of a standard certificate.

(36) Late hire--An individual who is both accepted into an EPP after the 45th day before the first day of instruction and hired for a teaching assignment by a school after the 45th day before the first day of instruction or within the first semester of the academic year; or who is both admitted into the EPP and hired by the district or after the school's academic year has begun, and requires additional time to complete the pre-internship requirements .

(37) Legacy Chapter 228 rules--The version of State Board for Educator Certification rules in Chapter 228 that were in effect on August 31, 2024.

(38) Long-term substitute--An individual that has served in place of a teacher of record in a classroom for at least 30 consecutive days; also referred to as a permanent substitute.

[~~(39) Mentor--For an internship candidate, an educator who is employed as a classroom teacher on the candidate's campus and who is assigned to support the candidate during the internship experience.~~]

(39) Mentoring educators--Educators on Prekindergarten-Grade 12 campuses that serve as host teachers, cooperating teachers, intern mentor teachers, or mentor teachers as defined in Chapter 153 of

Part 2 of this title (relating to School District Personnel) that provide support to candidates completing clinical experiences.

(40) Partnership preservice program--A Preparing and Retaining Educators Through Partnership (PREP) Preservice program established under TEC, §21.902, that includes a partnership between a school district or eligible charter school and an eligible EPP. Also known as PREP route for the purpose of implementation in this chapter. The PREP routes include PREP traditional, residency, and preservice alternative certification.

(41) [~~(40)~~] Pedagogy--The art and science of teaching that incorporates instructional methods that are developed from scientifically based research.

(42) [~~(41)~~] Performance task--An assessment in which the teacher candidate applies learning and demonstrates a discrete set of skills, resulting in a tangible product or performance that serves as evidence of learning. The assessment must be evaluated using a standard rubric or set of criteria and must not include multiple-choice questions.

(43) [~~(42)~~] Post-baccalaureate program--An EPP, delivered by an accredited IHE and approved by the SBEC to prepare and recommend candidates for certification in nonteacher certification classes concurrent with obtaining a graduate degree[~~, that is designed for individuals who already hold at least a bachelor's degree and are seeking an additional degree~~].

(44) [~~(43)~~] Practicum--A supervised educator assignment at a public school accredited by the TEA or other school approved by the TEA for this purpose that is in a school setting in the particular class for which a certificate in a class other than classroom teacher is sought.

(45) Pre-internship clinical teaching--A supervised teacher assignment through an EPP in the classroom of a cooperating teacher at a public school accredited by the TEA or other school approved by the TEA for this purpose that occurs prior to a candidate's assignment in an internship.

(46) Preparing and Retaining Educators Through Partnership (PREP) program--One of the five PREP programs under TEC, §§21.903-21.907 and 48.157.

(47) Preparing and Retaining Educators Through Partnership (PREP) Alternative Preservice Program--The PREP Alternative Preservice Program established under TEC, §21.905. Also called preservice alternative certification route for the purpose of implementation in this chapter.

(48) Preparing and Retaining Educators Through Partnership (PREP) Grow Your Own Program--Requirements completed through §153.1304 of Part 2 of this title (relating to Preparing and Retaining Educators Through Partnership Grow Your Own Program).

(49) Preparing and Retaining Educators Through Partnership (PREP) Residency Preservice Program--The PREP Residency Preservice Program established under TEC, §21.904. Also called residency route for the purpose of implementation in this chapter.

(50) Preparing and Retaining Educators Through Partnership (PREP) Traditional Preservice Program--The PREP Traditional Preservice Program established under TEC, §21.903. Also called PREP traditional route for the purpose of implementation in this chapter.

(51) [~~(44)~~] Probationary certificate--A type of certificate as specified in §230.37 of this title (relating to Probationary Certificates) that is issued to a candidate who has passed all required certification examinations and is completing requirements for certification through an approved EPP.

(52) [~~(45)~~] Representations--Artifacts and illustrations of instruction used to help teacher candidates see and analyze strong teaching practices. Representations expose teacher candidates to and build understanding of specific criteria of effective teacher practices, as well as deepen their content knowledge for teaching. May include teacher educator modeling, student work, videos and transcripts.

(53) [~~(46)~~] Residency--A supervised educator assignment for an entire school year through a partnership between an EPP and a public school accredited by the TEA or other school approved by the TEA for this purpose that may lead to completion of an enhanced standard certificate.

(54) [~~(47)~~] School day--Actual school attendance days during the regular academic school year, including a partial day or extended day that students attend school for instructional purposes as adopted by the district or governing body of the school, excluding weekends, holidays, summer school, etc.

(55) [~~(48)~~] School year--The period of time starting with the first instructional day for students through the last instructional day for students as identified on the calendar of the campus or district for the school year in which the candidate is completing the clinical experience.

(56) [~~(49)~~] Site supervisor--For a practicum candidate, an educator who is assigned collaboratively by the campus or district administrator and the EPP and who supports the candidate during the practicum experience.

(57) [~~(50)~~] Standard certificate--A type of certificate issued to an individual who has met all requirements for a given class of certification, as specified in §230.33 of this title.

(58) [~~(51)~~] Students with disabilities--A student who is eligible to participate in a school district's special education program under TEC [~~Texas Education Code~~], §29.003, is covered by Section 504, Rehabilitation Act of 1973 (29 USC Section 794), or is covered by the Individuals with Disabilities Education Act (20 USC Section 1400 et seq.).

(59) [~~(52)~~] Substitute teacher--An individual who serves in place of a teacher of record in a classroom in an accredited public or private school.

(60) Synchronous coursework--Instruction delivered in a live, real-time setting, where students and instructors are online or in person at the same time for interactive live classes or discussions. A course is synchronous when greater than 50% of the coursework is delivered synchronously.

(61) [~~(53)~~] Teacher of record--An educator who is employed by a school or district and who teaches in an academic instructional setting or a career and technical instructional setting not less than an average of four hours each day and is responsible for evaluating student achievement and assigning grades.

(62) [~~(54)~~] Texas Education Agency staff--Staff of the TEA assigned by the commissioner of education to perform the SBEC's administrative functions and services.

(63) [~~(55)~~] Texas Essential Knowledge and Skills (TEKS)--The Kindergarten-Grade 12 state curriculum in Texas adopted by the State Board of Education and used as the foundation of all state certification examinations.

(64) Traditional route--A pathway to teacher certification that provides a clinical teaching experience for candidates who are seeking a degree concurrent with certification.

§228.6. Implementation Date.

The provisions of this chapter are effective September 1, 2026 [2024], unless otherwise specified in rule.

(1) At the determination of the educator preparation program (EPP), candidates admitted into an EPP prior to September 1, 2024, are eligible to finish preparation program requirements under the Legacy Chapter 228 rules or may complete requirements under the new rules and credit requirements completed under the Legacy Chapter 228 rules.

(A) Regardless of the preparation program requirements approved by an EPP via provisions in this paragraph [(1) of this subsection], for the purposes of formal observations, clinical experiences in Subchapter E of this chapter (relating to Educator Candidate Clinical Experiences), that begin on or after September 1, 2024, must meet the frequency and duration requirements in §§228.103 [§§228.103(b)(1)] of this title (relating to Formal Observations for Candidates in Residency Assignments), 228.105 [228.105(b)] of this title (relating to Formal Observations for All Candidates for Initial Classroom Teacher Certification), 228.107 [228.105(c)(1) of this title, 228.107(b)] of this title (relating to Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments), 228.109 [228.107(d) of this title, 228.109(b)(1)] of this title (relating to Formal Observations for Candidates in Internship Assignments), [228.109(b)(2) of this title, 228.109(c)(1) of this title, 228.109(c)(2) of this title,] and 228.111 of this title (relating to Formal Observations for Candidates Employed as Educational Aides).

(B) Candidates must complete all requirements under Legacy Chapter 228 rules by August 31, 2026.

(2) Candidates admitted into an EPP on or after September 1, 2024, are subject to [all] requirements in this chapter that were effective at the time of admission.

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 March 2, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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For further information, please call: (512) 475-1497

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SUBCHAPTER B. APPROVAL OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.15

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teach-

ers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.15. Additional Approval.

(a) An alternative certification program seeking approval to implement a clinical teaching component shall submit a description of the following elements of the program for approval by Texas Education Agency (TEA) staff on an application in a form developed by TEA staff that shall include, at a minimum, the following:

(1) general clinical teaching program description, including conditions under which clinical teaching may be implemented;

(2) selection criteria for clinical teachers;

(3) selection criteria for cooperating teachers;

(4) description of support and communication between candidates, cooperating teachers, and the alternative certification program;

(5) description of program supervision; and

(6) description of how candidates are evaluated.

(b) An educator preparation program (EPP) seeking approval to implement a residency route as defined in §228.2 of this title (relating to Definitions) [~~residency program~~] must submit a complete application in a form developed by TEA staff for consideration and approval by the State Board for Educator Certification (SBEC). The application must include evidence indicating the ability to comply with the provisions of this chapter, [~~and~~] Chapter 230 of this title (relating to Professional Educator Preparation and Certification), and Chapter 227 of this title (relating to Provisions for Educator Preparation Candidates). Residency programs approved by the SBEC prior to the 2026-2027 academic year are approved to offer the residency route for the 2026-2027 academic year only.

(1) For 2027-2028 academic year approval to offer a residency route, only SBEC-approved residency programs approved by the SBEC prior to the 2026-2027 academic year are eligible to complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence [~~Evidence~~] of compliance for the 2027-2028 academic year are [~~is~~] described in the figure provided in this paragraph.

Figure: 19 TAC §228.15(b)(1)

[~~Figure: 19 TAC §228.15(b)(1)~~]

(2) For 2028-2029 academic year approval to offer a residency route, SBEC-approved residency programs under paragraph (1) of this subsection and EPPs seeking new approval for a residency route must complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance are described in the figure provided in this paragraph.

Figure: 19 TAC §228.15(b)(2)

(3) [~~(2)~~] TEA staff will review the application and required evidence and shall recommend to the SBEC whether the residency route [~~residency program~~] should be approved.

(4) EPPs that currently have an SBEC-approved residency route must complete the additional application process in paragraphs

(1) and (2) of this subsection to secure a new SBEC approval. EPPs must be approved for the 2027-2028 cycle by June 30, 2027, and for the 2028-2029 cycle by June 30, 2028, or approval for the residency route shall be revoked.

(5) An EPP with a status of Accredited Probation shall not be approved to implement a residency route.

(6) [~~(3)~~] A post-approval site visit will be conducted during the program's scheduled five-year continuing approval review that occurs after the first year [~~after the end of the first academic year~~] in which the program reports residency completers to the TEA in accordance with §229.3 of this title (relating to Required Submissions of Information, Surveys, and Other Data).

(7) The SBEC may take action to revoke approval to offer the route if an EPP is rated any combination of Accredited-Warned and/or Accredited-Probation for three consecutive years. If the route approval is revoked, the program shall adhere to the requirements for program closure contained in §228.21 of this title (relating to Program Consolidation or Closure).

(c) An EPP seeking approval to implement a preservice alternative certification route as defined in §228.2 of this title must submit a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application must include evidence indicating the ability to comply with the provisions of this chapter, Chapter 230 of this title, and Chapter 227 of this title.

(1) For 2027-2028 academic year approval to offer the preservice alternative certification route, EPPs must complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance for applications submitted are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(c)(1)

(2) For 2028-2029 academic year approval of SBEC-approved preservice alternative certification programs and for EPPs seeking new approval for a preservice alternative certification route, to determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(c)(2)

(3) TEA staff will review the application and required evidence and shall recommend to the SBEC whether the preservice alternative certification route should be approved.

(4) An EPP with a status of Accredited-Probation shall not be approved to implement a preservice alternative certification route.

(5) A post-approval site visit will be conducted during the program's scheduled five-year continuing approval review that occurs after the first year in which the program reports completers in the preservice alternative certification route to the TEA in accordance with §229.3 of this title.

(6) The SBEC may take action to revoke approval to offer the route if an EPP is rated any combination of Accredited-Warned and/or Accredited-Probation for three consecutive years or is rated Accredited-Probation for two consecutive years. If the route approval is revoked, the program shall adhere to the requirements for program closure contained in §228.21 of this title.

(d) An EPP seeking approval to implement a Preparing and Retaining Educators Through Partnership (PREP) traditional route to meet requirements in TEC, §21.903, must submit a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application must include evidence indicating the ability to comply with the provisions of this chapter, Chapter 230 of this title, and Chapter 227 of this title.

(1) For 2027-2028 academic year approval to offer the PREP traditional route, EPPs must complete the application process. To determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance for applications are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(d)(1)

(2) For 2028-2029 academic year approval of SBEC-approved PREP traditional programs and for EPPs seeking new approval for a PREP traditional route, to determine whether the EPP's evidence of compliance is sufficient, the program shall be scored on a rubric developed and published by TEA staff. Requirements and evidence of compliance are described in the figure provided in this paragraph.
Figure: 19 TAC §228.15(d)(2)

(3) TEA staff will review the application and required evidence and shall recommend to the SBEC whether the PREP traditional route should be approved.

(4) An EPP with a status of Accredited-Probation shall not be approved to implement a PREP traditional route.

(5) A post-approval site visit will be conducted during the program's scheduled five-year continuing approval review that occurs after the first year in which the program reports completers in the PREP traditional route to the TEA in accordance with §229.3 of this title.

(6) The SBEC may take action to revoke approval to offer the route if an EPP is rated any combination of Accredited-Warned and/or Accredited-Probation for three consecutive years or is rated Accredited-Probation for two consecutive years. If the route approval is revoked, the program shall adhere to the requirements for program closure contained in §228.21 of this title.

(e) [~~(e)~~] An EPP seeking the addition of certificate categories and classes must comply with the following as applicable.

(1) An EPP that is rated Accredited, as provided in §229.4 of this title (relating to Determination of Accreditation Status), may request the addition of a certificate class that has not been previously approved by the SBEC but must present a complete application in a form developed by TEA staff for consideration and approval by the SBEC. The application at a minimum must include the components identified in §228.11(a)(1) of this title (relating to New Entity Approval) and must document evidence that the EPP has the staff knowledge and expertise to support individuals participating in the certificate class being requested.

(2) An EPP that is rated Accredited, as provided in §229.4 of this title, may request additional certificate categories be approved by TEA staff if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff. The application shall include, at a minimum, the curriculum matrix, a description of how the educator standards for the certificate are incorporated into the coursework and training; and documentation showing that the program has the staff knowledge and expertise to support individuals participating in the certificate category being requested. The curriculum matrix must include the educator standards, the test framework competencies, the applicable Texas Essential Knowledge and Skills, the course and/or module names, and the benchmarks and assessments used to measure mastery of the standards and competencies and candidate progress through coursework.

(3) An EPP rated Accredited, as provided in §229.4 of this title, and currently approved to offer a certificate for which the SBEC is changing the grade level of the certificate may request to offer the preapproved category at different grade levels if the requested additional certificate categories are within the classes of certificates for which the EPP has been previously approved by the SBEC, by submitting an application in a form developed by TEA staff that shall include, at a minimum, a modified curriculum matrix that includes:

(A) the educator standards;

(B) test framework competencies;

(C) course and/or module names; and

(D) the benchmarks and assessments used to measure successful program progress.

(4) An EPP that has an accreditation status other than Accredited, as listed in §229.4 of this title, may not apply to offer additional certificate categories or classes of certificates.

(f) [~~(d)~~] An EPP that is rated Accredited, may open additional locations, provided the program informs TEA staff of any additional locations at which the program is providing educator preparation 60 days prior to providing educator preparation at the location. Additional program locations must operate in accordance with the program components under which the program has been approved to operate. An EPP that has an accreditation status listed in §229.4 of this title other than Accredited may not open additional locations.

(g) A PREP program and a traditional program may seek approval to offer coursework in an asynchronous, online format by submitting an application in a form developed by TEA staff for consideration and approval by the TEA. Any coursework submitted by an EPP for approval in an asynchronous, online format will be reviewed by TEA staff and will be evaluated to ensure that all coursework:

(1) provides timely, consistent feedback to candidates regarding their assignments;

(2) includes performance tasks that are based on real classroom practices and/or the candidates' field-based experiences or clinical experiences. Candidates must be provided specific, targeted feedback that supports educator standards listed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards);

(3) includes multiple performance benchmarks of candidate proficiency in the educator standards and test framework competencies related to the certification class or category sought; and

(4) provides a weekly opportunity for synchronous touchpoints with an assigned instructor.

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 March 2, 2026.

TRD-202601049
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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SUBCHAPTER C. ADMINISTRATION AND GOVERNANCE OF EDUCATOR PREPARATION PROGRAMS

19 TAC §228.25

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC,

§21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.25. Governance of Educator Preparation Programs.

(a) The preparation of educators shall be a collaborative effort among public schools accredited by the Texas Education Agency (TEA) and/or TEA-recognized private schools; regional education service centers; institutions of higher education; and/or business and community interests; and shall be delivered in cooperation with public schools accredited by the TEA and/or TEA-recognized private schools.

(b) An advisory committee with members representing at least three out of the five groups identified as collaborators in subsection (a) of this section shall assist in the design, delivery, evaluation, and major policy decisions of the educator preparation program (EPP) and shall meet a minimum of once during each academic year. The approved EPP shall inform each member of the advisory committee of the roles and responsibilities of the advisory committee.

(c) The governing body and chief operating officer of an EPP shall provide sufficient support to enable the EPP to meet all standards set by the State Board for Educator Certification (SBEC) [~~SBEC~~] and shall be accountable for the quality of the EPP and the candidates whom the EPP recommends for certification.

(d) For an EPP that the SBEC [~~State Board for Educator Certification~~] has approved to offer a residency program under §228.65 of this title (relating to Residency), the EPP must meet at least quarterly with district and campus administrators of the school district with which the EPP has partnered, including the campus supervisors of all the EPP's current residency candidates, to review data, including performance data, for the EPP's current residency candidates and to make programmatic decisions or changes to implement continuous improvement of the EPP's residency program.

(e) EPPs that are approved to offer Preparing and Retaining Educators Through Partnership (PREP) traditional and preservice alternative certification routes must meet at least two times per academic year with district and campus administrators of the school district(s) with which the EPP has partnered, at minimum, to review program data, including:

(1) reviewing alignment between district needs and EPP recruitment;

(2) making collaborative decisions related to ongoing quality improvements to the PREP program(s); and

(3) planning for ongoing support of candidates and support and training of the mentoring educators supporting the candidates.

(f) [~~(e)~~] For the purposes of EPP improvement, an EPP shall continuously evaluate the design and delivery of the EPP components based on performance data, scientifically based research practices, and the results of internal and external feedback and assessments.

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 March 2, 2026.

TRD-202601050
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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SUBCHAPTER D. REQUIRED EDUCATOR COURSEWORK AND TRAINING

19 TAC §§228.31, 228.33, 228.35, 228.41, 228.43, 228.45, 228.55, 228.57

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. 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§228.31. Minimum Educator Preparation Program Obligations to All Candidates.

(a) Each educator preparation program (EPP) must develop and implement a calendar of program activities that must include a deadline for accepting candidates into a program cycle to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching or internship experience. If an EPP accepts candidates after the deadline, the EPP must develop and implement a calendar of program activities to assure adequate time for admission, coursework, training, and field-based experience requirements prior to a clinical teaching experience or internship or, if a late hire, by the specified deadline in the late hire provision.

(b) All EPPs shall have a published exit policy for dismissal of candidates that is reviewed and signed by candidates upon admission. The exit policy must identify a point of dismissal for inactive candidates after no more than two years of inactivity, or university-based EPPs may adopt their institution's policy. An inactive candidate is one who is no longer completing coursework, training, and testing requirements with an EPP and is not a completer of the EPP.

(c) To ensure that a candidate for educator certification is prepared to receive a standard or enhanced standard certificate, the EPP shall establish benchmarks and structured assessments of the candidate's progress throughout the EPP and provide support and interventions to each candidate based on the benchmark and structured assessment results.

(d) The EPP must maintain qualified instructors delivering the subject-matter required in §228.57 of this title (relating to Educator Preparation Curriculum). EPP staff providing instruction in required content identified in §228.57(f) of this title for Preparing and Retaining Educators Through Partnership (PREP) routes must apply for and successfully earn certification from the agency to provide that instruction and maintain certification.

(e) The EPP must comply with the prohibitions and requirements under Texas Education Code (TEC), §28.0022(a)(1)-(4), regarding instructional personnel and coursework as required in TEC, §21.0442(b)(3). The EPP must attest to their compliance by September 1, 2026.

(f) [~~(d)~~] An EPP is responsible for ensuring that each candidate is adequately prepared to pass the appropriate examination(s) required for certification. An EPP shall determine the readiness of each candidate to take the appropriate certification examination of content, pedagogy, and professional responsibilities, including professional ethics and standards of conduct.

(g) [~~(e)~~] The EPP shall grant test approval when the EPP determines the candidate is ready, or if the candidate is a completer. An EPP may make test approval contingent on a candidate completing additional coursework and/or training to show that the candidate is prepared to pass the test if the candidate is seeking test approval from the EPP in an area where the standards and/or test changed since the candidate completed all requirements of the EPP or if the candidate has returned to the EPP for test approval one or more years following the academic year of completion of all program requirements.

(h) [~~(f)~~] Upon the written request of the candidate, an EPP may prepare a candidate and grant test approval for a classroom teacher certificate category other than the category for which the candidate was initially admitted to the EPP only if:

(1) the candidate would meet the requirements for admission under §227.10 of this title (relating to Admission Criteria) in the requested certificate category;

(2) the EPP provides coursework and training in the educator standards and test framework competencies related to the requested certificate category; and

(3) the EPP ensures that the candidate is adequately prepared to pass the appropriate content pedagogy examination(s) required for the requested certificate category.

(i) [~~(g)~~] An EPP shall not grant test approval for a certification examination until a candidate has met all of the requirements for admission to the EPP and has been contingently or formally admitted into the EPP.

(j) [~~(h)~~] An EPP shall ensure that candidates complete all coursework and training and complete a successful clinical experience

prior to identifying the candidate as a completer and recommending standard or enhanced standard certification. Candidates for teacher certification that meet one of the requirements in §228.79 of this title (relating to Exemptions from Required Clinical Experiences for Classroom Teacher Candidates) are exempt from completing the required field-based experience and clinical experience.

(k) [~~(i)~~] An EPP shall retain documents that evidence a candidate's eligibility for admission to the program and evidence of completion of all program requirements for a period of five years after a candidate completes, withdraws from, or is discharged or released from the program.

(l) [~~(j)~~] During the period of preparation, the EPP shall ensure that the individuals preparing candidates and the candidates themselves understand and adhere to Chapter 247 of this title (relating to Educators' Code of Ethics).

§228.33. Preparation Program Coursework and/or Training for All Certification Classes.

(a) An educator preparation program (EPP) shall provide coursework and/or training to adequately prepare candidates for educator certification and ensure the educator is effective in the assignment.

(b) Coursework and/or training shall be sustained, rigorous, intensive, interactive, candidate-focused, and must include multiple performance tasks and other evaluative tools that require candidates to demonstrate proficiency in the educator standards and test framework competencies related to the certificate class or category sought.

(c) All coursework and/or training shall be completed prior to an EPP identifying a candidate as a completer and recommending standard or enhanced standard certification.

(d) In approved Preparing and Retaining Educators through Partnership (PREP) routes and in the traditional route, an EPP may offer coursework required for teacher preparation in an asynchronous, online format if approved as required in §228.15 of this title (relating to Additional Approval).

(e) [~~(d)~~] Coursework and training that is offered online must meet criteria set for accreditation, quality assurance, and/or compliance with one or more of the following:

(1) Accreditation or Certification by the Distance Education Accrediting Commission;

(2) Program Design and Teaching Support Certification by Quality Matters;

(3) Part 1, Chapter 2, Subchapter J, [~~Rule~~] §2.204 of this title (relating to Distance Education Standards and Criteria; the Principles of Good Practice for Distance Education [~~Approval of Distance Education Courses and Programs for Public Institutions~~]); or

(4) Part 1, Chapter 7, of this title (relating to Degree Granting Colleges and Universities Other than Texas Public Institutions).

§228.35. Substitution of Applicable Experience and Training.

(a) Each educator preparation program (EPP) must develop and implement specific criteria and procedures that allow:

(1) military service member or military veteran candidates to credit verified military service, training, clinical and professional experience, or education toward the training, education, work experience, or related requirements (other than certification examinations) for educator certification requirements, provided that the military service, training, or education is directly related to the certificate being sought;

(2) candidates who are not military service members or military veterans to substitute prior or ongoing service, training, or education, provided that the experience, education, or training is not also counted as a part of the internship, clinical teaching, or practicum requirements, was provided by an approved EPP or an accredited institution of higher education within the past five years, and is directly related to the certificate being sought; and

(3) candidates who previously completed a graduate program from a program approved to offer the Deafblind Early Childhood-Grade 12 certificate to receive test approval from the EPP. The EPP may require additional coursework.

(b) An EPP may allow a candidate who is employed as an uncertified classroom teacher, and who was employed as an uncertified teacher for at least the full school year preceding issuance of the intern certificate, to substitute service as a teacher of record for the field-based experiences required in §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates).

§228.41. Preservice [~~Pre-Service~~] Coursework and Training for Classroom Teacher Candidates.

(a) Unless a candidate qualifies as a late hire under §228.55 of this title (relating to Late Hire Candidates), a candidate shall complete the following prior to any clinical teaching, internship, or residency:

(1) a minimum of 50 clock-hours of field-based experiences that are integrated into coursework and are completed as described in §228.43 of this title [~~chapter~~] (relating to Preservice [~~Pre-Service~~] Field-Based Experiences for Classroom Teacher Candidates); and

(2) 150 clock-hours of coursework and/or training as prescribed in §228.57 of this title (relating to Educator Preparation Curriculum) that allows candidates to demonstrate proficiency through performance tasks in the following pedagogical skills.[~~:~~]

(A) Teachers demonstrate understanding of their content and related pedagogy and the appropriate grade-level Texas Essential Knowledge and Skills.

(B) Teachers apply knowledge of their students to anticipate and respond to their unique academic and nonacademic needs, including disabilities, giftedness, bilingualism, and biliteracy.

(C) Teachers explicitly teach, model, and implement classroom routines, procedures, and transitions to enforce behavior expectations and behavior regulation with consistent, logical consequences.

(D) Teachers use high-quality instructional materials and internalize lesson content by reading the texts, completing learning tasks and assessments, rehearsing lesson delivery, and identifying any personal gaps in understanding.

(E) Teachers prepare instruction that follows a logical scope and sequence, connects students' prior knowledge to new content, and includes clear learning objectives, grade or course level content, explicit instruction, student engagement, academic language, deliberate practice, and assessment appropriate to the discipline.

(F) Teachers explicitly model and think aloud grade-level strategies.

(G) Teachers maintain appropriate pacing aligned to the purpose of the planned lesson.

(H) Teachers provide frequent opportunities for practice using multiple engagement strategies (independent, partner, and group practice; think-pair-share; everybody writes; turn and talk) and engages all students in thinking tasks throughout the arc of the lesson.

(I) Teachers analyze student work, use formative assessments and elaborate feedback during instruction to gauge and respond to student progress, address misconceptions, regularly evaluate student progress toward mastery, and identify gaps in knowledge.

(J) Teachers understand and comply with applicable federal, state, and local laws pertaining to individuals with disabilities and the professional and ethical responsibilities of educators.

[~~(A) preparing clear, well-organized, sequential, engaging, and flexible lessons that reflect best practice, align with standards and related content, are appropriate for all learners, and encourage higher-order thinking, persistence, and achievement;~~]

[~~(B) formally and informally collecting, analyzing, and using student progress data to inform instruction and make needed lesson adjustments;~~]

[~~(C) ensuring high levels of learning and achievement for all students through knowledge of students, proven practices, and differentiated instruction;~~]

[~~(D) clearly and accurately communicating to support persistence, deeper learning, and effective effort;~~]

[~~(E) organizing a safe, accessible, and efficient classroom;~~]

[~~(F) establishing, communicating, and maintaining clear expectations for student behavior;~~]

[~~(G) leading a mutually respectful and collaborative class of actively engaged learners;~~]

[~~(H) meeting expectations for attendance, professional appearance, decorum, procedural, ethical, legal, and statutory responsibilities;~~]

[~~(I) reflecting on his or her practice;~~]

[~~(J) effectively communicating with students, families, colleagues, and community members;~~]

[~~(K) proactively implementing instructional planning techniques and inclusive practices for all students, including students with disabilities; and~~]

[~~(L) effectively implementing open education resource instructional materials included on the list of approved instructional materials maintained by the State Board of Education under Texas Education Code, §31.022, in each subject area and grade level covered by the certification category.~~]

(b) Candidates who qualify as late hires shall complete the requirements in subsection (a)(1) and (2) of this section within the first half of the internship.

(c) Beginning with the 2027-2028 academic year, candidates pursuing certification in Early Childhood-Grade 3 or Early Childhood-Grade 6 in the preservice alternative certification route must complete, at minimum, the designated pre-clinical portion of the required hours of Texas Reading Academies and Mathematics Achievement Academies training prior to beginning the internship.

§228.43. Preservice [~~Pre-Service~~] Field-Based Experiences for Classroom Teacher Candidates.

(a) Unless the candidate meets the allowance in §228.35 of this title (relating to Substitution of Applicable Experience and Training) or is completing the requirements in §228.68 of this title (relating to Pre-internship Clinical Teaching) for initial certification in the classroom teacher certification class, each educator preparation program (EPP) shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 50 clock-hours. The field-based experiences must be completed prior to assignment in an internship, clinical teaching, or residency.

(b) [~~(a)~~] An EPP [~~educator preparation program (EPP)~~] shall require each candidate to complete field-based experiences in a variety of authentic school settings with diverse student populations, including observation of teachers modeling effective practices to improve student learning and opportunities for candidates to practice skills and receive feedback.

[~~(b) For initial certification in the classroom teacher certification class, each EPP shall provide field-based experiences, as defined in §228.2 of this title (relating to Definitions), for a minimum of 50 clock-hours. The field-based experiences must be completed prior to assignment in an internship, clinical teaching, or residency.~~]

(c) Field-based experiences must include, at a minimum, 25 clock-hours in which the candidate, under the direction of the EPP, is actively engaged in instructional or educational activities.

(1) Field-based experiences must be conducted in settings that include all of the following:

(A) authentic school settings in a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for this purpose, including all Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC);

(B) instruction by content certified teachers;

(C) actual students in classrooms/instructional settings with identity-proof provisions; and

(D) content or grade-level specific classrooms/instructional settings.

(2) Field-based experiences include candidates engaging with activities such as:

(A) small group instruction;

(B) tutoring;

(C) presenting whole class instruction;

(D) one-on-one student support;

(E) practicing classroom management skills;

(F) supporting lead teacher instruction; and

(G) coteaching.

(3) Each field-based experience must include a written reflection of the experience that:

(A) is guided by the EPP;

(B) is unique from the other reflections;

(C) includes a detailed reflection of each field-based experience; and

(D) identifies educational practices observed and/or experienced.

(4) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.

(d) Up to 25 clock-hours of field-based experience may be provided by use of electronic transmission or other video or technology-based method; service as a teacher of record, service as an educa-

tional aide, and service as a substitute teacher; and must be under the direction of the EPP.

(1) The field-based experience setting must include:

(A) authentic school settings in an accredited public or private school;

(B) instruction by content certified teachers;

(C) actual students in classrooms/instructional settings with identity-proof provisions; and

(D) content or grade-level specific classrooms/instructional settings.

(2) Each field-based experience must include a written reflection of the observation that:

(A) is guided by the EPP;

(B) is unique from the other reflections;

(C) includes a detailed reflection of each field-based experience; and

(D) identifies educational practices observed and/or experienced.

(3) The time spent writing the written reflection does not count toward the required 25 clock-hours for field-based experiences.

(4) Field-based experience hours identified in this subsection must occur after the candidate's admission into the EPP. The candidate's experience in instructional or educational activities, including reflections as described in paragraph (2) of this subsection, must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.

(e) Up to 15 clock-hours of field-based experience may be satisfied by serving as a long-term substitute (as defined in §228.2 of this title) either after the candidate's admission to an EPP or during the two years before the candidate's admission to an EPP. The candidate's experience in instructional or educational activities must be documented by the EPP and must be obtained at a public or private school accredited or approved for this purpose by the TEA.

(f) An EPP may apply to use a public school, a private school, or a school system located within any state or territory of the United States as a site for field-based experience in accordance with §228.63(f) of this title (relating to Locations for Required Clinical Experiences).

§228.45. Coursework and Training Requirements for Early Childhood: Prekindergarten-Grade 3 Certification.

(a) An educator preparation program (EPP) must provide a minimum of 300 clock-hours of coursework and/or training related to the educator standards for the Early Childhood: Prekindergarten-Grade 3 certificate adopted by the State Board for Educator Certification (SBEC) as specified in Chapter 235, Subchapter B, of this title (relating to Early Childhood [~~Elementary School~~] Certificate Standards).

(b) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the applicant to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 with a minimum of 150 clock-hours of coursework and/or training that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. A clinical teaching, internship, or practicum assignment is not required for completion of program requirements.

(c) An EPP shall provide each candidate who holds a valid standard, provisional, or one-year classroom teacher certificate as specified in §230.31 of this title in a certificate category that does not allow the candidate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3 coursework and/or training as specified in §228.33 of this title (relating to Preparation Program Coursework and/or Training for All Certification Classes) and §228.37 of this title (relating to Coursework and Training for Classroom Teacher Candidates [~~of this section~~]) that is directly aligned to the educator standards as specified in Chapter 235, Subchapter B, of this title. An EPP shall also provide such a candidate a clinical experience as specified in §228.61(a) of this title (relating to Required Clinical Experiences) and §228.63 of this title (relating to Locations for Required Clinical Experiences), an intern mentor teacher [~~a mentor~~] or cooperating teacher as specified in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences), and field supervision and ongoing support as specified in Subchapter F of this chapter.

§228.55. Late Hire Candidates.

(a) A late hire for a school district teaching position may begin an internship [~~employment~~] under a two-year intern [~~an intern or probationary~~] certificate before completing the preservice coursework and training [~~pre-internship~~] requirements under §228.41 of this title (relating to Preservice [~~Pre-Service~~] Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Preservice [~~Pre-Service~~] Field-Based Experiences for Classroom Teacher Candidates) but shall complete these requirements by the end of the first half of the internship [~~within 90 business days of the hire date~~].

(b) With appropriate documentation such as certificate of attendance, sign-in sheet, or other written school district verification, 50 clock-hours of preservice coursework and [~~pre-internship~~] training required in subsection (a) of this section may be provided by a school district and/or campus that is a Texas Education Agency (TEA)-approved continuing professional education provider to a candidate who is considered a late hire. The training provided by the school district and/or campus must meet the criteria described in Texas Education Code, §21.451, and must be directly related to the certificate being sought.

(c) A candidate that does not complete the preservice [~~pre-internship~~] requirements under §228.41 of this title and §228.43 of this title by the end of the first half of the internship as required in subsection (a) of this section [~~within 90 business days of the hire date~~] is not qualified for the two-year intern [~~or probationary~~] certificate. The educator preparation program shall then notify TEA staff to deactivate the two-year intern [~~or probationary~~] certificate in accordance with §228.73(h) of this title (relating to Internship).

§228.57. Educator Preparation Curriculum.

(a) The educator standards adopted by the State Board for Educator Certification (SBEC) shall be the curricular basis for all educator preparation and, for each certificate, address the relevant Texas Essential Knowledge and Skills (TEKS).

(b) The curriculum for each educator preparation program (EPP) shall rely on scientifically based research to ensure educator effectiveness and include opportunities for candidate practice in increasingly more authentic and developmentally rigorous ways, including analysis, representations, and enactments of instructional pedagogies and opportunities to receive feedback and adjust practice during coursework, training and field-based and clinical experiences.

(c) The following subject matter shall be included in the curriculum for candidates seeking initial certification in any certification class:

(1) the code of ethics and standard practices for Texas educators, pursuant to Chapter 247 of this title (relating to Educators' Code

of Ethics) as well as Chapter 249, Subchapter B, of this title (relating to Enforcement Actions and Guidelines), which include:

(A) professional ethical conduct, practices, and performance;

(B) ethical conduct toward professional colleagues; and

(C) ethical conduct toward students;

(2) instruction in detection and education of students with dyslexia by an approved provider as indicated in Texas Education Code (TEC), §21.044(b);

(3) instruction regarding mental health, substance abuse, and youth suicide, as indicated in TEC, §21.044(c-1). Instruction acquired from the list of recommended best practice-based programs or from an accredited institution of higher education or an alternative certification program as part of a degree plan shall be implemented as required by the provider of the best practice-based program or research-based practice;

(4) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for all students in this state, including students with disabilities;

(5) the importance of building strong classroom management skills;

(6) the framework in this state for teacher and principal evaluation;

(7) appropriate relationships, boundaries, and communications between educators and students;

(8) instruction in digital learning, virtual instruction, and virtual learning, as defined in TEC, §21.001, including a digital literacy evaluation followed by a prescribed digital learning curriculum. The instruction required must:

(A) be aligned with the latest version of the International Society for Technology in Education's (ISTE) standards as appears on the ISTE website;

(B) provide effective, evidence-based strategies to determine a person's degree of digital literacy;

(C) cover best practices in:

(i) assessing students receiving virtual instruction, based on academic progress; and

(ii) developing a virtual learning curriculum; and

(D) include resources to address any deficiencies identified by the digital literacy evaluation;

(9) instruction regarding students with disabilities, the use of proactive instructional planning techniques, and evidence-based inclusive instructional practices, as required under TEC, §21.044(a-1)(1)-(3); and

(10) instruction in the open education resources instructional materials included on the list of approved instructional materials maintained by the State Board of [~~for~~] Education under TEC, §31.022, in each subject area and grade level covered by the candidate's certification category, as required under TEC, §21.044(a-1)(4). A preparation program may not include instruction on the use of instructional materials that incorporate the method of three-cueing, as defined by TEC, §28.0062(a-1), into foundational skills reading instruction, as required under TEC, §21.044(h).

(d) The following subject matter shall be included in the curriculum for candidates seeking initial certification in the classroom teacher certification class:

(1) the relevant TEKS, including the English Language Proficiency Standards;

(2) reading instruction, including instruction that improves students' content-area literacy;

(3) for certificates that include early childhood and prekindergarten, the Prekindergarten Guidelines; and

(4) the skills and competencies as prescribed in Chapter 235 of this title (relating to Classroom Teacher Certification Standards) and captured in the Texas teacher standards in Chapter 149, Subchapter AA, of Part 2 of this title (relating to Teacher Standards).

(e) The following educator content standards from Chapter 235 of this title shall be included in the curriculum for candidates who hold a valid standard, provisional, or one-year classroom teacher certificate specified in §230.31 of this title (relating to Types of Certificates) in a certificate category that allows the candidates who are seeking the Early Childhood: Prekindergarten-Grade 3 certificate to teach all subjects in Prekindergarten, Kindergarten, Grade 1, Grade 2, or Grade 3:

(1) child development provisions of the Early Childhood: Prekindergarten-Grade 3 Content Standards;

(2) Early Childhood-Grade 3 Pedagogy and Professional Responsibilities Standards; and

(3) Science of Teaching Reading Standards.

(f) The following content shall be included in the curriculum for candidates enrolled in Preparing and Retaining Educators Through Partnership (PREP) routes and shall be delivered by certified instructors who have been trained and certified by Texas Education Agency (TEA) staff for that purpose as described under §228.31(d) of this title (relating to Minimum Educator Preparation Program Obligations to All Candidates).

(1) Beginning September 1, 2027, curriculum for candidates pursuing certification in Early Childhood-Grade 3 and Early Childhood-Grade 6 through a preservice alternative certification or PREP traditional route must include *The EPP Texas Reading Academies* and *The EPP Mathematics Achievement Academies.*

(2) Beginning September 1, 2027, curriculum for candidates pursuing certification in all teacher certification areas through a preservice alternative certification or PREP traditional route must include *The Science of Learning.*

(3) Beginning September 1, 2028, curriculum for all candidates pursuing certification through a PREP route must include applicable training content required in paragraphs (1) and (2) of this subsection and other training content that has been developed by the commissioner of education and approved under paragraph (4) of this subsection.

(4) All training content described in paragraphs (1)-(3) of this subsection must be reviewed by TEA staff and referred to the SBEC for consideration and approval to ensure that the content:

(A) is research-based;

(B) meets the statutory requirements of TEC, §21.044(a)(1);

(C) is practice-based; and

(D) includes performance-based assessments of candidate proficiency in the knowledge and skills of the educator standards.

(5) EPP requirements for integration of PREP training content in the 2027-2028 and 2028-2029 academic years are described in the figures in §228.15(b), (c), and (d) of this title (relating Additional Approval).

(g) [~~(f)~~] For candidates seeking certification in the Principal certification class, the curriculum shall also include the skills and competencies captured in the Texas administrator standards, as indicated in Chapter 149, Subchapter BB, of Part 2 of this title (relating to Administrator Standards).

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 March 2, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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19 TAC §228.39

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create

a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.39. Intensive Pre-Service.

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 March 2, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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SUBCHAPTER E. EDUCATOR CANDIDATE CLINICAL EXPERIENCES

19 TAC §§228.61, 228.63, 228.65, 228.67, 228.68, 228.73, 228.79, 228.81

STATUTORY AUTHORITY. The amendments and new section are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets

requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments and new section implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.61. Required Clinical Experiences.

(a) To prepare a candidate for initial certification in the classroom teacher certification class, an educator preparation program (EPP) shall provide the candidate one of the following:

(1) clinical teaching that meets the standards in §228.67 of this title (relating to Clinical Teaching); or

~~[(2) a clinical teaching option that is approved by the State Board for Educator Certification through an exception request under §228.71 of this title (relating to Exceptions to the Clinical Teaching Requirement); or]~~

(2) [~~(3)~~] an internship that meets the requirements of §228.73 of this title (relating to Internship); or

(3) [~~(4)~~] a residency that meets the requirements of §228.65 of this title (relating to Residency).

(b) Candidates completing requirements through a preservice alternative certification route must complete pre-internship clinical teaching as described in §228.68 of this title (relating to Pre-internship Clinical Teaching) in addition to an internship identified in subsection (a)(3) of this section.

(c) [~~(b)~~] Candidates participating in an internship or a clinical teaching assignment must experience a full range of professional responsibilities that shall include the start of the school year. The start of the school year is defined as the first 15 instructional days of the school year. If these experiences cannot be provided through clinical teaching or an internship, they must be provided through field-based experiences, or for a preservice alternative certification program, through the pre-internship clinical teaching assignment.

(d) [~~(c)~~] To prepare a candidate for initial certification in a class other than classroom teacher, an EPP shall provide a practicum for a minimum of 160 clock-hours that meets the requirements in §228.81 of this title (relating to Clinical Experience for Certification Other Than Classroom Teacher).

§228.63. Locations for Required Clinical Experiences.

(a) An internship, pre-internship clinical teaching, clinical teaching, practicum, or residency experience must take place in-person in a Prekindergarten-Grade 12 school setting rather than a distance learning lab or virtual school setting.

(b) An internship, pre-internship clinical teaching, clinical teaching, or residency experience for certificates that include early childhood may be completed at a Head Start Program with the following stipulations:

(1) a certified teacher is available as a trained mentoring educator [~~mentor~~];

(2) the Head Start program is affiliated with the federal Head Start program and approved by the Texas Education Agency (TEA);

(3) the Head Start program teaches three- and four-year-old students; and

(4) the state's prekindergarten curriculum guidelines are being implemented.

(c) An internship, pre-internship clinical teaching, clinical teaching, practicum, or residency experience shall not take place in a setting where the candidate:

(1) has an administrative role over the intern mentor teacher [~~mentor~~], cooperating teacher, site supervisor, or host teacher; or

(2) is related to the field supervisor, intern mentor teacher [~~mentor~~], cooperating teacher, site supervisor, or host teacher by blood (consanguinity) within the third degree or by marriage (affinity) within the second degree.

(d) School districts and charter schools authorized under Texas Education Code, Chapter 12, all Department of Defense Education Activity (DoDEA) schools, wherever located, and all schools accredited by the Texas Private School Accreditation Commission (TEPSAC) are approved by the TEA for purposes of internship, clinical teaching, practicum, and/or residency.

(e) Subject to all the requirements of this section, the TEA may approve a school that is not a public school accredited by the TEA as a site for internships, clinical teaching, practicums, and/or residency.

(f) An educator preparation program (EPP) may file an application, with the appropriate fee specified in §229.9 of this title (relating to Fees for Educator Preparation Program Approval and Accountability), with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located within any state or territory of the United States, as a site for clinical teaching or[~~,~~] practicum[~~, or residency~~] required by this chapter.

(1) The clinical teaching or [~~,~~] practicum[~~, or residency~~] site may be approved for a candidate who must complete requirements outside the state of Texas due to the following reasons if they occur following admission to the EPP:

(A) military assignment of candidate or spouse;

(B) illness of candidate or family member for whom the candidate is the primary caretaker;

(C) candidate becomes the primary caretaker for a family member residing out of state; or

(D) candidate or spouse transfer of employment.

(2) The application shall identify the circumstances that necessitate the request to complete clinical teaching or[~~,~~] practicum[~~, or residency~~] outside of the state of Texas and be in a form developed by TEA staff and shall include, at a minimum:

(A) the accreditation(s) held by the school;

(B) a crosswalk comparison of the alignment of the instructional standards of the school with those of the applicable Texas Essential Knowledge and Skills and State Board for Educator Certification educator [~~certification~~] standards;

(C) the certification, credentials, and training of the field supervisor(s) who will supervise candidates in the school; and

(D) the measures that will be taken by the EPP to ensure that the candidate's experience will be equivalent to that of a candidate in a Texas public school accredited by the TEA.

(g) An EPP may file an application, with the appropriate fee specified in §229.9 of this title, with the TEA for approval, subject to periodic review, of a public or private school for a candidate's placement located outside the United States, as a site for clinical teaching or[~~,~~] practicum[~~, or residency~~] required by this chapter.

(1) The site may be approved for a candidate who must complete requirements outside the United States due to the following reasons if they occur following admission to the EPP:

(A) military assignment of candidate or spouse;

(B) illness of candidate or family member for whom the candidate is the primary caretaker;

(C) candidate becomes the primary caretaker for a family member residing out of country; or

(D) candidate or spouse transfer of employment.

(2) The application shall identify the circumstances that necessitate the request to complete clinical teaching or[~~,~~] practicum[~~, or residency~~] outside of the United States and be in a form developed by TEA staff and shall include, at a minimum:

(A) the same provisions required in subsection (f)(2) of this section for schools located within any state or territory of the United States;

(B) a description of the on-site program personnel and program support that will be provided;

(C) a description of any risks to candidate or supervising personnel associated with placement in the country specified in the application and options for mitigating risks; and

(D) a description of the school's recognition by the U.S. State Department Office of Overseas Schools.

§228.65. Residency.

(a) To offer a residency, an educator preparation program (EPP) shall provide the following programmatic requirements for a candidate prior to issuing an enhanced standard certificate as prescribed in §230.39 of this title (relating to Enhanced Standard Certificates):

(1) the residency must include a minimum of one full school year of clinical experience, including the first and last instructional days with students, in a classroom supervised by a host teacher in the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP;

(2) the residency clinical experience must meet a minimum of 750 hours in total, with a minimum of 21 hours per week during a school week that does not include school district or campus closures or disruptions (e.g., inclement weather, holidays). In the event of a district or campus closure that results in the need for reduced residency clinical experience hours during a given week, the program must document the need for the reduced hours;

(3) the minimum may be reduced to no less than 700 hours if the candidate is absent from the clinical assignment due to a documented instance of parental leave, military leave, extended illness, or bereavement or for the completion of coursework related to earning a disciplinary degree with a teaching certificate; and

(4) the beginning date of a residency clinical experience for the purpose of field supervision is the first day of instruction with students in the school or district in which the residency takes place.

(b) An EPP offering a residency shall ensure that:

(1) residency candidates are assigned to one distinct field site for the duration of the residency. EPPs may allow exceptions with a documented process for candidates seeking certification in more than one certification category, candidates seeking certification in Early Childhood-Grade 12 certification categories, and candidates with reasonable human resources concerns. The program and the district must both sign documentation that the benefits of two placements outweigh the consequence of not assigning one distinct field placement. Candidates who receive exceptions shall be placed in no more than two distinct field sites;

(2) during the course of the residency, the residency candidate shall engage in increased responsibility for student instruction, including coteaching and leading classroom instruction for at least 400 hours; and

(3) a residency candidate must experience a full range of professional responsibilities during the residency.

(c) In addition to the benchmarks and structured assessments required under §228.31(c) of this title (relating to Minimum Educator Preparation Program Obligations to All Candidates), the EPP shall manage and support candidate progression through the dimensions described in subsection (f) of this section and determine readiness to proceed to the next level of increased responsibility for student instruction during the residency, including establishing performance gates with performance tasks observed and evaluated by the field supervisor that require residency candidates to demonstrate mastery of certain educator standards to progress to the next level of responsibility for student instruction. Performance gates must be conducted at least four times a year and occur at least twice per semester.

(d) The EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the residency, unless, prior to the expiration of that term:

(1) the candidate resigns or is terminated by the school or district;

(2) the candidate is discharged or is released from the EPP;

(3) the candidate withdraws from the EPP; or

(4) the residency assignment does not meet the requirements described in this subchapter.

(e) If the candidate leaves the residency assignment for any of the reasons identified in subsection (d) of this section, the EPP, the campus or district personnel, and the candidate must inform each other within one calendar week of the candidate's last day in the assignment.

(f) A candidate participating in a residency shall be eligible for an enhanced standard certificate by completing all of the following:

(1) the requirements as prescribed in §230.39(b) of this title (relating to Enhanced Standard Certificates);

(2) programmatic requirements under subsections (a)-(c) of this section;

(3) the requirements of the following proficiencies in §150.1002 of Part 2 [~~II~~] of this title (relating to Assessment of Teacher Performance) for pedagogical skills that are used by the program and approved by the state and meet the Proficient performance level measure in each of the following dimensions:

(A) Planning Dimension 1.1: Standards and Alignment;

(B) Planning Dimension 1.2: Data and Assessment;

(C) Instruction Dimension 2.1: Achieving Expectations;

(D) Instruction Dimension 2.2: Content Knowledge and Expertise;

(E) Instruction Dimension 2.3: Communication;

(F) Learning Environment Dimension 3.1: Classroom Environment, Routines, and Procedures;

(G) Learning Environment Dimension 3.2: Managing Student Behavior;

(H) Learning Environment Dimension 3.3: Classroom Culture;

(I) Professional Practices and Responsibilities Dimension 4.1: Professional Demeanor and Ethics;

(J) Professional Practices and Responsibilities Dimension 4.2: Goal Setting; and

(K) Professional Practices and Responsibilities Dimension 4.3: Professional Development.

(g) A residency is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor, host teacher, and campus supervisor recommend to the EPP that the candidate should be recommended for an enhanced standard [~~a residency~~] certificate. If the field supervisor, host teacher, or campus supervisor do not recommend that the candidate should be recommended for an enhanced standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and the field supervisor, the host teacher, or the campus supervisor.

§228.67. Clinical Teaching.

(a) A candidate seeking initial certification as a classroom teacher must have a clinical teaching assignment for each subject area in which the candidate is seeking certification.

(b) The required duration of a clinical teaching assignment shall be a minimum of 490 hours. For the purposes of satisfying this requirement, the following provisions apply.

(1) At least 280 clinical teaching hours must be completed in the subject area and grade level of the certification sought, under the supervision of a cooperating teacher as specified in §228.91 of this title (relating to Intern Mentor Teachers [~~Mentors~~], Cooperating Teachers, Host Teachers, and Site Supervisors), including planning periods.

(2) The remaining clinical teaching hours may be accrued through additional instructional hours during the school day, Texas Essential Knowledge and Skills-based extracurricular activities that

directly relate to the grade-level and subject area of the certification sought, and professional development hours that occur within the assignment start and end date. The candidate must be under the supervision of a certified educator for the remaining required hours of clinical teaching.

(3) The minimum required clinical teaching hours may be reduced to no less than 455 hours if the candidate is absent from the clinical teaching assignment due to a documented instance of parental leave, military leave, medical leave, or bereavement.

(4) Candidates completing clinical teaching in a Preparing and Retaining Educators Through Partnership traditional program must complete the clinical teaching hours in one district during the clinical experience.

(c) For certification in more than one subject area that cannot be taught concurrently during the same period of the school day as the primary teaching assignment, at least 70 hours of the clinical teaching requirement in subsection (b)(2) of this section must be completed in each additional subject area if and only if:

(1) the educator preparation program (EPP) is approved to offer preparation in the certification category required for the additional assignment;

(2) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences);

(3) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom; and

(4) the campus administrator agrees to assign a qualified cooperating teacher appropriate to each assignment.

(d) The EPP must structure the clinical teaching assignment so that the candidate is provided opportunities for co-teaching and increased instructional responsibility, including leading classroom instruction, over the course of the clinical teaching assignment and as the candidate demonstrates mastery of educator standards.

(e) Clinical teaching is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and cooperating teacher recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or cooperating teacher do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or cooperating teacher.

(f) The EPP may require additional hours of clinical teaching if the first experience was not successful.

(g) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter for the full term of the initial and any additional clinical teaching, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate;

(2) the candidate is discharged or is released from the EPP; or

(3) the candidate withdraws from the EPP.

§228.68. Pre-internship Clinical Teaching.

(a) Candidates completing a preservice alternative certification program must complete a pre-internship clinical teaching experience that includes at least 120 clock-hours of pre-internship clinical teaching in the subject area and grade level of the certification sought, under the supervision of a cooperating teacher, as specified in §228.91 of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors), in which the candidate:

(1) completes a minimum of 70 clock-hours where the candidate has increasing responsibility for student instruction, including lesson preparation and rehearsal, co-teaching, and leading classroom instruction with at least 15 of the clock-hours accrued by leading classroom instruction across at least 8 full lesson cycles and with a sequence of at least three consecutive lessons;

(2) completes the remaining required clock-hours where the candidate engages in professional responsibilities, which could include, but are not limited to, additional co-teaching and leading classroom instruction; student assessment delivery and/or analysis; parent conferences; admission, review, and dismissal committee meetings; participation in professional learning communities; small group facilitation; individual tutoring; and additional opportunities for lesson preparation and rehearsal; and

(3) demonstrates acceptable progress toward proficiency in implementation of the pedagogical skills identified in §228.41(a)(2) of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) in the pre-internship clinical teaching classroom.

(b) Candidates who do not demonstrate acceptable progress toward proficiency in the pedagogical skills required in subsection (a)(3) of this section must be placed by the EPP on a support plan that is developed in partnership between the EPP and school district or charter school, to be completed by the candidate during the internship.

(c) Candidates must complete all pre-internship clinical teaching requirements within a nine-month period.

(d) If the candidate completes the pre-internship clinical teaching requirement in a different school district than the district in which the internship is completed, the EPP must share information with the internship district regarding the candidate's pre-internship progress toward proficiency, including any support plan developed as specified in subsection (b) of this section.

(e) If a pre-internship clinical teaching placement is not available in the subject and/or grade level of the certification sought by the candidate, the EPP and district must ensure that the candidate's pre-internship placement is in a subject area and/or grade level that most closely meets their certification area. A support plan shall be developed by the EPP and school district partnership to support the candidate's transition to their internship placement.

(f) Candidates completing a preservice alternative certification program must complete the pre-internship clinical teaching experience prior to beginning the internship required in §228.73 of this title (relating to Internship).

(g) Candidates who successfully complete the Preparing and Retaining Educators Through Partnership Grow Your Own Program pathway are exempt from completing the pre-internship clinical teaching identified in subsection (a)(1)-(3) of this section.

(h) Candidates who complete pre-internship clinical teaching are not required to complete the 50 hours of field-based experiences required in §228.41(a)(1) of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) and in §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates).

§228.73. Internship.

(a) A candidate completing an alternative certification program or a preservice alternative certification program must complete an internship. A candidate in an alternative certification program who has exhausted the three years available to complete an internship as identified in §230.36 of this title (relating to Intern Certificates) or §230.37 of this title (relating to Probationary Certificates) may complete clinical teaching if the educator preparation program (EPP) is approved to offer clinical teaching as identified in §228.15 of this title (relating to Additional Approval).

(b) With the exception of candidates pursuing certification in areas that do not require a bachelor's degree as identified in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)), a candidate must hold, at minimum, a conferred bachelor's degree to participate in an internship.

(c) [~~(a)~~] While participating in an internship, a candidate must hold the appropriate two-year intern certificate [~~an intern~~] or probationary certificate, or for candidates pursuing certification through the preservice alternative certification route, an intern with preservice certificate, that is effective on or before the assignment start date of the internship and is valid for the entire duration of the internship. The EPP [~~educator preparation program (EPP)~~] must verify and document that the candidate's intern, intern with preservice, or probationary certificate is active prior to the start of the internship assignment.

(d) [~~(b)~~] The duration of the [~~An~~] internship must be [~~for~~] a minimum of one full school year and must be completed in [~~for~~] the classroom teacher assignment or assignments that match the certification category or categories for which the candidate is prepared by the EPP.

(1) A candidate completing an internship through the preservice alternative certification route while holding the intern with preservice certificate as described in §230.36 of this title must complete the internship in one full school year in one school district.

(2) A candidate completing an internship through an alternative certification route may complete the full school-year internship while holding a two-year intern certificate or a probationary certificate.

(e) [~~(c)~~] An EPP may permit an internship of up to 30 school days less than the required minimum for parental leave, military leave, illness, bereavement leave, or if the late hire date is after the first day of the school year.

(f) [~~(d)~~] The beginning date of an internship for the purpose of field supervision is the first day of instruction with students in the classroom for the school or district in which the internship takes place.

(g) [~~(e)~~] An internship assignment shall not be less than an average of four hours each day in the subject area and grade level of certification sought. The average includes intermissions and recesses but does not include conference and lunch periods. An EPP may permit an additional internship assignment of less than an average of four hours each day only if all of the following are met:

(1) the employing school or district notifies the candidate and the EPP in writing that an assignment of less than four hours will be required;

(2) the primary assignment is not less than an average of four hours each day in the subject area and grade level of certification sought;

(3) the EPP is approved to offer preparation in the certification category required for the additional assignment;

(4) the EPP provides ongoing support for each assignment as prescribed in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences); and

(5) the EPP provides coursework and training for each assignment to adequately prepare the candidate to be effective in the classroom.

(h) [~~(f)~~] An EPP may extend the internship or recommend an additional internship if:

(1) the candidate has not exhausted the number of years allowed in a classroom prior to achieving a standard certificate as required in §230.36 of this title and in §230.37 of this title; and

(2) [~~(1)~~] the EPP certifies that the first internship was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's intern mentor teacher [~~mentor~~], and the EPP implements the plan during the additional internship; or

(3) [~~(2)~~] the EPP certifies that the first internship was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the extended [~~additional~~] internship. EPPs are not required to provide formal observations of candidates who are completing an extension following a successful internship year but must provide ongoing support as needed while the candidate is in the assignment.

(i) [~~(g)~~] An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional internship or internship extension, including formal observations required in §228.109(b) of this title (relating to Formal Observations for Candidates in Internship Assignments) for candidates completing an additional internship that must be completed due to an unsuccessful first internship as described in subsection (h)(2) of this section, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate during any additional internship under an intern or probationary certificate;

(2) the candidate resigns, is non-renewed, or is terminated by the school or district;

(3) the candidate is discharged or is released from the EPP;

(4) the candidate withdraws from the EPP;

(5) the candidate is a late hire and fails to meet the pre-internship requirements within the first half of the internship [~~90 business days of assignment~~] in accordance with §228.55 of this title (relating to Late Hire Candidates); or

(6) the internship assignment does not meet the requirements described in this subchapter.

(j) [~~(h)~~] If the candidate leaves the internship assignment for any of the reasons identified in subsection (i)(2)-(6) [~~(g)(2)-(6)~~] of this section:

(1) [~~the EPP, the campus or district personnel, and~~] the candidate must inform the EPP within 10 business days [~~each other within one calendar week~~] of the candidate's last day in the assignment; and

(2) the TEA must receive the certificate deactivation request with all related documentation from the EPP, in a format determined by the TEA, within 15 business days [~~two calendar weeks~~] of the candidate's last day of employment or within 15 business days from the date the EPP receives notification of the candidate's last day of employment [~~the assignment in a format determined by the TEA~~].

(k) [~~(i)~~] The EPP must communicate the requirements in subsection (j) [~~(h)~~] of this section to candidates and campus or district personnel prior to the assignment start date.

(l) [~~(j)~~] An internship is successful when the candidate demonstrates proficiency in each of the educator standards for the assignment and the field supervisor and campus supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or campus supervisor do not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or campus supervisor.

(m) [~~(k)~~] An internship for a Trade and Industrial Workforce Training certificate may be at an accredited institution of higher education if the candidate teaches not less than an average of four hours each day, including intermissions and recesses, in a dual credit career and technical instructional setting as defined by Part 1, Chapter 4, Subchapter D, of this title (relating to Dual Credit Partnerships Between Secondary Schools and Texas Public Colleges).

§228.79. Exemptions from Required Clinical Experiences for Classroom Teacher Candidates.

(a) Under Texas Education Code (TEC), §21.050(c), a candidate who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under TEC, §54.363, is exempt from the requirements of this chapter relating to field-based experience, internship, clinical teaching, or residency.

(b) Under TEC, §21.0487(c)(2)(B), a candidate's employment by a school or district as a Junior Reserve Officer Training Corps instructor before the person was enrolled in an educator preparation program (EPP) or while the person is enrolled in an EPP exempts the candidate [~~is exempt~~] from any clinical teaching, internship, residency, or field-based experience program requirement.

§228.81. Clinical Experience for Certification Other Than Classroom Teacher.

(a) During the practicum, the candidate must demonstrate proficiency in each of the educator standards for the certificate class being sought.

(b) A practicum may not take place exclusively during a summer recess.

(c) A two-year intern certificate [~~An intern~~] or probationary certificate may be issued to a candidate for a certification in a class other than classroom teacher who meets the requirements and conditions, including the subject matter knowledge requirement, prescribed in §230.36 of this title (relating to Intern Certificates) and §230.37 of this title (relating to Probationary Certificates).

(d) An educator preparation program (EPP) may require additional hours of a practicum, including a practicum under an intern or probationary certificate if:

(1) the EPP certifies that the first practicum was not successful, the EPP has developed a plan to address any deficiencies identified by the candidate, the candidate's field supervisor, and/or the candidate's site supervisor, and the EPP implements the plan during the additional practicum; or

(2) the EPP certifies that the first practicum was successful and that the candidate is making satisfactory progress toward completing the EPP before the end of the additional practicum.

(e) A practicum is successful when the field supervisor and the site supervisor recommend to the EPP that the candidate should be recommended for a standard certificate. If either the field supervisor or site supervisor does not recommend that the candidate should be recommended for a standard certificate, the person who does not recommend the candidate must provide documentation (e.g., evidence of failure to demonstrate proficiency in educator standards, evidence of failure to meet program requirements, evidence of failure to adhere to campus policies) supporting the lack of recommendation to the candidate and either the field supervisor or site supervisor.

(f) An EPP must provide ongoing support to a candidate as described in Subchapter F of this chapter (relating to Support for Candidates During Required Clinical Experiences) for the full term of the initial and any additional practicum, unless, prior to the expiration of that term:

(1) a standard certificate is issued to the candidate;

(2) the candidate is discharged or is released from the EPP; or

(3) the candidate withdraws from the EPP.

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 March 2, 2026.

TRD-202601054
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

♦ ♦ ♦

19 TAC §228.71

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, en-

hanced standard, intern with preservice, intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.71. Exceptions to Clinical Teaching Requirement.

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 March 2, 2026.

TRD-202601056
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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SUBCHAPTER F. SUPPORT FOR CANDIDATES DURING REQUIRED CLINICAL EXPERIENCES

19 TAC §§228.91, 228.93, 228.95, 228.97, 228.101, 228.105, 228.107, 228.109

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the SBEC to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2)-(4), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; the period for which each class of educator certificate is valid; and the requirements for the issuance and renewal of an educator certificate; TEC, §21.041(e), which states a rule proposed by the SBEC under this section relating to educator preparation is not subject to Texas Government Code, §2001.0045; TEC, §21.0412, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.044, which authorizes the SBEC to propose rules specifying what each educator is expected to know and be able to do, particularly with regard to students with disabilities, establishing the training requirements a person must accomplish to obtain a certificate, or enter an internship, and specifying the minimum academic qualifications required for a certificate. It also sets requirements for training, coursework, and qualifications that the SBEC is required to include; TEC, §21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which identify instructional materials and training requirements that must be included in training provided by EPPs participating in a Preparing and Retaining Educators Through Partnership Preservice Program (PREP); TEC, §21.0441, which requires the SBEC to set admission requirements for candidates entering EPPs, and specifies certain requirements that must be included in the rules; TEC, §21.0442(c), which requires the SBEC to create an abbreviated EPP for a person seeking certification in trade and industrial workforce training with a minimum of 80 hours of classroom instruction in certain specified topics; TEC, §§21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish three teacher preparation routes: traditional, residency, alternative, and foundational requirements for each; TEC, §21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to set standards for approval and renewal of approval for EPPs, sets certain requirements for approval and renewal, including expanded authority to review for quality, and requires that the SBEC review each program at least every five years; TEC, §21.045(a), which requires the SBEC to create an accountability system for EPPs based on the results of certification examinations, teacher appraisals, student achievement, compliance with the requirements for candidate support, and the results of a teacher satisfaction survey; TEC, §21.0452, which requires the SBEC to make information about EPPs available to the public through its internet website and gives the SBEC authority to require any person to give information to the SBEC for this purpose; TEC, §21.0453, which sets requirements for information that EPPs must provide candidates and gives the SBEC rulemaking authority to implement the provision and ensure that EPPs give candidates accurate information; TEC, §21.0454, which gives the SBEC rulemaking authority to set risk factors to determine the SBEC's priorities in conducting monitoring, inspections, and compliance audits and sets out certain factors that must be included among the factors; TEC, §21.0455, which gives the SBEC rulemaking authority to establish a process for a candidate for teacher certification to direct a complaint against an EPP to the agency, requires that EPPs notify candidates of the complaints process, states that the SBEC must post the complaint process on its website, and states that the SBEC has no authority to resolve disputes over contractual or commercial issues between programs and candidates; TEC, §21.046(b), which requires the SBEC to allow outstanding teachers to substitute approved experience and professional training for part of the educational requirements in lieu of classroom hours; TEC, §21.046(c), which requires the SBEC to ensure that principal candidates are of the highest caliber and that there is a multi-level screening process, along with assessment programs, and flexible internships to determine whether a candidate has the necessary skills for success; TEC, §21.048(a), which requires the SBEC to prescribe comprehensive certification examinations for each class of certificate issued by the SBEC; TEC, §21.0485, which states that to be eligible for certification to teach students with visual impairments, a person must complete all coursework required for that certification in an approved EPP or alternative EPP, perform satisfactorily on required certification exams, and satisfy other requirements established by the SBEC; TEC, §21.0487(c), which requires the SBEC to propose rules related to approval of EPPs to offer the Junior Reserve Officer Training Corps (JROTC) teacher certification and to recognize applicable military training and experience and prior employment by a school district as a JROTC instructor to support completion of certification requirements; TEC, §21.0489(c), which sets out the requirements for Early Childhood certification; TEC, §21.04891, which sets out the requirements for the Bilingual Special Education certification; TEC, §21.049(a), which requires the SBEC to propose rules providing for EPPs as an alternative for traditional preparation programs; TEC, §21.0491, which requires the SBEC to create a probationary and standard trade and industrial workforce training certificate; TEC, §21.050(a), which requires an applicant for teacher certification to have a bachelor's degree in a relevant field; TEC, §21.050(b), which requires the SBEC to include hours of field-based experience in the hours

of coursework required for certification and allows the SBEC to require additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education; TEC, §21.050(c), which exempts people who receive a bachelor's degree while receiving an exemption from tuition and fees under TEC, §54.363, from having to participate in field-based experiences or internships as a requirement for educator certification; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which gives the commissioner of education authority to develop and make available training materials for use in EPPs; and TEC, §§21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establish requirements for PREP programs and require the commissioner of education and the SBEC to establish rules to implement the requirements; and Texas Occupations Code, §55.007, which requires all state agencies that issue licenses or certifications to credit military experience toward the requirements for the license or certification.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code, §§21.003(a), 21.031; 21.041(b)(1)-(4) and (e); 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044; 21.044(i) and (j), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0441; 21.0442(c); 21.04421, 21.04422, and 21.04423, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.0443, as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.045(a); 21.0452, 21.0453; 21.0454; 21.0455; 21.046(b) and (c); 21.048(a); 21.0485; 21.0487(c); 21.0489(c); 21.04891; 21.049(a); 21.0491; 21.050(a)-(c); 21.051; 21.067, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and 21.901-21.905, as added by HB 2, 89th Texas Legislature, Regular Session, 2025; and Texas Occupations Code, §55.007.

§228.91. Intern Mentor Teachers [~~Mentors~~], Cooperating Teachers, Host Teachers, and Site Supervisors.

(a) In order to support a new educator and to increase educator retention, an educator preparation program (EPP) and campus or district administrator shall collaboratively assign each candidate an intern mentor teacher [~~a mentor~~] during the candidate's internship, collaboratively assign a cooperating teacher during the candidate's clinical teaching experience, collaboratively assign a host teacher during the candidate's residency, and collaboratively assign a site supervisor during the candidate's practicum.

(b) For Preparing and Retaining Educators Through Partnership (PREP) routes [~~teacher residencies~~], the EPP and campus or district administrator shall share responsibility for selection of mentoring educators [~~host teachers~~], including determining specific selection criteria, development of a scoring rubric, and development of a selection process that involves representatives from the EPP and campus or district administration. The mentoring educator must agree to the assignment.

(c) For internships and practicums, the intern mentor teacher [~~mentor~~] or site supervisor must be assigned to the candidate within three weeks of the candidate's assignment start date. The EPP must not allow a candidate to be in an internship or practicum without an assigned intern mentor teacher [~~mentor~~] or site supervisor for longer than three weeks.

(d) If an individual who meets the certification category and/or experience criteria for a mentoring educator [~~cooperating teacher, mentor, host teacher,~~] or site supervisor is not available, the EPP and campus or district administrator shall collaborate to ensure an individual who most closely meets the criteria is assigned to the candidate, and the EPP must document the reason for selecting an individual that does not meet the criteria.

(e) The EPP is responsible for providing training to mentoring educators and site supervisors [~~mentor, cooperating teacher, host teacher, and/or site supervisor training~~] that relies on scientifically based research, and for mentoring educators, includes training in how to coach and mentor teacher candidates, but the program may allow the training to be provided by a school, district, or regional education service center if properly documented in accordance with the evidence requirements of Figure: 19 TAC §228.13(f).

(f) Beginning September 1, 2027, mentoring educators who support candidates in PREP traditional, residency, and preservice alternative certification routes must meet the training requirement through completion of *Texas Mentorship Training* that is renewed at least one time every three years. Mentoring educators who support candidates in the 2027-2028 school year must have begun the *Texas Mentorship Training* before the start of the school year and must complete the entire training as required through the *Texas Mentorship Training* requirements by the end of the school year. Mentoring educators who complete *Texas Mentorship Training* satisfy the training requirement in subsection (e) of this section.

§228.93. Cooperating Teacher Qualifications and Responsibilities.

(a) Required qualifications of a cooperating teacher:

(1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part 2 [~~II~~] of this title (relating to Commissioner's Rules on Creditable Years of Service [~~Teaching Experience~~]);

(2) an accomplished educator as shown by student learning;

(3) trained as required in §228.91(e) or (f) of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors), including [~~by the educator preparation program, including training in co-teaching strategies and in how to coach and mentor teacher candidates,~~] during the twelve weeks before or three weeks after being assigned to the clinical teacher or pre-internship clinical teacher;

(4) not assigned to the candidate as an intern mentor teacher [~~a mentor~~], field supervisor, or site supervisor; and

(5) valid certification in the certification category for the clinical teaching assignment for which the clinical teacher or pre-internship clinical teacher candidate is seeking certification.

(b) Duties of a cooperating teacher:

(1) co-teach with the candidate, gradually releasing instructional responsibility and lead instruction time to the candidate;

(2) [~~(1)~~] guide, assist, and support the candidate during the candidate's clinical teaching in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and

(3) [~~(2)~~] report the candidate's progress to the candidate's field supervisor.

§228.95. Host Teacher Qualifications and Responsibilities.

(a) Required qualifications of a host teacher:

(1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part 2 [~~II~~] of this title (relating to Commissioner's Rules on Creditable Years of Service [~~Teaching Experience~~]);

(2) an accomplished educator, as determined by the educator preparation program (EPP) in partnership with the district or campus administration, and shown by:

(A) at least three years of proficient or above proficient ratings on teacher evaluations;

(B) demonstrated evidence of positive impact on student learning as determined by a set of student growth and/or achievement data agreed upon by the partnership; and

(C) other dispositional criteria prioritized by the residency partnership;

(3) trained as required in §228.91(e) or (f) of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors) [~~by the EPP, including training in co-teaching strategies and how to coach and mentor teacher candidates,~~] at least twice per school year, including before or within the three weeks after being assigned as a host teacher;

(4) not assigned to the candidate as a field supervisor; and

(5) valid certification in the certification category for the residency assignment for which the residency candidate is seeking certification.

(b) Duties of a host teacher:

(1) co-teach with the residency candidate, gradually releasing instructional responsibility and lead instruction time to the candidate as specified in §228.65(b)(2) of this title (relating to Residency);

(2) guide, assist, give feedback to, and support the candidate during the candidate's residency in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; and

(3) report the candidate's progress to the candidate's field supervisor at least monthly.

§228.97. Intern Mentor Teacher [~~Mentor~~] Qualifications and Responsibilities.

(a) Required qualifications of an intern mentor teacher [~~a mentor~~]:

(1) meet qualification requirements in §153.1305(b)(1) of Part 2 of this title (relating to Preparing and Retaining Educators Through Partnership Mentorship Program);

[~~(1) at least three creditable years of teaching experience, as defined in Chapter 153, Subchapter CC, of Part II of this title (relating to Commissioner's Rules on Creditable Years of Teaching Experience);~~]

[~~(2) accomplishment as an educator as shown by student learning;~~]

(2) [~~(3)~~] not assigned to the candidate as a cooperating teacher, field supervisor, or site supervisor;

(3) [~~(4)~~] trained as a mentor as required in §228.91(e) or (f) of this title (relating to Intern Mentor Teachers, Cooperating Teachers, Host Teachers, and Site Supervisors), including [~~by the educator preparation program (EPP) or the campus or district, including training in how to coach and mentor teacher candidates,~~] during the twelve weeks before or three weeks after the candidate's assignment start date; and

(4) [~~(5)~~] valid certification in the certification category in which the internship candidate is seeking certification.

(b) Duties of an intern mentor teacher [~~a mentor~~]:

(1) guide, assist, and support the candidate throughout the entirety of the internship in areas such as lesson preparation, classroom management, instruction, assessment, working with parents, obtaining materials, and district policies; [~~and~~]

(2) support candidates in the preservice alternative certification route according to the requirements described in Texas Education Code (TEC), §21.458(f), and further specified in §153.1305(b)(5) of Part 2 of this title;

(3) support candidates in the preservice alternative certification route and meet with the intern not less than 12 hours each semester as specified in TEC, §21.458(f); and

(4) [~~(2)~~] report the candidate's progress to the candidate's field supervisor.

§228.101. Field Supervisor Qualifications and Responsibilities.

(a) Required qualifications of a field supervisor:

(1) accomplishment as an educator as shown by student learning; and

(2) not employed by the same school where the candidate being supervised is completing his or her clinical teaching, internship, or practicum; and

(3) trained by the educator preparation program (EPP) as a field supervisor; and

(4) for a supervisor of [~~residency~~] candidates in Preparing and Retaining Educators Through Partnership (PREP) routes, trained annually by the EPP in coaching and co-teaching strategies and candidate evaluation and participation in school and/or district trainings, as determined by the district partner; and

(5) has completed Texas Education Agency (TEA)-approved training as required in subsection (b)(1) of this section [~~or, for field supervisors supporting teacher candidates, is a currently certified Texas Teacher Evaluation and Support System (T-TESS) appraiser~~]; and

(6) not assigned to the candidate as an intern mentor teacher, host teacher [~~a mentor~~], cooperating teacher, or site supervisor; and

(7) three years of creditable experience, as defined by Chapter 153, Subchapter CC, of Part 2 of this title (relating to Commissioner's Rules on Creditable Years of Service), in the class in which supervision is provided, including:

(A) for a supervisor of classroom teacher and reading specialist candidates, experience as a campus-level administrator and a current certificate that is appropriate for a principal assignment may also supervise teacher and reading specialist candidates; and

(B) for a supervisor of principal candidates, experience as a district-level administrator and a current certificate that is appropriate for a superintendent assignment may also supervise principal candidates; and either

(8) valid certification in the class in which supervision is provided; or

(9) at least a master's degree in the academic area or field related to the certification class for which supervision is being provided, and in compliance with the same number, content, and type of continuing professional education requirements described in §232.11 of this title (relating to Number and Content of Required Continuing Professional Education Hours) and §232.15 of this title (relating to Types of Acceptable Continuing Professional Education Activities) for the certification class for which supervision is being provided.

(b) Duties of a field supervisor.[:]

(1) Supervision of each candidate shall be conducted with the structured guidance and regular ongoing support of an experienced educator who has been trained annually as a field supervisor by the EPP and completed TEA-approved field supervisor training at least every three years. Field supervisors who have completed TEA-approved training prior to September 1, 2025, must renew that training by September 1, 2027 [~~2026~~], and then renew the training at least one time per each three-year period thereafter. Field supervisors who have completed the TEA-approved training between September 2, 2025, and August 31, 2026, must renew that training by September 1, 2028, and then renew that training at least one time per each three-year period thereafter. Beginning September 1, 2027, for field supervisors supporting teacher candidates, valid Texas Teacher Evaluation and Support System (T-TESS) certification and other approved agency training focused on observation and coaching may count as a portion of TEA-approved field supervisor training. [~~Field supervisors who support teacher candidates and who maintain valid T-TESS certification are not required to renew TEA-approved field supervisor training.~~]

(2) The field supervisor must contact the assigned candidate within the first three weeks after the assignment start date for a candidate seeking certification as a classroom teacher and within the first quarter of the assignment for a candidate seeking certification in a class other than classroom teacher. The field supervisor must contact a candidate who is a late hire as defined in §228.2 of this title (relating to Definitions) within the first week after the candidate's assignment start date. Contact may be made by telephone, email, or other electronic communication.

(3) The field supervisor shall verify the candidate's internship placement within the first three weeks of the candidate's internship assignment and shall notify the EPP if the internship placement does not meet the requirements of this chapter, including assignment of a qualified intern mentor teacher [~~mentor~~].

(4) Field supervisors shall conduct observations of candidates as described in §§228.103 of this title (relating to Formal Observations for Candidates in Residency Assignments), 228.105 of this title (relating to Formal Observations for All Candidates for Initial Classroom Teacher Certification), 228.107 of this title (relating to Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments), 228.109 of this title (relating to Formal Observations for Candidates in Internship Assignments), 228.111 of this title (relating to Formal Observations for Candidates Employed as Educational Aides), 228.113 of this title (relating to Support and Formal Observations for Candidates Seeking Certification as Teacher of Students with Visual Impairments (TVI) Supplemental: Early Childhood-Grade 12), 228.115 of this title (relating to Support and Formal Observations for Candidates Seeking Deafblind Supplemental: Early Childhood-Grade 12 Certification), and 228.117 of this title (relating to Support and Formal Observations for Candidates Other Than Classroom Teacher).

(5) With the exception of candidates who are late hires and candidates completing internships through the preservice alternative certification route as defined in §228.2 of this title, field supervisors of candidates in clinical teaching, internship, and practicum assignments shall provide informal observations and ongoing coaching as appropriate and needed and, at a minimum, include the following:

(A) at least three informal observations that are 15 minutes or more in duration per semester of a [~~the internship,~~] clinical teaching[,] or practicum assignment; or

(B) at least two informal observations that are 15 minutes or more in duration per semester of an internship assignment.

(C) [~~(B)~~] The [~~the~~] first informal observation must occur within the first six weeks of the clinical teaching or internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous.[;]

(D) [~~(C)~~] Informal [~~informal~~] observations of practicum candidates may be virtual, either synchronous or asynchronous.[;]

(E) [~~(D)~~] Informal observations are informed by written feedback provided during post-observation conferences and include observation and feedback on targeted skills.[; ~~and~~]

[~~(E) include observation and feedback on targeted skills.~~]

(6) Field supervisors shall [~~must~~] provide to a candidate who is a late hire, as defined in §228.2 of this title and in §228.55 of this title (relating to Late Hire Candidates), informal observations and ongoing coaching as appropriate and needed and, at a minimum, include the following: [~~as required in subsection (b)(5) of this section. Two of the required informal observations must be provided within the first eight weeks of the candidate's assignment start date and both informal observations must be in-person.~~]

(A) at least three informal observations that are 15 minutes or more in duration per each half of the internship;

(B) the first two informal observations must occur within the first eight weeks of the internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous;

(C) are informed by written feedback provided during post-observation conferences; and

(D) include observation and feedback on targeted skills.

(7) Field supervisors of candidates in residency assignments shall provide informal observations and ongoing coaching that, at a minimum, include the following:

(A) at least four in-person [~~in person~~] informal observations that are 15 minutes or more in duration per semester, totaling at least eight observations over the course of the year-long teacher residency placement. The first informal must occur within the first four weeks of the residency placement;

(B) are informed by written feedback provided during post-observation conferences; and

(C) provide observation and feedback on targeted skills, with opportunity to follow up on the candidate's development in the targeted skill.

(8) Field supervisors of candidates completing requirements in the preservice alternative certification route shall provide

informal observations and ongoing coaching that, at a minimum, include the following:

(A) at least three face-to-face informal observations that are at least 15 minutes in duration throughout the pre-internship clinical teaching experience as described in §228.68 of this title (relating to Pre-internship Clinical Teaching). The informal observations must:

(i) be conducted using a rubric designed for that purpose and that measures candidate readiness aligned with the skills described in §228.41 of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates); and

(ii) provide observation and feedback on targeted skills, with opportunity to follow up on the candidate's development in the targeted skill; and

(B) at least four informal observations that are at least 15 minutes in duration during the internship as described in §228.73 of this title (relating to Internship).

(i) At least two informal observations must be conducted in each half of the internship.

(ii) The first informal observation must occur within the first six weeks of the internship assignment and must be in-person. Additional informal observations may be conducted virtually, either synchronous or asynchronous.

(iii) Informal observations are informed by written feedback provided during post-observation conferences.

(iv) Informal observations include observation and feedback on targeted skills.

(9) [~~(8)~~] For candidates participating in an internship, the field supervisor shall provide a copy of all written feedback to the candidate's supervising campus administrator and assigned intern mentor teacher [~~mentor~~]. For candidates participating in a residency, the field supervisor shall provide a copy of all written feedback to the candidate's host teacher and campus supervisor. For candidates participating in clinical teaching or pre-internship clinical teaching, the field supervisor shall provide a copy of all written feedback to the candidate's cooperating teacher.

(10) [~~(9)~~] In a clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience and request and document feedback about the candidate from the candidate's cooperating teacher at least three times throughout the clinical teaching experience.

(11) In a pre-internship clinical teaching experience, the field supervisor shall collaborate with the candidate and cooperating teacher throughout the clinical teaching experience and request and document feedback about the candidate from the candidate's cooperating teacher regularly throughout the clinical teaching experience.

(12) [~~(10)~~] For a residency, the field supervisor shall collaborate with the candidate, campus supervisor, and the host teacher throughout the residency, including regular meetings and/or collaborative supports at least three times each semester with the campus supervisor and twice monthly with the host teacher. Meetings may be held virtually, and collaborative supports may include but are not limited to co-observation of candidates, co-coaching of candidates, and calibration for inter-rater reliability.

(13) [~~(11)~~] For an internship, the field supervisor shall collaborate with the candidate and campus supervisor, or their designee, at least twice per semester. Collaboration may include but is not limited to co-observations (formal and informal), post-observation collaborative coaching, collaborative goal setting, or the provision of actionable feedback related to collaboratively established goals.

(14) [~~(12)~~] For non-teacher candidates in a practicum, the field supervisor shall collaborate with the candidate and site supervisor throughout the practicum experience.

§228.105. Formal Observations for All Candidates for Initial Classroom Teacher Certification.

(a) Educator preparation programs shall ensure that the field supervisor conducts formal observations of the candidates completing a clinical experience or a pre-internship clinical teaching experience.

(b) Each formal in-person observation must be at least 45 minutes in duration, must be conducted by the field supervisor, and must be on the candidate's site in a face-to-face setting.

(c) Each formal virtual observation must be:

(1) at least 45 minutes in length;

(2) conducted by the field supervisor;

(3) followed by a post-observation conference within 72 hours of the educational activity; and

(4) conducted through use of an unedited electronic transmission, video, or technology-based method.

(d) For each formal observation, whether in-person or virtual, the field supervisor shall:

(1) participate in an individualized pre-observation conference with the candidate;

(2) document educational practices observed;

(3) provide written feedback through an individualized, synchronous, and interactive post-observation conference with the candidate; and

(4) provide a copy of the written feedback to the candidate's mentoring educator [~~cooperating teacher or mentor~~].

(e) Neither the pre-observation conference nor the post-observation conference needs to be onsite.

§228.107. Formal Observations for Candidates in Clinical Teaching and Pre-internship Clinical Teaching Assignments.

(a) An educator preparation program (EPP) must provide the first formal observation within the first third of all clinical teaching assignments.

(b) For a clinical teaching assignment, an EPP must provide a minimum of two formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment.

(c) For an all-level clinical teaching assignment in more than one district [~~location~~] or in an assignment that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day, a minimum of two formal observations must be provided during the first half of each assignment and a minimum of one formal observation must be provided during the second half of each assignment.

(d) For a clinical teaching assignment:

(1) at least two of the minimum formal observations must be in-person for each assignment; and

(2) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addi-

tion to the two minimum formal in-person observations for each assignment.

(e) For a pre-internship clinical teaching assignment described in §228.68 of this title (relating to Pre-internship Clinical Teaching), an EPP must provide a minimum of one formal observation during the assignment.

§228.109. Formal Observations for Candidates in Internship Assignments.

(a) An educator preparation program (EPP) must provide the first formal observation within the first four weeks of all internship assignments. The first formal observation must be conducted in-person.

(b) For an alternative certification candidate completing a full school year internship [~~under an intern certificate~~] or an additional internship due to an unsuccessful first internship as allowed in §228.73 of this title (relating to Internship) under a two-year intern certificate described in §228.73 of this title [~~(relating to Internship)~~]:

(1) an EPP must provide a minimum of two [~~three~~] formal observations during the first half of the internship and a minimum of two formal observations during the last half of the internship; and

(2) at least two [~~three~~] of the minimum formal observations must be in-person.

(c) For a late hire candidate completing a full school year internship or an additional internship due to an unsuccessful first internship as allowed in §228.73 of this title under a two-year intern certificate described in §228.73:

(1) an EPP must provide a minimum of three formal observations during the first half of the internship and a minimum of two formal observations during the second half of the internship; and

(2) at least three of the minimum formal observations must be in-person.

[~~(c) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title:~~]

[~~(1) an EPP must provide a minimum of three formal observations during the first half of the assignment, and a minimum of two formal observations during the second half of the assignment; and~~]

[~~(2) at least two of the minimum formal observations must be in-person.~~]

(d) If an internship under a two-year [~~an~~] intern certificate or an additional internship due to an unsuccessful first internship described in §228.73 of this title involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:

(1) an EPP must meet the requirement in subsection (b) of this section for the first certification category and provide a minimum of two formal [~~three~~] observations for [~~in~~] each additional certificate category [~~assignment~~];

(2) for each additional certificate category [~~assignment~~], the EPP must provide at least one [~~two~~] formal observation [~~observations~~] during the first half of the internship and one formal observation during the second half of the internship;

(3) at least two of the minimum formal observations must be in-person for each additional certificate category [~~assignment~~]; and

(4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each additional certificate category [~~assignment~~].

(e) For a candidate completing an internship while holding an intern with preservice certificate through a preservice alternative certification program:

(1) an EPP must provide a minimum of two formal observations during the first half of the internship and a minimum of two formal observations during the second half of the internship; and

(2) at least two of the formal observations conducted during the internship must be in-person.

[~~(e) For a first-year internship under a probationary certificate or an additional internship described in §228.73 of this title that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:~~]

[~~(1) an EPP must provide a minimum of three observations in each assignment;~~]

[~~(2) for each assignment, the EPP must provide at least two formal observations during the first half of the internship and one formal observation during the second half of the internship;~~]

[~~(3) at least two of the minimum formal observations must be in-person for each assignment; and~~]

[~~(4) if an EPP chooses to provide formal virtual observations, it must provide at least two formal virtual observations in addition to the two minimum formal in-person observations for each assignment.~~]

(f) For a candidate completing an internship while holding an intern with preservice certificate through a preservice alternative certification program described in §228.73 of this title, that involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:

(1) an EPP must meet the requirement in subsection (e)(2) and (3) of this section for the first certificate category;

(2) an EPP must provide a minimum of two formal observations in each additional certificate category during the internship;

(3) for each additional certificate category, the EPP must provide at least one formal observation during the first half of the internship and one formal observation during the second half of the internship; and

(4) at least two of the minimum formal observations must be in-person for each additional certificate category.

(g) For a candidate completing an internship or internship extension as described in §228.73 of this title under a probationary certificate:

(1) an EPP must provide a minimum of three formal observations during the first half of the assignment and a minimum of two formal observations during the second half of the assignment; and

(2) at least two of the minimum formal observations must be in-person.

(h) If an internship as described in §228.73 of this title under a probationary certificate involves certification in more than one certification category that cannot be taught concurrently during the same period of the school day:

(1) an EPP must meet the requirement in subsection (g) of this section for the first certificate category and provide a minimum of two formal observations in each additional certificate category;

(2) for each additional certificate category, the EPP must provide at least one formal observation during the first half of the in-

ternship and one formal observation during the second half of the internship; and

(3) if an EPP chooses to provide formal virtual observations, one of the formal observations for each additional certificate category may be performed virtually.

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 March 2, 2026.

TRD-202601057
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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CHAPTER 230. PROFESSIONAL EDUCATOR PREPARATION AND CERTIFICATION

The State Board for Educator Certification (SBEC) proposes amendments to 19 Texas Administrative Code (TAC) §§230.36, 230.37, 230.53, 230.55, 230.111, and 230.113, concerning professional educator preparation and certification. The proposed amendments would update current rule language to implement provisions from House Bill (HB) 2 and HB 1178, 89th Texas Legislature, Regular Session, 2025, and include proposed edits previously discussed by the SBEC.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 230, Subchapter D, Types and Classes of Certificates Issued, define the types, classes, and issuance requirements for certificates. The SBEC rules in 19 TAC Chapter 230, Subchapter E, Educational Aide Certificate, define the three levels of certification and provide general guidance and requirements for certificate issuance. The SBEC rules in 19 TAC Chapter 230, Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States, define certification requirements for out-of-state individuals.

HB 2, 89th Texas Legislature, Regular Session, 2025, is a comprehensive school finance bill that supports students and infuses more dollars and resources into Texas public schools, providing critical support in key areas, including educator preparation. HB 1178, 89th Texas Legislature, Regular Session, 2025, requires the SBEC to establish and immediately issue a temporary certificate for educators certified by other states who apply for a Texas certificate issued under provision of TEC, §21.052.

The following proposed amendments to 19 TAC Chapter 230, Subchapters D, E, and H, are intended to support the implementation of applicable statutory requirements and align, where appropriate, with proposed revisions to 19 TAC Chapter 227 and Chapter 228. This proposal also includes technical edits to conform to Texas Register style requirements.

Subchapter D, Types and Classes of Certificates Issued

§230.36. Intern Certificate.

The proposed amendment to §230.36(c)(3) would update information related to the term of an intern certificate to specify that, for assignments beginning with the 2026-2027 school year, intern certificates will be issued with two-year validity periods to eligible teacher candidates in alternative certification programs, including late hire candidates, and candidates pursuing certification in non-teacher classes.

The proposed amendment to §230.36(c)(4)(A) and (B) would strike current language that limits the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The proposed amendment to §230.36(e) would strike the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for intern certificate issuance.

The proposed amendment to §230.36(e)(2)(B) would update the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in educator preparation programs (EPPs).

Proposed new §230.36(f) would exclude current language specific to intensive preservice and replace it with language for the new intern with preservice certificate specified in HB 2. Proposed new subsection (f) would also align with additional information about the new preservice certification route, created by HB 2, outlined in the proposed changes to Chapter 228.

§230.37. Probationary Certificate.

The proposed amendment to §230.37(c)(4)(A) and (B) would strike current language that limits the timeframe for issuance of intern and probationary certificates to increase flexibility within the three-year maximum that candidates can serve in assignments on a credential that is not a standard certificate.

The proposed amendment to §230.37(e) would strike the reference to "master teacher" as it is no longer a class of certificate issued by the SBEC and is not eligible for probationary certificate issuance.

The proposed amendment to §230.37(e)(2)(B) would update the Chapter 228 rule reference to the rule related to locations for required clinical experiences for candidates in EPPs.

The proposed amendment to §230.37(f) would strike in its entirety the text related to a probationary certificate for intensive preservice.

Subchapter E, Educational Aide Certificate

§230.53. Procedures in General.

Proposed new §230.53(f) would add language to allow issuance of the Educational Aide I certificate to high school students who may be younger than 18 years of age and meet all requirements for issuance of an industry-based certification. TEA staff worked closely with agency colleagues responsible for the College, Career, and Military Readiness (CCMR) initiatives on the proposed changes specific to the educational aide certificate. The proposal would be limited to Subchapter E to avoid confusion in the field and ensure that changes are codified in the rule chapter specific to the certificate being discussed.

Proposed new §230.53(g) and (h) would accommodate updates made to former subsections (f) and (g) based on the addition of proposed new subsection (f). No additional changes are proposed for this section of the rules.

§230.55. Certification Requirements for Educational Aide I.

The proposed amendment to §230.55(3) would strike the reference to "18 years of age or older" to reflect that high school students younger than 18, who meet all requirements to qualify for an industry-based certification, would be eligible for recommendation by a district for issuance of an Educational Aide I certificate. These students would be subject to the completion of fingerprinting and criminal history background check processes prior to being eligible for SBEC certificate issuance.

Proposed new §230.55(4) would strike current language in its entirety and replace with language that mirrors CCMR requirements for all other industry based-certifications since the CCMR indicator to grant a district credit toward its accountability ratings is the high school student being a program of study completer plus the aligned and earned industry based certifications (IBC), specifically the Educational Aide I certificate issued by the SBEC. The proposal would update the list of applicable courses to maintain clarity in the field and to ensure that districts and students have the guidance needed to positively contribute to and benefit from the IBC certification process.

Subchapter H, Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States

§230.111. General Provisions.

The proposed amendment to §230.111(a) would add the words "a valid" to align with language specified in HB 1178 that requires educators certified outside of Texas to have a valid, current license issued by another state department of education at the time that they apply to TEA for a review of their out-of-state credentials.

The proposed amendment to §230.111(c) would add "an expired certificate" to the list of credentials that cannot be accepted from educators certified outside of Texas and reinforce language specified in HB 1178 to ensure that all individuals transferring to Texas hold a valid, current certificate at the time of their application submission to TEA for a review of their out-of-state credentials.

The proposed amendment to strike §230.111(d) would align with language specified in HB 1178 that requires educators certified outside of Texas to present a valid, current certificate as part of their application submission to TEA for a review of out-of-state credentials.

Proposed new §230.111(d) and (e) would reorganize former subsections (e) and (f) based on the proposed deletion of current subsection (d). No additional changes are proposed for this section of the rules.

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.

The proposed amendment to §230.113(b) would add language to specify that the one-year certificate can be issued immediately following the successful completion of the out-of-state credentials review and the fingerprinting and background check processes.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of the state or local governments. There are no additional costs to entities 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 (TGC), §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 TGC, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: While the proposal imposes a cost on regulated persons, it is not subject to TGC, §2001.0045, because the proposal is necessary to implement legislation. The proposal does not impose a cost on another state agency, a special district, or a local government.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real estate property and, therefore, does not constitute a taking under TGC, §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 create a new regulation by requiring individuals certified in other states to renew any certificates that may have lapsed, prior to being eligible to begin the transfer of certification from another state to Texas and, thereby, restricting the ability for a timely review of out-of-state credentials.

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 expand, limit, or 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is an anticipated economic cost to persons who are required to comply with the proposal if their license to teach in other states is not current at the time of initiating the out-of-state credentials review process in Texas. HB 1178 requires the SBEC to ensure that certified educators in other states interested in transferring to Texas must hold a valid, unexpired, non-temporary certificate or similar credential in another state that qualifies the person to be employed as an educator in that state. Because certificate renewal costs vary from state to state, ranging anywhere from $22 to $200, TEA staff used $50 as the base cost for certificate renewal. TEA staff reviewed 1,095 applications submitted in the fourth quarter of Fiscal Year (FY) 2024 and the first quarter of FY 2025. Of those 1,095 applications, 959 out-of-state certificates submitted were currently active, representing 88% of the total number reviewed, and 136 were currently expired, representing 12% of the total number reviewed. TEA staff monitored applications the rest of the FY and, as a result, TEA staff estimates a cost of $3,400 per year for FYs 2026-2030. The estimate reflects a $50 certificate renewal cost for 68 certificates that may need to be renewed each FY.

DATA AND REPORTING IMPACT: The proposal would have no new data and reporting impact.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER D. TYPES AND CLASSES OF CERTIFICATES ISSUED

19 TAC §230.36, §230.37

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by TEC, Chapter 21, Subchapter B; TEC, §21.031, which authorizes the State Board for Educator Certification (SBEC) to regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which defines the types and validity period of teaching certificates: standard, enhanced standard, intern with preservice, and intern; TEC, §21.051, which requires that candidates complete at least 15 hours of field-based experiences in which the candidate is actively engaged in instructional or educational activities under supervision involving a diverse student population at a public-school campus or an approved private school, allows 15 hours of experience as a long-term substitute to count as field-based experience, and gives the SBEC rulemaking authority related to field-based experiences; TEC, §21.064, which states that the SBEC shall recognize a master teacher certificate until expiration and that the master teacher certificate is not eligible for the teacher incentive allotment; and TEC, §22.0831(c) and (f), which require the SBEC to review the national criminal history record information of a person who has not previously submitted fingerprints to the department or been subject to a national criminal history record information review.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.003(a); 21.031; 21.041; 21.0412, as added by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.051; 21.064; and 22.0831(c) and (f).

§230.36. Intern Certificates.

(a) General provisions.

(1) Certificate classes. An intern certificate may be issued for any class of certificate except educational aide.

(2) Requirement to hold an intern certificate. A candidate seeking certification as an educator must hold an intern certificate while participating in an internship through an approved educator preparation program (EPP).

(b) Requirements for issuance. An intern certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.

(1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation for all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.

(2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).

(3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).

(4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.

(c) Conditions. The validity and effectiveness of an intern certificate is subject to the following conditions.

(1) Internship. The holder of an intern certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.

(2) Inactive status. An intern certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of an intern certificate may be reactivated if the holder satisfies the requirements specified in this section.

(3) Term of an intern certificate. An intern certificate shall be valid for one 12-month period from the date of issuance. Beginning with assignments for the 2026-2027 school year, intern certificates will be issued with two-year validity periods to eligible teacher candidates in alternative certification programs, including late hire candidates, as specified in §228.73 of this title (relating to Internship) and §228.55 of this title (relating to Late Hire Candidates), and candidates pursuing certification in non-teacher classes.

(4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:

(A) intern certificates, [~~limited to one 12-month period maximum,~~] as described in this subsection;

(B) probationary certificates, [~~limited to two 12-month periods maximum,~~] as specified in §230.37 of this title (relating to Probationary Certificates)

(C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or

(D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).

(5) Reduction in force exception. If an educator is employed under an intern certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that intern term shall not count as one of the three years referenced in paragraph (4) of this subsection.

(d) Testing requirements for issuance of an intern certificate. Beginning September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of an intern certificate to serve an internship in a classroom teacher assignment for each subject area to be taught.

(1) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a classroom teacher assignment on or after September 1, 2017, a candidate must pass all of the appropriate content pedagogy examinations, as prescribed in Subchapter C of this chapter (relating to Assessment of Educators).

(2) To meet the subject matter knowledge requirements to be issued an intern certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience on or after September 1, 2017, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)) and pass the appropriate content pedagogy examination(s), as prescribed in Subchapter C of this chapter [~~(relating to Assessment of Educators)~~].

(e) Intern certificate in a certification class other than classroom teacher. An intern certificate may be issued for assignment as a superintendent, principal, reading specialist, [~~master teacher,~~] school librarian, school counselor, and educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.

(1) An applicant for an intern certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of an intern certificate in that class.

(2) The individual must have also been:

(A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and

(B) assigned in the certificate area being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.63 of this title (relating to Locations for Required Clinical Experiences) [~~§228.35 of this title (relating to Preparation Program Coursework and/or Training)~~], other school approved by the TEA.

(3) The holder of an intern certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.

(4) The following provisions apply to the intern certificate for Principal as Instructional Leader.

(A) During the transition period of December 1, 2018 through September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets the requirements specified in paragraphs (1)-(3) of this subsection.

(B) Effective September 1, 2019, the SBEC may issue an intern certificate to a candidate who meets requirements specified in paragraphs (1)-(3) of this subsection and has passed the Principal as Instructional Leader examination specified in Subchapter C of this chapter.

(f) Intern with preservice certificate for preservice alternative certification. An intern with a preservice certificate may be issued to an applicant who is admitted to an EPP preservice alternative certification program as prescribed in §228.73 of this title, who:

(1) obtained a passing score on the required content pedagogy examination(s) as identified in Figure: 19 TAC §230.21(e) of this title (relating to Educator Assessment);

(2) completed preservice requirements through an EPP as identified in §228.41 of this title (relating to Preservice Coursework and Training for Classroom Teacher Candidates) and §228.43 of this title (relating to Preservice Field-Based Experiences for Classroom Teacher Candidates);

(3) completed the pre-internship clinical teaching requirement as described in §228.68 of this title (relating to Pre-internship Clinical Teaching); and

(4) met the requirements as prescribed in subsections (a)-(c) of this section.

[~~(f) Intern certificate for intensive pre-service. An intern certificate may be issued to an applicant who is admitted to an EPP intensive pre-service as prescribed in §228.33 of this title (relating to Intensive Pre-Service) on or after January 1, 2020, who:~~]

[~~(1) obtained a passing score on the aligned pedagogical rubric specified in §228.33 of this title;~~]

[~~(2) obtained a passing score, in accordance with §151.1001 of this title (relating to Passing Standards), on the required content certification (subject-matter only) examination and the following additional requirements for special education and bilingual assignments;~~]

[~~(A) Special education assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES Special Education Supplemental examination prescribed in §230.21(e) of this title (relating to Educator Assessment); and~~]

[~~(B) Bilingual education assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES Bilingual Target Language Proficiency examination or the related language proficiency examination prescribed in §230.21(e) of this title; and~~]

[~~(C) English as Second Language (ESL) assignments also require a passing score, in accordance with §151.1001 of this title, on the TExES ESL Supplemental examination or the related language proficiency examination prescribed in §230.21(e) of this title; and~~]

[~~(3) met the requirements as prescribed in subsections (a)-(c) of this section.~~]

§230.37. Probationary Certificates.

(a) General provisions.

(1) Certificate classes. A probationary certificate may be issued for any class of certificate except educational aide.

(2) Requirement to hold a probationary certificate. A candidate seeking certification as an educator must hold a probationary certificate while participating in an internship through an approved educator preparation program (EPP).

(b) Requirements for issuance. A probationary certificate may be issued to a candidate seeking certification as an educator who meets the conditions and requirements prescribed in this subsection.

(1) Bachelor's degree. Except as otherwise provided in rules of the State Board for Educator Certification related to certain career and technical education certificates based on skill and experience, the candidate must hold a bachelor's degree or higher from an accredited institution of higher education. An individual who has earned a degree outside the United States must provide an original, detailed report or course-by-course evaluation of all college-level credits prepared by a foreign credential evaluation service recognized by the Texas Education Agency (TEA). The evaluation must verify that the individual holds, at a minimum, the equivalent of a bachelor's degree issued by an accredited institution of higher education in the United States.

(2) General certification requirements. The candidate must meet the general certification requirements prescribed in §230.11 of this title (relating to General Requirements).

(3) Fee. The candidate must pay the fee prescribed in §230.101 of this title (relating to Schedule of Fees for Certification Services).

(4) Fingerprints. The candidate must submit fingerprints in accordance with §232.35(c) of this title (relating to Submission of Required Information) and the Texas Education Code (TEC), §22.0831.

(c) Conditions. The validity and effectiveness of a probationary certificate is subject to the following conditions.

(1) Internship. The holder of a probationary certificate must be a participant in good standing of an approved Texas EPP, serving in an acceptable, paid internship supervised by the EPP.

(2) Inactive status. A probationary certificate will become inactive 30 calendar days after the holder's separation from the school assignment or the EPP. The unexpired term of a probationary certificate may be reactivated if the holder satisfies the program enrollment and school assignment requirements specified in §228.35 of this title (relating to Substitution of Applicable Experience and Training) [~~Preparation Program Coursework and/or Training~~].

(3) Term of a probationary certificate. A probationary certificate shall be valid for a 12-month period from the date of issuance.

(4) Limit on preliminary certifications and permits. Without obtaining standard certification, an individual may not serve for more than three 12-month periods while holding any combination of the following:

(A) intern certificates, [~~limited to one 12-month period maximum,~~] as described in this subsection;

(B) probationary certificates, [~~limited to two 12-month periods maximum,~~] as described in this subsection;

(C) emergency permits as specified in Subchapter F of this chapter (relating to Permits); or

(D) one-year certificates as specified in Subchapter H of this chapter (relating to Texas Educator Certificates Based on Certification and College Credentials from Other States or Territories of the United States) and Chapter 245 of this title (relating to Certification of Educators from Other Countries).

(5) Reduction in force exception. If an educator is employed under a probationary certificate and is terminated or resigns in lieu of termination before the end of the school year due to a reduction in force, that probationary term shall not count as one of the two allowed annual probationary terms.

(d) Testing requirements for issuance of a probationary certificate.

(1) Prior to September 1, 2017, a candidate must meet the subject matter knowledge requirements for issuance of a probationary certificate to serve an internship in a classroom teacher assignment for each subject area to be taught:

(A) At the elementary school level, by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter (relating to Assessment of Educators), appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title (relating to Requirements for Public School Personnel Assignments).

(B) At the middle or high school level:

(i) by passing the appropriate content area certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the grade level and subject matter assignment(s) as prescribed in Chapter 231 of this title; or

(ii) by completing coursework that complies with the TEC, §21.050, and comprised of not fewer than 24 semester credit hours, including 12 semester credit hours of upper division coursework in the subject area(s) taught; or

(iii) in the case of career and technical education assignments based on skill and experience, by satisfying the requirements for that subject area contained in §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

(C) A candidate who is the teacher of record in a special education assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate special education certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the special education supplemental examination prior to the beginning of an internship, an EPP may permit the internship assignment if:

(i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination; and

(ii) the EPP implements the plan during the initial internship. An EPP shall not permit an additional internship if all examinations requirements are not met.

(D) A candidate who is in a bilingual education and/or English as a Second Language (ESL) assignment must meet the appropriate subject matter knowledge requirements prescribed in subparagraph (A) and/or (B) of this paragraph and pass the appropriate bilingual education and/or ESL certification examination(s), as prescribed in Subchapter C of this chapter, appropriate to the assignment(s) as prescribed in Chapter 231 of this title. If a candidate has not passed the

bilingual education supplemental examination, ESL supplemental examination, or the Bilingual Target Language Proficiency test prior to the beginning of an internship, an EPP may permit the internship if:

(i) the EPP has developed a plan to address any deficiencies identified through the candidate's previous attempt(s) on the examination(s); and

(ii) the EPP implements the plan during the initial internship. An EPP shall not permit an additional internship if all examination requirements are not met.

(2) Beginning September 1, 2017, a candidate must meet all testing requirements for issuance of a probationary certificate.

(A) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a classroom teacher assignment, a candidate must pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.

(B) To meet the subject matter knowledge requirements to be issued a probationary certificate for an internship in a career and technical education classroom teacher assignment that is based on skill and experience, a candidate must satisfy the requirements for that subject area contained in §233.14 of this title and pass the appropriate certification examination(s), including the appropriate pedagogy and professional responsibilities examination, as prescribed in Subchapter C of this chapter.

(e) Probationary certificate in a certification class other than classroom teacher. A probationary certificate may be issued for an assignment as a superintendent, principal, reading specialist, [~~master teacher,~~] school librarian, school counselor, and/or educational diagnostician to an individual who meets the applicable requirements prescribed in subsection (b) of this section and who also meets the requirements prescribed in this subsection.

(1) An applicant for a probationary certificate in a certification class other than classroom teacher must meet all requirements established by the recommending EPP, which shall be based on the qualifications and requirements for the class of certification sought and the duties to be performed by the holder of a probationary certificate in that class.

(2) The individual must have also been:

(A) accepted and enrolled to participate in a Texas EPP that has been approved to prepare candidates for the certificate sought; and

(B) assigned in the certificate category being sought in a Texas school district, open-enrollment charter school, or, pursuant to §228.63 of this title (relating to Locations for Required Clinical Experiences) [~~§228.35 of this title~~], other school approved by the TEA.

(3) Effective September 1, 2017, to meet the subject matter requirements for issuance of the probationary certificate in a certification class other than classroom teacher, the individual must pass the appropriate content pedagogy examination(s) for that certificate.

(4) The holder of a probationary certificate in a certification class other than classroom teacher is subject to all terms and conditions of an intern certificate prescribed in subsection (c) of this section.

[~~(f) Probationary certificate for intensive pre-service. A probationary certificate may be issued to an applicant who is admitted to an EPP intensive pre-service as prescribed in §228.33 of this title (relating to Intensive Pre-Service) on or after January 1, 2020, who:~~]

[~~(1) meets the applicable requirements prescribed in subsections (a)-(e) of this section;~~]

[~~(2) has met requirements of §230.36(f) of this title; and~~]

[~~(3) has obtained a passing score, in accordance with 19 TAC §151.1001 of this title (relating to Passing Standards), on the required content pedagogy tests prescribed in §230.21(e) of this title (relating to Educator Assessment).~~]

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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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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SUBCHAPTER E. EDUCATIONAL AIDE CERTIFICATE

19 TAC §230.53, §230.55

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.041, which authorizes the State Board for Educator Certification (SBEC) to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §21.041.

§230.53. Procedures in General.

(a) School district administrators have the authority and responsibility to determine the number of educational aides and level of job performance desired for the operation of the school district. The school district administrator is responsible for preparing accurate job descriptions for each assignment, classifying each assignment, and filling these assignments with individuals certified according to this subchapter.

(b) An appropriate educational aide certificate shall be issued to a qualified individual who is recommended by the employing superintendent or his or her designee and who meets the requirements of this subchapter. The school district shall submit a completed application and recommendation for an educational aide certificate to Texas Education Agency [~~(TEA)~~] staff. The applicant shall pay the designated fee.

(c) The applicant for an educational aide certificate must be able to communicate, listen, read, write, and comprehend the English language sufficiently to use it easily and readily in daily communication as determined by the employing school district.

(d) An individual with experience in other states must have that experience verified on a teacher service record when he or she is employed in a Texas school district.

(e) An applicant for an educational aide certificate is subject to the provisions in §230.11(b)(1)-(4) of this title (relating to General Requirements).

(f) A high school student referenced in §230.55(3) of this title (relating to Certification Requirements for Educational Aide I) may have an exception to the 18 years of age requirement in §230.11(b)(1) of this title and be eligible for issuance of an Educational Aide I certificate, for the purposes of industry-based certification, if the district determines the high school student meets requirements specified in §230.55(3) and (4) of this title.

(g) [~~(f)~~] An individual who holds a valid Texas classroom teaching certificate may serve as an educational aide without obtaining an educational aide certificate.

(h) [~~(g)~~] An individual seeking a higher level of educational aide certificate must submit a completed online application and payment and be recommended for issuance at the higher level by the employing school district.

§230.55. Certification Requirements for Educational Aide I.

An applicant for an Educational Aide I certificate shall meet the requirements in either paragraphs (1) and (2) of this section or paragraphs (3) and (4) of this section as follows:

(1) hold a high school diploma, the equivalent of a high school diploma, or higher; and

(2) have experience working with students or parents as approved by the employing superintendent. Experience may be work in church-related schools, day camps, youth groups, private schools, licensed daycare centers, or similar experience; or

(3) be a high school student [~~18 years of age or older~~]; and

(4) be a program of study completer (three or more courses for four or more credits from the list of courses in subparagraphs (A)-(H) of this paragraph, with at least one course being a Level 3 or Level 4 course) with credits verified by the district in which the credits were earned. The courses must include:

(A) Principles of Education and Training; or

(B) Human Growth and Development; or

(C) Child Development; or

(D) Child Guidance; or

(E) Communication and Technology in Education; or

(F) Instructional Practices; or

(G) Practicum in Education and Training; or

(H) Practicum in Early Learning.

[~~(4) have a final grade of 70 or better in two or more education and training courses specified in Chapter 127, Subchapter G, of Part 2 of this title (relating to Education and Training) for three or more credits verified in writing by the superintendent of the district in which the credits were earned. The education and training courses must include:~~]

[~~(A) Human Growth and Development, as described in §127.311 of Part 2 of this title (relating to Human Growth and Development (One Credit), Adopted 2015); or~~]

[~~(B) Child Development, as described in §127.317 of Part 2 of this title (relating to Child Development (One Credit), Adopted 2021); or~~]

[~~(C) Child Guidance, as described in §127.318 of Part 2 of this title (relating to Child Guidance (Two Credits), Adopted 2021); or~~]

[~~(D) Practicum in Early Learning, as described in §127.320 of Part 2 of this title (relating to Practicum in Early Learning (Two Credits), Adopted 2021); or~~]

[~~(E) Human Growth and Development, as described in §127.323 of Part 2 of this title (relating to Human Growth and Development (One Credit), Adopted 2021); or~~]

[~~(F) Communication and Technology in Education, as described in §127.324 of Part 2 of this title (relating to Communication and Technology in Education (One Credit), Adopted 2021); or~~]

[~~(G) Instructional Practices, as described in §127.325 of Part 2 of this title (relating to Instructional Practices (Two Credits), Adopted 2021); or~~]

[~~(H) Practicum in Education and Training, as described in §127.326 of Part 2 of this title (relating to Practicum in Education and Training (Two Credits), Adopted 2021).~~]

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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Cristina De La Fuente-Valadez
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State Board for Educator Certification
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SUBCHAPTER H. TEXAS EDUCATOR CERTIFICATES BASED ON CERTIFICATION AND COLLEGE CREDENTIALS FROM OTHER STATES OR TERRITORIES OF THE UNITED STATES

19 TAC §230.111, §230.113

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.040(4), which requires the State Board for Educator Certification (SBEC) to develop and implement policies that clearly define the respective responsibilities of the board and the board's staff; TEC, §21.041, which authorizes the SBEC to adopt rules as necessary for its own procedures and specifies the certification-related rules and fees under the SBEC's authority; TEC, §21.048, which states the SBEC shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board that includes not requiring more than 45 days elapsing between examination retakes and that starting January 1, 2021, all candidates teaching Prekindergarten-Grade 6 must demonstrate proficiency in the science of teaching reading on a certification examination; TEC, §21.052(a)-(e), which outline the requirements and conditions under which the SBEC may issue a certificate to an educator who applies for a certificate and holds comparable credentials in another state or country; and TEC, §21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to establish a temporary certificate for immediate issuance to eligible educators licensed outside the state.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.040(4); 21.041; 21.048; 21.052(a)-(e); and 21.0521, as added by House Bill (HB) 1178, 89th Texas Legislature, Regular Session, 2025.

§230.111. General Provisions.

(a) A Texas educator certificate may be issued to an individual who holds a college degree and a valid, [~~an~~] acceptable certificate or credential issued by the authorized licensing agency in another state or territory of the United States and who meets appropriate requirements specified in §230.11 of this title (relating to General Requirements) and elsewhere in this subchapter.

(b) The degree held by an applicant from another state or territory of the United States must be equivalent to at least a bachelor's degree or higher issued by an accredited institution of higher education.

(c) The certificate or other credential issued by the authorized licensing agency in another state or territory of the United States may not be an expired certificate, a temporary permit, a credential issued by a city or school district, or a certificate for which academic or other program deficiencies are indicated. [~~Specific examination or renewal requirements shall not be considered academic deficiencies.~~]

[~~(d) A statement or approval letter issued by the authorized licensing agency in another state or territory of the United States specifying eligibility for full certification upon employment or completion of specified examination requirements shall have the same standing as a certificate.~~]

(d) [~~(e)~~] The certificate and areas of certification issued by the authorized licensing agency in another state or territory of the United States must be equivalent to a certificate or grade level that is within the early childhood-Grade 12 level and approved by the State Board for Educator Certification (SBEC). Based on the certificates submitted with the application for review of credentials, the Texas Education Agency (TEA) staff shall identify the certification areas for which the applicant qualifies in Texas. The certificate(s) for which the applicant qualifies may be issued by the TEA staff under the authority of the SBEC.

(e) [~~(f)~~] If a Texas examination or certification is scheduled to be eliminated, an individual requesting certification and examination comparability must ensure that the application and all review documentation, including examination scores, are received by TEA staff 60 calendar days before the application submission deadline for the examination and/or certification sought.

§230.113. Requirements for Texas Certificates Based on Certification from Other States or Territories of the United States.

(a) An applicant for a standard Texas certificate based on a certificate issued in accordance with §230.111 of this title (relating to General Provisions) must:

(1) pass the appropriate examination requirements prescribed in the Texas Education Code (TEC), §21.048(a), and §230.21 of this title (relating to Educator Assessment);

(2) achieve an acceptable level of performance on an examination(s) that has been determined to be similar to and at least as rigorous as that prescribed in the TEC, §21.048(a), and §230.21 of this title that was administered to the applicant under the authority of another state or territory of the United States. The applicant shall verify in a manner determined by the Texas Education Agency staff the level of performance on acceptable examinations administered under the authority of another state or territory of the United States; or

(3) qualify for an exemption from required Texas examinations through provisions in §152.1001 of Part 2 of this title (relating to Exceptions to Examination Requirements for Individuals Certified Outside the State).

(b) If all certification requirements are met except the appropriate examination requirements, the applicant may request issuance of a one-year certificate in one or more certification areas authorized on the out-of-state certificate. The one-year certificate is issued immediately following the successful completion of the credentials review and the fingerprinting and background check processes. An applicant who holds only a student services, principal, or superintendent certificate issued in accordance with Chapter 239 of this title (relating to Student Services Certificates), with the exception of Subchapter E (relating to Legacy Master Teacher Certificate); Chapter 241 of this title (relating to Certification as Principal); or Chapter 242 of this title (relating to Superintendent Certificate) may be issued the equivalent Texas certificate. The applicant must verify two creditable years of service in an Early Childhood-Grade 12 public or accredited private school in the specific student services or administrative area sought.

(c) After satisfying all requirements, including all appropriate examination requirements, the applicant is eligible to receive the appropriate standard certificate issued under Subchapter D of this chapter (relating to Types and Classes of Certificates Issued).

(d) An applicant issued a one-year certificate under this section who does not complete the appropriate examination requirements to establish eligibility for a standard certificate during the validity of the one-year certificate, is not eligible for any type of certificate or permit authorizing employment for the same certificate until he or she has satisfied the appropriate examination requirements. If examination requirements are not met during the validity period of the one-year certificate due to circumstances beyond the control of the educator, the employing school district may request an extension not to exceed one calendar year in length.

(e) An applicant shall not be required to complete the content specialization portion of the certification examination in a certification area for which he or she does not seek standard certification unless the examination is required to establish a base classroom teaching certificate. A supplemental certificate, as described in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), may not be issued as a standard certificate unless the educator has established a classroom teaching certificate and may not be added to a one-year certificate.

(f) An applicant issued a one-year certificate under this section who, during or subsequent to the validity of the certificate, establishes eligibility for a standard certificate may apply for:

(1) a new one-year certificate in another certification area based on an acceptable certificate from another state or territory of the United States; or

(2) a second one-year certificate in an area previously authorized on a one-year certificate provided the applicant was not assigned to the area and has not attempted the appropriate examination requirements for that area.

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 247. EDUCATORS' CODE OF ETHICS

19 TAC §247.2

The State Board for Educator Certification (SBEC) proposes an amendment to 19 Texas Administrative Code (TAC) §247.2, concerning the code of ethics and standard practices for Texas educators. The proposed amendment would implement Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impact the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 247 establish the Educator's Code of Ethics, which need to be updated based on the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 247. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following proposed amendment to §247.2 incorporates both SBEC and stakeholder input. This proposal also includes technical edits to update statutory citations and conform to Texas Register style requirements.

§247.2. Code of Ethics and Standard Practices for Texas Educators

Proposed new §247.2(1)(N) would align the Educators' Code of Ethics to Texas Education Code (TEC), §11.005, and incorporate the prohibitions on diversity, equity, and inclusion duties.

Proposed new §247.2(1)(O) would align the Educators' Code of Ethics to TEC, §11.401, and incorporate the prohibitions on assistance with social transitioning.

Proposed new §247.2(1)(P) would align the Educators' Code of Ethics to TEC, §28.0043, and incorporate the restrictions on instruction regarding sexual orientation and gender identity.

Proposed new §247.2(1)(Q) would align the Educators' Code of Ethics to the requirement that an educator provide full information to a parent concerning a student in TEC, §26.008.

Proposed new §247.2(1)(R) would add a new prohibition to the Educators' Code of Ethics that prohibits an educator from promoting, advocating, or encouraging illegal conduct as described in TEC, §22A.201(a), or that is directly related to student behavior or school property, and done so in a manner that is accessible or visible to students.

The proposed amendment to §247.2(3)(H) would update the definition of appropriate educator student boundaries to include physical proximity or physical contact with a student beyond the professional role, contacting or meeting the student beyond the professional role or making efforts to gain access alone with the student with no discernible purpose, transporting the student with permission or in violation of school board policy unless in the event of an emergency, taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy, or showing favoritism or isolation through gifts, rewards, or privileges.

The proposed amendment to §247.2(3)(I) would update the definition of inappropriate communication to include whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the student.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of the state or local governments. There are no additional costs to entities 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 (TGC), §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 TGC, §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 TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §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 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 expand, limit, or 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. 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 new data and reporting impact.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC,

§22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20

USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§247.2. Code of Ethics and Standard Practices for Texas Educators.

Enforceable Standards.

(1) Professional Ethical Conduct, Practices and Performance.

(A) Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

(B) Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

(C) Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

(D) Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

(E) Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

(F) Standard 1.6. The educator shall not falsify records[,] or direct or coerce others to do so.

(G) Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

(H) Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

(I) Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

(J) Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

(K) Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

(L) Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

(M) Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

(N) Standard 1.14. The educator shall comply with the prohibitions on diversity, equity, and inclusion duties in Texas Education Code (TEC), §11.005.

(O) Standard 1.15. The educator shall comply with the prohibitions on assistance with social transitioning in TEC, §11.401.

(P) Standard 1.16. The educator shall comply with the restrictions on instruction regarding sexual orientation and gender identity in TEC, §28.0043.

(Q) Standard 1.17. The educator shall comply with the requirements to provide full information to a parent concerning a student in TEC, §26.008.

(R) Standard 1.18. The educator shall not promote, advocate, or encourage, in a manner that is reasonably accessible or visible to students, illegal conduct:

(i) described by TEC, §22A.201(a); or

(ii) directly related to student behavior or school property.

(2) Ethical Conduct Toward Professional Colleagues.

(A) Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

(C) Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

(D) Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

(E) Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

(F) Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

(G) Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who

provides information for a disciplinary investigation or proceeding under this chapter.

(H) Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

(3) Ethical Conduct Toward Students.

(A) Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

(B) Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

(C) Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

(D) Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

(E) Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

(F) Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

(G) Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

(H) Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard. Factors that may be considered in context and on the totality of the circumstances in assessing whether appropriate boundaries were maintained include, but are not limited to:

(i) physical proximity or physical contact beyond the professional role or that the student has indicated is unwelcome, unless such contact is professionally required;

(ii) contacting or meeting the student beyond the professional role or making efforts to gain access to or time alone with a student with no discernable professional purpose;

(iii) transporting the student without permission from the student's legal guardian or in violation of school board policy, unless for an emergency;

(iv) taking or possessing a photo or video of the student beyond the professional role or in violation of school board policy; and

(v) showing favoritism or isolation through gifts, rewards, or privileges.

(I) Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in context and on the totality of the circumstances in assessing whether the communication is inappropriate include, but are not limited to:

(i) the nature, purpose, timing, and amount of the communication;

(ii) the subject matter of the communication;

(iii) whether the communication was made openly, or the educator attempted to conceal the communication;

(iv) whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;

(v) whether the communication was sexually explicit; [~~and~~]

(vi) whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student; and[~~.~~]

(vii) whether the communication could be reasonably interpreted as threatening the welfare and/or safety of the 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.

Filed with the Office of the Secretary of State on March 2, 2026.

TRD-202601043
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-1497

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CHAPTER 249. DISCIPLINARY PROCEEDINGS, SANCTIONS, AND CONTESTED CASES

The State Board for Educator Certification (SBEC) proposes an amendment to 19 Texas Administrative Code (TAC) §249.14 and §249.17 and new §249.51 and §249.52, concerning enforcement actions and guidelines and temporary suspensions. The proposed revisions would implement Senate Bill (SB) 571 and SB 12, 89th Texas Legislature, Regular Session, 2025.

BACKGROUND INFORMATION AND JUSTIFICATION: The 89th Texas Legislature, Regular Session, 2025, passed SB 571 and SB 12, which significantly impact the SBEC's rules related to educator misconduct. SB 571 amended multiple statutory provisions related to educator misconduct, including mandatory reporting and the creation of temporary suspension authority. SB 12 created new requirements for public school employees and prohibitions related to instruction, diversity, equity, and inclusion duties as well as social transitioning. The SBEC rules in 19 TAC Chapter 249 establish the minimum sanctions for violations of SBEC rules and the practice procedures for SBEC contested case proceedings, which need to be updated based on the changes in SB 571 and SB 12.

At the September and December 2025 meetings, the SBEC had preliminary discussions on potential amendments to Chapter 249. The recommendations discussed were informed by legislative changes as well as stakeholder feedback. Texas Education

Agency (TEA) staff presented these potential changes to the Educator Preparation Stakeholder Group on January 9, 2026, and held a stakeholder engagement meeting with the public on December 17, 2025.

The following proposed revisions to 19 TAC Chapter 249, Subchapters B and F, incorporate both SBEC and stakeholder input. This proposal also includes technical edits to update statutory citations and conform to Texas Register style requirements.

Subchapter B, Enforcement Actions and Guidelines

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

The proposed amendment to §249.14(d) would update the reporting requirements for superintendents and directors to reflect the statutory changes in SB 571. This includes the requirement to report within 48 hours, physical mistreatment of a student regardless of bodily injury, the requirement to report inappropriate communications, failure to maintain appropriate boundaries, and the requirement to report when the superintendent or director becomes aware of evidence that misconduct occurred.

The proposed amendment to §249.14(e) would update the reporting requirement for a principal to notify a superintendent or director to no later than 48 hours to reflect the statutory changes in SB 571.

§249.17. Decision-Making Guidelines.

The proposed amendment to §249.17(d)(1) would update the good cause factors for contract abandonment, including an update to the factor in subparagraph (B), which provides for good cause due to relocation of an educator or an educator's spouse because of a change in employers or location of employment, and other minor language changes required by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

The proposed amendment to §249.17(l) would add a minimum sanction for a violation of TEC, §22A.055(f), of no less than a three-year suspension.

Additional technical edits were made to subsections (j) and (i) to update statutory citations to reflect legislative changes made by SB 571.

Subchapter F, Temporary Suspensions

Proposed new Subchapter F would provide rules related to temporary suspensions, as required by SB 571.

§249.51. Temporary Suspension Based on Continuing and Imminent Threat.

Proposed new §249.51 would add a definition for continuing and imminent threat to the public welfare for purposes of temporary suspensions to reflect legislative changes made by SB 571.

Proposed new §249.51(a) would provide that if the SBEC or a committee designated by the SBEC has reason to believe that an educator is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as possible in accordance with TEC, §22A.202.

Proposed new §249.51(b) would define continuing and imminent threat to the public welfare as a real danger to students or the public from acts or omissions of the educator, which includes solicitation, engagement of a romantic relationship, abuse, neglect, consideration of whether the harm alleged is more than abstract, hypothetical or remote, may include both actions and inactions of the educator, consideration of whether the conduct occurred on or off a school campus and whether there have been prior complaints, investigations, or discipline of the same or similar nature against the educator.

§249.52. Process for Temporary Suspension of a License or Permit.

Proposed new §249.52 would create the process for temporary suspensions under TEC, §22A.202 and §22A.203, to reflect legislative changes in SB 571.

Proposed new §249.52(a) would provide that the SBEC shall appoint a five-member temporary suspension committee. It would also provide that in the event of the recusal of a member of the committee or the inability of a committee member to attend a temporary suspension proceeding, the SBEC chair may appoint an alternate member.

Proposed new §249.52(b) would provide that a with-notice hearing may include the presentation of evidence, deliberations, and an announcement of the committee's decision. It would also provide that notice for a with-notice hearing must be sent to the respondent no less than 10 days before the hearing via electronic mail, but if the electronic mail is returned as undeliverable, the notice will be sent via certified mail.

Proposed new §249.52(c) would provide that evidence at a temporary suspension proceeding be under the relaxed standard in Texas Government Code (TGC), §2001.081.

Proposed new §249.52(d) would provide that if a majority of the committee votes to temporarily suspend a license or a permit, the suspension shall have an immediate effect and that the committee chair will sign an order that will be sent to the respondent via electronic mail or first-class mail.

Proposed new §249.52(e) would provide that a certificate or permit may be suspended without notice to the respondent under TEC, §22A.202(c), if at the time of the suspension, agency staff initiates proceedings at State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as practicable under TEC, Chapter 22A, and TGC, Chapter 2001.

Proposed new §249.52(f) would provide that agency staff shall serve notice of a probable cause on a respondent in accordance with SOAH's rules. This amendment would also provide that a respondent may request a continuance of or waive a probable cause hearing and if the administrative law judge (ALJ) grants the continuance or respondent waives the hearing, the suspension remains in effect.

Proposed new §249.52(g) would provide that at a probable cause hearing an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

Proposed new §249.52(h) would provide that SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension date or the date of the final disposition as required by TEC, §22A.202 and §22A.203. This new rule would also provide that at this hearing, staff may present evidence of any additional violations related to the respondent.

Proposed new §249.52(i) would provide that staff would send notice of the final hearing in accordance with SOAH's rules and that the respondent may request a continuance or waive the final hearing.

Proposed new §249.52(j) would provide that after the final hearing, the ALJ shall issue a proposal for decision on the suspension and the proposal for decision may address any additional violations.

Proposed new §249.52(k) would provide that for purposes of a suspension under TEC, §22A.203, a final disposition of a criminal case includes evidence of a final, non-appealable conviction; an acceptance and entry of a plea agreement; a dismissal; an acquittal; or a successful completion of deferred adjudication.

Proposed new §249.52(l) would provide that a temporary suspension takes effect immediately and remains in effect until a final or superseding order of the committee or SBEC is entered; the staff receives documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or the ALJ issued an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years enforcing or administering the rules does not have foreseeable implications relating to cost or revenues of the state or local governments. There are no additional costs to entities 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 TGC, §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 TGC, §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 TGC, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under TGC, §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 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 expand, limit, or 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: Jessica McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. 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 new data and reporting impact.

ENVIRONMENTAL IMPACT: The proposal does not require an environmental impact analysis because the proposal does not include major environmental rules under TGC, §2001.0225.

PRINCIPAL AND CLASSROOM TEACHER PAPERWORK REQUIREMENTS: The TEA staff has determined the proposal would not require a written report or other paperwork to be completed by a principal or classroom teacher.

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per TGC, §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 March 13, 2026, and ends April 13, 2026. A form for submitting public comments is available on the TEA website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/. Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER B. ENFORCEMENT ACTIONS AND GUIDELINES

19 TAC §249.14, §249.17

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher

employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session,

2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.14. Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition.

(a) The Texas Education Agency (TEA) staff may obtain and investigate information concerning alleged improper conduct by an educator, applicant, examinee, or other person subject to this chapter that would warrant the State Board for Educator Certification (SBEC) denying relief to or taking disciplinary action against the person or certificate.

(b) Complaints against an educator, applicant, or examinee must be filed in writing.

(c) The TEA staff may also obtain and act on other information providing grounds for investigation and possible action under this chapter.

(d) A person who serves as the superintendent of a school district or district of innovation, the director of a charter school, regional education service center, or shared services arrangement, or the chief administrative officer of a private school may notify the SBEC of any educator misconduct that the person believes in good faith may be subject to sanctions under this chapter and/or Chapter 247 of this title (relating to Educators' Code of Ethics). However, under any of the following circumstances, a person who serves in such a position shall promptly notify the SBEC in writing by filing a report with the TEA staff within 48 hours [~~seven business days~~] of the date the person either receives a report from a principal under subsection (e) of this section or knew of any of the following circumstances[~~, except if the person is a superintendent or director of a public school and has completed an investigation in accordance with Texas Education Code (TEC), §21.006(c-2), resulting in a determination that the educator did not engage in misconduct~~]:

(1) that an applicant for or a holder of a certificate has a reported criminal history, which the superintendent or director obtained information by a means other than the criminal history clearinghouse established under Texas Government Code, §411.0845;

(2) that a certificate holder was terminated from employment and there is evidence that he or she committed any of the following acts:

(A) sexually or physically abused a student or minor or engaged in any other illegal conduct with a student or minor, including by engaging in conduct that involves physical mistreatment or constitutes a threat of violence to a student or minor and that is not justified under Texas Penal Code, Chapter 9, regardless of whether the conduct resulted in bodily injury;

(B) possessed, transferred, sold, or distributed a controlled substance;

(C) illegally transferred, appropriated, or expended school property or funds;

(D) attempted by fraudulent or unauthorized means to obtain or to alter any certificate or permit that would entitle the individual to be employed in a position requiring such certificate or permit or to receive additional compensation associated with a position;

(E) engaged in inappropriate communications with a student or minor, as defined by SBEC rule;

(F) failed to maintain appropriate boundaries with a student or minor, as defined by SBEC rule;

(G) [~~(E)~~] committed a crime, any part of such crime having occurred on school property or at a school-sponsored event; or

(H) [~~(F)~~] solicited or engaged in sexual conduct or a romantic relationship with a student or minor;

(3) that a certificate holder has submitted a notice of resignation and that there exists evidence that he or she committed one of the acts specified in paragraph (2) of this subsection.

(A) Before accepting an employee's resignation that, under this paragraph, requires a person to notify the SBEC by filing a report with the TEA staff, the person shall inform the certificate holder in writing that such a report will be filed and that sanctions against his or her certificate may result as a consequence.

(B) A person required to comply with this paragraph shall notify the governing body of the employing school district before filing the report with the TEA staff.

(C) A superintendent or director of a school district shall complete an investigation of an educator if there is reasonable cause to believe the educator may have engaged in misconduct described in paragraph (2)(A) of this subsection despite the educator's resignation from district employment before completion of the investigation.[~~; or~~]

(4) the superintendent or director becomes aware of evidence that an educator employed by the entity engaged in misconduct described by paragraph (2) of this subsection; or

(5) [~~(4)~~] any other circumstances requiring a report under the Texas Education Code (TEC), §22A.051 [~~TEC, §21.006~~].

(e) A person who serves as a principal in a school district, a district of innovation, or a charter school must notify the superintendent or director of the school district, district of innovation, or charter school and may be subject to sanctions for failure to do so, except as provided by paragraph (3) of this subsection , no later than [~~seven business days after~~]:

(1) seven business days after an educator's termination or resignation following an alleged incident of misconduct involving one of the acts described in subsection (d)(2) of this section; [~~or~~]

(2) seven business days after the principal knew about an educator's reported criminal history; or[~~.~~]

(3) 48 hours after the principal becomes aware of evidence of misconduct described by subsection (d)(2) of this section.

(f) Pursuant to the TEC, §22A.051 [~~§21.006(b-2), (c), (h), and (i)~~] , a report filed under subsections (d) and (e) of this section must include:

(1) the name or names of any student or minor who is the victim of abuse or unlawful conduct by an educator; and

(2) the factual circumstances requiring the report and the subject of the report by providing the following available information:

(A) name and any aliases; certificate number, if any, or social security number;

(B) last known mailing address and home and daytime phone numbers;

(C) all available contact information for any alleged victim or victims;

(D) name or names and any available contact information of any relevant witnesses to the circumstances requiring the report;

(E) current employment status of the subject, including any information about proposed termination, notice of resignation, or pending employment actions; and

(F) involvement by a law enforcement or other agency, including the name of the agency.

(g) Pursuant to the Family Educational Rights and Privacy Act (FERPA), 20 United States Code, §1232g(a)(4), and the federal regulations interpreting it at 34 Code of Federal Regulations, §99.3, education records that are protected by FERPA must be records that are directly related to a student, and the term "education records" does not include records that relate to a school employee in his or her capacity as a school employee.

(h) A person who is required to file a report under subsections (d) and (e) of this section but fails to do so timely is subject to sanctions under this chapter.

(i) If a school district board of trustees learns of a failure by the superintendent of the district or a district principal to provide a notice required under the Texas Code of Criminal Procedure (TCCP), §15.27(a), (a-1), or (b), the board of trustees shall report the failure to the SBEC. If the governing body of a private primary or secondary school learns of a failure by the principal of the school to provide a notice required under the TCCP, §15.27(e), and the principal holds a certificate issued under the TEC, Chapter 21, Subchapter B, the governing body shall report the failure to the SBEC.

(j) The TEA staff shall not pursue sanctions against an educator who is alleged to have abandoned his or her TEC, Chapter 21, contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), subject to the limitations imposed by the TEC, §21.4021(g), unless the board of trustees of the employing school district:

(1) submits a written complaint to the TEA staff within 30 calendar days after the effective date of the educator's separation from employment from the school district. For purposes of this section, un-

less the school district and the educator have a written agreement to the contrary, the effective date of separation from employment is the first day that, without district permission, the educator fails to appear for work under the contract;

(2) renders a finding that good cause did not exist under the TEC, §§21.105(c)(2), 21.160(c)(2), or 21.210(c)(2). This finding constitutes prima facie evidence of the educator's lack of good cause, but is not a conclusive determination; and

(3) submits the following required attachments to the written complaint:

(A) the educator's resignation letter, if any;

(B) the agreement with the educator regarding the effective date of separation from employment, if any;

(C) the educator's contract; and

(D) school board meeting minutes indicating a finding of "no good cause" (if the board does not meet within 30 calendar days of the educator's separation from employment, the minutes may be submitted within 10 calendar days after the next board meeting).

(k) To efficiently administer and implement the SBEC's purpose under this chapter and the TEC, the TEA staff may set priorities for the investigation of complaints based on the severity and immediacy of the allegations and the likelihood of harm posed by the subject of the investigation. All cases accepted for investigation shall be assigned one of the following priorities.

(1) Priority 1: conduct that may result in the placement of an investigative notice pursuant to the TEC, §21.007, and subsection (l) of this section because it presents a risk to the health, safety, or welfare of a student or minor, parent of a student, fellow employee, or professional colleague, including, but not limited to, the following:

(A) any conduct constituting a felony criminal offense;

(B) indecent exposure;

(C) public lewdness;

(D) child abuse and/or neglect;

(E) possession of a weapon on school property;

(F) drug offenses occurring on school property;

(G) sale to or making alcohol or other drugs available to a student or minor;

(H) sale, distribution, or display of harmful material to a student or minor;

(I) certificate fraud;

(J) state assessment testing violations;

(K) deadly conduct; and

(L) conduct that involves inappropriate communication with a student as described in §247.2(3)(I) of this title (relating to Code of Ethics and Standard Practices for Texas Educators), inappropriate professional educator-student relationships and boundaries, or otherwise soliciting or engaging in sexual conduct or a romantic relationship with a student or minor.

(2) Priority 2: any sanctionable conduct that is not Priority 1 conduct under paragraph (1) of this subsection. An investigative notice will not be placed on an educator's certification records on the basis of an allegation of Priority 2 conduct. The TEA staff may change a case's priority at any time based on information received. Priority 2 conduct includes, but is not limited to, the following:

(A) any conduct constituting a misdemeanor criminal offense or testing violation that is not Priority 1 conduct;

(B) contract abandonment; and

(C) code of ethics violations that do not constitute Priority 1 conduct.

(l) After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a student or minor, as described in subsection (k)(1) of this section, the TEA staff shall immediately place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of such an investigative notice must follow the procedures set forth in subsection (m)(1) of this section. After accepting a case for investigation, if the alleged conduct indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff may place an investigative notice on the certificate holder's certification records stating that the certificate holder is currently under investigation. The placement of an investigative notice must follow the procedures set forth in subsection (m)(2) of this section.

(m) The following procedures must be followed for placing an investigative notice on the educator's certification records.

(1) At the time of placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a student or minor, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) Within 10 [~~ten~~] calendar days of placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title (relating to Procedures in General).

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 [~~ten~~] calendar days why the notice should be removed from the educator's certification records.

(2) Prior to placing an investigative notice on an educator's certification records for alleged conduct that indicates a risk to the health, safety, or welfare of a parent of a student, fellow employee, or professional colleague, as described in subsection (k)(1) of this section, the TEA staff shall serve the certificate holder with a letter informing the educator of the investigation and the basis of the complaint.

(A) At least 10 [~~ten~~] calendar days before placing an investigative notice on the educator's certification records, the letter notifying the certificate holder of the investigation shall be mailed to the address provided to the TEA staff pursuant to the requirements set forth in §230.91 of this title.

(B) The letter notifying the certificate holder of the investigation shall include a statement of the alleged conduct, which forms the basis for the investigative notice, and shall provide the certificate holder the opportunity to show cause within 10 [~~ten~~] calendar days why the notice should not be placed on the educator's certification records.

(3) The TEA staff shall determine whether or not to remove or place an investigative notice on the educator's certification records, taking into account the educator's response, if any, to the letter notifying the certificate holder of the investigation.

(n) An investigative notice is subject to the following time limits.

(1) An investigative notice may remain on the certification records of a certificate holder for a period not to exceed 240 calendar days.

(2) The TEA staff may toll this time limit if information is received indicating that there is a pending criminal or administrative matter related to the alleged act of misconduct that gives rise to the investigative notice. For purposes of this subsection, a criminal or administrative matter includes an audit by a state or federal agency, an arrest, an investigation, related litigation or other enforcement action brought by a state or federal administrative agency, or a prosecution by a criminal law enforcement agency. Upon receiving notice that the criminal or administrative matter has been resolved the tolling period shall end. As part of its procedure, the TEA staff will attempt to make bimonthly (once every two months) contact with the agency where a related matter is pending to determine whether the related matter has been closed or otherwise resolved.

(3) The TEA staff may toll this time limit if the matter is referred for a contested case hearing, upon agreement of the parties, or while the matter is pending action by the SBEC on a proposed agreed order.

(o) The TEA staff shall remove an investigative notice from an educator's certification records:

(1) when a case's final disposition occurs within the time limits established in subsection (n) of this section; or

(2) when the time limits for an investigative notice have been exceeded, if:

(A) the certificate holder has made a written demand to the TEA staff that the investigative notice be removed because the time limits have been exceeded; and

(B) the TEA staff has failed to refer the matter to the State Office of Administrative Hearings for a contested case hearing within 30 calendar days from the date of receipt of the written demand to remove the investigative notice.

(p) Before institution of agency proceedings, TEA staff shall send a letter via certified or registered mail to the certificate holder giving them notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law for the retention of the certificate.

(q) Only the TEA staff may file a petition seeking sanctions under §249.15 of this title (relating to Disciplinary Action by State Board for Educator Certification). Prior to filing a petition, the TEA staff shall mail to the certificate holder affected by written notice of the facts or conduct alleged to warrant the intended action and shall provide the certificate holder an opportunity to show compliance with all requirements of law.

§249.17. Decision-Making Guidelines.

(a) Purpose. The purpose of these guidelines is to achieve the following objectives:

(1) to provide a framework of analysis for the Texas Education Agency (TEA) staff, the presiding administrative law judge (ALJ), and the State Board for Educator Certification (SBEC) in considering matters under this chapter;

(2) to promote consistency in the exercise of sound discretion by the TEA staff, the presiding ALJ, and the SBEC in seeking, proposing, and making decisions under this chapter; and

(3) to provide guidance for the informal resolution of potentially contested matters.

(b) Construction and application. This section shall be construed and applied so as to preserve SBEC members' discretion in making final decisions under this chapter. This section shall be further construed and applied so as to be consistent with §249.5(b) of this title (relating to Purpose; Policy Governing Disciplinary Proceedings) and this chapter, the Texas Education Code (TEC), and other applicable law, including SBEC decisions and orders.

(c) Consideration. The following factors may be considered in seeking, proposing, or making a decision under this chapter:

(1) the seriousness of the violation;

(2) whether the misconduct was premeditated or intentional;

(3) attempted concealment of misconduct;

(4) prior misconduct and SBEC sanctions;

(5) the potential danger the conduct poses to the health and welfare of students;

(6) the effect of the prior conduct upon any victims of the conduct;

(7) whether sufficient time has passed and sufficient evidence is presented to demonstrate that the educator or applicant has been rehabilitated from the prior conduct;

(8) the effect of the conduct upon the educator's good moral character and ability to be a proper role model for students;

(9) whether the sanction will deter future violations; and

(10) any other relevant circumstances or facts.

(d) Contract abandonment.

(1) Good cause. The following factors may be considered good cause when an educator is reported to have abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c):

(A) serious illness or health condition of the educator or close family member of the educator, as evidenced by documentation from a licensed medical provider;

(B) relocation because the educator's spouse or a partner who resides with the educator changes employers or location of employment, [~~to a new city as a result of change in employment of the educator's spouse or partner who resides with the educator~~] as supported by documentation;

(C) significant change in the educator's family needs that requires the educator to relocate or forgo employment during a period of required employment under the educator's contract [~~to devote more time than allowed by current employment~~] ; or

(D) the educator's reasonable belief that the educator had written permission from the school district administration to resign.

(2) Mitigating factors. The following factors shall be considered in seeking, proposing, or making a decision under this chapter regarding an educator who has abandoned a contract in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c). A reduction of one month in suspension time will be given for each factor established, except for factors in subparagraphs (G)-(I) of this paragraph. The educator:

(A) gave written notice to the school district 30 days or more in advance of the first day of instruction for which the educator will not be present;

(B) assisted the school district in finding a replacement educator to fill the position;

(C) continued to work until the school district hired a replacement educator;

(D) assisted in training the replacement educator;

(E) showed good faith in communications and negotiations with the school district;

(F) provided lesson plans for classes following the educator's resignation;

(G) changed careers within the field of education:

(i) to a position that required a different class of educator certification as defined in §230.33(b) of this title (relating to Classes of Certificates);

(ii) to a position with a higher level of authority within the principal class of certificate; or

(iii) to a position in an open-enrollment charter school or a district of innovation that is equivalent to the positions described in clauses (i) and (ii) of this subparagraph;

(H) had a reduction in base pay, excluding stipends, as compared to the educator's base pay for the prior year at the same school district;

(I) resigned due to working conditions that reasonably posed an immediate threat of significant physical harm to the educator; or

(J) any other relevant circumstances or facts.

(3) Mandatory sanction for contract abandonment.

(A) An educator subject to sanction, who has abandoned a contract 44-30 days prior to the first day of instruction for the following school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2)(B)-(J) of this subsection do not mitigate or apply, shall receive a sanction of an inscribed reprimand.

(B) An educator subject to sanction, who has abandoned a contract less than 30 days prior to the first day of instruction for the following school year or at any point during the school year in violation of the TEC, §§21.105(c), 21.160(c), or 21.210(c), in a case where the factors listed in subsection (c) of this section or in paragraph (1) or (2) of this subsection do not mitigate or apply, may not receive a sanction of less than:

(i) suspension for one year from the first day that, without district permission, the educator failed to appear for work under the contract, provided that the educator has not worked as an educator during that year and the case is resolved within that one year through an agreed final order; or

(ii) suspension for one year from either the effective date of an agreed final order resolving the case or an agreed future date at the beginning of the following school year, if the educator has worked as an educator after abandoning the contract; or

(iii) suspension for one year from the date that the SBEC adopts an order that becomes final following a default under §249.35 of this title (relating to Disposition Prior to Hearing; Default) or a contested case hearing at the State Office of Administrative Hearings (SOAH).

(C) The factors listed in subsection (c) of this section and in paragraphs (1) and (2) of this subsection may mitigate an educator's sanction so significantly that the SBEC takes no disciplinary action.

(e) Mandatory minimum sanction for felony-level conduct. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for a felony-level criminal offense under state or federal law, may not receive a sanction of less than:

(1) suspension for a period concurrent with the term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has not been employed as an educator during the period of deferred adjudication or community supervision; or

(2) suspension beginning on the effective date of an agreed final order for a period extending beyond the end of the educator's deferred adjudication or community supervision but may be less than the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order prior to the educator completing deferred adjudication or community supervision and the educator has been employed as an educator during the period of deferred adjudication or community supervision; or

(3) suspension beginning on the effective date of an agreed final order for a period at least half as long as the initial court-ordered term of deferred adjudication or community supervision, if the case is resolved through an agreed final order after the educator has completed deferred adjudication or community supervision; or

(4) suspension for a period equal to the term of deferred adjudication or community supervision that the criminal court initially ordered but beginning from the date of the final board decision, if the case is resolved through a final board decision following a contested case hearing at the SOAH or a default under §249.35 of this title.

(f) Mandatory minimum sanction for misdemeanor-level conduct. If an educator is subject to sanction, and a court has ordered the educator to complete a period of deferred adjudication, community supervision, or pretrial diversion for a misdemeanor-level criminal offense under state or federal law, the educator may not receive a sanction of less than an inscribed reprimand.

(g) Mandatory minimum sanction for test security violation. An educator who intentionally, as defined in §247.1 of this title (relating to Purpose and Scope; Definitions), violates the security or confidential integrity of any test required by the TEC, Chapter 39, Subchapter B, in a manner described by §101.3031(a)(3) of Part 2 of this title (relating to Required Test Administration Procedures and Training Activities to Ensure Validity, Reliability, and Security of Assessments), may not receive a sanction of less than a one-year [~~one year~~] suspension.

(h) Mandatory minimum sanction for drugs and alcohol on school campus. An educator who is subject to sanction because the educator has tested positive for drugs or alcohol while on school campus, was under the influence of drugs or alcohol on school campus, or was in possession of drugs or alcohol on school campus may not receive a sanction of less than a one-year suspension and required completion of a drug or alcohol treatment program.

(i) Mandatory permanent revocation or denial. Notwithstanding subsection (c) of this section, the SBEC shall permanently revoke the teaching certificate of any educator or permanently deny the appli-

cation of any applicant if, after a contested case hearing or a default under §249.35 of this title, it is determined that the educator or applicant:

(1) engaged in any sexual contact or romantic relationship with a student or minor;

(2) solicited any sexual contact or romantic relationship with a student or minor;

(3) possessed or distributed child pornography;

(4) was registered as a sex offender;

(5) committed criminal homicide;

(6) transferred, sold, distributed, or conspired to possess, transfer, sell, or distribute any controlled substance, the possession of which would be at least a Class A misdemeanor under the Texas Health and Safety Code, Chapter 481, on school property;

(7) intentionally, knowingly, or recklessly causes bodily injury to a student or minor when the conduct of the educator or applicant is not immune from disciplinary proceedings by TEC, §22.0512; or

(8) committed any offense described in the TEC, §22A.201 [~~§21.058~~] .

(j) Mandatory minimum for failure to report. An educator subject to sanction, who fails to report educator misconduct under the circumstances and in the manner required by the TEC, §22A.051 [~~§21.006~~] , and §249.14(d)-(f) of this title (relating to Complaint, Required Reporting, and Investigation; Investigative Notice; Filing of Petition), when the case is resolved through an agreed final order, may not receive a sanction of less than:

(1) an inscribed reprimand and a $5,000 administrative penalty for a superintendent or director who fails to file timely a report to the SBEC; or

(2) an inscribed reprimand and a $500 administrative penalty for a principal who fails to timely notify a superintendent or director.

(k) Mandatory minimum for electioneering. An educator subject to sanction, who is court-ordered to complete a period of deferred adjudication, community supervision, or pretrial diversion for an offense under Texas Election Code, Chapter 255, may not receive a sanction of less than a one-year suspension.

(l) Mandatory minimum for violation of TEC, §22A.055(f). An educator subject to sanction for a violation of TEC, §22A.055(f), may not receive a sanction of less than a three-year suspension.

(m) [~~(l)~~] Sanctioned misconduct in another state. The findings of fact contained in final orders from any other state jurisdiction may provide the factual basis for SBEC disciplinary action. If the underlying conduct for the administrative sanction of an educator's certificate or license issued in another state is a violation of SBEC rules, the SBEC may initiate a disciplinary action regarding the educator's Texas educator certificate and impose a sanction as provided under this chapter.

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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Director, Rulemaking
State Board for Educator Certification
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SUBCHAPTER F. TEMPORARY SUSPENSIONS

19 TAC §249.51, §249.52

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.031(a), which charges the SBEC with regulating and overseeing all aspects of the certification, continuing education, and standards of conduct for public school educators; TEC, §21.035, which states that Texas Education Agency (TEA) staff provides administrative functions and services for SBEC and gives SBEC the authority to delegate to either the commissioner of education or to TEA staff the authority to settle or otherwise informally dispose of contested cases involving educator certification; TEC, §21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the SBEC to adopt rules as necessary for its own procedures and to regulate educators, specify the requirements for issuance or renewal of an educator certificate, administer statutory requirements, and provide for educator disciplinary proceedings and for enforcement of the educator's code of ethics; TEC, §21.044(a), which authorizes the SBEC to adopt rules establishing training requirements and academic qualifications required for a person to obtain an educator certificate; TEC, §21.0581, which authorizes the SBEC to suspend, revoke, or impose other sanctions against an individual if the individual assists another person in obtaining employment at a school and the person knew that the other person has previously engaged in sexual misconduct with a minor or student in violation of the law; TEC, §21.060, which sets out crimes that relate to the education profession and authorizes the SBEC to sanction or refuse to issue a certificate to any person who has been convicted of one of these offenses; TEC, §21.065, which sets requirements for the notice SBEC must send when it suspends an educator's certificate; TEC, §21.105(a), which allows the SBEC to impose sanctions against an educator who abandons a probationary contract; TEC, §21.105(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may impose sanctions against a teacher employed under a probationary contract who resigns, fails without good cause to comply with subsection (a) or (b), and fails to perform the contract; TEC, §21.105(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.105(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a continuing contract; TEC, §21.160(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.160(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who

abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.160(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which provides that the SBEC may not impose a sanction against a teacher who relinquishes a position under a continuing contract and the leaves employment after the 45th day before instruction of the upcoming school year and without consent, if the teacher's failure to comply was due to the good cause factors listed in paragraphs (1)-(4); TEC, §21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which allows the SBEC to impose sanctions against an educator who abandons a term contract; TEC, §21.210(e), which requires the SBEC to consider any mitigating factors relevant to the teacher's conduct and allows the SBEC to consider alternatives to sanctions, including additional continuing education or training; TEC, §21.210(f), which forbids the SBEC from issuing a sanction of suspension or revocation for educators who abandon their contracts with school districts more than 30 days prior to the first day of instruction for the next school year; TEC, §21.210(g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements for good cause when a contract is abandoned; TEC, §22.082, which requires the SBEC to subscribe to the criminal history clearinghouse and allows the SBEC to obtain any criminal history from any closed case file; TEC, §22.0831, which requires the SBEC to review the criminal history of certified educators and applicants for certification; TEC, §22.087, which requires superintendents and directors of school districts, charter schools, private schools, regional education service centers, and shared services arrangement to notify the SBEC if an applicant for a certification has criminal history that is not in the criminal history clearinghouse; TEC, §22A.001, as added, redesignated, and amended by Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025, which provides definitions for TEC, Chapter 22A; TEC, §22A.051(a), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director of an educational entity notify the SBEC if an educator employed by or seeking employment has a criminal record and the entity obtained information about the criminal record by a means other than the criminal history clearinghouse, if an educator's employment was terminated or the educator resigned and there is evidence that the educator engaged in specific conduct, or if the superintendent or director becomes aware that the educator engaged in specific conduct; TEC, §22A.051(c), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires a principal of a school district, district of innovation, or charter school to notify the superintendent within 48 hours after the principal becomes aware of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.051(d), as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires that the superintendent or director notify the SBEC by filing a report with the SBEC not later than 48 hours after the superintendent or director receives notice from a principal or becomes aware of evidence of misconduct under TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §§22A.051(h) and (i), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which give the SBEC authority to impose administrative penalties on principals and superintendents who fail to fulfill their reporting obligations to the SBEC under TEC, §21.006, and give the SBEC rulemaking authority to implement TEC, §22A.051; TEC, §22A.052, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires superintendents or directors of educational entities to notify the commissioner of education if an employee or service provider resigned or was terminated and there is evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), or the superintendent or director becomes aware of evidence that the person engaged in misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D); TEC, §22A.054, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which gives the SBEC authority to place a notice that an educator is under investigation for alleged misconduct on the educator's public certification records, requires the SBEC give the educator notice and an opportunity to show cause, requires that the SBEC limit the amount of time the notice can appear on the educator's certification, and gives the SBEC rulemaking authority as necessary to implement the provision. TEC, §22A.054, also provides that the SBEC shall notify the agency for purposes of placing an educator on the registry; TEC, §22A.055(f), as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which states that the SBEC may revoke the certificate of an administrator if the SBEC determines it is reasonable to believe that the administrator employed a person or accepted services from a service provider despite being aware that the person knowingly failed to disclose information required to be disclosed under this section; TEC, §22A.151, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires educational entities to discharge or refuse to hire or terminate or refuse to accept services from any person listed on the registry of persons not eligible for employment in Texas public schools; and provides that an educational entity may not allow a person who is listed on the registry to act as a service provider for an educational entity; TEC, §22A.157, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires school districts, charter schools, and shared services arrangements to conduct fingerprint criminal background checks on employees and refuse to hire those that have certain criminal history; and provides that the SBEC may impose a sanction on an educator who does not discharge an employee or refuse to hire an applicant if the educator knows or should have known that the employee or applicant has certain criminal history; TEC, §22A.201, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to revoke the certification of an educator convicted or placed on deferred adjudication community supervision for certain offenses; TEC, §22A.202, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the SBEC finds that the educator's continued certification or permit issuance constitutes a continuing and imminent threat to the public welfare and provides that the SBEC shall propose rules to implement this section; TEC, §22A.203, as added by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the SBEC to temporarily suspend an educator's certification or permit if the educator is arrested for specific offenses and provides that the SBEC shall propose rules to implement this section; and TEC, §22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which requires the chief administrative officer of a private school to notify the SBEC no later than 48 hours after the chief administrative officer becomes aware of evidence of an alleged incident of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D) and provides that the SBEC shall propose rules to implement this section; Texas Government Code (TGC), §411.090, which allows the SBEC to get

from the Texas Department of Public Safety all criminal history record information about any applicant for licensure as an educator; TGC, §2001.054(c), which requires the SBEC to give notice by personal service or by registered or certified mail to the license holder of the factors or conduct alleged to warrant suspension, revocation, annulment, or withdrawal of an educator's certificate and to give the certified educator an opportunity to show that the educator is in compliance with the relevant statutes and rules; TGC, §2001.058(e), which sets out the requirements for when the SBEC can make changes to a proposal for decision from an administrative law judge; and TGC, §2001.142(a), which requires all Texas state licensing agencies to notify parties to contested cases of orders or decisions of the agency by personal service, electronic means if the parties have agreed to it, first class, certified or registered mail, or by any method required under the agency's rules for a party to serve copies of pleadings in a contested case; Texas Family Code, §261.308(d) and (e), which require the Texas Department of Family and Protective Services to release information regarding a person alleged to have committed abuse or neglect to the SBEC; and Texas Family Code, §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which require the Texas Department of Family and Protective Services to send a copy of a completed investigation report involving allegations of abuse or neglect of a child in a public or private school to the TEA; Texas Occupations Code (TOC), §53.021(a), which allows the SBEC to suspend or revoke an educator's certificate, or refuse to issue a certificate, if a person is convicted of certain offenses; TOC, §53.022, which sets out factors for the SBEC to determine whether a particular criminal offense relates to the occupation of education; TOC, §53.023, which sets out additional factors for the SBEC to consider when deciding whether to allow a person convicted of a crime to serve as an educator; TOC, §53.0231, which sets out information the SBEC must give an applicant when it denies a license and requires that the SBEC allow 30 days for the applicant to submit any relevant information to the SBEC; TOC, §53.024, which states that proceedings to deny or sanction an educator's certification are covered by the Texas Administrative Procedure Act, TGC, Chapter 2001; TOC, §53.025, which gives the SBEC rulemaking authority to issue guidelines to define which crimes relate to the profession of education; TOC, §53.051, which requires that the SBEC notify a license holder or applicant after denying, suspending, or revoking the certification; TOC, §53.052, which allows a person who has been denied an educator certification or had their educator certification revoked or suspended to file a petition for review in state district court after exhausting all administrative remedies; and TOC, §56.003, which prohibits state agencies from taking disciplinary action against licensees for student loan non-payment or default; and Every Student Succeeds Act (ESSA), 20 USC, §7926, which requires state educational agencies to make rules forbidding educators from aiding other school employees, contractors, or agents in getting jobs when the educator knows the jobseeker has committed sexual misconduct with a student or minor in violation of the law.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.031(a); 21.035; 21.041, as amended by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025; 21.044(a); 21.0581; 21.060; 21.065; 21.105(a); (c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e), and (f); 21.160(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 21.210(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025; (e); (f); and (g), as added by HB 2, 89th Texas Legislature, Regular Session, 2025; 22.082; 22.0831; 22.087; and 22A.001; 22A.051(a), (c), (h), and (i); 22A.052; 22A.054; 22A.055(f); 22A.151; 22A.157; 22A.201; and 22A.301, as added, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; and 22A.051(d), 22A.202; and 22A.203, as added by SB 571, 89th Texas Legislature, Regular Session 2025; Texas Government Code (TGC), §§411.090, 2001.054(c), 2001.058(e), and 2001.142(a); Texas Family Code, §261.308(d) and (e); §261.406(a) and (b), as amended by SB 571, 89th Texas Legislature, Regular Session, 2025; Texas Occupations Code (TOC), §§53.021(a); 53.022-53.025; 53.051; 53.052; and 56.003; and the Every Student Succeeds Act (ESSA), 20 USC, §7926.

§249.51. Temporary Suspension Based on Continuing and Imminent Threat.

(a) If the State Board for Educator Certification (SBEC) or SBEC committee has reason to believe a certificate or permit holder is a continuing and imminent threat to the public welfare, a disciplinary proceeding will be held as soon as practicable in accordance with Texas Education Code (TEC), §22A.202, as applicable.

(b) In determining a continuing and imminent threat to the public welfare under TEC, §22A.202, the SBEC or SBEC committee will consider:

(1) if there is a real danger to a student or to the public from the acts or omissions of the license or permit holder, including, but not limited to, solicitation, engagement of a romantic relationship, neglect, or abuse;

(2) whether the harm alleged is more than abstract, hypothetical, or remote;

(3) both actions and inactions by the license or permit holder;

(4) whether the conduct occurred on or off a school district campus; and

(5) whether there have been prior complaints, investigations, or discipline of the same or similar nature against the license or permit holder.

§249.52. Process For Temporary Suspension of a License or Permit.

(a) For each temporary suspension proceeding, the State Board for Educator Certification (SBEC) shall appoint a five-member committee to consider the information and evidence presented by Texas Education Agency (TEA) staff. In the event of the recusal of a committee member or the inability of a committee member to attend a temporary suspension committee proceeding, the SBEC chair may appoint an alternate member to serve on the committee.

(b) A with-notice hearing may include activities such as presentation of evidence, deliberations, and announcement of the committee's decision. The committee has discretion over setting time limits and evidentiary determinations. Notice of the temporary suspension hearing shall be sent to the respondent no less than 10 days before the hearing via electronic mail. If the electronic notice is returned as undeliverable, the notice will be sent via certified mail.

(c) Evidence will be considered under a relaxed standard described in Texas Government Code (TGC), §2001.081, including information of a type on which a reasonably prudent person commonly relies in the conduct of the person's affairs, necessary to ascertain facts not reasonably susceptive of proof under formal rules of evidence rules, and not precluded by statute.

(d) If a majority of the committee votes to temporarily suspend a license or permit, the suspension shall have immediate effect, and the chair of the committee will sign an order of temporary suspension. The order of temporary suspension shall be sent to the respondent via electronic mail or first-class mail.

(e) In accordance with Texas Education Code (TEC), §22A.202(c), a certificate or permit may be suspended without notice to the respondent if at the time of the suspension, TEA staff initiates proceedings at the State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and a hearing is held as soon as possible under TEC, Chapter 22A, and TGC, Chapter 2001.

(f) Notice, continuance, and waiver of probable cause hearing. TEA staff shall serve notice of a probable cause hearing upon the respondent in accordance with SOAH's rules. The respondent may request a continuance or waiver of the probable cause hearing. If the administrative law judge (ALJ) grants the continuance request or the respondent waives the probable cause hearing, the suspension remains in effect until the suspension is considered by SOAH at the continued probable cause hearing or at the final hearing.

(g) Probable cause hearing. At the probable cause hearing, an ALJ shall determine whether there is probable cause to continue the temporary suspension of the license or permit and issue an order on that determination.

(h) Final hearing. SOAH shall hold a hearing no later than 61 days from the date of the temporary suspension or the date of the final disposition if the temporary suspension is issued under TEC, §22A.203. At this hearing, TEA staff shall present evidence supporting the continued suspension of the license and may present evidence of any additional violations related to the respondent. This hearing is referred to as the "final hearing."

(i) Notice and continuance of final hearing. TEA staff shall send notice of the final hearing in accordance with SOAH's rules. The respondent may request a continuance or waive the final hearing.

(j) Proposal for decision. Following the final hearing, the ALJ shall issue a proposal for decision on the suspension. The proposal for decision may also address any other additional violations related to the respondent.

(k) For purposes of suspension or restriction under TEC, §22A.203, final disposition of a criminal case includes evidence of:

(1) final, non-appealable conviction;

(2) acceptance and entry of a plea agreement;

(3) dismissal;

(4) acquittal; or

(5) successful completion of a deferred adjudication.

(l) A temporary suspension takes effect immediately and shall remain in effect until:

(1) a final or superseding order of the committee or SBEC is entered;

(2) the staff receives documentation that the information or indictment that served as the underlying basis for arrest has been dismissed or otherwise nullified, the prosecuting authority rejects the prosecution, or charges are dismissed for a temporary suspension under TEC, §22A.203; or

(3) the ALJ issues an order determining that there is no probable cause to continue the temporary suspension under TEC, §22A.202.

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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Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
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TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 20. STATEWIDE PROCUREMENT AND SUPPORT SERVICES

SUBCHAPTER D. SOCIO-ECONOMIC PROGRAM

DIVISION 1. HISTORICALLY UNDERUTILIZED BUSINESSES

34 TAC §§20.281, 20.282, 20.284, 20.285, 20.288, 20.294 - 20.296, 20.298

The Comptroller of Public Accounts proposes amendments to §20.281, concerning policy and purpose; §20.282, concerning definitions; §20.284, concerning statewide annual HUB utilization goals; §20.285, concerning subcontracts; §20.288, concerning certification process; §20.294, concerning graduation procedures; §20.295, concerning program review; §20.296, concerning HUB coordinator responsibilities; and §20.298, concerning mentor-protégé program.

No legislation enacted within the last four years provides the statutory authority for these amendments.

INTRODUCTION

On December 2, 2025, the comptroller adopted emergency rules to avoid unconstitutional application of the Texas historically underutilized business (HUB) program. Under those rules, the comptroller rebranded the HUB program as Veteran Heroes United in Business, or VetHUB, and revised the eligibility criteria so that only businesses owned by veterans with disabilities connected to their military service are eligible. The comptroller proposes to amend its rules to match the emergency rules. In addition, the comptroller proposes amendments to streamline the HUB program's subcontracting provisions.

CONSTITUTIONAL ANALYSIS

Recent court decisions have changed the legal landscape around race- and sex-based discrimination. In *Students for Fair Admission, Inc. v. Harvard*, 600 U.S. 181 (2023), the Supreme Court prohibited race-based preferences in government benefits. In *United States v. Skrmetti*, 145 S. Ct. 1816 (2025), the Supreme Court reiterated that it is unlawful to treat a member of one sex less favorably than the other, absent some pertinent difference. And in *Ames v. Ohio Department of Youth*

Services, 605 U.S. 303 (2025), the Supreme Court held that discrimination against members of "majority groups" can still be unlawful discrimination. These precedents apply to the State and are also instructive for construing the Texas Constitution's overlapping protections. See U.S. CONST. amend. XIV; TEX. CONST. art. I, §3a; *see, e.g.*, *Bell v. Low Income Women of Tex*., 95 S.W.3d 253, 266 (Tex. 2002). Citing the Texas and U.S. Constitutions and the U.S. Supreme Court, Governor Abbott issued an executive order stating that agencies must "treat people equally regardless of membership in any racial group" and adhere to "the color-blind guarantee of our state and federal Constitutions by prohibiting all forms of government race discrimination." Executive Order GA-55, 50 Tex. Reg. 810-11.

In *Nuziard v. Minority Business Development Agency*, plaintiffs sued a federal agency that provided benefits to minority-owned businesses. 721 F.Supp. 3d 431 (N.D. Tex, 2024), appeal dismissed, No. 24 10603, 2024 WL 5279784, at *1 (5th Cir. July 22, 2024). The plaintiffs were small business owners who were denied assistance because their race was not among the "codified list of preferred races/ethnicities" in the statute and rules used to determine eligibility. *Id*. at 448. The agency relied on a presumption that "anyone from the listed groups is 'socially or economically disadvantaged' and thus entitled to services." *Id*. The statute defined an "economically disadvantaged individual" as one "who has been subjected to racial or ethnic prejudice or cultural bias . . . because of the identity of the individual as a member of a group, without regard to any individual quality of the individual that is unrelated to that identity." 15 U.S.C. §9501; *Nuziard*, 721 F. Supp. 3d at 452. The statute listed groups that it deemed economically disadvantaged, including "Black or African American" and "Hispanic or Latino." *Id*. Because of the explicit references to race and ethnicity, the court applied strict scrutiny. *Id*. at 478. It held that the agency had a compelling interest in remedying discrimination in government contracting, shown through "significant disparity ratios for {minority-owned businesses} in prime contracting." *Id*. at 488. In spite of that compelling interest, the statute was unconstitutional, because it was not narrowly tailored to address that interest. *Id*. at 493. The exclusion of many minority business owners from the presumption of disadvantage, including those from the Middle East and North Asia, was arbitrary. *Id*. at 490. Furthermore, presuming that all members of a group are equally disadvantaged was an "illogical stereotype." *Id*. at 492-493. Finally, there was no "logical endpoint" where the program could be retired because the discrimination had been remedied. *Id*. at 493-494. Due to the lack of narrow tailoring, the court struck down the racial and ethnic presumptions as unconstitutional under the Fourteenth Amendment. *Id*. at 498.

Like the federal statute at issue in *Nuziard*, Government Code, Chapter 2161 as implemented in §20.282 of this title presumes that certain demographic groups are disadvantaged. The definition of "economically disadvantaged person" in Government Code, §2161.002(3) and the definition of "qualified owner" in §20.282 of this title both explicitly incorporate race, ethnicity, and sex. Like that federal statute, Government Code, Chapter 2161 was adopted with a purpose to address disparities in contracting, established through a study. Like that federal statute, the HUB program's definitions exclude business owners from the Middle East and North Asia. Like that federal statute, the HUB program relies on a stereotype that presumes all members of a demographic group are equally disadvantaged. Like that federal statute, the HUB program has no logical end point. It is clear from *Nuziard* that the HUB program is not narrowly tailored to meet the strict scrutiny required for racial and ethnic classifications nor the intermediate scrutiny required for sex-based classifications under the state and federal constitutions. Therefore, the highest state and federal law requires the comptroller to remove such classifications from the HUB program.

Unlike race, ethnic, and sex-based classifications, veteran status and disability status are subject only to rational basis scrutiny. *Personnel Administrator of Mass. v. Feeney*, 442 U.S. 256 (1979) (state statute preferencing veterans over non-veterans was subject only to rational basis review and approved as constitutional). There are no judicial decisions suggesting that a program to assist disabled veterans only is unconstitutional.

To ensure that the comptroller does not implement the HUB program in an unconstitutional way, these rules eliminate each classification that could be applied in an unconstitutional manner. Without those classifications, the program will serve small businesses owned by service-disabled veterans, regardless of their race, sex, or ethnicity.

ADDRESSING UNCONSTITUTIONAL CLASSIFICATIONS

The term "sex" replaces "gender" throughout the amended rules. This aligns the terminology of the rules with court decisions that have interpreted the Texas and United States Constitutions.

Amended §20.281 restates the purpose of the comptroller's HUB program, which is to promote full and equal opportunities for all businesses in accordance with the equal protection provisions of the Texas and United States Constitutions. Language that referred to remediation of disparities is removed.

Amended §20.282 removes the definition of "disparity study." That term is not used in the amended rules.

Amended §20.282 clarifies that the definition of "economically disadvantaged person" in Government Code, Chapter 2161 must be interpreted in light of the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

Amended §20.282 clarifies the definition of "historically underutilized business" so that the term no longer appears within its own definition.

Amended §20.282 revises the definition of "qualifying owner" to eliminate classifications based on race, ethnicity, and gender. Although those classifications appear in Government Code, Chapter 2161, courts have found their use in equivalent contexts to be unconstitutional. See the foregoing "Constitutional Analysis" section of this proposal; see also Texas Attorney General Op. KP-0505 (2026), pp. 26-35 ("Texas's HUB framework erects a pervasive, discriminatory regime that violates the U.S. Constitution's Equal Protection Clause as well as the Texas Constitution's Equal Rights Amendment through indefensible fixation on sex and race.").

Amended §20.284 eliminates statewide quantitative HUB utilization goals. These goals were based on a disparity study that focused on race, ethnicity, and sex-based analysis. Under the revised eligibility criteria, those goals are neither well-supported nor viable. In place of the percentage utilization goals, the amended rule sets a goal of increasing participation, which accords with Government Code, §2161.181. Agencies shall set their own goals for increasing the utilization of HUB businesses based on relevant factors. However, instructions for state agencies to consider the disparity study are removed, in order to avoid the constitutional issues inherent in race, ethnicity, and

sex-based classifications. Agencies are instructed to consider businesses that are owned by "qualified owners," because the definition of "qualified owners" in §20.282 no longer includes classifications based on race, ethnicity, and sex.

Amended §20.288 eliminates references to minority business enterprises and women's business enterprises, which are classifications outside the scope of the amended rules. It specifies that the definition of "historically underutilized business" in Government Code, Chapter 2161 must be interpreted in light of the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

Amended §20.294 removes a reference to overcoming the effects of discrimination. This reference was unnecessary, and its removal will not affect program implementation. The comptroller will continue to enforce the same size standards in determining eligibility for certification.

Amended §20.295 removes references to the disparity study. It states that the comptroller may determine the need to reassess the HUB rules.

Amended §20.296 specifies that an agency HUB coordinator shall carry out their duties on a race-neutral, ethnicity-neutral, and sex-neutral basis, mindful that the Texas and U.S. Constitutions prohibit discrimination and require equal protection under the law. Because the state and federal constitutions have always applied to state agency employees including HUB coordinators, the added language is merely a reminder.

Amended §20.298 eliminates a reference to the disparity study. Agencies shall implement the Mentor-Protégé program without reference to the disparity study.

STREAMLINING SUBCONTRACTING PLANS

The comptroller revises the term "HUB subcontracting plan" to "subcontracting plan" throughout these amended rules. The definition of "subcontracting plan" is relocated within §20.282 to maintain alphabetical order, and the numbering is adjusted accordingly. "Subcontracting plan" is more appropriate, because there is not a requirement for a vendor to subcontract to a HUB to complete the plan. Vendors are permitted to use any subcontractor, regardless of HUB status, provided that the selection was made in demonstrated good faith in accordance with the rules.

Amended §20.285(b)(1) reiterates that an agency shall require subcontracting plans as part of a solicitation response whenever subcontracting opportunities with HUBs are probable. The HUB rules require agencies to check the comptroller's HUB directory as part of the process of determining whether subcontracting is probable. See §20.285(a). In the HUB directory, HUBs indicate which types of work they perform and which parts of the state they serve. If the directory shows that no HUBs are available for contemplated subcontracts, there is not a probable HUB subcontracting opportunity. The intent of §20.285(b) is for agencies to check that HUBs are available before determining that subcontracting opportunities are probable. The added language provides additional clarity.

Amended §20.285(b)(1) also removes the requirement to include a historically underutilized business utilization goal in a solicitation which requires the respondent to submit a subcontracting plan. The utilization goal was used by respondents to complete the "meeting-or-exceeding-HUB-goal method," which is deleted from the amended rule. Because the percentage utilization goal is no longer useful in completing the subcontracting plan, and because including the goal may mislead a vendor to believe that a minimum amount of subcontracting is required, the amended rule allows an agency to omit such a goal from the solicitation.

Amended §20.285(b)(3) aligns the language of the rule with Government Code, §2161.252(b). Both the amended section and the statute now state that when a state agency requires a subcontracting plan, a bid, proposal, offer, or other applicable expression of interest for the contract must contain a plan to be considered responsive.

Amended §20.285(b)(4) leaves untouched the ability of a state agency to allow respondents to cure minor deficiencies in subcontracting plans. Also untouched is the principal that a state agency may not allow a respondent to cure material deficiencies. However, the amendments revise the description of material deficiencies because respondents are no longer required to contact minority trade organizations, or to provide a statement of how it will self-perform work in the subcontracting plan. That is consistent with other changes in §20.285.

Amended §20.285(d) addresses demonstration of good faith in the development of a subcontracting plan. The amended rule provides that for each part of work that the solicitation identified as a probable subcontracting opportunity and each part of the work that the respondent actually intends to subcontract, the respondent must demonstrate its good faith development of a subcontracting plan by either inviting small business to bid for subcontracts (the "solicitation method") or stating that it does not intend to subcontract (the "self-performing method"). The amended rule simplifies the preparation of a subcontracting plan, making it easier for respondents to comply, and reducing the number of bids or proposals that are nonresponsive under Government Code, §2161.252(b). The amended subsection (d) eliminates two of the four previous methods for completing a good faith effort: the "all-HUB-subcontractors method" in former paragraph (2), and the "meeting-or-exceeding-HUB-goal method" in former paragraph (3). These methods incentivized respondents to select historically underutilized businesses as subcontractors by allowing them to skip the notification steps in the solicitation method. Under the amended rule, there are no such shortcuts. Respondents that intend to subcontract must perform the same steps, regardless of which subcontractors they select. Eliminating the least-used compliance methods will also simplify the subcontracting form, reducing confusion that may result in noncompliance. The remaining paragraphs are renumbered.

Amended paragraph (1) ensures that the requirement to perform outreach to potential subcontractors under the solicitation method is race, ethnic, and sex-neutral. Additionally, outreach to trade organizations or development centers under former subparagraph (B) is no longer required. The Government Code does not require outreach to such organizations, and the comptroller has determined that the costs of such outreach outweigh the benefits. Finally, the minimum number of HUBs to be solicited is reduced from three to two. Because the eligibility requirements for HUB certification are more stringent, the comptroller anticipates that the number of HUBs available to subcontract will substantially decrease. It is more reasonable to ask vendors to solicit two qualified HUBs than three.

Amended subparagraph (G) allows a respondent to submit its subcontractor selection justification upon request, rather than requiring it with the response. Under this amended rule, the agency may collect any information it needs to evaluate good

faith. However, the amendment eliminates a common way subcontracting plans may be noncompliant. This amended subparagraph also makes explicit that a respondent is not required to select a small business if it determines in good faith that another subcontractor is more suitable.

The self-performing method in renumbered paragraph (2) provides expressly that a respondent is not required to subcontract any portion of any contract. While the rules have never required subcontracting, the comptroller now makes that clear. The amended rule provides that a respondent may use the self-performing method to demonstrate a good faith effort for any subcontracting opportunity by indicating that it intends to fulfill the entire contract, including each subcontracting opportunity, with its own equipment, supplies, materials, and employees. The amended rule allows a respondent to submit its self-performing justification upon request, rather than requiring it with the response. This eliminates another common way subcontracting plans may be noncompliant, while maintaining agencies' ability to assess compliance.

Renumbered paragraph (4) is amended to clarify that a business listed in the HUB directory at the time of the good faith effort is considered a HUB for purposes of evaluating a subcontracting plan, even if the business later graduates or has its HUB status revoked or expired. This is not a change in policy, but the clarification may help with interpretation.

Amended subsection (e) states that a state agency may reject a HUB subcontracting plan that was not developed in good faith or was not completed. This is consistent with Government Code, §2161.282(b), which states that a response that does not include a subcontracting plan is nonresponsive. To address the situation where a subcontracting plan identifies businesses that are no longer HUBs, the amended subsection allows the agency to request a revised subcontracting plan. While agencies have always had discretion to work with contractors to amend subcontracting plans after award (see §20.285(i)), this revision makes it clear that agencies have the same discretion to work with respondents before award.

FISCAL NOTE

Brad Reynolds, Chief Revenue Estimator, has determined that during the first five years that the proposed amendments are in effect, the amended rules: will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to the agency; will not require an increase or decrease in fees paid to the agency; will decrease the number of individuals subject to the rules' applicability; and will not positively or adversely affect this state's economy. This proposal amends existing rules.

Mr. Reynolds also has determined that the proposed amended rules would have no fiscal impact on the state government, units of local government, or individuals. The proposed amendments would align the rules' language with court decisions that have interpreted the Texas and United States Constitutions by eliminating race, ethnic, and sex-based classifications from the rules. Thus, the proposed amendments would benefit the public by ensuring that the Veteran Heroes United in Business program (formerly the HUB program) is applied in a manner consistent with recent court decisions regarding constitutionality of race-, ethnic-, or sex-based classifications. Furthermore, the proposed amendments would benefit the public by streamlining the program's subcontracting provisions, thereby, increasing compliance. There would be no anticipated significant economic cost to the public. The proposed amendments would have no significant fiscal impact on rural communities. The pool of businesses eligible to participate in the program will decline significantly. Costs to small businesses formerly certified as HUBs for monitoring state contracting opportunities could increase as notices and invitations to bid delivered to small businesses are reduced, and the share of state contracts won by those businesses could decrease, to an unknown extent; the fiscal implications for small businesses cannot be determined.

COMMENTS AND HEARING

You may submit comments on the proposal or information related to the cost, benefit, or effect of the proposal, including any applicable data, research or analysis, to Gerard MacCrossan P.O. Box 13528 Austin, Texas 78711 or to the email address: Gerard.MacCrossan@cpa.texas.gov. The comptroller must receive your comments or other information no later than 30 days from the date of publication of the proposal in the *Texas Register*.

A public hearing will be held to receive comments on the proposed amendments. There is no physical location for this meeting. The meeting will be held at 7:00 a.m., Central Time, on April 7, 2026. To access the online public meeting by web browser, please enter the following URL into your browser: https://txcpa.webex.com/txcpa/j.php?MTID=mac3fedd0742ad312afab6a350ab5e570. To join the meeting by computer or cell phone using the Webex app, use the access code 2481 363 9967 and password SPDRULES. Persons interested in providing comments at the public hearing may contact Mr. Gerard MacCrossan, Comptroller of Public Accounts, at Gerard.MacCrossan@cpa.texas.gov or by calling (512) 463-4468 by April 6, 2026.

AUTHORITY

These amendments are proposed under Government Code, §2161.0012, which authorizes the comptroller to adopt rules to efficiently and effectively administer Chapter 2161, and Government Code, §2161.002, which authorizes the comptroller to adopt rules to administer Subchapters B and C of Chapter 2161. These amendments implement Government Code, Chapter 2161, in light of the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

These amendments implement Government Code, Chapter 2161.

§20.281. Policy and Purpose.

It is the policy of the comptroller to encourage the use of historically underutilized businesses (HUBs) by state agencies and to assist agencies in the implementation of this policy through race, ethnic, and sex-neutral [~~gender-neutral~~] means. The purpose of the HUB program is to promote full and equal business opportunities for all businesses [~~in an effort to remedy disparity in state procurement and contracting in accordance with the HUB utilization goals specified in the State of Texas Disparity Study~~]. All rules, guidance, and statutes related to the HUB program must be interpreted, applied, and implemented in accordance with the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

§20.282. Definitions.

The following words and terms, when used in this division, shall have the following meanings, unless the context clearly indicates otherwise. Additional applicable definitions are located in §20.25 of this title.

(1) Applicant--A corporation, sole proprietorship, partnership, joint venture, limited liability company, or other business organization that applies to the comptroller for certification as a historically underutilized business.

(2) Application--The information, documents, and representations submitted by an applicant that constitute its request for certification as a historically underutilized business.

(3) Commodities--Any tangible goods.

~~[(4) Disparity study--The State of Texas Disparity Study - 2009, conducted by MGT of America, Inc., dated March 30, 2010, or any updates of the study that are prepared on behalf of the state as provided by Government Code, §2161.002(c).]~~

(4) [~~(5)~~] Economically disadvantaged person--Has the meaning assigned by Government Code, §2161.001(3), subject to the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV.

(5) [~~(6)~~] Graduation--When a certified HUB exceeds the size standards and becomes ineligible for continued certification as a result.

(6) [~~(7)~~] Historically underutilized business (HUB)--A business organization described in subparagraphs (A) - (F) of this paragraph that is certified by the comptroller because it has not exceeded the size standards established by §20.294 of this title, maintains its principal place of business in Texas, and is:

(A) a corporation formed for the purpose of making a profit in which at least 51% of all classes of the shares of stock or other equitable securities are owned by one or more qualifying owners;

(B) a sole proprietorship created for the purpose of making a profit that is 100% owned, operated, and controlled by a qualifying owner;

(C) a partnership formed for the purpose of making a profit in which 51% of the assets and interest in the partnership is owned by one or more qualifying owners;

(D) a joint venture in which each entity is described by subparagraphs (A), (B), (C), or (E) of this paragraph [~~a HUB~~];

(E) a supplier contract between an entity described by subparagraphs (A), (B), (C), or (D) of this paragraph [~~a HUB~~] and a prime contractor under which the HUB is directly involved in the manufacture or distribution of the supplies or materials or otherwise warehouses and ships the supplies; or

(F) a business other than described in subparagraphs (B), (C), (D), and (E) of this paragraph, which is formed for the purpose of making a profit and is otherwise a legally recognized business organization under the laws of the State of Texas, provided that at least 51% of the assets and 51% of any classes of stock and equitable securities are owned by one or more qualifying owners.

(7) [~~(8)~~] Historically underutilized business (HUB) coordinator--The staff member designated by a state agency to be primarily responsible for overseeing the implementation of HUB laws and monitoring attainment of HUB utilization goals.

(8) [~~(9)~~] HUB directory--The Historically Underutilized Business Directory published on the comptroller's website.

~~[(10) HUB subcontracting plan--Written plan identifying whether a contract will be self-performed or include the use of subcontractors, which subcontractors will be used, how much of the contract each subcontractor will receive, and how subcontractors were selected.]~~

(9) [~~(11)~~] Mentor-Protégé Program--A program designed by the comptroller to encourage agencies to work with prime contractors and HUBs to foster long-term relationships.

(10) [~~(12)~~] Non-treasury funds--Funds that are not state funds subject to the custody and control of the comptroller and available for appropriation by the legislature.

(11) [~~(13)~~] Other services--All services other than construction and professional services, including consulting services subject to Government Code, Chapter 2254, Subchapter B.

(12) [~~(14)~~] Person--A human being.

(13) [~~(15)~~] Principal place of business--The location where the qualifying owner or owners of the business direct, control, and coordinate the business's daily operations and activities.

(14) [~~(16)~~] Professional services--Services of certain licensed or registered professions that must be purchased by state agencies under Government Code, Chapter 2254, Subchapter A.

(15) [~~(17)~~] Qualifying owner--A person who:

(A) is a resident of the State of Texas;

(B) has a proportionate interest and demonstrates active participation in the control, operation, and management of an applicant;

(C) is a service-disabled veteran, [~~member of one of the following groups:~~]

~~*[(i)* Black Americans, which includes persons having origins in any of the Black racial groups of Africa;]~~

~~*[(ii)* Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;]~~

~~*[(iii)* American Women, which includes all women of any ethnicity except those specified in clauses (i), (ii), (iv), and (v) of this subparagraph;]~~

~~*[(iv)* Asian Pacific Americans, which includes persons whose origins are from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the U.S. Trust Territories of the Pacific, the Northern Marianas, and Subcontinent Asian Americans which includes persons whose origins are from India, Pakistan, Bangladesh, Sri Lanka, Bhutan or Nepal;]~~

~~*[(v)* Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians; and]~~

[(vi)] [~~Service-disabled Veterans,~~] which includes veterans as defined by 38 U.S.C. §101(2) who have suffered at least a 20% service-connected disability as defined by 38 U.S.C. §101(16). [~~who are not Black Americans, Hispanic Americans, American Women, Asian Pacific Americans, or Native Americans; and~~]

~~[(D) is a U.S. citizen, born or naturalized, or a service-disabled veteran as defined by 38 U.S.C., §101(2) who has suffered at least a 20% service-connected disability as defined by 38 U.S.C., §101(16).]~~

(16) [~~(18)~~] Resident of the State of Texas--An individual who:

(A) physically resides in the state for a period of not less than six consecutive months prior to submitting an application for HUB certification, and lists Texas as their residency in their most recent tax return submitted to the U.S. Internal Revenue Service, or;

(B) has established, to the satisfaction of the comptroller, a Texas domicile for a period of time sufficient to demonstrate their intention to permanently reside in the state consistently over a substantial period of time.

(17) [~~(19)~~] Response--A submission made in answer to an invitation for bid, request for proposal, or other purchase solicitation document, which may take the form of a bid, proposal, offer, or other applicable expression of interest.

(18) [~~(20)~~] Subcontractor--An entity that contracts with a prime contractor to work or contribute toward completing work under a purchase order or other contract. The term does not include employees of the contractor but includes contracted workers who will work on the contract.

(19) [~~(21)~~] Size standards--Graduation and eligibility thresholds established by the comptroller under §20.294 (relating to Graduation Procedures).

(20) Subcontracting plan--Written plan identifying whether a contract will be self-performed or include the use of subcontractors, which subcontractors will be used, how much of the contract each subcontractor will receive, and how subcontractors were selected.

(21) [~~(22)~~] Term contract--A statewide contract established by the comptroller as a supply source for user entities for specific commodities or services.

(22) [~~(23)~~] Vendor Identification Number (VID)--A 13-digit identification number used in state government to identify the bidder or business for payment or award of contracts, certification as a HUB, and on the bidders list.

(23) [~~(24)~~] Work--Providing goods or performing services pursuant to a contract.

(24) [~~(25)~~] Working day--Normal business day of a state agency, not including weekends, federal or state holidays.

§20.284. Statewide Annual HUB Utilization Goals.

(a) In accordance with §20.281 of this title (relating to Policy and Purpose) and Government Code, §2161.181 and §2161.182, each state agency shall make a good faith effort to utilize HUBs in contracts for construction, services (including professional and consulting services) and commodities purchases. Each state agency may achieve the statewide and the annual HUB utilization goals specified in the state agency's Legislative Appropriations Request by contracting directly with HUBs or indirectly through subcontracting opportunities.

(b) The statewide HUB utilization goals are qualitative, with the goal of increasing participation of service-disabled veteran in state purchasing and contracts.[~~:~~]

[~~(1) 11.2% for heavy construction other than building contracts;~~]

[~~(2) 21.1% for all building construction, including general contractors and operative builders contracts;~~]

[~~(3) 32.9% for all special trade construction contracts;~~]

[~~(4) 23.7% for professional services contracts;~~]

[~~(5) 26.0% for all other services contracts; and~~]

[~~(6) 21.1% for commodities contracts.~~]

(c) [~~State agencies shall establish HUB utilization goals for each procurement category identified in subsection (b) of this section. Agencies may set their HUB utilization goals higher or lower than the statewide utilization goals. However, the statewide HUB utilization goals shall be the starting point for establishing state agency-specific goals.~~] State agency-specific HUB utilization goals shall be based on:

(1) a state agency's fiscal year expenditures and total contract expenditures;

(2) the availability to a state agency of HUBs [~~in each procurement category~~];

(3) the state agency's historic utilization of HUBs; and

(4) other relevant factors.

(d) Each state agency shall make a good faith effort to assist HUBs in receiving a portion of the total value of all contracts that the state agency expects to award in a fiscal year. Factors in determining a state agency's good faith shall include:

(1) the state agency's performance in meeting or exceeding their HUB utilization goals or the statewide HUB utilization goals as they included as part of their legislative appropriations request in accordance with Government Code, §2161.127; and

(2) the state agency's adoption and implementation of the following procedures:

(A) prepare and distribute information on procurement procedures in a manner that encourages participation in state contracts by all businesses;

(B) divide proposed requisitions into reasonable lots in keeping with industry standards and competitive bid requirements;

(C) where feasible, assess bond and insurance requirements and design requirements that reasonably permit more than one business to perform the work;

(D) specify reasonable, realistic delivery schedules consistent with a state agency's actual requirements;

(E) ensure that specifications, terms, and conditions reflect a state agency's actual requirements, are clearly stated, and do not impose unreasonable or unnecessary contract requirements;

(F) provide potential bidders with referenced list of certified HUBs for subcontracting;

[~~(G) develop and apply a written methodology to determine whether their HUB utilization goals are appropriate under the Disparity Study, or whether the statewide HUB utilization goals from the Disparity Study are appropriate for the state agency, and taking into account the provisions of Government Code, §2161.002(d);~~]

(G) [~~(H)~~] identify potential subcontracting opportunities in all contracts and require a [~~HUB~~] subcontracting plan for contracts of $100,000 or more over the life of the contract (including any renewals), where such opportunities exist, in accordance with Government Code, §2161.251;

(H) [~~(I)~~] seek HUB subcontracting in contracts that are less than $100,000 whenever possible;

(I) [~~(J)~~] provide, at a state agency's option, courtesy reviews of respondents' [~~HUB~~] subcontracting plans required to be submitted with responses pursuant to Government Code, §2161.252; and

(J) [~~(K)~~] provide, at a state agency's option, subcontracting-plan-compliance [~~HUB-subcontracting-plan-compli-~~

~~ance~~] training to potential respondents during pre-bid, pre-offer, and pre-proposal conferences, or at agency HUB forums.

(e) A state agency may also demonstrate good faith under this section by submitting a supplemental letter with documentation to the comptroller with their HUB report or legislative appropriations request including other relevant information, such as:

(1) identifying the percentage of contracts (prime and subcontracts) awarded to businesses that are not HUBs, but that are owned by economically disadvantaged persons as defined in Government Code, §2161.001;

(2) demonstrating that a different goal from that identified in subsection (b) of this section was appropriate given the state agency's types of purchases;

(3) demonstrating that a different goal was appropriate given the particular qualifications required by a state agency for its contracts;

(4) demonstrating that a different goal was appropriate given that graduated HUBs cannot be counted toward the goal; or

(5) demonstrating assistance to business entities in obtaining HUB certification.

§20.285. Subcontracts.

(a) Analyzing potential contracts of $100,000 or more. In accordance with Government Code, Chapter 2161, Subchapter F, each state agency that considers entering into a contract with an expected value of $100,000 or more shall, before it solicits responses, determine whether subcontracting opportunities are probable under the contract.

(1) State agencies shall use the following steps to determine if subcontracting opportunities are probable under the contract:

(A) examine the scope of work to be performed under the proposed contract and determine if it is likely that some of the work may be performed by a subcontractor;

(B) check the HUB directory for HUBs that may be available to perform the contract work; and

(C) consider whether subcontracting is probable for only a subset of the work expected to be performed or the funds to be expended under the contract.

(2) State agencies may consider additional sources of information regarding the probability of subcontracting, including:

(A) information from other state agencies and local governments; and

(B) information about past state contracts with similar scopes of work.

(b) Requiring [~~HUB~~] subcontracting plans.

(1) If a state agency determines that subcontracting opportunities with HUBs are probable, the solicitation shall state that probability and explicitly require that any response include a completed [~~HUB~~] subcontracting plan to be considered responsive. The solicitation shall [~~state the applicable HUB utilization goal, and~~] provide information on where to find and how to complete the comptroller's [~~HUB~~] subcontracting plan form.

(2) A state agency shall require [~~HUB~~] subcontracting plans to be submitted with each response. If a state agency permits responses to be submitted in parts, with deadlines for each part, the solicitation shall specify which deadline applies to the [~~HUB~~] subcontracting plan and shall not open responses until after the [~~HUB~~] subcontracting plan is due.

(3) When a state agency requires a subcontracting plan, a bid, proposal, offer, or other applicable expression of interest for the contract must contain a plan to be considered responsive. [~~A state agency shall reject any response that does not include a completed and timely HUB subcontracting plan due to material failure to comply with Government Code, §2161.252(b).~~]

(4) If a properly submitted [~~HUB~~] subcontracting plan contains minor deficiencies, such as failure to sign or date the plan or failure to submit already-existing evidence that a good faith effort was completed, the state agency may allow the respondent to cure the minor deficiency. A state agency may not allow a respondent to cure material deficiencies, including completion of a good faith effort after the response deadline, [~~(~~]such as contacting potential subcontractors [~~minority trade organizations~~] or producing the statement that [~~of how~~] the respondent intends to self-perform the work, if [~~that is~~] required [~~by subsection (d)(4) of this section)~~].

(c) Completing a [~~HUB~~] subcontracting plan. The [~~HUB~~] subcontracting plan shall consist of a completed form prescribed by the comptroller, with attachments as appropriate.

(d) Demonstrating good faith in the development of a [~~HUB~~] subcontracting plan. The [~~HUB~~] subcontracting plan must demonstrate that the respondent developed it in good faith. For each part of the work that the solicitation identified as a probable subcontracting opportunity and each part of the work that the respondent actually intends to subcontract, the respondent must demonstrate its good faith development of a [~~HUB~~] subcontracting plan by either inviting small businesses to bid for subcontracts (the solicitation method) or stating that it does not intend to subcontract (the self-performing method) [~~a method described in paragraphs (1)-(4) of this subsection~~].

(1) Solicitation Method. To complete the solicitation method, the respondent shall comply with all requirements of this clause.

(A) The respondent shall divide the work into reasonable lots or portions consistent with prudent industry practices.

(B) Reserved. [~~The respondent shall notify, in writing, at least two trade organizations or development centers that serve economically disadvantaged persons, of the subcontracting opportunities that the respondent intends to subcontract.~~]

(C) The respondent shall notify, in writing, at least two [~~three~~] HUBs of the subcontracting opportunities that the respondent intends to subcontract. The respondent shall provide the notice described in this subclause to two [~~three~~] or more HUBs per subcontracting opportunity that provide the type of work required.

(D) The notices required by subparagraphs (B) and (C) of this paragraph shall include the scope of work, information regarding location to review plans and specifications, information about bonding and insurance requirements, required qualifications, and other contract requirements and identify a contact person.

(E) The respondent shall provide the notices required by subparagraphs (B) and (C) of this paragraph at least seven working days prior to submission of the response. Neither the day on which the notice is sent nor the day on which the respondent submits its response count as one of the required seven working days. A state agency may determine that circumstances require a different time period than seven working days but must notify potential vendors of the requirement and document the justification in the contract file.

(F) The respondent shall submit documentation of having provided the notices required by subparagraphs (B) and (C) of this

paragraph, including copies of relevant correspondence with the recipients, with its [~~HUB~~] subcontracting plan.

(G) If the state agency requests it [~~If the respondent selects a non-HUB business to perform a subcontract instead of a HUB that bid for the same subcontract work~~], the respondent shall provide [~~include~~] a written justification for its subcontractor [~~the~~] selection [~~in its HUB subcontracting plan~~]. A respondent is not required to select a small business if it determines in good faith that another subcontractor is more suitable.

(H) The respondent shall retain documentation of its compliance with each aspect of the solicitation method and submit it to the state agency upon request.

[~~(2) All-HUB-Subcontractors Method. The respondent may use the all-HUB-subcontractors method to demonstrate a good faith effort for any subcontracting opportunity by submitting documentation that 100% of subcontracting opportunities will be performed by HUBs.~~]

[~~(3) Meeting-or-Exceeding-HUB-Goal Method. The respondent may use the meeting-or-exceeding-HUB-goal method to demonstrate a good faith effort for any subcontracting opportunity by submitting documentation that it will utilize one or more HUBs to perform subcontracts with a total value that will meet or exceed the HUB utilization goal identified by the procuring state agency in the solicitation.~~]

(2) [~~(4)~~] Self-performing Method. This rule does not require a respondent to subcontract any portion of any contract. The respondent may use the self-performing method to demonstrate a good faith effort for any subcontracting opportunity by indicating that [~~providing a statement of how~~] it intends to fulfill the entire contract, including each subcontracting opportunity, with its own equipment, supplies, materials, and employees. The respondent shall provide the following if requested by the procuring state agency:

(A) evidence of existing staffing to meet contract objectives;

(B) monthly payroll records showing employees engaged in the contract;

(C) on-site reviews of company headquarters or work site where services are to be performed; and

(D) documentation proving employment of qualified personnel holding the necessary licenses and certificates required to perform the work.

(3) [~~(5)~~] Subcontracting to a HUB Protégé. Under Government Code, §2161.253, if [~~If~~] the respondent is a mentor in a mentor-protégé agreement under Government Code, §2161.065 [~~that is registered with the comptroller under §20.298 of this title (relating to Mentor-Protégé Program)~~], the respondent may demonstrate a good faith effort for any subcontracting opportunity by subcontracting the work to its protégé.

(4) [~~(6)~~] The respondent shall use the HUB directory to identify HUBs. If the respondent uses any alternate source, it accepts the risk that its [~~HUB~~] subcontracting plan may be noncompliant due to inaccurate HUB certification information. A business listed in the HUB directory at the time of the good faith effort is considered a HUB for purposes of evaluating a subcontracting plan, even if the business later graduates or has its HUB status revoked or expired.

(e) Accepting or rejecting the [~~HUB~~] subcontracting plan. The state agency shall review the respondent's [~~HUB~~] subcontracting plan prior to award. The [~~HUB~~] subcontracting plan shall become a provision of the state agency's contract. The agency and contractor may agree to revise the submitted [~~HUB~~] subcontracting plan in accordance with subsection (b)(4) of this section. State agencies shall review the documentation submitted by the respondent to determine if the respondent made a good faith effort. A state agency may reject [~~If the state agency determines that~~] a [~~HUB~~] subcontracting plan that was not developed in good faith or [~~the good faith effort~~] was not completed [~~incomplete, the state agency shall reject the response~~]. The state agency shall document the reasons for rejection in the contract file. If an agency finds that businesses identified in a subcontracting plan are no longer HUBs, it may invite the vendor to submit a revised plan that identifies active HUBs.

(f) Contractor records. The contractor shall maintain records documenting its compliance with the [~~HUB~~] subcontracting plan.

(g) Progress assessment reports. The contractor shall submit a progress assessment report to the state agency with each invoice, in the format required by the comptroller. A state agency may, at its option, allow electronic submissions of the compliance report required by this subsection so long as the electronically-submitted compliance reports are in the format and contain all information required by the comptroller. The progress assessment report shall be a condition for payment.

(h) Monitoring [~~HUB~~] subcontracting plan compliance.

(1) During the term of the contract, the state agency shall monitor the contractor's subcontracting by reviewing each HUB progress assessment report to determine whether it complies with the [~~HUB~~] subcontracting plan. The state agency shall perform monitoring at intervals corresponding to invoice submissions. The state agency shall determine if the value of the payments to HUBs meets or exceeds the [~~HUB~~] subcontracting plan, and whether the contractor is utilizing only subcontractors named in the [~~HUB~~] subcontracting plan. The state agency shall document the contractor's performance in the contract file.

(2) To determine if the contractor is complying with the [~~HUB~~] subcontracting plan, the state agency may consider the following:

(A) whether the contractor gave timely notice to the subcontractor regarding the time and place of the subcontracted work;

(B) whether the contractor facilitated access to the resources needed to complete the work; and

(C) any other information the state agency considers relevant.

(3) If the contractor fails to comply with the [~~HUB~~] subcontracting plan, the state agency shall notify the contractor of the deficiencies and give the contractor an opportunity to submit documentation and explain why its failure to fulfill the [~~HUB~~] subcontracting plan should not be attributed to a lack of good faith effort by the contractor. Any deficiencies identified by the state agency must be rectified by the contractor prior to the next reporting period.

(4) The state agency shall report failure to comply with the [~~HUB~~] subcontracting plan to the comptroller in accordance with §20.509 of this title (relating to Vendor Performance Reporting). If the state agency determines that the contractor failed to implement the [~~HUB~~] subcontracting plan in good faith, the state agency may, in addition to any other remedies, bar the contractor from further contracting opportunities with the agency. The state agency may also report nonperformance to the comptroller for consideration for possible debarment pursuant to Government Code, §2155.077. A debarment for failure to implement the [~~HUB~~] subcontracting plan may be for a period of no more than five years.

(i) Amending the [~~HUB~~] subcontracting plan.

(1) Before the contractor performs or subcontracts any part of the contract in a manner that is not consistent with its [~~HUB~~] subcontracting plan, it shall submit an amended [~~HUB~~] subcontracting plan to the state agency for its review and approval. The contractor shall demonstrate good faith by complying with the requirements of subsection (d) of this section in the development of the amended [~~HUB~~] subcontracting plan. Failure to comply with this section may be deemed a breach of the contract subject to any remedies provided by Government Code, Chapter 2161 and other applicable law.

(2) The state agency may approve requested changes to the [~~HUB~~] subcontracting plan by amending the contract. The reasons for amending the [~~HUB~~] subcontracting plan shall be recorded in the contract file.

(3) If a state agency expands the scope of work through a change order or contract amendment, including a renewal that expands the scope of work, it shall determine if the additional scope of work contains additional probable subcontracting opportunities. If the state agency determines probable subcontracting opportunities exist, the state agency shall require the contractor to submit for its review and approval an amended [~~HUB~~] subcontracting plan for the additional probable subcontracting opportunities. The contractor shall demonstrate good faith by complying with the requirements of subsection (d) of this section in the development of the amended [~~HUB~~] subcontracting plan.

§20.288. Certification Process.

(a) A business seeking certification as a HUB must submit an application through the online HUB certification system, affirming under penalty of perjury that the business qualifies as a HUB.

(b) If requested by the comptroller, the applicant must provide any and all materials and information necessary to demonstrate a qualifying active participation in the control, operation, and management of the HUB.

(c) A person claiming Texas residency must prove residency status by submitting:

(1) a current valid Texas driver's license or I.D. card; and

(2) additional evidence of residency satisfactory to the comptroller, such as an appraisal statement for Texas real property (including whether a homestead exemption was claimed for that real property) or most recent paid utility statements.

(d) The comptroller shall certify the applicant as a HUB or provide the applicant with written justification of its denial of certification within 90 days after the date the comptroller receives an application.

(e) The comptroller may reject an application based on one or more of the following:

(1) the application is not satisfactorily completed;

(2) the applicant does not meet the requirements of the definition of HUB;

(3) the application contains false information;

(4) the applicant does not provide required information in connection with the certification review conducted by the comptroller; or

(5) the applicant has an unfavorable record of performance on prior contracts with the state.

(f) The comptroller may approve the existing certification program of one or more local governments or nonprofit organizations in this state that certify historically underutilized businesses, minority business enterprises, women's business enterprises, or disadvantaged business enterprises that substantially fall under the same definition, to the extent applicable for HUBs found in Government Code, §2161.001, subject to the prohibition against race- and sex-based discrimination imposed by Texas Constitution, Article I, Section 3a, and United States Constitution, Amendment XIV, and maintain them on the comptroller's HUB directory, if the local government or nonprofit organization:

(1) meets or exceeds the standards established by the comptroller and

(2) agrees to the terms and conditions as required by statute relative to the agreement between the local government or nonprofits for the purpose of certification of HUBs.

(g) The agreement in subsection (f) of this section must take effect immediately and contain conditions as follows:

(1) allow for automatic certification of businesses certified by the local government or nonprofit organization as prescribed by the comptroller;

(2) provide for the efficient updating of the HUB directory;

(3) provide for a method by which the comptroller may efficiently communicate with businesses certified by the local government or nonprofit organization;

(4) provide those businesses with information about the state's Historically Underutilized Business Program; and

(5) require that a local government or nonprofit organization that enters into an agreement under subsection (f) of this section, complete the certification of an applicant with written justification of its certification denial within the period established by the comptroller in its rules for certification.

(h) The comptroller will not accept the certification of a local government or nonprofit organization that charges money for the certification of businesses to be listed on the HUB directory.

(i) The comptroller may terminate an agreement made under this section if a local government or nonprofit organization fails to meet the standards established by the comptroller for certifying HUBs. In the event of the termination of an agreement, those HUBs that were certified as a result of the agreement will maintain their HUB status during the fiscal year in which the agreement was in effect. Businesses which are removed from the HUB directory as a result of the termination of an agreement with a local government or nonprofit organization may apply to the comptroller for certification.

(j) The certification is valid for a four-year period beginning on the date the comptroller certifies the applicant as a HUB. If the certification was granted by an organization other than the comptroller under subsections (f) and (g) of this section, it is valid for the period granted by that organization.

§20.294. Graduation Procedures.

(a) Size Standards. A HUB shall graduate from being eligible for HUB certification when it has maintained gross receipts or total employment levels during four consecutive years which, including all affiliates, exceed the U.S. Small Business Administration size standards set forth in 13 CFR Part 121.

(b) Graduation. [~~Businesses that achieve the size standards identified in subsection (a) of this section have reached a competitive status in overcoming the effects of discrimination.~~] The comptroller shall review, as part of the certification or recertification process, the financial revenue or relevant data of a business to determine whether the size standards identified in subsection (a) of this section have been

achieved. When the comptroller determines that the business exceeds the applicable size standard, the comptroller shall inform the business that it has graduated and is no longer certified as a HUB, and shall remove the business from the HUB directory.

(c) Effects of Graduation.

(1) Businesses that have graduated from the HUB program may not be included in meeting statewide or state agency HUB utilization goals after the end of last reporting period in which they held certification for at least one day.

(2) A business that has graduated or does not qualify as a HUB under this title, shall be eligible to reapply for HUB certification only after demonstrating that it meets the qualifications for HUB, including the size standards.

(3) A business is considered a successor in interest if it has acquired substantially all of the assets and liabilities of another business. The application of the successor in interest to a HUB that has graduated will be treated as a reapplication of the HUB. The successor in interest applicant must show that it meets the size standards before it is considered eligible to apply.

§20.295. Program Review.

[~~The comptroller shall revise the HUB rules based on updates of disparity studies conducted and prepared on behalf of the State of Texas.~~] The comptroller may determine the need to reassess the HUB rules [~~upon receipt of new disparity study information~~].

§20.296. HUB Coordinator Responsibilities.

(a) In accordance with Government Code, §2161.062(e), state agencies with biennial budgets that exceed $10 million shall designate a staff member to serve as the Historically Underutilized Business (HUB) Coordinator for the state agency during the fiscal year. The HUB coordinator will advise and assist state agency executive directors and staff in complying with the requirements of this division, Government Code, §321.013, and §2101.011, and Government Code, Chapter 2161.

(b) To demonstrate good faith effort, a state agency shall provide the HUB coordinator with necessary and sufficient resources from its current operations and budget to effectively promote the achievement of all the responsibilities of the HUB coordinator. The HUB coordinator will assist its state agency in the development of the state agency's procurement specifications, [~~HUB~~] subcontracting plans, and evaluation of contracts for compliance. The HUB coordinator should be in a position that reports, communicates, and provides information directly to the state agency's executive director. To assist state agencies and the comptroller with HUB compliance, the duties and responsibilities of HUB coordinators include, but are not limited to, facilitating compliance with the state agency's good faith effort criteria, HUB reporting, contract administration, and marketing and outreach efforts for HUB participation. The comptroller may assist agencies, upon request, to identify other responsibilities of a HUB coordinator for compliance.

(c) The HUB coordinator shall carry out their duties on a race-neutral, ethnicity-neutral, and sex-neutral basis, mindful that the Texas and U.S. Constitutions prohibit discrimination and require equal protection under the law.

§20.298. Mentor-Protégé Program.

(a) The Mentor-Protégé Program is a program administered by the comptroller in accordance with Government Code, §2161.065, and implemented by state agencies. The purpose of the Mentor-Protégé Program is to foster long-term relationships between experienced contractors and HUBs and to increase the ability of HUBs to obtain and perform contracts and subcontracts for state agency business. Each state agency with a biennial appropriation that exceeds $10 million shall implement the Mentor-Protégé Program.

(b) Each state agency that implements the Mentor-Protégé program shall consider:

(1) the needs of protégé businesses requesting to be mentored;

(2) the availability of mentors who possess unique skills, talents, and experience related to the mission of the state agency's program; and

(3) the state agency's staff and other resources.

(c) Agencies may elect to implement the Mentor-Protégé Program individually or in cooperation with other agencies, public entities, or private organizations. Agencies are encouraged to implement a Mentor-Protégé Program to address the needs of protégé businesses in the following areas:

(1) construction;

(2) commodities; and

(3) services.

(d) State agencies may consider, but are not limited to, the following factors in developing their Mentor-Protégé Program:

(1) internal procedures, including an application process, regarding the Mentor-Protégé Program which identifies the eligibility criteria and the selection criteria for mentors and potential HUB protégé businesses;

(2) recruitment of contractor mentors and protégés;

(3) documentation of the roles and expectations of the state agency, the mentor and the protégé;

(4) monitoring progress of mentor-protégé relationships;

(5) key agency resources including senior managers and procurement personnel to assist with the implementation of the program;

(6) partnerships with local governmental and nonprofit entities;

(7) the appropriate length of time for mentor-protégé relationships to continue (generally limited to four years); and

[~~(8) guidance related to the Mentor-Protégé Program in the Disparity Study; and~~]

(8) [~~(9)~~] assessment of the effectiveness of their Mentor-Protégé Program by conducting periodic surveys and interviews of mentors and protégés.

(e) A state agency's Mentor-Protégé Program implementation must include mentor eligibility and selection criteria. In determining the eligibility and selection of a mentor, state agencies shall require each mentor to be registered on the Centralized Master Bidders List (CMBL); and may additionally consider the following criteria:

(1) whether the mentor has extensive work experience and can provide developmental guidance in areas that meet the needs of the protégé, including but not limited to, business, financial, and personnel management; technical matters such as production, inventory control and quality assurance; marketing; insurance; equipment and facilities; and other related resources;

(2) whether the mentor is in "good standing" with the State of Texas and is not in violation of any state statutes, rules or governing policies;

(3) whether the mentor has mentoring experience;

(4) the number of protégés that a mentor can appropriately assist;

(5) whether the mentor has a successful past work history with the state agency;

(6) the amount of time a HUB has participated as a mentor in the program, or in other agencies' programs; and

(7) whether and to what extent the mentor and protégé businesses share management, board members, partners, current or former employees, or other resources that might indicate that they are related or affiliated businesses.

(f) A state agency's Mentor-Protégé Program implementation must include protégé eligibility and selection criteria. In determining the eligibility and selection of HUB protégés, state agencies may use the following criteria:

(1) whether the protégé is eligible and willing to become certified as a HUB;

(2) whether the protégé's business has been operational for at least one year;

(3) whether the protégé is willing to participate with a mentor and will identify the type of guidance that is needed for its development;

(4) whether the protégé is in "good standing" with the State of Texas and is not in violation of any state statutes, rules, or governing policies;

(5) whether the protégé is involved in a mentoring relationship with another contractor;

(6) the amount of time a HUB has participated as a protégé in the program, or in other agencies' programs; and

(7) whether and to what extent the mentor and protégé businesses share management, board members, partners, employees, or other resources that might indicate that they are related or affiliated businesses.

(g) The mentor and the protégé should agree on the nature of their involvement under the state agency's Mentor-Protégé Program. The state agency will monitor the progress of the relationship. The mentor and protégé relationship should be reduced to writing and may include, but is not limited to, the following:

(1) identification of the developmental areas in which the protégé needs guidance;

(2) the time period which the developmental guidance will be provided by the mentor;

(3) points of contact that will oversee the agreement of the mentor and protégé;

(4) procedure for a mentor to notify the protégé in advance if it intends to withdraw from the program or terminate the mentor-protégé relationship;

(5) procedure for a protégé to notify the mentor in advance if it intends to terminate the mentor-protégé relationship; and

(6) a mutually agreed upon timeline to report the progress of the mentor-protégé relationship to the state agency.

(h) The protégé must maintain its HUB certification status for the duration of the agreement.

(i) Each state agency must notify its mentors and protégés that participation is voluntary. The notice must include written documentation that participation in the state agency's Mentor-Protégé Program implementation is neither a guarantee of a contract opportunity nor a promise of business; but the program's intent is to foster positive long-term business relationships.

(j) State agencies may demonstrate their good faith under this section by submitting a supplemental letter with documentation to the comptroller with their HUB report or legislative appropriations request identifying the progress and testimonials of mentors and protégés that participate in the state agency's program.

(k) Each state agency that implements the Mentor-Protégé Program must report that information to the comptroller upon completion of a signed agreement by both parties. Information regarding the Mentor-Protégé Agreement shall be reported in a form prescribed by the comptroller within 21 calendar days after the agreement has been signed. The comptroller will register that agreement on the approved list of mentors and protégés. Approved Mentor-Protégé Agreements are valid for all state agencies in determining good faith effort for the particular area of subcontracting to be performed by the protégé as identified in the [~~HUB~~] subcontracting plan.

(l) The comptroller shall retain and make available to state agencies all registered Mentor-Protégé Agreements. The sponsoring state agency shall monitor and report the termination of an existing Mentor-Protégé Agreement that has been registered with the comptroller within 21 calendar days.

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 March 2, 2026.

TRD-202601062
Don Neal
General Counsel, Operations and Support Legal Services
Comptroller of Public Accounts
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 475-2220

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 211. ADMINISTRATION

37 TAC §211.1

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §211.1, Definitions. This proposed amended rule conforms with the addition of Texas Government Code §411.3735 made by House Bill 33 (89R) by adding a nearly identical definition for public information officer. The proposed amended rule would also define administrative duty pay status, which would allow an agency to temporarily restrict a licensee's authority to act under an appointment without having to separate the licensee.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications

to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Government Code §411.3735 regarding the definition of a public information officer and the addition of a new pay status. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to public.comment@tcole.texas.gov or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Government Code §411.3735 defines public information officer. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The amended rule as proposed affects or implements Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§211.1. Definitions.

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

(1) Academic alternative program--A program for college credit offered by a training provider recognized by the Southern Association of Colleges and Schools or its successors and the Texas Higher Education Coordinating Board, authorized by the commission to conduct preparatory law enforcement training as part of a degree plan program, and consisting of commission-approved curricula.

(2) Academic provider--A school, accredited by the Southern Association of Colleges and Schools or its successors and the Texas Higher Education Coordinating Board, which has been approved by the commission to provide basic licensing courses.

(3) Accredited college or university--An institution of higher education that is accredited or authorized by the Southern Association of Colleges and Schools, the Middle States Association of Colleges and Schools, the New England Association of Schools and Colleges, the North Central Association of Colleges and Schools, the Northwest Commission on Colleges and Universities, the Western Association of Schools and Colleges or its successors, or an international college or university evaluated and accepted by a United States accredited college or university.

(4) Active--A license issued by the commission that meets the current requirements of licensure and training as determined by the commission.

(5) Administrative duty--A pay status for a licensee whose appointing entity has temporarily restricted the licensee's authority to act under that appointment.

(6) [~~(5)~~] Administrative Law Judge (ALJ)--An administrative law judge appointed by the chief administrative law judge of the State Office of Administrative Hearings.

(7) [~~(6)~~] Agency--A law enforcement unit or other entity, whether public or private, authorized by Texas law to appoint a person licensed or certified by the commission.

(8) [~~(7)~~] Appointed--Elected or commissioned by an agency as a peace officer, reserve or otherwise selected or assigned to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status.

(9) [~~(8)~~] Background investigation--An investigation completed by the enrolling or appointing entity into an applicant's personal history as set forth in §217.1(b)(10).

(10) [~~(9)~~] Basic licensing course--Any current commission developed course that is required before an individual may be licensed by the commission.

(11) [~~(10)~~] Certified copy--A true and correct copy of a document or record certified by the custodian of records of the submitting entity.

(12) [~~(11)~~] Chief administrator--The head or designee of a law enforcement agency.

(13) [~~(12)~~] Commission--The Texas Commission on Law Enforcement.

(14) [~~(13)~~] Commissioned--Has been given the legal power to act as a peace officer or reserve, whether elected, employed, or appointed.

(15) [~~(14)~~] Commissioners--The nine commission members appointed by the governor.

(16) [~~(15)~~] Contract jail--A correctional facility, operated by a county, municipality or private vendor, operating under a contract with a county or municipality, to house inmates convicted of offenses committed against the laws of another state of the United States, as provided by Texas Government Code, §511.0092.

(17) [~~(16)~~] Contract Jailer--A person licensed as a Jailer in a Contract Jail or employed by an agency outside of a County Jail whose employing agency provides services inside of a County Jail which would require the person to have a Jailer License.

(18) [~~(17)~~] Contractual training provider--A law enforcement agency or academy, a law enforcement association, alternative delivery trainer, distance education, academic alternative, or proprietary training provider that conducts specific education and training under a contract with the commission.

(19) [~~(18)~~] Convicted--Has been adjudged guilty of or has had a judgment of guilt entered in a criminal case that has not been set aside on appeal, regardless of whether:

(A) the sentence is subsequently probated and the person is discharged from probation;

(B) the charging instrument is dismissed and the person is released from all penalties and disabilities resulting from the offense; or

(C) the person is pardoned, unless the pardon is expressly granted for subsequent proof of innocence.

(20) [~~(19)~~] Community supervision--Any court-ordered community supervision or probation resulting from a deferred adjudication or conviction by a court of competent jurisdiction. However, this does not include supervision resulting from a pretrial diversion.

(21) [~~(20)~~] Diploma mill--An entity that offers for a fee with little or no coursework, degrees, diplomas, or certificates that may be used to represent to the general public that the individual has successfully completed a program of secondary education or training.

(22) [~~(21)~~] Distance education--Study, at a distance, with an educational provider that conducts organized, formal learning opportunities for students. The instruction is offered wholly or primarily by distance study, through virtually any media. It may include the use of: videotapes, DVD, audio recordings, telephone and email communications, and Web-based delivery systems.

(23) [~~(22)~~] Duty ammunition--Ammunition required or permitted by the agency to be carried on duty.

(24) [~~(23)~~] Executive director--The executive director of the commission or any individual authorized to act on behalf of the executive director.

(25) [~~(24)~~] Experience--Includes each month, or part thereof, served as a peace officer, reserve, jailer, telecommunicator, or federal officer. Credit may, at the discretion of the executive director, be awarded for relevant experience from an out-of-state agency.

(26) [~~(25)~~] Family Violence--In this chapter, has the meaning assigned by Chapter 71, Texas Family Code.

(27) [~~(26)~~] Field training program--A program intended to facilitate a transition from the academic setting to the performance of the general duties of the appointing agency.

(28) [~~(27)~~] Firearms--Any handgun, shotgun, precision rifle, patrol rifle, or fully automatic weapon that is carried by the individual officer in an official capacity. Conducted energy devices (CEDs) are not firearms.

(29) [~~(28)~~] Firearms proficiency--Successful completion of the annual firearms proficiency requirements.

(30) [~~(29)~~] Fit for duty review--A formal specialized examination of an individual, appointed to a position governed by the Texas Occupations Code, Chapter 1701, without regard to pay or employment status, to determine if the appointee is able to safely and/or effectively perform essential job functions. The basis for these examinations should be based on objective evidence and a reasonable basis that the cause may be attributable to a medical and/or psychological condition or impairment. Objective evidence may include direct observation, credible third party reports; or other reliable evidence. The review should come after other options have been deemed inappropriate in light of the facts of the case. The selected Texas licensed medical doctor or psychologist, who is familiar with the duties of the appointee, conducting an examination should be consulted to ensure that a review is indicated. This review may include psychological and/or medical fitness examinations.

(31) [~~(30)~~] Full-time peace officer--a peace officer who:

(A) works as a peace officer on average at least 32 hours per week, exclusive of paid vacation; and

(B) is compensated at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the appointing law enforcement agency or its governing body.

(32) [~~(31)~~] High School Diploma--An earned high school diploma from a United States high school, an accredited secondary school equivalent to that of United States high school, or a passing score on the general education development test indicating a high school graduation level. Documentation from diploma mills is not acceptable.

(33) [~~(32)~~] Home School Diploma--An earned diploma from a student who predominately receives instruction in a general elementary or secondary education program that is provided by the parent, or a person in parental authority, in or through the child's home. (Texas Education Code §29.916)

(34) [~~(33)~~] Honorably Retired Peace Officer--An unappointed person with a Texas Peace Officer license who has a cumulative total of 15 years of full-time service as a Peace Officer. An Honorably Retired Peace Officer does not carry any Peace Officer authority.

(35) [~~(34)~~] Individual--A human being who has been born and is or was alive.

(36) [~~(35)~~] Jailer--A person employed or appointed as a jailer under the provisions of the Local Government Code, §85.005, or Texas Government Code §511.0092.

(37) [~~(36)~~] Killed in the line of duty--A death that is the directly attributed result of a personal injury sustained in the line of duty.

(38) [~~(37)~~] Law--Including, but not limited to, the constitution or a statute of this state, or the United States; a written opinion of a court of record; a municipal ordinance; an order of a county com-

missioners' court; or a rule authorized by and lawfully adopted under a statute.

(39) [~~(38)~~] Law enforcement academy--A school operated by a governmental entity which may provide basic licensing courses and continuing education under contract with the commission.

(40) [~~(39)~~] Law enforcement automobile for training--A vehicle equipped to meet the requirements of an authorized emergency vehicle as identified by Texas Transportation Code §546.003 and §547.702.

(41) [~~(40)~~] Less lethal force weapon--A weapon designed or intended for use on individuals or groups of individuals which, in the course of expected or reasonably foreseen use, has a lower risk of causing death or serious injury than do firearms. Less lethal force weapons do not include firearms or other weapons whose expected or reasonably foreseen use would result in life-threatening injuries. Less lethal force weapons may include police batons, hand-held chemical irritants, chemical irritants dispersed at a distance, conducted electrical weapons, kinetic impact projectiles, water cannons, and acoustic weapons and equipment. An officer provided or equipped with a less lethal force weapon should be trained, qualified, or certified in its use.

(42) [~~(41)~~] Lesson plan--A plan of action consisting of a sequence of logically linked topics that together make positive learning experiences. Elements of a lesson plan include: measurable goals and objectives, content, a description of instructional methods, tests and activities, assessments and evaluations, and technologies utilized.

(43) [~~(42)~~] License--A license required by law or a state agency rule that must be obtained by an individual to engage in a particular business.

(44) [~~(43)~~] Licensee--An individual holding a license issued by the commission.

(45) [~~(44)~~] Line of duty--Any lawful and reasonable action, which an officer identified in Texas Government Code, Chapter 3105 is required or authorized by rule, condition of employment, or law to perform. The term includes an action by the individual at a social, ceremonial, athletic, or other function to which the individual is assigned by the individual's employer.

(46) [~~(45)~~] Moral character--The propensity on the part of a person to serve the public of the state in a fair, honest, and open manner.

(47) [~~(46)~~] Officer--A peace officer or reserve identified under the provisions of the Texas Occupations Code, §1701.001.

(48) [~~(47)~~] Part-time peace officer--a peace officer who:

(A) works as a peace officer on a regular basis but on average less than 32 hours per week, exclusive of paid vacation; and

(B) is compensated at least at the federal minimum wage and is entitled to all employee benefits offered to a peace officer by the appointing law enforcement agency or its governing body.

(49) [~~(48)~~] Patrol rifle--Any magazine-fed repeating rifle with iron/open sights or with a frame mounted optical enhancing sighting device, 5 power or less, that is carried by the individual officer in an official capacity.

(50) [~~(49)~~] Patrol vehicle--A vehicle equipped with emergency lights, siren, and the means to safely detain and transport a combative detainee.

(51) [~~(50)~~] Peace officer--A person elected, employed, or appointed as a peace officer under the provisions of the Texas Occupations Code, §1701.001.

(52) [~~(51)~~] Personal Identification Number (PID)--A unique computer-generated number assigned to individuals for identification in the commission's electronic database.

(53) [~~(52)~~] Placed on probation--Has received an adjudicated or deferred adjudication probation for a criminal offense.

(54) [~~(53)~~] POST--State or federal agency with jurisdiction similar to that of the commission, such as a peace officer standards and training agency.

(55) [~~(54)~~] Precision rifle--Any rifle with a frame mounted optical sighting device greater than 5 power that is carried by the individual officer in an official capacity.

(56) [~~(55)~~] Proprietary training contractor--An approved training contractor who has a proprietary interest in the intellectual property delivered.

(57) Public information officer (PIO)--An individual who is assigned by a state agency or local government entity and whose duties include communicating with the public during a disaster regarding the disaster.

(58) [~~(56)~~] Public security officer--A person employed or appointed as an armed security officer identified under the provisions of the Texas Occupations Code, §1701.001.

(59) [~~(57)~~] Reactivate--To make a license issued by the commission active after a license becomes inactive. A license becomes inactive at the end of the most recent unit or cycle in which the licensee is not appointed and has failed to complete legislatively required training.

(60) [~~(58)~~] Reinstate--To make a license issued by the commission active after disciplinary action or failure to obtain required continuing education.

(61) [~~(59)~~] Reserve law enforcement officer--a licensed peace officer appointed according to Section 37.0816, Education Code, Section 41.102 or 411.0208, Government Code, Section 85.004, 86.012, or 341.012, Local Government Code, or Section 60.0775, Water Code.

(62) [~~(60)~~] School marshal--A person employed and appointed by the board of trustees of a school district, the governing body of an open-enrollment charter school, the governing body of a private school, or the governing board of a public junior college under Texas Code of Criminal Procedure, Article 2.127 and in accordance with and having the rights provided by Texas Education Code, §37.0811.

(63) [~~(61)~~] Self-assessment--Completion of the commission created process, which gathers information about a training or education program.

(64) [~~(62)~~] Separation--An explanation of the circumstances under which the person resigned, retired, or was terminated, reported on the form currently prescribed by the commission, in accordance with Texas Occupations Code, §1701.452.

(65) [~~(63)~~] SOAH--The State Office of Administrative Hearings.

(66) [~~(64)~~] Successful completion--A minimum of:

(A) 70 percent or better; or

(B) C or better; or

(C) pass, if offered as pass/fail.

(67) [~~(65)~~] Sustainable funding sources--Funding from an agency's governing body such as property tax, sales tax, use and

franchise fees, and the issuance of traffic citations subject to section 542.402 of the Texas Transportation Code. Term limited sources, such as grants, are not sustainable funding sources.

(68) [~~(66)~~] TCLEDDS--Texas Commission on Law Enforcement Data Distribution System.

(69) [~~(67)~~] Telecommunicator--A person employed as a telecommunicator under the provisions of the Texas Occupations Code, §1701.001.

(70) [~~(68)~~] Training coordinator--An individual, appointed by a commission-recognized training provider, who meets the requirements of §215.9 of this title.

(71) [~~(69)~~] Training cycle--A 48-month period as established by the commission. Each training cycle is composed of two contiguous 24-month units.

(72) [~~(70)~~] Training hours--Classroom or distance education hours reported in one-hour increments.

(73) [~~(71)~~] Training program--An organized collection of various resources recognized by the commission for providing preparatory or continuing training. This program includes, but is not limited to, learning goals and objectives, academic activities and exercises, lesson plans, exams, skills training, skill assessments, instructional and learning tools, and training requirements.

(74) [~~(72)~~] Training provider--A governmental body, law enforcement association, alternative delivery trainer, or proprietary entity credentialed by or authorized under a training provider contract with the commission to provide preparatory or continuing training for licensees or potential licensees.

(75) [~~(73)~~] Uniform--Dress that makes an officer immediately identifiable as a peace officer, to include a visible badge. Acceptable uniform dress must be defined in agency policy and consistent in its application and use across the agency.

(76) [~~(74)~~] Verification (verified)--The confirmation of the correctness, truth, or authenticity of a document, report, or information by sworn affidavit, oath, or deposition.

(b) The effective date of this section is June 1, 2026 [~~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 February 27, 2026.

TRD-202601009
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

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CHAPTER 217. ENROLLMENT, LICENSING, APPOINTMENT, AND SEPARATION

37 TAC §217.1

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §217.1, Minimum Standards for Enrollment and Initial Licensure. This proposed amended rule conforms with the amendments to Texas Occupations Code §55.004 made by Senate Bill 1818 (89R). The proposed amended rule would allow military service members, military veterans, and military spouses to obtain a provisional license while applying for a Commission license. The applicants would have to either hold a current license issued by another state that is similar in scope to a Commission license and be in good standing with the other state's licensing authority or have held a Commission license within the five years preceding the date of application. The provisional license would be effective for up to 180 days.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Occupations Code §55.004 to establish the provisional license process. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information

may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §55.004 establishes a process for military service members, military veterans, and military spouses to obtain a provisional license while applying for licensure. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The amended rule as proposed affects or implements Texas Occupations Code §55.004, Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§217.1. Minimum Standards for Enrollment and Initial Licensure.

(a) In order for an individual to enroll in any basic licensing course the provider must have on file documentation, acceptable to the Commission, that the individual meets eligibility for licensure.

(b) The commission shall issue a license to an applicant who meets the following standards:

(1) minimum age requirement:

(A) for peace officers and public security officers, is 21 years of age; or 18 years of age if the applicant has received:

(i) an associate's degree; or 60 semester hours of credit from an accredited college or university; or

(ii) has received an honorable discharge from the armed forces of the United States after at least two years of active service;

(B) for jailers and telecommunicators is 18 years of age;

(2) minimum educational requirements:

(A) has passed a general educational development (GED) test indicating high school graduation level;

(B) holds a high school diploma; or

(C) for enrollment purposes in a basic peace officer academy only, has an honorable discharge from the armed forces of the United States after at least 24 months of active duty service;

(3) is fingerprinted and is subjected to a search of local, state and U.S. national records and fingerprint files to disclose any criminal record;

(4) has never been on court-ordered community supervision or probation for any criminal offense above the grade of Class B misdemeanor or a Class B misdemeanor within the last ten years from the date of the court order;

(5) is not currently charged with any criminal offense for which conviction would be a bar to licensure;

(6) has never been convicted of an offense above the grade of a Class B misdemeanor or a Class B misdemeanor within the last ten years;

(7) has never been convicted or placed on community supervision in any court of an offense involving family violence as defined under Chapter 71, Texas Family Code;

(8) for peace officers, is not prohibited by state or federal law from operating a motor vehicle;

(9) for peace officers, is not prohibited by state or federal law from possessing firearms or ammunition;

(10) has been subjected to a background investigation completed by the enrolling or appointing entity into the applicant's personal history. A background investigation shall include, at a minimum, the following:

(A) An enrolling entity shall:

(i) require completion of the Commission-approved personal history statement; and

(ii) verify that the applicant meets each individual requirement for licensure under this rule based on the personal history statement and any other information known to the enrolling entity; and

(iii) contact all previous enrolling entities.

(B) In addition to subparagraph (A) of this paragraph, a law enforcement agency or law enforcement agency academy shall:

(i) require completion of the Commission-approved personal history statement; and

(ii) meet all requirements enacted in Occupations Code 1701.451, including submission to the Commission of a form confirming all requirements have been met. An in-person review of personnel records is acceptable in lieu of making the personnel records available electronically if a hiring agency and a previous employing law enforcement agency mutually agree to the in-person review.

(11) examined by a physician, selected by the appointing or employing agency, who is licensed by the Texas Medical Board. The physician must be familiar with the duties appropriate to the type of license sought and appointment to be made. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of appointment by the agency to be:

(A) physically sound and free from any defect which may adversely affect the performance of duty appropriate to the type of license sought;

(B) show no trace of drug dependency or illegal drug use after a blood test or other medical test; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory medical exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(12) examined by a psychologist, selected by the appointing, employing agency, or the academy, who is licensed by the Texas State Board of Examiners of Psychologists. This examination may also be conducted by a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties appropriate to the type of license sought. The individual must be declared by that professional, on a form prescribed by the commission, to be in satisfactory psychological and emotional health to serve as the type of officer for which the license is sought. The examination must be

conducted pursuant to professionally recognized standards and methods. The examination process must consist of a review of a job description for the position sought; review of any personal history statements; review of any background documents; at least two instruments, one which measures personality traits and one which measures psychopathology; and a face to face interview conducted after the instruments have been scored. The appointee must be declared by that professional, on a form prescribed by the commission, within 180 days before the date of the appointment by the agency;

(A) the commission may allow for exceptional circumstances where a licensed physician performs the evaluation of psychological and emotional health. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; or

(B) the examination may be conducted by qualified persons identified by Texas Occupations Code § 501.004. This requires the appointing agency to request in writing and receive approval from the commission, prior to the evaluation being completed; and

(C) for the purpose of meeting the requirements for initial licensure, an individual's satisfactory psychological exam that is conducted as a requirement of a basic licensing course may remain valid for 180 days from the individual's date of graduation from that academy, if accepted by the appointing agency;

(13) has never received a dishonorable discharge from the armed forces of the United States;

(14) has not had a commission license denied by final order or revoked;

(15) is not currently on suspension, or does not have a surrender of license currently in effect;

(16) meets the minimum training standards and passes the commission licensing examination for each license sought;

(17) is a U.S. citizen or is a legal permanent resident of the United States, if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and presents evidence satisfactory to the commission that the person has applied for United States citizenship.

(c) For the purposes of this section, the commission will construe any court-ordered community supervision, probation or conviction for a criminal offense to be its closest equivalent under the Texas Penal Code classification of offenses if the offense arose from:

(1) another penal provision of Texas law; or

(2) a penal provision of any other state, federal, military or foreign jurisdiction.

(d) A classification of an offense as a felony at the time of conviction will never be changed because Texas law has changed or because the offense would not be a felony under current Texas laws.

(e) A person must meet the training and examination requirements:

(1) training for the peace officer license consists of:

(A) the current basic peace officer course(s);

(B) a commission recognized, POST developed, basic law enforcement training course, to include:

(i) out of state licensure or certification; and

(ii) submission of the current eligibility application and fee; or

(C) a commission approved academic alternative program, taken through a licensed academic alternative provider and at least an associate's degree.

(2) training for the jailer license consists of the current basic county corrections course(s) or training recognized under Texas Occupations Code §1701.310;

(3) training for the public security officer license consists of the current basic peace officer course(s);

(4) training for telecommunicator license consists of telecommunicator course; and

(5) passing any examination required for the license sought while the exam approval remains valid.

(f) On receipt of an application for a provisional license by an applicant who is a military service member, military veteran, or military spouse, the commission shall promptly issue a provisional license, consistent with Texas Occupations Code § 55.004.

(1) The applicant must:

(A) hold a current license issued by another state that is similar in scope of practice to the license applied for in this state and is in good standing with the other state's licensing authority; or

(B) within the five years preceding the application date have held the license in this state.

(2) A provisional license may not be reissued and expires on the earliest of:

(A) the date the commission issues a license to the provisional license holder;

(B) the date the applicant is determined to not meet the minimum standards for enrollment or initial licensure; or

(C) the 180th day after the date the provisional license is issued.

(g) [~~(f)~~] The commission may issue a provisional license, consistent with Texas Occupations Code §1701.311, to an agency for a person to be appointed by that agency. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a provisional license. A provisional license is issued in the name of the applicant; however, it is issued to and shall remain in the possession of the agency. Such a license may neither be transferred by the applicant to another agency, nor transferred by the agency to another applicant. A provisional license may not be reissued and expires:

(1) 12 months from the original appointment date;

(2) on leaving the appointing agency; or

(3) on failure to comply with the terms stipulated in the provisional license approval.

(h) [~~(g)~~] The commission may issue a temporary jailer license, consistent with Texas Occupations Code §1701.310. A jailer appointed on a temporary basis shall be enrolled in a basic jailer licensing course on or before the 90th day after their temporary appointment. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary jailer license. A temporary jailer license may not be renewed, except that the sheriff may petition the commission to extend the temporary appointment for a period not to exceed six months. A temporary jailer license expires:

(1) 12 months from the original appointment date;

(2) at the end of a six-month extension, if granted; or

(3) on completion of training and passing of the jailer licensing examination.

(i) [~~(h)~~] A person who has previously been issued a temporary jailer license and separated from that position may be subsequently appointed on a temporary basis as a county jailer at the same or a different county jail only if the person was in good standing at the time the person separated from the position.

(j) [~~(i)~~] A person who has cumulatively served as a county jailer on a temporary basis for two years may continue to serve for the remainder of that temporary appointment, not to exceed the first anniversary of the date of the most recent appointment. The person is not eligible for an extension of that appointment or for a subsequent appointment on a temporary basis as a county jailer at the same or a different county jail until the first anniversary of the date the person separates from the temporary appointment during which the person reached two years of cumulative service.

(k) [~~(j)~~] A person whose county jailer license has become inactive may be appointed as a county jailer on a temporary basis.

(l) [~~(k)~~] The commission may issue a temporary telecommunicator license, consistent with Texas Occupations Code §1701.405. An agency must submit all required applications currently prescribed by the commission and all required fees before the individual is appointed. Upon the approval of the application, the commission will issue a temporary telecommunicator license. A temporary telecommunicator license expires:

(1) 12 months from the original appointment date; or

(2) on completion of training and passing of the telecommunicator licensing examination. On expiration of a temporary license, a person is not eligible for a new temporary telecommunicator license for one year.

(m) [~~(l)~~] A person who fails to comply with the standards set forth in this section shall not accept the issuance of a license and shall not accept any appointment. If an application for licensure is found to be false or untrue, it is subject to cancellation or recall.

(n) [~~(m)~~] The effective date of this section is June 1, 2026 [~~April 1, 2024~~].

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 February 27, 2026.

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Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
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For further information, please call: (512) 936-7700

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CHAPTER 219. PRELICENSING, REACTIVATION, TESTS, AND ENDORSEMENTS

37 TAC §219.11

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §219.11, Reactivation of a License. The proposed amended rule would clarify the existing requirement that the reactivation prerequisites are determined by the number of years since the licensee's last full-time service appointment.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by clarifying existing requirements for reactivation of a license. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.316, Reactiva-

tion of a Peace Officer License, and Texas Occupations Code §1701.3161, Reactivation of a Peace Officer License: Retired Peace Officers. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator. Texas Occupations Code §1701.316 requires the Commission to adopt rules establishing requirements for the reactivation of a peace officer's license. Texas Occupations Code §1701.3161 requires the Commission to adopt rules establishing requirements for the reactivation of a retired peace officer's license.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, Texas Occupations Code §1701.316, Reactivation of a Peace Officer License, and Texas Occupations Code §1701.3161, Reactivation of a Peace Officer License: Retired Peace Officers. No other code, article, or statute is affected by this proposal.

§219.11. Reactivation of a License.

(a) The commission will place all licenses in an inactive status at the end of the most recent training unit or cycle in which the licensee:

(1) was not appointed at the end of the unit or cycle; and

(2) did not meet continuing education requirements.

(b) The holder of an inactive license is unlicensed for all purposes.

(c) This section includes any permanent peace officer qualification certificate with an effective date before September 1, 1981.

(d) The requirements to reactivate a license for a peace officer with less than 10 years of full-time service are:

(1) If not appointed within two, but less than five, years from initial licensure:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, a supplemental peace officer training course, and a skills assessment course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(2) If not appointed within five years of initial licensure:

(A) meet current enrollment standards;

(B) meet current licensing standards;

(C) successfully complete the basic licensing course;

(D) make application and submit any required fee(s); and

(E) pass the licensing exam.

(3) If less than two years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

(C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(4) If more than two years but less than five years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements and a supplemental peace officer training course;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(5) If more than five years but less than ten years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, a supplemental peace officer training course, and a skills assessment course;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(6) Ten years or more from last full-time service appointment:

(A) meet current enrollment standards;

(B) meet current licensing standards;

(C) successfully complete the basic licensing course;

(D) make application and submit any required fee(s); and

(E) pass the licensing exam.

(e) The requirements to reactivate a license for a peace officer with 10 years but less than 15 years of full-time service are:

(1) If less than two years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

(C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If more than two years but less than five years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(3) If more than five years from last full-time service appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements, and, if applicable, a supplemental peace officer training course and a skills assessment course;

(C) make application and submit any required fee(s); and

(D) pass the reactivation exam.

(f) Unless exempted by Texas Occupations Code Section 1701.356, the requirements to reactivate a license for an honorably retired peace officer are:

(1) meet current licensing standards;

(2) meet current continuing education requirements; and

(3) make application and submit any required fee(s).

(g) School marshal licenses are subject to the reactivation and renewal procedures related to school marshals under Chapter 227 of this title.

(h) The requirements to reactivate a jailer or telecommunicator license are:

(1) If less than two years from last appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements; and

(C) make application and submit any required fee(s) in the format currently prescribed by the commission.

(2) If more than two years but less than five years from last appointment:

(A) meet current licensing standards;

(B) successfully complete continuing education requirements;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(3) If more than five years from last appointment:

(A) meet current licensing standards;

(B) successfully complete the applicable basic licensing course;

(C) make application and submit any required fee(s); and

(D) pass the licensing exam.

(i) The effective date of this section is June 1, 2026 [~~June 1, 2022~~].

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 February 27, 2026.

TRD-202601011

Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

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CHAPTER 221. PROFICIENCY CERTIFICATES

37 TAC §221.1

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §221.1, Proficiency Certificate Requirements. This proposed amended rule conforms with the additions of Texas Government Code §§411.3735 and 418.333 made by House Bill 33 (89R). The proposed amended rule would exempt applicants for the public information officer certificate from needing a license or appointment to obtain the certificate.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by conforming with Texas Government Code §§411.3735 and 418.333 regarding the public information officer certificate. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Government Code §411.3735 requires certain agencies to have a public information officer obtain the public information officer certificate. Texas Government Code §418.333 requires an applicant for a public information officer certification to complete minimum education and training requirements for initial certification and to complete continuing education to maintain the certificate. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The amended rule as proposed affects or implements Texas Government Code §411.3735, Certification and Continuing Education Required for Certain Public Information Officers, Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.1. Proficiency Certificate Requirements.

(a) The commission shall issue proficiency certificates in accordance with the Texas Occupations Code §1701.402. Commission certificates issued pursuant to §1701.402 are neither required nor a prerequisite for establishing proficiency or training. The commission shall give credit toward proficiency certification for successful completion of hours or degrees at accredited colleges and universities or for military service.

(b) To qualify for proficiency certificates, applicants must meet all the following proficiency requirements:

(1) submit any required application currently prescribed by the commission, requested documentation, and any required fee;

(2) have an active license or appointment for the corresponding certificate (not a requirement for Mental Health Officer Proficiency, Retired Peace Officer and Federal Law Enforcement Officer Firearms Proficiency, Firearms Instructor Proficiency, Firearms Proficiency for Community Supervision Officers, Firearms Proficiency for Juvenile Probation Officers, [~~or~~] Instructor Proficiency, or Public Information Officer Certificate);

(3) must not have license(s) under suspension by the commission within the previous 5 years;

(4) meet the continuing education requirements for the previous training cycle;

(5) for firearms related certificates, not be prohibited by state or federal law or rule from attending training related to firearms or from possessing a firearm; and

(6) academic degree(s) must be issued by an accredited college or university.

(c) The commission may refuse an application if:

(1) an applicant has not been reported to the commission as meeting all minimum standards, including any training or testing requirements;

(2) an applicant has not affixed any required signature;

(3) required forms are incomplete;

(4) required documentation is incomplete, illegible, or is not attached; or

(5) an application contains a false assertion by any person.

(d) The commission shall cancel and recall any certificate if the applicant was not qualified for its issue and it was issued:

(1) by mistake of the commission or an agency; or

(2) based on false or incorrect information provided by the agency or applicant.

(e) If an application is found to be false, any license or certificate issued to the appointee by the commission will be subject to cancellation and recall.

(f) The issuance date of a proficiency certificate may be changed upon submission of an application along with documentation supporting the proposed date of eligibility and payment of any required fee.

(g) The effective date of this section is June 1, 2026 [~~February 1, 2020~~].

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 February 27, 2026.

TRD-202601012
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

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37 TAC §221.12

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §221.12, Mental Health Telecommunicator Proficiency. The proposed new rule would establish a mental health proficiency certificate for telecommunicators. This proficiency certificate would be similar in function to the mental health officer proficiency certificate for peace officers, county jailers, and justices of the peace from 37 Texas Administrative Code §221.11, Mental Health Officer Proficiency. This optional certificate would provide telecommunicators with relevant mental health training to better perform their job duties and responsibilities.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state

or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by allowing telecommunicators to obtain a mental health proficiency certificate. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The new rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.12. Mental Health Telecommunicator Proficiency.

(a) To qualify for a mental health telecommunicator proficiency certificate, an applicant must meet the following requirements:

(1) be currently appointed as a telecommunicator;

(2) have at least two years of experience as a telecommunicator;

(3) have never had a license or certificate issued by the commission suspended or revoked;

(4) have met the continuing education requirements for the previous training unit; and

(5) successfully complete at least 16 hours of commission-approved instruction covering crisis triage, de-escalation, referral protocols and coordination with 988, telecommunicator wellness, and documentation practices.

(b) The effective date of this section is June 1, 2026.

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 February 27, 2026.

TRD-202601014
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

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37 TAC §221.33

The Texas Commission on Law Enforcement (Commission) proposes amended 37 Texas Administrative Code §221.33, SFST Instructor Proficiency. The proposed amended rule would update the rule to the current requirements and terminology for obtaining and requalifying for a standardized field sobriety testing instructor proficiency certificate. It would also clarify the requirements for requalifying for the certificate and that the certificate is required to instruct the SFST Practitioner BPOC Course, the SFST Practitioner Course, the SFST Practitioner Refresher Course, the SFST Instructor Refresher Course, or the SFST Instructor Course.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be a positive benefit to the public by updating and clarifying requirements for the standardized field sobriety testing instructor proficiency certificate. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed amended rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed amended rule and information related to the cost, benefit, or effect of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The amended rule is proposed pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701 and to establish minimum standards relating to the competence and reliability, including the education, training, physical, and mental standards, for licensing as an officer, county jailer, or telecommunicator.

The amended rule as proposed affects or implements Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.33. Standardized Field Sobriety Testing [~~SFST~~] Instructor Proficiency.

(a) To qualify for a standardized field sobriety testing (SFST) instructor proficiency certificate, an applicant must meet all proficiency requirements including:

(1) successful completion of the NHTSA SFST Practitioner course;

(2) at least three years of [~~years'~~] experience as an SFST practitioner;

(3) current instructor license or certificate issued by the commission;

(4) successful completion of the commission-approved SFST Instructor Course or Drug Recognition Expert (DRE) Instructor Course;

(5) completion of a commission-approved [~~an~~] SFST Instructor Refresher [~~Update~~] Course or DRE Refresher [~~Update~~] Course within the last two [~~(2)~~] years;

(6) demonstrated proficiency in administration of SFST before a certified SFST instructor [~~Instructor~~] or NHTSA representative; and

(7) submit a completed application, in the format currently prescribed by the commission, and any required fee.

(b) An SFST instructor [~~Instructor~~] proficiency certificate will be valid for two [~~(2)~~] years from date of issue. After that time period, the applicant must requalify by: [~~re-qualify.~~]

(1) completing a commission-approved SFST Instructor Refresher Course; and

(2) demonstrating proficiency in the administration of a standardized field sobriety test before a certified SFST instructor or NHTSA representative.

(c) This certificate is required to instruct the SFST Practitioner BPOC Course, SFST Practitioner Course, SFST Practitioner Refresher Course, SFST Instructor Refresher Course, or SFST Instructor Course.

(d) [~~(c)~~] The effective date of this section is June 1, 2026 [~~February 24, 2011~~].

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 February 27, 2026.

TRD-202601013
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

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37 TAC §221.48

The Texas Commission on Law Enforcement (Commission) proposes new 37 Texas Administrative Code §221.48, Public Information Officer Certificate. This proposed new rule conforms with the addition of Texas Government Code §418.333 made by House Bill 33 (89R). The proposed new rule would establish the requirements for obtaining and maintaining a public information officer certificate. It would include successful completion of an initial course to obtain the certificate and annual continuing education to maintain the certificate.

Mr. John P. Beauchamp, General Counsel, has determined that for each year of the first five years this proposed new rule will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of enforcing or administering the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be a positive benefit to the public by conforming with Texas Government Code §418.333 to establish the public information officer certifi-

cation process. There will be no anticipated economic costs to persons required to comply with the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no adverse economic effects to small businesses, microbusinesses, or rural communities as a result of implementing the proposal.

Mr. Beauchamp has determined that for each year of the first five years this proposed new rule will be in effect, there will be no effects to a local economy as a result of implementing the proposal.

Mr. Beauchamp has determined the following:

(1) the proposed rule does not create or eliminate a government program;

(2) implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposed rule does not require an increase or decrease in fees paid to the agency;

(5) the proposed rule does not create a new regulation;

(6) the proposed rule does not expand, limit, or repeal an existing regulation;

(7) the proposed rule does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposed rule does not positively or adversely affect this state's economy.

The Commission is requesting comments regarding the proposed new rule and information related to the cost, benefit, or effect of the proposed new rule, including any applicable data, research, or analysis, from any person required to comply with the proposed new rule or any other interested person. The comment period will last 30 days following the publication of this proposal in the *Texas Register*. Comments and information may be submitted electronically to or in writing to Mr. John P. Beauchamp, General Counsel, Texas Commission on Law Enforcement, 6330 E. Highway 290, Suite 200, Austin, Texas 78723-1035.

The new rule is proposed pursuant to Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. Texas Government Code §418.333 requires an applicant for a public information officer certification to complete minimum education and training requirements for initial certification and to complete continuing education to maintain the certificate. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701.

The new rule as proposed affects or implements Texas Government Code §418.333, Certification and Continuing Education, and Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority. No other code, article, or statute is affected by this proposal.

§221.48. Public Information Officer Certificate.

(a) To obtain a public information officer (PIO) certificate, an applicant must:

(1) successfully complete an initial PIO course approved by the commission; and

(2) report completion of this course to the commission.

(b) A certificate is valid for one year.

(c) To keep the certificate valid, the holder must successfully complete a PIO continuing education course prior to each anniversary of the issuance of the certificate.

(d) If the certificate becomes invalid, a holder may obtain a new certificate under subsection (a) of this section.

(e) The effective date of this section is June 1, 2026.

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 February 27, 2026.

TRD-202601015
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 936-7700

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PART 9. TEXAS COMMISSION ON JAIL STANDARDS

CHAPTER 259. NEW CONSTRUCTION RULES

SUBCHAPTER B. NEW MAXIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.117

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.117 Inmate Entrance in county jails. The proposed rule adds language to 37 TAC §259.117 that adds the design requirement that adjacent space be provided for immediate medical and mental health screening in jail construction. This requirement only applies to new construction.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be allowing an area for a more private intake screening of sensitive topics. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program,

create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.117. Inmate Entrance.

The inmate entrance shall be from the vehicular sally port through a safety vestibule into the processing area. This entrance shall allow for passage of patient evacuation equipment between interlocking doors. The entrance shall be designed and constructed to allow observation and identification of persons approaching the inmate entrance. Electronic surveillance equipment may be used. Adjacent space should be provided for immediate medical and mental health screening activities.

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 February 25, 2026.

TRD-202600906
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

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37 TAC §259.123

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.123 Kitchen in county jails. The proposed rule adds language to 37 TAC §259.123 that changes "covered" to "coved" at the suggestion of subject matter experts, and deletes the word "disagreeable" regarding odors also at the suggestion of subject matter experts.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in building requirements of county jails. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.123. Kitchen.

A properly equipped kitchen of adequate size shall be provided within the system and shall include the following:

(1) Functions. Kitchen space and equipment shall allow for the efficient operations of receiving, storage, processing, preparation, cooking, baking, serving, dish washing, cleaning, menu preparation, record keeping, personal hygiene, and removal of waste and garbage. Kitchen functions shall be performed without compromising the security of the facility. The kitchen shall not be designed as a passageway for nonfood handling persons.

(2) Storage. Adequate dry and cold storage shall be provided appropriate for the size of kitchen. Separate storage shall be provided for nonfood items.

(3) Surfaces. The kitchen floor shall be properly pitched to adequate floor drains and allow for proper cleaning. Floor finish should reduce the possibility of slipping. The junction between floors and walls shall be coved [~~covered~~]. Walls and ceilings shall be finished with smooth, washable, light colored surfaces.

(4) Light. Adequate lighting shall be provided on all work surfaces.

(5) Ventilation. Food service areas shall be adequately ventilated to control [~~disagreeable~~] odors and moisture. All openings to the outside shall be secured and provided with insect screens.

(6) Water. Adequate hot and cold water shall be provided for food preparation, cleaning, and dish washing. Hot water equipment shall be of sufficient size and capacity to meet the needs of the facility.

(7) Codes. Kitchens shall comply with state health codes.

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 February 25, 2026.

TRD-202600907

Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

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37 TAC §259.141

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.141 Dimensions in county jails. The proposed rule adds language to 37 TAC §259.141 that changes the dimensional requirements of cells and day rooms to conform with the International Building Code. This change will apply only to new construction.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensuring that county jail construction matches accepted building standards. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas, 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.141. Dimensions.

All cells and day rooms shall be not less than eight feet from finished floor to ceiling and seven feet [~~five feet-six inches~~] from wall to wall, in accordance with International Building Code. Cells containing over/under bunk units shall be measured from center line of units to wall. Corridors shall be not less than four feet wide.

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 February 25, 2026.

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Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
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For further information, please call: (512) 850-9668

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37 TAC §259.151

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.151 Detention Doors in county jails. The proposed rule adds language to 37 TAC §259.151 that removes the specifications for how detention doors outside the security perimeter are constructed.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensuring that county jail construction meets accepted standards. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.151. Detention Doors.

Hollow metal doors shall be constructed of 12 to 14 gauge steel inside the security perimeter. [~~Eighteen gauge hollow metal doors may be used outside the security perimeter.~~] Plate doors shall be constructed of material not less than 3/16 inches thick. The security quality of each detention door shall be determined by the level of security sought to be achieved. Detention doors shall be equipped with detention hardware and accessories. All cell doors shall be not less than 32 [~~28~~] inches in clear width and not less than six feet-eight inches high.

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 February 25, 2026.

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Ricky Armstrong
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Texas Commission on Jail Standards
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37 TAC §259.153

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.153 Door Closers in county jails. The proposed rule adds language to 37 TAC §259.153 that clarifies the rule better than the current rule as written.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in construction requirements of county jails. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.153. Door Closers.

All detention swinging doors shall be equipped with an appropriate door closer [~~Door closers for all detention swinging doors shall be appropriate for the weight of the door~~].

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 February 25, 2026.

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Ricky Armstrong
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Texas Commission on Jail Standards
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For further information, please call: (512) 850-9668

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37 TAC §259.168

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.168 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.168 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.168. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

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Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
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For further information, please call: (512) 850-9668

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SUBCHAPTER C. NEW LOCKUP DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.264

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.264 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.264 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.264. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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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SUBCHAPTER D. NEW MEDIUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.358

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.358 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.358 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum stan-

dards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.358. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

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Ricky Armstrong
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For further information, please call: (512) 850-9668

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SUBCHAPTER E. NEW MINIMUM SECURITY DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.454

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.454 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.454 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.454. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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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Ricky Armstrong
Interim Executive Director
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Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

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SUBCHAPTER H. NEW LONG-TERM INCARCERATION DESIGN, CONSTRUCTION AND FURNISHING REQUIREMENTS

37 TAC §259.737

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.737 Dormitories in county jails. The proposed rule adds language to 37 TAC §259.737 that adds direct supervision language.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be ensuring that county jails house inmates appropriate to the supervision style used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.737. Dormitories.

Dormitories shall contain 9 to 48 bunks. Dormitories operated as direct supervision may accommodate more than 48 inmates but shall not exceed more than 72 inmates. Dormitories shall contain not less than 40 square feet of clear floor space for the first bunk plus 18 square feet of clear floor space for each additional bunk. Each dormitory shall have adequate toilets, lavatories, and may include showers. Dormitories with contiguous day rooms in direct supervision facilities may exceed 40% of the facility capacity.

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 February 25, 2026.

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Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

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37 TAC §259.770

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §259.770 Television Monitoring in county jails. The proposed rule adds language to 37 TAC §259.770 that updates the outdated term "closed circuit television" to "video monitoring" and adds the requirement to use digital privacy screens to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be matching the administrative rule to the technology actually used. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§259.770. Television Monitoring.

Video [~~Closed circuit television~~] monitoring may be provided to supplement control and security functions. View of toilet and shower areas shall not be allowed except in medical and special observation areas. Digital privacy screens shall be used.

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 February 25, 2026.

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Ricky Armstrong
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CHAPTER 263. LIFE SAFETY RULES
SUBCHAPTER D. PLANS AND DRILLS FOR EMERGENCIES

37 TAC §263.40

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §263.40 Plans regarding life safety in county jails. The proposed rule adds language to 37 TAC §263.40 that requires each Sheriff/operator to develop, submit for approval, and implement a plan that specifies an agreed upon charge for self contained breathing apparatus air tanks between the county and a certified fire marshal. This proposed rule comes from a public petition for changes to minimum jail standards.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved safety protocols for county jail staff. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas, 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§263.40. Plans.

Each facility shall have and implement a written plan, approved by the commission, for escapes, riots, assaults, fires, evacuations, rebellions, civil disasters, and any other emergencies. Each plan shall provide for:

(1) use and response to alarms;

(2) notification of and access for:

(A) fire department;

(B) emergency medical service;

(C) other law enforcement officials;

(3) isolation of emergency areas;

(4) prompt release and evacuation of emergency areas (including non-ambulatory inmates);

(5) prevention of escapes during evacuations;

(6) fire suppression and extinguishment, rendering of prompt medical aid and quelling disturbances;

(7) protection of staff during emergencies;[.]

(8) a commission approved Self-Contained Breathing Apparatus (SCBA) plan that specifies the agreed upon charge for air tanks and has been coordinated with a certified Fire Marshal.

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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Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
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For further information, please call: (512) 850-9668

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CHAPTER 269. RECORDS AND PROCEDURES

SUBCHAPTER A. GENERAL

37 TAC §269.3

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §269.3 Weapon/Ammunition Procedures in county jails. The proposed rule adds language to 37 TAC §269.3 that requires each Sheriff/operator to develop, submit, and implement a plan that specifies the weapons allowed within the security perimeter of a jail. This change is proposed due to the classification of the TASER 10 as a firearm by the Bureau of Alcohol, Tobacco, and Firearms ruling.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved flexibility in equipping County jail staff. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more comprehensive.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§269.3. Weapons/Ammunition Procedure.

Each sheriff/operator shall develop, submit, and implement a Weapon and Ammunition Procedure approved by the Texas Commission on Jail Standards not later than July 1, 2026. The weapon ammunition procedure shall include, at a minimum, the following components: Weapon Classification. A list of approved weapons permitted inside the jail (e.g., tasers, OC spray, batons) and how they will be stored when within the secured perimeter. [~~Weapons shall not be permitted beyond the security perimeter. Ammunition should not be permitted beyond the security perimeter. Each facility shall have and implement a written policy available for commission review regarding ammunition.~~]

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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Ricky Armstrong
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CHAPTER 275. SUPERVISION OF INMATES

37 TAC §275.1

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §275.1 Regular Observation by Corrections Officers in county jails. The proposed rule adds language to 37 TAC §275.1 that updates the outdated term "closed circuit television" to "video monitoring" to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in the administrative rule. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§275.1. Regular Observation by Jailers.

Every facility shall have the appropriate number of jailers at the facility 24 hours each day. Facilities shall have an established procedure for documented, face-to-face observation of all inmates by jailers no less than once every 60 minutes. Observation shall be performed at least every 30 minutes in areas where inmates known to be assaultive, potentially suicidal, mentally ill, or who have demonstrated bizarre behavior are confined. There shall be a two-way voice communication capability between inmates and jailers, licensed peace officers, bailiffs, and designated staff at all times. Video monitoring [~~Closed circuit television~~] may be used, but not in lieu of the required personal observation. Electronic sensors or cameras capable of recording the required personal observations of inmates in high-risk cells or groups of cells shall be installed no later than August 31, 2020.

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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Texas Commission on Jail Standards
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For further information, please call: (512) 850-9668

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37 TAC §275.7

The Texas Commission on Jail Standards (TCJS) proposes an amendment to rule §275.7 Supervision Outside the Security Perimeter- Court Holding Cells in county jails. The proposed rule adds language to 37 TAC §275.7 that updates the outdated term "closed circuit television" to "video monitoring" to more accurately reflect the currently available technology.

Ricky Armstrong, Interim Executive Director, has determined that there will be no fiscal implications for state or local government as a result of enforcing this rule for the first five-year period.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, the public benefit anticipated as a result of enforcing this amended rule will be improved clarity in the administrative rule. There will not be an effect on small businesses, microbusinesses, rural communities, and/or individuals. There is no anticipated economic cost to persons who are required to comply with the proposed amendment.

Ricky Armstrong, Interim Executive Director, has determined that for each year of the first five-years the rule is in effect, that the rule will not create or eliminate a government program, create new or eliminate existing employee positions, increase or decrease in future legislative appropriations to the agency, or an increase or decrease in fees paid to the agency. He has also determined that the rule will not increase or decrease the number of individuals subject to the rules applicability, nor have a positive or adverse effect on the state's economy. This rule expands the existing regulation to be more appropriate.

Comments on the proposal may be submitted in writing to Richard Morgan, Research Specialist, at P.O. Box 12985, Austin, Texas 78711-2985, or by email at richard.morgan@tcjs.state.tx.us.

This amended rule is proposed under the authority of Government Code, Chapter 511, which authorizes the TCJS to adopt reasonable rules and procedures establishing minimum standards for the construction, equipment, maintenance, and operation of county jails.

This rule change does not affect other rules or statutes.

§275.7. Supervision Outside the Security Perimeter--Court Holding Cells.

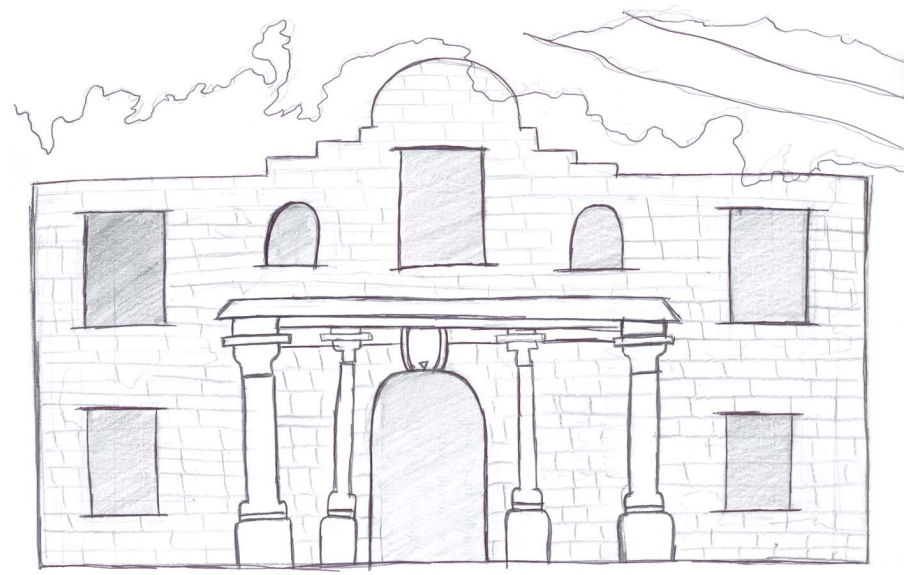
Inmates shall be observed by a peace officer or a jailer licensed by the Texas Commission on Law Enforcement or bailiff when outside the security perimeter in court holding cells. The sheriff/operator shall have an established procedure for documented, face-to-face observation of all inmates no less than once every 30 minutes. One jailer, licensed peace officer, or bailiff shall be provided on each floor where 10 or more inmates are detained, with no less than one jailer, licensed peace officer, or bailiff per 48 inmates or increment thereof on each floor for direct inmate supervision. Where required, there shall be a two-way voice communication capability between inmates and jailers, licensed peace officers, or bailiffs at all times. Video monitoring [~~Closed circuit television~~] may be used, but not in lieu of the required personal observation.

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 February 25, 2026.

TRD-202600904
Ricky Armstrong
Interim Executive Director
Texas Commission on Jail Standards
Earliest possible date of adoption: April 12, 2026
For further information, please call: (512) 850-9668

♦ ♦ ♦



WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 39. PUBLIC NOTICE

SUBCHAPTER H. APPLICABILITY AND GENERAL PROVISIONS

30 TAC §39.422

Proposed new §39.422, published in the August 8, 2025, issue of the *Texas Register* (50 TexReg 5145), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on February 25, 2026.

TRD-202600927

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 467. FIRE MARSHAL

SUBCHAPTER A. MINIMUM STANDARDS FOR BASIC FIRE MARSHAL CERTIFICATION

37 TAC §467.1

Proposed amended §467.1, published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5341), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Filed with the Office of the Secretary of State on February 25, 2026.

TRD-202600926

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ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 1. ADMINISTRATION

PART 2. TEXAS ETHICS COMMISSION

CHAPTER 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

The Texas Ethics Commission (the TEC) adopts the repeal of all existing rules in Texas Ethics Commission Chapter 20, regarding Reporting Political Contributions and Expenditures. These repeals are adopted without changes to the proposed text as published in the December 26, 2025, issue of the *Texas Register* (50 TexReg 8426). The rules will not be republished.

Specifically, the Commission adopts the repeal of all rules in Subchapter A of Chapter 20 (relating to General Rules), including §20.1 regarding Definitions, §20.3 regarding Reports Filed with the Commission, §20.5 regarding Reports Filed with a County Filing Authority, §20.7 regarding Reports Filed with Other Local Filing Authority, §20.9 regarding Filing Option for Certain Specific-Purpose Committees, §20.11 regarding Federal Candidates and Officeholders, §20.13 regarding Out-of-State Committees, §20.15 regarding Change of Address, §20.16 regarding Notices by Electronic Mail, §20.18 regarding Recordkeeping Required, §20.19 regarding Reports Must Be Filed on Official Forms, §20.20 regarding Timeliness of Action by Electronic Filing, §20.21 regarding Due Dates on Holidays and Weekends, §20.23 regarding Timeliness of Action by Mail, §20.29 regarding Information About Out-of-State Committees, §20.33 regarding Termination of Campaign Treasurer Appointment By Commission, and §20.35 regarding Notice of Proposed Termination of Campaign Treasurer Appointment.

The TEC also adopts the repeal of all rules in Subchapter B of Chapter 20 (relating to General Reporting Rules), including §20.50 regarding Total Political Contributions Maintained, §20.51 regarding Value of In-Kind Contribution, §20.52 regarding Description of In-Kind Contribution for Travel, §20.53 regarding Disclosure of True Source of Contribution or Expenditure, §20.54 regarding Reporting a Pledge of a Contribution, §20.55 regarding Time of Accepting Contribution, §20.56 regarding Expenditures to Vendors, §20.57 regarding Time of Making Expenditure, §20.58 regarding Disclosure of Political Expenditure, §20.59 regarding Reporting Expenditure by Credit Card, §20.60 regarding Reporting Political Expenditures for Processing Fees, §20.61 regarding Purpose of Expenditure, §20.62 regarding Reporting Staff Reimbursement, §20.63 regarding Reporting the Use and Reimbursement of Personal Funds, §20.64 regarding Reporting the Forgiveness of a Loan or Settlement of a Debt, §20.65 regarding Reporting No Activity, §20.66 regarding Discounts, and §20.67 regarding Reporting after the Death or Incapacity of a Filer.

The TEC also adopts the repeal of all rules in Subchapter C of Chapter 20 (relating to Reporting Requirements for a Candidate), including §20.201 regarding Required Appointment of Campaign Treasurer, §20.203 regarding Candidates for State Party Chair, §20.205 regarding Contents of Candidate's Campaign Treasurer Appointment, §20.206 regarding Transfer of Campaign Treasurer Appointment, §20.207 regarding Termination of Campaign Treasurer Appointment, §20.209 regarding Reporting Obligations Imposed on Candidate, Not Campaign Treasurer, §20.211 regarding Semiannual Reports, §20.213 regarding Pre-election Reports, §20.215 regarding Runoff Report, §20.217 regarding Modified Reporting, §20.219 regarding Content of Candidate's Sworn Report of Contributions and Expenditures, §20.220 regarding Additional Disclosure for the Texas Comptroller of Public Accounts, §20.221 regarding Special Pre-Election Report by Certain Candidates, §20.223 regarding Form and Contents of Special Pre-Election Report, §20.225 regarding Special Session Reports, §20.227 regarding Contents of Special Session Report, §20.229 regarding Final Report, §20.231 regarding Contents of Final Report, §20.233 regarding Annual Report of Unexpended Contributions, §20.235 regarding Contents of Annual Report, §20.237 regarding Final Disposition of Unexpended Contributions, §20.239 regarding Report of Final Disposition of Unexpended Contributions, §20.241 regarding Contents of Report of Final Disposition of Unexpended Contributions, and §20.243 regarding Contribution of Unexpended Political Contributions to Candidate or Political Committee.

The TEC also adopts the repeal of all rules in Subchapter D of Chapter 20 (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File), including §20.271 regarding Officeholders Covered, §20.273 regarding Semiannual Reports of Contributions and Expenditures, §20.275 regarding Exception from Filing Requirement for Certain Local Officeholders, §20.277 regarding Appointment by Officeholder of Campaign Treasurer, §20.279 regarding Contents of Officeholder's Sworn Report of Contributions and Expenditures, §20.281 regarding Special Session Report by Certain Officeholders, §20.283 regarding Contents of Special Session Report, §20.285 regarding Annual Report of Unexpended Contributions by Former Officeholder, §20.287 regarding Contents of Annual Report, §20.289 regarding Disposition of Unexpended Contributions, §20.291 regarding Report of Final Disposition of Unexpended Contributions, §20.293 regarding Contents of Report of Final Disposition of Unexpended Contributions, and §20.295 regarding Contribution of Unexpended Political Contributions to Candidate or Political Committee.

The TEC also adopts the repeal of all rules in Subchapter E of Chapter 20 (relating to Reports by a Specific-Purpose Committee), including §20.301 regarding Thresholds for Campaign Treasurer Appointment, §20.303 regarding Appointment

of Campaign Treasurer, §20.305 regarding Appointing an Assistant Campaign Treasurer., §20.307 regarding Name of Specific-Purpose Committee, §20.309 regarding Contents of Specific-Purpose Committee Campaign Treasurer Appointment, §20.311 regarding Updating Certain Information on the Campaign Treasurer Appointment, §20.313 regarding Converting to a General-Purpose Committee, §20.315 regarding Termination of Campaign Treasurer Appointment, §20.317 regarding Termination Report, §20.319 regarding Notice to Candidate or Officeholder, §20.321 regarding Involvement in More Than One Election by Certain Specific-Purpose Committees, §20.323 regarding Semiannual Reports, §20.325 regarding Pre-election Reports, §20.327 regarding Runoff Report, §20.329 regarding Modified Reporting, §20.331 regarding Contents of Specific-Purpose Committee Sworn Report of Contributions and Expenditures, §20.333 regarding Special Pre-Election Report by Certain Specific-Purpose Committees, §20.335 regarding Form and Contents of Special Pre-Election Report by a Specific-Purpose Committee Supporting or Opposing Certain Candidates, §20.337 regarding Special Session Reports by Specific-Purpose Committees, §20.339 regarding Contents of the Special Session Report, §20.341 regarding Dissolution Report, and §20.343 regarding Contents of Dissolution Report.

The TEC also adopts the repeal of all rules in Subchapter F of Chapter 20 (relating to Reporting Requirement for a General Purpose Committee), including §20.401 regarding Thresholds for Appointment of Campaign Treasurer by a General-Purpose Committee, §20.403 regarding Reporting Requirements for Certain General-Purpose Committees, §20.405 regarding Campaign Treasurer Appointment for a General-Purpose Political Committee, §20.407 regarding Appointing an Assistant Campaign Treasurer, §20.409 regarding Name of General-Purpose Committee, §20.411 regarding Contents of General-Purpose Committee Campaign Treasurer Appointment, §20.413 regarding Updating Information on the Campaign Treasurer Appointment, §20.415 regarding Termination of Campaign Treasurer Appointment, §20.417 regarding Termination Report, §20.419 regarding Converting to a Specific-Purpose Committee, §20.421 regarding Notice to Candidate or Officeholder, §20.423 regarding Semiannual Reports, §20.425 regarding Pre-election Reports, §20.427 regarding Runoff Report, §20.429 regarding Option To File Monthly, §20.431 regarding Monthly Reporting, §20.433 regarding Contents of General-Purpose Committee Sworn Report of Contributions and Expenditures, §20.434 regarding Alternate Reporting Requirements for General-Purpose Committees, §20.435 regarding Special Pre-Election Reports by Certain General-Purpose Committees, §20.437 regarding Form and Contents of Special Pre-Election Report, §20.439 regarding Dissolution Report, and §20.441 regarding Contents of Dissolution Report.

The TEC also adopts the repeal of all rules in Subchapter G of Chapter 20 (relating to Rules Applicable to a Principal Political Committee of a Political Party), including §20.501 regarding Designation of Principal Political Committee, and §20.503. Exceptions from Certain Notice Requirements.

The TEC also adopts the repeal of all rules in Subchapter H of Chapter 20 (relating to Rules Applicable to a Political Party Accepting Contributions from Corporations or Labor Organizations), including §20.521 regarding Restrictions on Use of Contributions from Corporations or Labor Organizations, §20.523 regarding Separate Account Required, §20.525 regarding Record of Contributions and Expenditures and Contents of Report, §20.527 regarding Form of Report, §20.529 regarding Reporting Schedule for Political Party Accepting Corporate or Labor Organization Contributions, and §20.531 regarding Restrictions on Contributions before General Election.

The TEC also adopts the repeal of all rules in Subchapter I of Chapter 20 (relating to Rules Applicable to a Political Party's County Executive Committee), including §20.551 regarding Obligation To Maintain Records, §20.553. Campaign Treasurer Appointment Not Required for County Executive Committee Accepting Contributions or Making Expenditures Under Certain Amount, §20.555. County Executive Committee Accepting Contributions or Making Expenditures That Exceed Certain Amount, §20.557 regarding Exceptions from Certain Restrictions, §20.559 regarding Exception from Notice Requirement, and §20.561 regarding County Executive Committee Accepting Contributions from Corporations and/or Labor Organizations.

The TEC also adopts the repeal of all rules in Subchapter J of Chapter 20 (relating to Reports by a Candidate for State or County Party Chair), including §20.571 regarding Definitions, §20.573 regarding Rules Applicable to Candidate for State Chair of a Political Party, §20.575 regarding Contributions to and Expenditures by Candidate for State Chair of a Political Party, §20.577 regarding Reporting Schedule for a Candidate for State Chair, and §20.579 regarding Candidates for County Chair in Certain Counties.

The TEC also adopts the repeal of all rules in Subchapter K of Chapter 20 (relating to Reports by Political Committees Supporting or Opposing a Candidate for State or County Chair of a Political Party), including §20.591 regarding Appointment of Campaign Treasurer by Political Committee Supporting or Opposing Candidate for State Chair of a Political Party, §20.593. Contributions and Expenditures by Political Committee Supporting or Opposing Candidate for State Chair of a Political Party, §20.595. Reporting Schedule for a Political Committee Supporting or Opposing Candidate for State Chair of a Political Party, and §20.597. Political Committees Supporting or Opposing Candidates for County Chair in Certain Counties.

These repeals, along with the contemporaneous adoption of the new rules in Chapter 20, amend the rules used in reporting contributions and expenditures in campaign finance reports.

State law requires state agencies to "review and consider for readoption each of its rules … not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date." Tex. Gov't Code §2001.039. The law further requires agencies to "readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section." *Id*.

The TEC is continuing its comprehensive review with a review of the TEC's rules regarding reporting political contributions and expenditures, which are codified in Chapter 20. The repeal of these rules and adoption of new rules seek to shorten, simplify, and reorganize the rules to eliminate surplusage and improve clarity on these reporting requirements.

The TEC did not receive any public comments on these repeals.

SUBCHAPTER A. GENERAL RULES

1 TAC §§20.1, 20.3, 20.5, 20.7, 20.9, 20.11, 20.13, 20.15, 20.16, 20.18 - 20.21, 20.23, 20.29, 20.33, 20.35

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to

administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 24, 2026.

TRD-202600878
Amanda Arriaga
General Counsel
Texas Ethics Commission
Effective date: March 16, 2026
Proposal publication date: December 26, 2025
For further information, please call: (512) 463-5800

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SUBCHAPTER B. GENERAL REPORTING RULES

1 TAC §§20.50 - 20.67

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 463-5800

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SUBCHAPTER C. REPORTING REQUIREMENTS FOR A CANDIDATE

1 TAC §§20.201, 20.203, 20.205 - 20.207, 20.209, 20.211, 20.213, 20.215, 20.217, 20.219 - 20.221, 20.223, 20.225, 20.227, 20.229, 20.231, 20.233, 20.235, 20.237, 20.239, 20.241, 20.243

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Amanda Arriaga
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SUBCHAPTER D. REPORTING REQUIREMENTS FOR AN OFFICEHOLDER WHO DOES NOT HAVE A CAMPAIGN TREASURER APPOINTMENT ON FILE

1 TAC §§20.271, 20.273, 20.275, 20.277, 20.279, 20.281, 20.283, 20.285, 20.287, 20.289, 20.291, 20.293, 20.295

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER E. REPORTS BY A SPECIFIC-PURPOSE COMMITTEE

1 TAC §§20.301, 20.303, 20.305, 20.307, 20.309, 20.311, 20.313, 20.315, 20.317, 20.319, 20.321, 20.323, 20.325, 20.327, 20.329, 20.331, 20.333, 20.335, 20.337, 20.339, 20.341, 20.343

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER F. REPORTING REQUIREMENT FOR A GENERAL PURPOSE COMMITTEE

1 TAC §§20.401, 20.403, 20.405, 20.407, 20.409, 20.411, 20.413, 20.415, 20.417, 20.419, 20.421, 20.423, 20.425, 20.427, 20.429, 20.431, 20.433 - 20.435, 20.437, 20.439, 20.441

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Ethics Commission
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SUBCHAPTER G. RULES APPLICABLE TO A PRINCIPAL POLITICAL COMMITTEE OF A POLITICAL PARTY

1 TAC §20.501, §20.503

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas Ethics Commission
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For further information, please call: (512) 463-5800

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SUBCHAPTER H. RULES APPLICABLE TO A POLITICAL PARTY ACCEPTING CONTRIBUTIONS FROM CORPORATIONS OR LABOR ORGANIZATIONS

1 TAC §§20.521, 20.523, 20.525, 20.527, 20.529, 20.531

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Amanda Arriaga
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Texas Ethics Commission
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For further information, please call: (512) 463-5800

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SUBCHAPTER I. RULES APPLICABLE TO A POLITICAL PARTY'S COUNTY EXECUTIVE COMMITTEE

1 TAC §§20.551, 20.553, 20.555, 20.557, 20.559, 20.561

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Amanda Arriaga
General Counsel
Texas Ethics Commission
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For further information, please call: (512) 463-5800

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SUBCHAPTER J. REPORTS BY A CANDIDATE FOR STATE OR COUNTY PARTY CHAIR

1 TAC §§20.571, 20.573, 20.575, 20.577, 20.579

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Amanda Arriaga
General Counsel
Texas Ethics Commission
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For further information, please call: (512) 463-5800

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SUBCHAPTER K. REPORTS BY POLITICAL COMMITTEES SUPPORTING OR OPPOSING A CANDIDATE FOR STATE OR COUNTY CHAIR OF A POLITICAL PARTY

1 TAC §§20.591, 20.593, 20.595, 20.597

The repealed rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted repealed rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Amanda Arriaga
General Counsel
Texas Ethics Commission
Effective date: March 16, 2026
Proposal publication date: December 26, 2025
For further information, please call: (512) 463-5800

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CHAPTER 20. REPORTING CONTRIBUTIONS AND EXPENDITURES

The Texas Ethics Commission (the TEC) adopts new Chapter 20 in TEC Rules, regarding Reporting Contributions and Expenditures, consisting of §§20.1, 20.7, 20.13, 20.14, 20.16, 20.21, 20.33, 20.35, 20.50 - 20.52, 20.54 - 20.56, 20.58 - 20.67, 20.201, 20.203, 20.205, 20.207, 20.209, 20.211, 20.213, 20.215, 20.220, 20.221, 20.223, 20.225, 20.227, 20.235, 20.243, 20.271, 20.295, 20.303, 20.305, 20.307, 20.308, 20.311, 20.313, 20.319, 20.333, 20.343, 20.403, 20.503, 20.523, 20.527, 20.529, 20.555, 20.557, 20.559, 20.561, 20.571, 20.577, 20.579, 20.601, and 20.602. Sections 20.1, 20.529, and 20.557 are adopted with changes (as specified below) to the proposed text as published in the December 26, 2025, issue of the *Texas Register* (50 TexReg 8433) and will be republished. All other sections are adopted without changes to the proposed text and will not be republished.

Specifically, the TEC adopts new rules in Subchapter A of Chapter 20 (relating to General Rules), including §§20.1 regarding Definitions, 20.7 regarding Reports filed with Other Local Filing Authority, 20.13 regarding Out-of-State Committees, 20.14 regarding Information About Out-of-State Committees, 20.16 regarding Notices by Electronic Mail, 20.21 regarding Due Date on Holidays and Weekends, 20.33 regarding Termination of Campaign Treasurer Appointment by Commission, and 20.35 regarding Notice of Proposed Termination of Campaign Treasurer Appointment.

The TEC also adopts new rules in Subchapter B of Chapter 20 (relating to General Reporting Rules), including §§20.50 regarding Total Political Contributions Maintained, 20.51 regarding Value of In-Kind Contribution, 20.52 regarding Description of In-Kind Contribution for Travel, 20.54 regarding Reporting a Pledge of a Contribution, 20.55 regarding Time of Accepting Contribution, 20.56 regarding Expenditures to Vendors, 20.58 regarding Disclosure of Political Expenditure, 20.59 regarding Reporting Expenditure by Credit Card, 20.60 regarding Reporting Political Expenditures for Processing Fees, 20.61 regarding Purpose of Expenditure, 20.62 regarding Reporting Staff Reimbursement, 20.63 regarding Reporting the Use and Reimbursement of Personal Funds, 20.64 regarding Reporting the Forgiveness of a Loan or Settlement of a Debt, 20.65 regarding Reporting No Activity, 20.66 regarding Discounts, and 20.67 regarding Reporting after the Death or Incapacity of a Filer.

The TEC also adopts new rules in Subchapter C of Chapter 20 (relating to Reporting Requirements), including §§20.201 regarding Definitions, 20.203 regarding Required Appointment of Campaign Treasurer, 20.205 regarding Modified Reporting, 20.207 regarding Reporting Political Contributions to a Business in Which the Candidate or Officeholder Has a Participating Interest, 20.209 regarding Reporting Contributions, 20.211 regarding Reporting Pledges, 20.213 regarding Reporting Loans, 20.215 regarding Reporting Expenditures of Personal Funds, 20.220 regarding Additional Disclosure for the Texas Comptroller of

Public Accounts, 20.221 regarding Special Pre-Election Report by Certain Candidates, 20.223 regarding Form and Contents of Special Pre-election Report, 20.225 regarding Special Session Reports for Candidates and Certain Officeholders, 20.227 regarding Contents of Special Session Report, 20.235 regarding Contents of Annual Report, and 20.243 regarding Contribution of Unexpended Political Contributions to Candidate or Political Committee.

The TEC also adopts new rules in Subchapter D of Chapter 20 (relating to Reporting Requirements for an Officeholder Who Does Not Have a Campaign Treasurer Appointment on File), including §§20.271 regarding Officeholders Covered, and 20.295 regarding Contribution of Unexpended Political Contributions to Candidate or Political Committee.

The TEC also adopts new rules in Subchapter E of Chapter 20 (relating to Reports by a General-Purpose or Specific-Purpose Committee), including §§20.303 regarding Appointment of Campaign Treasurer, 20.305 regarding Appointing an Assistant Campaign Treasurer, 20.307 regarding Name of Specific-Purpose Committee, 20.308 regarding Name of General-Purpose Committee, 20.311 regarding Updating Certain Information on the Campaign Treasurer Appointment, 20.313 regarding Converting to a Different Committee Type, 20.319 regarding Notice to Candidate of Officeholder, 20.333 regarding Special Pre-Election Report by Certain Specific-Purpose Committees, 20.343 regarding Contents of Dissolution Report, and 20.403 regarding Reporting Requirements for Certain General-Purpose Committees.

The TEC also adopts a new rule in Subchapter F of Chapter 20 (relating to Rules Applicable to a Principal Political Committee of a Political Party), including §20.503 regarding Exceptions from Certain Notice Requirements.

The TEC also adopts new rules in Subchapter G of Chapter 20 (relating to Rules Applicable to a Political Party Accepting Contributions From Corporations and/or Labor Organizations), including §§20.523 regarding Separate Account Required, 20.527 regarding Form of Report, and 20.529 regarding Reporting Schedule for Political Party Accepting Corporate and/or Labor Organization Contributions.

The TEC also adopts new rules in Subchapter H of Chapter 20 (relating to Rules Applicable to a Political Party's County Executive Committee), including §§20.555 regarding County Executive Committee Accepting Contributions or Making Expenditures That Exceed Certain Amount, 20.557 regarding Exceptions from Certain Restrictions, 20.559 regarding Exception from Notice Requirement, and 20.561 regarding County Executive Committee Accepting Contributions From Corporations and/or Labor Organizations.

The TEC also adopts new rules in Subchapter I of Chapter 20 (relating to Reports by a Candidate or a Committee Supporting or Opposing a Candidate for State or County Party Chair), including §§20.571 regarding Definitions, 20.577 regarding Reporting Schedule for a Candidate for State Chair, and 20.579 regarding Candidates and Committees Supporting or Opposing Candidates for County Chair in Certain Counties.

The TEC also adopts new rules in Subchapter J of Chapter 20 (relating to Reports by a Legislative Caucus), including §§20.601 regarding Reporting Obligations Imposed on Caucus Chair, and 20.602 regarding Reporting Schedule for a Legislative Caucus.

This adoption, along with the contemporaneous adoption of the repeal of all existing rules in Chapter 20, amends the rules used in reporting contributions and expenditures in campaign finance reports.

The TEC did not receive any public comments on these new rules.

The changes from the proposed rules to the adopted rules are only to correct minor errors:

20.1(15)(E): added a missing period at the end; no text was changed

20.529: a space was added between "that[-]begins"

20.557: Removed extra ")" at the end; no text was changed

State law requires state agencies to "review and consider for readoption each of its rules … not later than the fourth anniversary of the date on which the rule takes effect and every four years after that date." Tex. Gov't Code § 2001.039. The law further requires agencies to "readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule under this section." *Id*.

The TEC is continuing its comprehensive review with a review of the TEC's rules regarding reporting contributions and expenditures, which are codified in Chapter 20. The repeal of existing rules and adoption of new rules seek to shorten, simplify, and reorganize the rules to eliminate surplusage and improve clarity on procedures for reporting contributions and expenditures in campaign finance reports.

SUBCHAPTER A. GENERAL RULES

1 TAC §§20.1, 20.7, 20.13, 20.14, 20.16, 20.21, 20.33, 20.35

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

§20.1. Definitions.

The following words and terms, when used in Title 15 of the Election Code, in this chapter, Chapter 22 of this title (relating to Restrictions on Contributions and Expenditures), and Chapter 24 of this title (relating to Restrictions on Contributions and Expenditures Applicable to Corporations and Labor Organizations), shall have the following meanings, unless the context clearly indicates otherwise.

(1) Campaign communication--The term does not include a communication made by e-mail.

(2) Campaign treasurer--Either the individual appointed by a candidate to be the campaign treasurer, or the individual responsible for filing campaign finance reports of a political committee under Texas law or the law of any other state.

(3) Contribution--The term does not include a transfer for consideration of anything of value pursuant to a contract that reflects the usual and normal business practice of the vendor.

(4) Corporation--The term does not include professional corporations or professional associations.

(5) Election cycle--A single election and any related primary or runoff election.

(6) Identified measure--A question or proposal submitted in an election for an expression of the voters' will and includes the cir-

culation and submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will.

(7) Non-political expenditure--An expenditure from political contributions that is not an officeholder expenditure or a campaign expenditure.

(8) Opposed candidate--A candidate who has an opponent whose name is to appear on the ballot. The name of a write-in candidate does not appear on the ballot.

(9) Pledge--A contribution in the form of an unfulfilled promise or unfulfilled agreement, whether enforceable or not, to provide a specified amount of money or specific goods or services. The term does not include a contribution made in the form of a check.

(10) Political advertising:

(A) A communication that supports or opposes a political party, a public officer, a measure, or a candidate for nomination or election to a public office or office of a political party, and:

(i) is published in a newspaper, magazine, or other periodical in return for consideration;

(ii) is broadcast by radio or television in return for consideration;

(iii) appears in a pamphlet, circular, flyer, billboard, or other sign, bumper sticker, or similar form of written communication; or

(iv) appears on an Internet website.

(B) The term does not include an individual communication made by e-mail but does include mass e-mails involving an expenditure of funds beyond the basic cost of hardware messaging software and bandwidth.

(11) Political subdivision--A county, city, or school district or any other governmental entity that:

(A) embraces a geographic area with a defined boundary;

(B) exists for the purpose of discharging functions of government; and

(C) possesses authority for subordinate self-government through officers selected by it.

(12) Report--Any document required to be filed by this title, including an appointment of campaign treasurer, any type of report of contributions and expenditures, and any notice.

(13) Special pre-election report--A shorthand term for a report filed in accordance with the requirements of §20.221 and §20.333 of this chapter (relating to Special Pre-Election Report by Certain Candidates; and Special Pre-Election Report by Certain Specific-Purpose Committees) and §254.038 and §254.039 of the Election Code.

(14) Unidentified measure--A question or proposal that is intended to be submitted in an election for an expression of the voters' will and that is not yet legally required to be submitted in an election, except that the term does not include the circulation or submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will. The circulation or submission of a petition to determine whether a question or proposal is required to be submitted in an election for an expression of the voters' will is considered to be an identified measure.

(15) Principal purpose--A group has as a principal purpose of accepting political contributions or making political expenditures, including direct campaign expenditures, when that activity is an important or a main function of the group.

(A) A group may have more than one principal purpose. When determining whether a group has a principal purpose of accepting political contributions or making political expenditures, the Commission may consider any available evidence regarding the activities by the group and its members, including, but not limited to:

(i) public statements,

(ii) fundraising appeals,

(iii) government filings,

(iv) organizational documents; and

(v) the amount of political expenditures made and political contributions accepted by the group and its members.

(B) A group does not have a principal purpose of making political expenditures if it can demonstrate that not more than 49% of its overall expenditures are political expenditures.

(C) The following shall be included for purposes of calculating the proportion of the group's political expenditures to all other spending:

(i) the amount of money paid in compensation and benefits to the group's employees for work related to making political expenditures;

(ii) the amount of money spent on political expenditures; and

(iii) the amount of money attributable to the proportional share of administrative expenses related to political expenditures. The proportional share of administrative expenses is calculated by comparing the political expenditures in clause (ii) of this subparagraph with non-political expenditures. (For example, if the group sends three mailings a year and each costs $10,000, if the first two are issue-based newsletters and the third is a direct advocacy sample ballot, and there were no other expenditures, then the proportion of the administrative expenses attributable to political expenditures would be 33%.) Administrative expenses include:

(I) fees for services to non-employees;

(II) advertising and promotion;

(III) office expenses;

(IV) information technology;

(V) occupancy;

(VI) travel expenses;

(VII) interest; and

(VIII) insurance.

(D) The group may maintain specific evidence of administrative expenses related only to political expenditures or only to non-political expenditures. Specifically identified administrative expenses shall not be included in the proportion established by subparagraph (C)(iii) but allocated by the actual amount of the expense.

(E) In this section, the term "political expenditures" includes direct campaign expenditures.

(16) In connection with a campaign:

(A) An expenditure is made in connection with a campaign for an elective office if it is:

(i) made for a communication that expressly advocates the election or defeat of a clearly identified candidate by:

(I) using such words as "vote for," "elect," "support," "vote against," "defeat," "reject," "cast your ballot for," or "Smith for city council;" or

(II) using such phrases as "elect the incumbent" or "reject the challenger," or such phrases as "vote pro-life" or "vote pro-choice" accompanied by a listing of candidates described as "pro-life" or "pro-choice;"

(ii) made for a communication broadcast by radio, television, cable, or satellite or distributed by print or electronic media, including any print publication, mailing, Internet website, electronic mail, or automated phone bank, that:

(I) refers to a clearly identified candidate;

(II) is distributed within 30 days before a contested election for the office sought by the candidate;

(III) targets a mass audience or group in the geographical area the candidate seeks to represent; and

(IV) includes words, whether displayed, written, or spoken; images of the candidate or candidate's opponent; or sounds of the voice of the candidate or candidate's opponent that, without consideration of the intent of the person making the communication, are susceptible of no other reasonable interpretation than to urge the election or defeat of the candidate;

(iii) made by a candidate or political committee to support or oppose a candidate; or

(iv) a campaign contribution to:

(I) a candidate; or

(II) a group that, at the time of the contribution, already qualifies as a political committee.

(B) An expenditure is made in connection with a campaign on a measure if it is:

(i) made for a communication that expressly advocates the passage or defeat of a clearly identified measure by using such words as "vote for," "support," "vote against," "defeat," "reject," or "cast your ballot for;"

(ii) made for a communication broadcast by radio, television, cable, or satellite or distributed by print or electronic media, including any print publication, mailing, Internet website, electronic mail, or automated phone bank, that:

(I) refers to a clearly identified measure;

(II) is distributed within 30 days before the election in which the measure is to appear on the ballot;

(III) targets a mass audience or group in the geographical area in which the measure is to appear on the ballot; and

(IV) includes words, whether displayed, written, or spoken, that, without consideration of the intent of the person making the communication, are susceptible of no other reasonable interpretation than to urge the passage or defeat of the measure;

(iii) made by a political committee to support or oppose a measure; or

(iv) a campaign contribution to a group that, at the time of the contribution, already qualifies as a political committee.

(C) Any cost incurred for covering or carrying a news story, commentary, or editorial by a broadcasting station or cable television operator, Internet website, or newspaper, magazine, or other periodical publication, including an Internet or other electronic publication, is not a campaign expenditure if the cost for the news story, commentary, or editorial is not paid for by, and the medium is not owned or controlled by, a candidate or political committee.

(D) For purposes of this section:

(i) a candidate is clearly identified by a communication that includes the candidate's name, office sought, office held, likeness, photograph, or other apparent and unambiguous reference; and

(ii) a measure is clearly identified by a communication that includes the measure's name or ballot designation (such as "Proposition 1"), purposes, election date, or other apparent and unambiguous reference.

(17) Discount--The provision of any goods or services without charge or at a charge which is less than fair market value. A discount is an in-kind political contribution unless the terms of the transaction reflect the usual and normal practice of the industry and are typical of the terms that are offered to political and non-political persons alike, or unless the discount is given solely to comply with §253.041 of the Election Code. The value of an in-kind contribution in the form of a discount is the difference between the fair market value of the goods or services at the time of the contribution and the amount charged.

(18) School district--For purposes of §254.130 of the Election Code and §20.7 of this chapter (relating to Reports Filed with Other Local Filing Authority), the term includes a junior college district or community college district.

(19) Vendor--Any person providing goods or services to a candidate, officeholder, political committee, or other filer under this chapter. The term does not include an employee of the candidate, officeholder, political committee, or other filer.

(20) Hybrid committee--A political committee that, as provided by §252.003(a)(4) or §252.0031(a)(2) of the Election Code, as applicable, has filed a campaign treasurer appointment that includes an affidavit stating that:

(A) the committee is not established or controlled by a candidate or an officeholder; and

(B) the committee will not use any political contribution from a corporation or a labor organization to make a political contribution to:

(i) a candidate for elective office;

(ii) an officeholder; or

(iii) a political committee that has not filed an affidavit in accordance with this section.

(21) Direct campaign expenditure-only committee--A political committee, as authorized by §253.105 of the Election Code to accept political contributions from corporations and/or labor organizations, that:

(A) is not established or controlled by a candidate or an officeholder;

(B) makes or intends to make direct campaign expenditures;

(C) does not make or intend to make political contributions to:

(i) a candidate;

(ii) an officeholder;

(iii) a specific-purpose committee established or controlled by a candidate or an officeholder; or

(iv) a political committee that makes or intends to make political contributions to a candidate, an officeholder, or a specific-purpose committee established or controlled by a candidate or an officeholder; and

(D) has filed an affidavit with the Commission stating the committee's intention to operate as described by subparagraphs (B) and (C).

(22) Reportable Activity--For the purposes of filing a final report, this term includes an expenditure to pay a campaign debt.

(23) Statewide Measure--A measure to be voted on by all eligible voters in the state.

(24) District Measure--A measure to be voted on by the voters of a district.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 24, 2026.

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Amanda Arriaga
General Counsel
Texas Ethics Commission
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For further information, please call: (512) 463-5800

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SUBCHAPTER B. GENERAL REPORTING RULES

1 TAC §§20.50 - 20.52, 20.54 - 20.56, 20.58 - 20.67

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER C. REPORTING REQUIREMENTS

1 TAC §§20.201, 20.203, 20.205, 20.207, 20.209, 20.211, 20.213, 20.215, 20.220, 20.221, 20.223, 20.225, 20.227, 20.235, 20.243

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

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SUBCHAPTER D. REPORTING REQUIREMENTS FOR AN OFFICEHOLDER WHO DOES NOT HAVE A CAMPAIGN TREASURER APPOINTMENT ON FILE

1 TAC §20.271, §20.295

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

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SUBCHAPTER E. REPORTS BY A GENERAL-PURPOSE OR SPECIFIC-PURPOSE COMMITTEE

1 TAC §§20.303, 20.305, 20.307, 20.308, 20.311, 20.313, 20.319, 20.333, 20.343, 20.403

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

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SUBCHAPTER F. RULES APPLICABLE TO A PRINCIPAL POLITICAL COMMITTEE OF A POLITICAL PARTY

1 TAC §20.503

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

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SUBCHAPTER G. RULES APPLICABLE TO A POLITICAL PARTY ACCEPTING CONTRIBUTIONS FROM CORPORATIONS AND/OR LABOR ORGANIZATIONS

1 TAC §§20.523, 20.527, 20.529

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

§20.529. Reporting Schedule for Political Party Accepting Corporate and/or Labor Organization Contributions.

A political party that has accepted a contribution from a corporation and/or labor organization shall file the following reports until the political party is no longer accepting corporate and/or labor organization contributions and the acceptance and expenditure of all such funds has been reported.

(1) A report shall be filed not earlier than July 1 and not later than July 15, covering the period that begins on either January 1 or the day after the last day included in a primary election report filed under paragraph (3) of this section, as applicable, and ends on June 30.

(2) A report shall be filed not earlier than January 1 and not later than January 15, covering the period that begins on either July 1 or the day after the last day included in a general election report filed under paragraph (4) of this section, as applicable, and ends on December 31.

(3) A report shall be filed for each primary election held by the political party. The report shall be filed not later than the eighth day before the primary election, covering the period that begins on January 1 and ends on the 10th day before the primary election.

(4) A report shall be filed for the general election for state and county officers. The report shall be filed not later than the 50th day before the general election, covering the period that begins on July 1 and ends on the 61st day before the general election for state and county officers.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER H. RULES APPLICABLE TO A POLITICAL PARTY'S COUNTY EXECUTIVE COMMITTEE

1 TAC §§20.555, 20.557, 20.559, 20.561

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

§20.557. Exceptions from Certain Restrictions.

A county executive committee is excepted from complying with §253.031(b)-(c) of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER I. REPORTS BY A CANDIDATE OR A COMMITTEE SUPPORTING OR OPPOSING A CANDIDATE FOR STATE OR COUNTY PARTY CHAIR

1 TAC §§20.571, 20.577, 20.579

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER J. REPORTS BY A LEGISLATIVE CAUCUS

1 TAC §20.601, §20.602

The new rules are adopted under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code and Chapter 571 of the Government Code.

The adopted rules affect Title 15 of the Election Code.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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PART 10. DEPARTMENT OF INFORMATION RESOURCES

CHAPTER 218. DATA GOVERNANCE AND MANAGEMENT

The Texas Department of Information Resources (department) adopts 1 Texas Administrative Code (TAC) Chapter 218, Subchapter B, §218.10, and Subchapter C, §218.20, without changes to the proposal as published in the November 7, 2025, edition of the *Texas Register* (50 TexReg 7165). These will not be republished.

The adopted rules apply to state agencies and institutions of higher education.

Comments Received by the Department

The department received one comment from HITRUST in response to the proposed rule.

HITRUST recommended that the department recognize their certification as an acceptable way for agencies to meet portions of the data maturity assessment. The department declined to make this change as, due to the biennial submission of these reports to the department and state leadership and the potential for analysis of the data when the department prepares statutorily required reports, it is necessary for the information to be collected in a uniform fashion identified by the department.

In its comment responding to the publication of the proposed 1 TAC Chapter 219, Authorship recommended the department cross reference AI governance in the data maturity tool established by 1 Texas Administrative Code Chapter 218 and combine the data maturity assessment required by Texas Government Code § 2054.515 and regulated by 1 Texas Administrative Code Chapter 218 with the AI impact assessment required by 1 TAC §219.23. The department declined to make a change as the

data maturity assessment is a statutorily required evaluation that a state agency must complete each biennium whereas the impact assessment must be completed only when a state agency deploys or uses a heightened scrutiny AI system.

Description of Adopted Changes

The department adopts Subchapter B, §218.10, for state agencies, and Subchapter C, §218.20, for institutions of higher education, which align the reporting requirements and deadlines for the data governance assessment with those found at Texas Government Code § 2054.515, standardize the assessment tool used by state agencies to ensure the department's ability to collect and report upon the data as contemplated by Texas Government Code Chapter 2054, establishes the data governance assessment as a discrete report separate from the information security assessment.

Within Subchapter C, the department adopts amendments to §218.20 removing the clarification that the data maturity assessment is considered an information security standard, and, as such, the requirement for public junior colleges to comply with this requirement subject to Texas Government Code § 2054.0075.

SUBCHAPTER B. DATA GOVERNANCE AND MANAGEMENT FOR STATE AGENCIES

1 TAC §218.10

The amendments are adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.515(c) which requires the department to establish the data maturity assessment requirements by rule.

No other code, article, or statute is affected by this adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202600997
Joshua Godbey
General Counsel
Department of Information Resources
Effective date: March 18, 2026
Proposal publication date: November 7, 2025
For further information, please call: (512) 475-4531

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SUBCHAPTER C. DATA GOVERNANCE AND MANAGEMENT FOR INSTITUTIONS OF HIGHER EDUCATION

1 TAC §218.20

The amendments are adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2054.515(c) which requires the department to establish the data maturity assessment requirements by rule.

No other code, article, or statute is affected by this adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Joshua Godbey
General Counsel
Department of Information Resources
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For further information, please call: (512) 475-4531

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CHAPTER 219. ARTIFICIAL INTELLIGENCE

The Texas Department of Information Resources (department) adopts 1 Texas Administrative Code (TAC) Chapter 219, Subchapter A, §219.1, and Subchapter B, §219.20 and §219.23, without changes to the proposal as published in the November 7, 2025, edition of the *Texas Register* (50 TexReg 7167). These will not be republished.

The department adopts 1 Texas Administrative Code Chapter 219, Subchapter A, §219.11, and Subchapter B, §§219.21, 219.22 and 219.24, with nonsubstantive changes to the rules as published in the November 7, 2025, edition of the *Texas Register* (50 TexReg 7167) in response to comments received from the public. These sections will be republished.

The adopted rules apply to state agencies, institutions of higher education, and, in limited scope as required by Senate Bill 1964 [89th Session (Regular)], local governments, a term which may include approximately 1,100 rural communities as defined by Texas Government Code § 2006.001(1-a).

Comments Received by the Department

The department received public comments from a department employee; Workday; Authorship; Teaching Hospitals of Texas; Parkland Health; Information Technology Industry Council (Council); TechNet; and the Texas Workforce Commission (Commission) in response to the proposed rule.

The department employee recommended that the department amend the proposed rules to require assessments of all artificial intelligence (AI) systems rather than only heightened scrutiny AI systems because research reflects that humans may accept an AI system's output without analysis. The department declined to make a change as a result of this comment because Senate Bill 1964 [89th Session (Regular)] requires the department to address requirements for heightened scrutiny AI systems but does not extend the same requirements to non-heightened scrutiny AI systems.

The department employee recommended the department clarify whether a system's rejection filter is considered a heightened scrutiny AI system. The department declined to make a change as the term heightened scrutiny AI system is defined by statute and examples of what constitutes a heightened scrutiny AI system is better suited for non-regulatory guidelines.

Authorship recommended that the department affirmatively state that the standard AI risk assessment and heightened scrutiny AI impact assessment forms the department creates will be structured, machine-readable, and aligned with nationally recognized frameworks. The department declined to make this change as neither the rule nor statute requires the department to create a form or template for this purpose or governmental entities to use such a form or template.

Authorship recommended that the department establish by rule a statewide AI Governance Repository. The department declined to make this comment as a repository of this type exceeds the authorized scope of the rules.

Authorship recommended the department provide by rule for a managed, shared platform option for small entities and local governments. The department declined to make this change as it exceeds the agency's authority under statute and is not an initiative authorized or funded by the legislature.

Authorship recommended that the department establish by rule a continuous technical review channel for AI matters. The department declined to make this change as Texas Government Code § 2054.705 creates the Public Sector AI Advisory Board, which provides the department with structured feedback on its AI initiatives, forms, and usages.

Teaching Hospitals of Texas (Teaching Hospitals) recommended that the department establish by rule an additional 90-day period to allow governmental entities time to implement and comply with the adopted rule. The department declined to make this change as implementation is a part of the rulemaking process; governmental entities have several months between the department's proposal of the rule and its adoption to implement the changes.

Teaching Hospitals and Parkland Health recommended that the department create consistent reporting requirements for all hospital and health systems to align the more stringent requirements imposed on public and state hospitals by Senate Bill 1964 [89th Legislative Session (Regular)] with the more relaxed standards imposed upon public healthcare by House Bill 149 [89th Legislative Session (Regular)]. The department declined to make this change as the department does not have the statutory authority to do this.

Parkland Health recommended that the department establish health care-specific AI rules reflecting the existing health care regulatory landscape and prioritizing patient access to care over statutory requirements. The department declined to make this change as it does not have statutory authorization to do this.

The Council recommended that the department limit the scope of the AI Code of Ethics to only heightened scrutiny AI systems. The department declined to make this change as Senate Bill 1964 [89th Legislative Session (Regular)] directed the department to create an AI Code of Ethics for adoption by governmental entities that procure, develop, deploy, or use for AI systems generally and does not limit this code to only heightened scrutiny systems.

The Commission recommended that the department incorporate a specific exemption to disclosure under Texas Government Code Chapter 552 stating that disclosure requirements do not apply to information about AI systems related to fraud detection, deterrence, or investigation when that information is protected by state or federal law. The department declined to make this change as the department is not authorized to circumvent the Public Information Act by creating exemptions to disclosure. Public Information Act provisions may exempt from disclosure certain information about AI systems, but it is the agency's responsibility to make that assertion to the Office of the Attorney General.

The Commission recommended that the department amend 1 Texas Administrative Code Chapter 219 to specifically address the use of AI in code development. The department declined to make this change as the requirements articulated by the rules apply to all uses of AI, including AI for code development.

The Council recommended that the department define by rule the phrase "material change" as used by 1 Texas Administrative Code Chapter 219. The department declined to make this change as the phrase is lifted directly from statute where it is undefined, indicating the Texas Legislature intended it to have the common meaning.

The department employee recommended the department amend §219.1 to add definitions for either or both "real human review" or "careful thought." The department declined to add these definitions to rule as the department cannot regulate human error, and it is a governmental entity's responsibility to appoint responsible and competent staff.

The department employee recommended the department amend the proposed §219.1 definition for AI system to "any software inside a Business Intelligence or Data Analytics thing that uses machine learning or guesses to make predictions or sort data, even if the whole thing isn't called an AI product." The department declined to make this change as AI system is a term defined by statute.

The Council recommended that the department tie the definition of consequential decision found at §219.1(3) to whether an AI system was a controlling factor in making a decision. The department declined to make this change as both "consequential decision" and "controlling factor" are terms defined by statute, which the department does not have authority to change.

TechNet recommended that the department amend §219.11(a) to change from requiring a state agency to conduct a written assessment at the time of a material change to the time of a substantial modification. The department declined to make this change as this language mirrors the statute.

The Council recommended that the department amend §219.11(b)(2) to remove language regarding privacy concerns and the challenges that AI poses to implement safely. The department declined to make the change as recommended as privacy and safety in implementation are legitimate concerns of which agencies need to be aware.

TechNet recommended that the department clarify the rule to reflect distinctions between enterprise- and non-enterprise grade products. The department considered this comment and made a nonsubstantive change to the code of ethics preamble found at §219.11(b)(2) from "To the extent that AI systems are trained on or used to process PII, they raise significant privacy concerns" to "To the extent that AI systems are trained on or used to process PII, they may raise significant privacy concerns, particularly when the systems are deployed outside of a secure government environment." The department also made a nonsubstantive clarification to §219.11(h)(3) from "Many AI systems rely on vast amounts of PII to make predictions and decisions. Sharing PII with an AI tool may violate privacy laws and obligations the entity has to the individual" to "Many AI systems rely on vast amounts of PII to make predictions and decisions. Sharing PII

with an AI tool may violate privacy laws and obligations the entity has to the individual, particularly when using a tool outside the governmental entity's secure environment." This clarifies existing language to emphasize that privacy concerns may be greater when using a tool outside of a secure environment.

The Council recommended that the department amend §219.11(c)(1) to incorporate language about how human oversight should be proportional to the level of risk associated with an AI system. The department declined to make this change as this concern is already addressed by §219.11(c)(2)(B).

The Council and TechNet recommended that the department amend §219.11(c)(2)(C) to allow governmental entities to pause or restrict, rather than disable, AI systems that have made a harmful or inaccurate decision as the current language requires AI systems to have a disable feature, which is not always possible. The department considered these comments and made the following nonsubstantive change to allow more expansive means to reduce harm from the AI system issue: "(C) Must ensure AI systems can be paused, restricted, or disabled until harmful or inaccurate decision making can be remedied."

The Council recommended that the department amend §219.11(d)(1) from "The data used to develop AI systems must adequately represent the subjects or people about which AI systems make judgments, decisions, or predictions. Incomplete or inaccurate data can result in unlawful harm" to "(1) The data used to develop AI systems must, to the greatest extent possible, represent the subjects or people about which AI systems make judgments, decisions, or predictions. Incomplete or inaccurate data can result in unlawful harm." The department declined to make this change as adequately is an appropriate level of alignment between the data used to develop the AI system and the AI system itself.

TechNet recommended that the department amend §219.11(e) to add a subsection (D) requiring IT administrators to understand the tools offered to organizations to allow them to control their deployments and ensure outputs are in line with expectation. The department declined to make this change as this requires the department to administer individual entity employee responsibilities in a way the department does not have authority to do.

The Council recommended that the department amend §219.11(f)(2)(A) to limit the redress application to heightened scrutiny AI systems that make consequential decisions "about rights or access to governmental services." The department considered this comment and made the following nonsubstantive change from "(A) Must provide a mechanism to seek redress for those impacted when an AI system makes a consequential decision that unfairly impacts an individual or group in a material way" to "(A) Must provide a mechanism to seek redress for those impacted when an AI system makes a consequential decision that results in unlawful harm about their rights or access to governmental services."

Workday and the Commission identified concerns about the use of the phrase "unfair impact" in §219.11(f)(2)(A) and recommended amending this section to tie redress when an AI system makes a consequential decision impacting an individual or group to "a consequential decision that results in unlawful harm." The department considered this comment and made the following nonsubstantive change that clarifies the intent of this subparagraph: "must provide a mechanism to seek redress for those impacted when an AI system makes a consequential decision that results in unlawful harm."

TechNet recommended that the department amend §219.11(f)(2)(B) to revise the contact requirements to reflect a standard method rather than a point of contact as the contact may change frequently. The department declined to make this change as a designated point of contact does not tie the requirement to a singular person. An entity may fulfill this requirement by directing to a generic inbox or contact form.

TechNet recommended that the department amend §219.11(g) from requiring governmental entities to demand transparency from developers of AI systems to expecting this transparency. The department declined to make this change as governmental entities must demand transparency for the systems they use to ensure public trust.

Workday and the Council recommended amending §219.11(g)(2)(C) to replace the phrase "material decisions," which is undefined by statute, with "consequential decisions," which is. The department considered this comment and accepted the recommended nonsubstantive change as the term material arose from the definition of consequential decision.

Teaching Hospitals and the Commission recommended that the department clarify §219.11(g)(2)(C) to reflect this subsection of the Code of Ethics applies only to public-facing AI systems. After consideration, the department accepted this change as it pertains to §219.11(g)(2)(C) and amended the language from "(C) Must disclose when individuals interact with an AI system and when an AI system is used to make consequential decisions about their rights or access to governmental services; and" to "(C) Must disclose when individuals interact with a public-facing AI system and when an AI system is used to make consequential decisions about their rights or access to governmental services; and."

Teaching Hospitals recommended that the department amend §219.11(g)(2)(C) to reflect that hospital districts, academic medical centers, and state and public hospitals can satisfy disclosure requirements by including a generalized statement in the patient consent forms as authorized by Texas Government Code § 2054.711(c). The department declined to make this change as the rule neither specifies disclosure methods nor references the standardized notice required by Texas Government Code § 2054.711.

The Council recommended that the department amend §219.11(g)(2)(D) to change "never" to "not." The department declined to make this change as the current language relays its intent.

The Council recommended that the department amend §219.11(h)(3) to distinguish between AI systems deployed within secure governmental environments and those designed for broader public use. The department considered this comment and made the following nonsubstantive change to this section from "(3) Many AI systems rely on vast amounts of PII to make predictions and decisions. Sharing PII with an AI tool may violate privacy laws and obligations the entity has to the individual" to "(3) Many AI systems rely on vast amounts of PII to make predictions and decisions. Sharing PII with an AI tool may violate privacy laws and obligations the entity has to the individual, particularly when using a tool outside the governmental entity's secure environment."

TechNet recommended that the department amend §219.11(i) to add "All governmental entities must utilize enterprise-grade AI systems designed such that these secure AI systems will maintain the confidentiality and integrity of the AI system as well as

the data it contains even when unexpected events or changes in their environment occur." The department declined to make this change as this is too restrictive a requirement to include in rule.

The Council recommended that the department amend §219.11(i)(1) from "common security concerns in the AI context involve data poisoning or malicious code injection, exfiltration of models or data within the AI system, and improper access controls that result in unauthorized access to the AI system itself" to "common security concerns in the AI context may include data poisoning or malicious code injection, exfiltration of models or data within the AI system, and improper access controls that result in unauthorized access to the AI system itself." The department considered this comment and accepted the nonsubstantive change for clarity.

The Council recommended that the department amend §219.11(i)(2)(A)-(B) from "(2) Governmental entities: (A) Must monitor, secure, and test AI systems to prevent or limit security attacks; and (B) Must demand that AI system providers disclose known vulnerabilities and resolutions in a timely manner to the governmental entities deploying those systems" to "(2) Governmental entities: (A) Must monitor, secure, and test AI systems to prevent or limit security attacks including assessing and mitigating them for cybersecurity vulnerabilities; and (B) Must develop and implement a framework for reporting, assessing, and managing vulnerability disclosures for AI systems. Establishing a vulnerability disclosure process is critical to mitigating risk, establishing a robust security posture, and maintaining transparency and trust with the public." The department declined to make this change.

Workday recommended the department amend §219.11(j)(2)(B) to read "(B) Must ensure any vendors contracted to deploy or use AI systems on behalf of governmental entities are contractually bound to these AI ethical principles and any relevant laws or regulations governing the use of AI systems" so that AI developers are not required to comply with statewide AI ethical principles by virtue of their supply chain role. The department declined to make this change as AI developers who contract with state agencies are not exempt from the ethical principles.

The Council recommended that the department amend §219.11(j)(2)(B) to require governmental entities to only ensure their vendors are contractually bound to "relevant Texas State laws or regulations" rather than any relevant laws or regulations. The department declined to make this change as governmental entities are required to comply with all applicable laws, which may require entities to contract vendors to comply with other laws and regulations.

TechNet recommended that the department amend §219.11(j)(2)(B) to require governmental entities to allow contracted vendors to be bound to either the AI code of ethics or comparable vendor AI ethical principles. The department declined to make this change as governmental entities are required by law to adopt the AI code of ethics, which is the regulatory structure for AI ethics in Texas. This binds the state agency and, by extension, any contracting vendors to comply with the AI code of ethics.

The Council recommended that the department amend §219.22 to include language referencing the Texas Legislature's intent as specified by Texas Government Code § 2054.078. The department declined to make this change as statute controls without being cited by rule for the same purpose as its inclusion in law.

The Council recommended that the department amend §219.22 to remove the requirement for assessments to be written. The department declined to make this change as the statute requires state agencies to make a copy of the impact assessment available to DIR upon request, which indicates the Texas Legislature intended for the impact assessments to be both written and retained.

Parkland Health recommended that the department amend §219.22(b) to make the list of requirements for heightened scrutiny AI system impact assessments permissive rather than mandatory to allow public health systems to customize their risk assessments to exclude certain internal-facing AI systems from the definition of heightened scrutiny AI system. The department declined to make this change as Senate Bill 1964 [89th Legislative Session (Regular)] requires the department to establish by rule a required risk assessment for heightened scrutiny AI systems that evaluate "security risk, performance metrics, and transparency measures."

The Council recommended that the department amend §219.22(b)(1) to remove the requirement that risk assessments include known security risks. The department declined to make this change as Texas Government Code § 2054.703(b)(2) specifically requires the minimum risk management and governance standards to include the assessment and documentation of known security risks.

Workday recommended clarifying the performance metric required of governmental entity risk assessments enumerated at §219.22(b)(2) to either reflect that this requirement only applies to risk assessments conducted for state-agency developed AI systems or adjusting the performance metrics required as detailed technical information may not be available to a state agency if they procured the system from a third-party developer. The department considered this comment and made the following nonsubstantive change to the proposed language to clarify the initial intent: remove the initial subsections requiring "(A) measurements of the accuracy and relevance of the system's outputs; and (B) measurements of the operational aspects of the system, including model latency, uptime, and error rate" and instead require "AI system's performance metrics related to accuracy."

Authorship recommended the department cross reference AI governance in the data maturity tool established by 1 Texas Administrative Code Chapter 218 and combine the data maturity assessment required by Texas Government Code § 2054.515 and regulated by 1 Texas Administrative Code Chapter 218 with the AI impact assessment required by §219.23. The department declined to make a change as the data maturity assessment is a statutorily required evaluation that a state agency must complete each biennium whereas the impact assessment must be completed only when a state agency deploys or uses a heightened scrutiny AI system.

The Council recommended that the department amend §219.23(d)(1) to give vendors more flexibility in how the vendor demonstrates compliance with the minimum risk management standards. The department declined to make this change as the requirement for a vendor to conduct an impact assessment is permissive rather than mandatory and does not prescribe the requirements of such an impact assessment.

TechNet recommended that the department amend §219.23(d)(1) to indicate that impact assessments provided by a vendor to a state agency "will be treated as vendor confidential

and proprietary and not subject to FOIA." The department declined to make this change as Texas Government Code § 2054.708 already exempts impact assessments conducted on a heightened scrutiny AI system from release under the Public Information Act. Furthermore, as the Freedom of Information Act does not apply to state agencies, it would be inappropriate to incorporate this language.

The Council recommended that the department amend §219.24(d) to encourage vendors to implement approaches within the AI risk management framework rather than contractually requiring them to implement it. The department declined to make this change as recommended because Texas Government Code § 2054.703 requires the minimum standards to specifically mitigate the risk of unlawful harm by contractually requiring vendors to implement risk management frameworks when deploying heightened scrutiny AI systems on behalf of state agencies or local governments.

TechNet recommended that the department requesting that the department amend §219.24(d) to allow vendors to implement risk management frameworks that are materially equivalent to the National Institute of Standards and Technology AI risk management framework currently allowed. After considering this comment, the department made a nonsubstantive change to clarify §219.24(d) to allow for vendors to implement either an AI risk management framework such as that published by the National Institute of Standards and Technology or a comparable standard.

Description of Adopted Changes

Within Subchapter A, the department adopts §219.1 and §219.11, which introduce specialized definitions required by the rule, including the terms "AI--Artificial Intelligence", "Artificial Intelligence System", "Consequential Decision", Controlling Factor", "Department", "Executive Head", Governmental Entities", Heightened Scrutiny Artificial Intelligence System", "Information Resources", "Information Resources Technologies", "Local Government", "Personal Identifying Information (PII)", "Principal Basis", "Unlawful Harm." This subchapter also establishes a code of ethics and the ethical principles of artificial intelligence.

The department adopts subchapter B, §§219.20 - 219.24, which establish the minimum standards required by Texas Government Code § 2054.703 as enacted pursuant to Senate Bill 1964 of the Eighty-ninth Regular Session. In §219.21, the department establishes governmental entity's responsibility to AI Risk Management by designating an AI Risk Officer. In §219.22, the department establishes the requirements for the AI risk assessment for heightened scrutiny AI Systems in which the state agency or local government shall conduct a written AI risk assessment to consider the probability and severity of harm that could occur as the result of implementation of the AI system. In §219.23, the department establishes a vendor's responsibility of conducting an impact assessment of a heightened scrutiny AI system. In §219.24, the department establishes the guidelines for AI framework, policies, and trainings required by Texas Government Code § 2054.703(b)(4) as enacted pursuant to Senate Bill 1964 in the Eighty-ninth Regular Session.

SUBCHAPTER A. CODE OF ETHICS AND GENERAL INFORMATION

1 TAC §219.1, §219.11

The amendments are adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, Texas Government Code § 2054.702, which requires the department to establish by rule an AI code of ethics for use by governmental entities, and Texas Government Code § 2054.703, which requires the department to establish minimum risk management and governance standards for the development, procurement, deployment, and use of heightened scrutiny artificial intelligence systems by a state agency or local government.

§219.11. Code of Ethics and the Ethical Principles of Artificial Intelligence.

(a) As required by Texas Government Code § 2054.702, state agencies and local governments shall adopt the AI Code of Ethics established by this section and follow the ethical principles included herein as they procure, develop, deploy, or use artificial intelligence systems.

(b) Preamble

(1) AI systems have the potential to transform the way our state and local governments serve Texans. AI systems can create efficiencies, support economic and scientific advancement, and improve the safety and well-being of our communities. The State of Texas supports the use of AI systems by governmental entities to improve the services they deliver to Texans and to lead in innovative AI adoption in the public sector.

(2) While they have significant potential value, AI systems also pose substantial risks if not implemented ethically and responsibly. AI risks vary based on the system involved, how it is used, and who uses it. AI systems are often trained on large amounts of data from a variety of sources, which can lead to inaccurate outputs. To the extent that AI systems are trained on or used to process PII, they may raise significant privacy concerns, particularly when the systems are deployed outside of a secure government environment. Malicious actors can utilize AI to develop more advanced cyberattacks, bypass security measures, and exploit vulnerabilities in systems. These and other AI risks make it a uniquely challenging technology for governmental entities to use safely, but with appropriate guardrails, governmental entities can limit the risks of AI and secure its many benefits for Texans.

(3) Governmental entities must limit the potential harm of AI systems by managing risk and prioritizing trustworthy and responsible development and deployment of AI consistent with the National Institute of Standards and Technology AI Risk Management Framework. Creating trustworthy AI requires balancing each of these principles based on the identified risks of an AI system and the context in which it is used.

(4) This section articulates the principles of ethical AI implementation that governmental entities must strive for when procuring, developing, designing, or using AI systems.

(c) Human Oversight and Control

(1) Human oversight plays a crucial role in ensuring that AI systems operate ethically. While AI can analyze vast amounts of data much faster--and sometimes more accurately--than humans, it lacks the human judgment necessary to ensure that its decisions align with societal values and the rights granted to individuals under the law. Ensuring human control over AI systems mitigates risks of inaccurate or undesirable outputs and allows for revision of the rules established during development of the system and to the data that supports the system's decision-making.

(2) Governmental entities:

(A) Must deploy AI systems in ways that enable humans to review and analyze inputs and outputs at appropriate intervals throughout the AI lifecycle;

(B) May incorporate a level of human oversight reasonably commensurate to the risks associated with a particular AI system, with heightened scrutiny AI systems requiring increased human oversight relative to lower risk systems; and

(C) Must ensure AI systems can be paused, restricted, or disabled until harmful or inaccurate decision making can be remedied.

(d) Fairness

(1) The data used to develop AI systems must adequately represent the subjects or people about which AI systems make judgments, decisions, or predictions. Incomplete or inaccurate data can result in unlawful harm.

(2) Governmental entities:

(A) Must ensure their use of AI systems does not infringe upon the legally protected rights and liberties of the individuals they serve or result in unlawful harm; and

(B) Must implement data governance practices for AI systems throughout the AI system's lifecycle to ensure fairness.

(e) Accuracy

(1) While AI systems are overall improving in their ability to deliver more accurate results, inaccurate outputs remain a significant risk when using AI systems.

(2) Governmental entities:

(A) Must train their employees to understand the importance of verifying AI outcomes for accuracy;

(B) Must formalize processes for monitoring system accuracy before the deployment of an AI system and throughout its life cycle, as a system's accuracy may change over time; and

(C) Shall, when feasible, implement processes to improve the accuracy of AI systems by training the systems using human feedback or improving retrieval-augmented generation by ensuring the accuracy and relevance of the underlying data used by the tool to develop answers.

(f) Redress

(1) Providing a method for redress will promote public trust in both the AI system and in the entity that deploys it.

(2) Governmental entities:

(A) Must provide a mechanism to seek redress for those impacted when an AI system makes a consequential decision that results in unlawful harm about their rights or access to governmental services;

(B) Must have a designated point of contact for individuals to address when seeking information about an unfair consequential decision; and

(C) Must develop internal procedures to allow employees to identify and remedy negative impacts caused by the use of AI systems.

(g) Transparency

(1) Establishing transparency for AI systems means providing information about the data, models, and outputs of an AI system to both the individuals interacting with the system and those deploying it. Strong transparency practices will build public trust in the AI systems governmental entities use.

(2) Governmental entities:

(A) Must collaborate with developers of AI systems and demand transparency to understand how a system operates, the source of the data the system was trained on, and its intended use cases;

(B) Must strive to understand the capabilities of the system and how it makes decisions;

(C) Must disclose when individuals interact with a public-facing AI system and when an AI system is used to make consequential decisions about their rights or access to governmental services; and

(D) Must never represent AI systems as human when interacting with the public.

(h) Data Privacy

(1) Governmental entities have a responsibility to protect the PII they collect and process about individuals, and both legal and ethical restrictions exist on what PII entities share with third parties. Data privacy principles likewise apply to the PII governmental entities process in and share with AI systems.

(2) The most effective method for protecting PII is through data minimization.

(3) Many AI systems rely on vast amounts of PII to make predictions and decisions. Sharing PII with an AI tool may violate privacy laws and obligations the entity has to the individual, particularly when using a tool outside the governmental entity's secure environment.

(4) Governmental entities:

(A) May collect and maintain only that PII needed for operations and must establish a process to delete PII consistent with records retention schedules and other legal requirements.

(B) Must strive to understand what PII the AI system uses, how that PII has been and will be collected, and how the tool uses, stores, and shares PII with third parties prior to using any government-held PII in an AI system;

(C) Must train employees about the risk of inputting sensitive or PII into publicly available AI systems that use inputs to train the model and share those inputs with other users of the AI system outside of the governmental entity; and

(D) Must strive to practice data minimization and ensure they abide by any purpose limitations granted when the PII was first collected, or as expressly allowed by law.

(i) Security

(1) AI systems are subject to security vulnerabilities. Common security concerns in the AI context may include data poisoning or malicious code injection, exfiltration of models or data within the AI system, and improper access controls that result in unauthorized access to the AI system itself. Secure AI systems will maintain the confidentiality and integrity of the AI system as well as the data it contains even when unexpected events or changes in their environment or use occur.

(2) Governmental entities:

(A) Must monitor, secure, and test AI systems to prevent or limit security attacks; and

(B) Must demand that AI system providers disclose known vulnerabilities and resolutions in a timely manner to the governmental entities deploying those systems.

(j) Accountability and Liability

(1) While governmental entities may delegate tasks and decision making to AI systems, the entities remain accountable for the decisions the AI systems make and the outcomes they produce. Use of AI systems for employment-related tasks or to make consequential decisions poses heightened risks.

(2) Governmental entities:

(A) Must provide training to employees on how to use AI systems in an effective, safe, and ethical way;

(B) Must ensure their vendors are contractually bound to these AI ethical principles and any relevant laws or regulations governing the use of AI systems; and

(C) Must ensure AI systems they deploy comply with the legal obligations they have at both the state and federal level.

(3) When deploying AI systems, governmental entities must establish appropriate retention schedules for the AI system's records and consider the Public Information Act implications related to the storage of data inputs and outputs.

(k) Evaluation

(1) AI systems can change over time, as can the purposes for which they are used.

(2) Governmental entities:

(A) Must establish methods for regular evaluation of AI systems to ensure the systems provide ongoing benefit to the populations they serve; and

(B) Must document such evaluations.

(l) Documentation

(1) Documentation provides a critical element for managing AI risk. Consistent documentation of preliminary assessments, ongoing monitoring and testing, and complaints provides governmental entities insight into the operations and improvements of their AI systems over their lifecycle. Documentation allows entities to evaluate the value of AI systems and determine where best to spend resources in further developing AI solutions.

(2) Governmental entities should maintain records of:

(A) The sources of data used in the AI system; and

(B) How the AI system is modified throughout the system's life cycle.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Joshua Godbey
General Counsel
Department of Information Resources
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For further information, please call: (512) 475-4531

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SUBCHAPTER B. REQUIRED MINIMUM STANDARDS

1 TAC §§219.20 - 219.24

The amendments are adopted pursuant to Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054, and Texas Government Code § 2157.068(f), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2157. This subchapter establishes the minimum standards required by Texas Government Code § 2054.703 as enacted pursuant to Senate Bill 1964 of the Eighty-ninth Regular Session.

§219.21. AI Risk Management.

(a) A state agency or local government shall designate an employee as the AI Risk Officer.

(1) The AI Risk Officer is responsible for promoting ethical AI system procurement, development, deployment, and use within the state agency or local government, consistent with the AI Code of Ethics established by this chapter and the AI Risk Management Framework published by the National Institute of Standards and Technology.

(2) If a state agency or local government deploys a heightened scrutiny AI system, the AI Risk Officer is responsible for ensuring that the risk assessment is completed for that system. The AI Risk Officer shall evaluate the completed risk assessment and ensure that the heightened scrutiny AI system is deployed consistent with the minimum standards established by this chapter.

(3) In filling this role, the state agency or local government may employ an individual solely for this purpose or may add this responsibility to a current employee's existing job duties.

(b) A state agency or local government shall establish a process to identify and inventory all implementations of AI systems that qualify as heightened scrutiny AI systems.

§219.22. AI Risk Assessment for Heightened Scrutiny AI Systems.

(a) Before a state agency or local government develops, procures, deploys, or uses a heightened scrutiny AI system and at the time that a material change is made to the system, the state agency or local government shall conduct a written AI risk assessment to consider the probability and severity of harm that could occur as the result of implementation of the AI system.

(b) The risk assessment shall consider and document:

(1) The AI system's known security risks and mitigation steps available to limit those risks;

(2) The heightened scrutiny AI system's performance metrics relating to accuracy and operational efficiency; and

(3) The heightened scrutiny AI system's transparency, including information about:

(A) The system's algorithms and how the system makes decisions;

(B) The data used to train the system's model; and

(C) The availability of inputs and outputs to monitor the system's decision-making over time.

(c) When a state agency or local government is deploying any heightened scrutiny AI system, the AI Risk Officer shall:

(1) Review the completed written risk assessment prepared for that system prior to system deployment; and

(2) Approve or deny deployment of the system based on the risk and mitigation measures identified by the completed written risk assessment. At a minimum, the AI Risk Officer shall notify the state agency or local government's executive head or their designee of a decision to deploy a heightened scrutiny AI system. A state agency or local government may also establish a process for consultation or final approval by the executive head or their designee, as the state agency or local government determines appropriate.

(d) The state agency or local government shall maintain a record of the completed written risk assessment and all relevant documents for as long as required by the applicable state records retention schedule.

§219.24. Guidelines for Frameworks, Policies, and Trainings.

(a) This section establishes the guidelines required by Texas Government Code § 2054.703(b)(4) as enacted pursuant to Senate Bill 1964 in the Eighty-ninth Regular Session.

(b) When a state agency or local government deploys or uses a heightened scrutiny AI system, they must identify the acceptable use cases for such system, identify its limitations, and adopt an acceptable use policy to prevent uses other than those approved by the agency for the heightened scrutiny artificial intelligence system. All employees must be adequately trained on the acceptable use policy.

(c) A state agency or local government that deploys or uses a heightened scrutiny AI system shall provide employees or contractors who access, use, or manage the heightened scrutiny AI system with training regarding identified risks and appropriate methods for mitigating those risks.

(d) A state agency or local government that contracts with vendors to deploy a heightened scrutiny AI system shall mitigate third party risk by contractually requiring those vendors to implement an AI risk management framework such as that published by the National Institute of Standards and Technology or a comparable standard for heightened scrutiny AI systems.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TITLE 4. AGRICULTURE

PART 1. TEXAS DEPARTMENT OF AGRICULTURE

CHAPTER 28. TEXAS AGRICULTURAL FINANCE AUTHORITY

The Texas Agricultural Finance Authority (TAFA or the Authority), a public authority within the Texas Department of Agriculture (Department), adopts rule amendments to Texas Administrative Code, Title 4, Chapter 28, Subchapter A, §§28.3, 28.5, and 28.7; Subchapter B, §§28.10, 28.12 - 28.19; Subchapter C, §§28.20, 28.23 - 28.30, 28.32, 28.35 - 28.37; Subchapter D, §§28.40 - 28.48; Subchapter E, §§28.50 - 28.55; Subchapter F, §§28.60 - 28.63; and Subchapter G, §§28.70 - 28.72, 28.74 - 28.78, 28.80, 28.83, 28.86 and 28.87 without changes to the proposed text as published in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7796); the rule text will not be republished. The amendment to §28.2 is adopted with a non-substantive change to the proposed text as published in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7796) to clarify a reference consistent within the remainder of the revised definition; the rule text will be republished.

In addition, TAFA adopts new rules within Subchapter E, §28.56 and §28.58 without changes to the proposed text as published in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7796); the rule text will not be republished. The amendment to §28.57 is adopted with a non-substantive change to the proposed text as published in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7796) to reflect the full scope of authorized board actions as contained within corresponding statutory language; the rule text will be republished.

TAFA also adopts repeal of Subchapter G, §28.73 without changes as published in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7796); the repealed rule will not be republished. TAFA further adopts new Subchapter H, comprised of §§28.90 - 28.96, providing rules for the establishment, implementation, and administration of the Pest and Disease Control and Depredation Program, which is designed to implement agriculture-related pest, disease, or depredating animal control efforts and mitigate agriculture losses, without changes to the proposed text as published in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7796); the rule text will not be republished.

The adopted amendments to the headings of Subchapters D, E and G of this chapter replace the current headings for these subchapters to reflect changes made by HB 43 to corresponding subchapters within Texas Agriculture Code (Code), Chapter 58 for consistency and are non-substantive. Specifically, the heading for Subchapter D is updated from "Young Farmer Interest Rate Reduction Program Rules" to read "Farmer Interest Rate Reduction Program Rules," removing the word, "Young"; the heading for Subchapter E is updated to reflect the change in program name from "Young Farmer Grant Program Rules" to "Agriculture Grant Program Rules," replacing the phrase "Young Farmer" with "Agriculture"; and the heading for Subchapter G is updated to reflect the change in program name from "Rural Economic Development Finance Program" to "Rural Agriculture Economic Development Finance Program" to add the word "Agriculture." Due to an inadvertent administrative error, the revised subchapter headings were not published as part of the proposed rulemaking in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7796) so the revised headings will be republished.

During its Regular Session, the 89th Texas Legislature enacted House Bill (HB) 43, which amended Chapter 58 of the Code relating to the Authority. With the passage of HB 43, several TAFA financial assistance programs were modified, and a new pest and disease control and depredation program was established. The Department identified the need for the amendments, new

rules, and repeal during its rule review conducted pursuant to Texas Government Code §2001.039, primarily to implement HB 43 and improve and update the rules in areas identified during the statutorily-required rule review to clarify and improve readability for the public. The rule review was adopted in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7925) in conjunction with the proposed rulemaking.

SECTION-BY-SECTION SUMMARY

The adopted amendments to §28.2 remove several redundant definitions for terms already defined in TAFA's enabling statutes in the Texas Agriculture Code ("Agricultural business," "Agricultural product," and "Lender"), add definitions for the terms, "Administrator" and "Department," to account for the use of these terms in the chapter, modify some definitions to improve readability, and make conforming formatting changes.

The adopted amendment to §28.3 makes a change to identify a defined term.

The adopted amendments to §28.5 make changes to identify defined terms. In addition, new language is incorporated into §28.5 to recognize that a resolution of the TAFA board pertaining to administration of the Texas Agricultural Fund shall control over the rules in this chapter if a conflict arises.

The adopted amendments to §28.7 make changes to identify defined terms and improve readability. Similarly, the adopted amendments to §28.10 and §28.12 identify defined terms.

The adopted amendments to §28.13 correct a statutory reference to the Texas Agriculture Code; remove a redundant definition ("Linked deposit"), adds a definition for "Lender"; and modify a definition to clarify and improve readability.

The adopted amendments to §28.14 make changes to identify defined terms and improve readability.

The adopted amendments to §28.15 make changes to identify defined terms, to track statutory language for the maximum loan rate a borrower would pay, to allow for additional methods of communication including email, and to update the threshold amount that requires a lender to notify the Authority.

The adopted amendments to §28.16 make changes to identify defined terms.

The adopted amendments to §28.17 make changes to identify defined terms and correct a reference within the chapter.

The adopted amendments to §§28.18 and 28.19 make changes to identify defined terms.

The adopted amendments to §§28.20, 28.23, 28.24, 28.25, 28.26, 28.27, and 28.28 make changes to identify defined terms and improve readability.

The adopted amendments to §28.29 update the maximum loan guarantee amounts under the Agricultural Loan Guarantee Program and adds language to allow the TAFA board to consider loan guarantees in excess of $1 million and approved by resolution of the TAFA board. Additional changes are also incorporated to improve the rule's readability.

The adopted amendments to §§28.30, 28.32, and 28.35 make changes to identify defined terms and improve readability.

The adopted amendments to §28.36 is modified to align with statutory language in the Texas Agriculture Code and incorporate changes to improve readability.

The adopted amendments to §28.37 make changes to identify defined terms and improve readability.

The adopted amendment to the heading for Subchapter D is updated from "Young Farmer Interest Rate Reduction Program Rules" to read "Farmer Interest Rate Reduction Program Rules" to remove the word "Young" and reflect changes made by HB 43 to Texas Agriculture Code, Chapter 58.

The adopted amendments to §§28.40 and 28.41 remove the word "young" when necessary to conform with HB 43 and make changes to improve the rules' readability.

The adopted amendments to §28.42 removes an unnecessary definition, modifies the definition of "Lender" and reflects changes made to improve the section's readability.

The adopted amendments to §28.43 make changes to identify defined terms and correct a reference within the chapter.

The adopted amendments to §28.44 update language to reference statute for the maximum loan rate a borrower would pay, to allow for additional methods of communication including email, and update the threshold amount that requires a lender to notify the Authority.

The adopted amendments to §§28.45, 28.46, and 28.47 make changes to identify defined terms and correct a typographical error.

The adopted amendments to §28.48 increase the maximum loan amount to conform with changes made by HB 43 and to identify defined terms and improve readability.

The adopted amendment to the heading for Subchapter E is updated to reflect the change in program name from "Young Farmer Grant Program Rules" to "Agriculture Grant Program Rules" to reflect changes made by HB 43 to Texas Agriculture Code, Chapter 58.

The adopted amendments to §28.50 update the purpose of the program to conform with changes made by HB 43 to Texas Agriculture Code, Chapter 58 and make changes to improve readability.

The adopted amendments to §28.51 identify defined terms and replace the phrase, "young farmer," with "agriculture" when necessary to conform with changes made by HB 43 to Texas Agriculture Code, Chapter 58.

The adopted amendments to §28.52 remove an unnecessary definition, modify another definitions, and improve readability.

The adopted amendments to §28.53 update the program name, remove the age requirements and modify the eligible project types to conform with changes made by HB 43 to Texas Agriculture Code, Chapter 58.

The adopted amendments to §28.54 clarify permissible uses of certain grant funds and improve readability.

The adopted amendments to §28.55 provide the TAFA board with greater flexibility in its administration of the grant program by creating multiple grant opportunities, clarifying application details and allowing the TAFA board to determine grant cycles each year and not limit it to two periods.

Adopted new rule, §28.56 (Use of Grant), describes basic information required to be published for each grant opportunity and states the manner in which grant funds will be disbursed.

Adopted new rule, §28.57 (Filing Requirements; Consideration of Project Requests; Grant Awards), requires an applicant to submit an application in the format prescribed by TAFA, requires TAFA to publish the maximum award amount and allows TAFA to decline all applications in its sole discretion.

Adopted new rule, §28.58 (Reporting Requirements) requires grant recipients to comply with reporting requirements that will be included in the grant agreement.

The adopted amendment to §28.60 identifies a defined term.

The adopted amendments to §28.61 identify defined terms and correct a statutory reference.

The adopted amendments to §28.62 identify defined terms and correct an internal reference within the chapter.

The adopted amendments to §28.63 identify a defined term.

Adopted amendment to the heading for Subchapter G is updated to reflect the change in program name from "Rural Economic Development Finance Program" to "Rural Agriculture Economic Development Finance Program" to reflect changes made by HB 43 to Texas Agriculture Code, Chapter 58.

The adopted amendments to §§28.70 and 28.71 add the term, "Agriculture," to references to the grant program and the phrase, "agriculture-related" to references to the types of grant projects allowed under the program ("rural agriculture-related economic development"), as modified by HB 43, and make non-substantive edits to identify defined terms and improve readability.

The adopted amendments to §28.72 remove definitions no longer necessary based on HB 43 ("Economic Development Corporations" and "Special Purpose District"), add a definition for "Rural agriculture-related economic development" to account for the use of this phrase in the subchapter, and modifies definitions, such as "Applicant" and "Political Subdivision" to provide additional clarification and improve readability.

The adopted amendments to §§28.74, 28.75, 28.76, 28.77, and 28.78 add the phrase, "agriculture-related," to the phrase, "rural economic development," and make changes to provide additional clarification and improve readability.

The adopted amendments to §28.80 remove references to "sales tax" and "tax" from list of options to secure commitments.

The adopted amendments to §28.83 identify defined terms and provide additional clarification and improve readability.

The adopted amendments to §§28.86 and 28.87 add the term, "Agriculture," to references to the grant program reflect changes made by HB 43 to Texas Agriculture Code, Chapter 58.

Adopted new Subchapter H is proposed to reflect the establishment of a new pest and disease control and depredation program in Texas Agriculture Code, Chapter 58 by enactment of HB 43.

Adopted new rule, §28.90 (Statement of Purpose), identifies the purposes of the new grant program as control efforts and to mitigate agriculture losses.

Adopted new rule, §28.91 (Definitions) adds the definition of "Program" for purposes of this subchapter.

Adopted new rule, §28.92 (Administration) outlines staffing, ability of the TAFA board to create multiple programs, and requirement for board to adopt selection criteria.

Adopted new proposed rule, §28.93 (Eligibility), limits participation in the program to those entities identified in statute including Texas Animal Health Commission, Texas A&M AgriLife Extension Service, and Texas A&M AgriLife Research.

Adopted new proposed rule, §28.94 (Use of Grant), describes basic information required to be published for each grant opportunity and states the manner in which funds will be disbursed.

Adopted new proposed rule, §28.95 (Filing Requirements; Consideration of Project Requests; Grant Awards), requires an applicant to submit an application in the format prescribed by the Authority, requires the Authority to publish the maximum award amount, and allows the Authority to decline all applications in its sole discretion.

Adopted new proposed rule, §28.96 (Reporting Requirements), requires grant recipients to comply with reporting requirements that will be included in the grant agreement.

Adopted repeal of §28.73 relating to the Texas Rural Community Loan is appropriate to reflect changes made by HB 43 to Texas Agriculture Code, Chapter 58.

The Authority did not receive any public comments in response to its proposed amendments, proposed new rules, and proposed repeal.

SUBCHAPTER A. FINANCIAL ASSISTANCE RULES

4 TAC §§28.2, 28.3, 28.5, 28.7

The amendments are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

§28.2. Definitions.

In addition to the definitions set forth in Texas Agriculture Code, §58.002, as amended, the following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. Definitions applicable to specific programs may be included within the applicable subchapter.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

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Susan Maldonado
General Counsel
Texas Department of Agriculture
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For further information, please call: (512) 463-3559

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SUBCHAPTER B. INTEREST RATE REDUCTION PROGRAM

4 TAC §§28.10, 28.12 - 28.19

The amendments are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

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SUBCHAPTER C. AGRICULTURAL LOAN GUARANTEE PROGRAM

4 TAC §§28.20, 28.23 - 28.30, 28.32, 28.35 - 28.37

The rule amendments are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

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SUBCHAPTER D. FARMER INTEREST RATE REDUCTION PROGRAM RULES

4 TAC §§28.40 - 28.48

The rule amendments are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

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SUBCHAPTER E. AGRICULTURE GRANT PROGRAM RULES

4 TAC §§28.50 - 28.58

The rule amendments and new rules are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER F. RULES FOR DEPOSITION AND REFUND OF ASSESSMENT FEES

4 TAC §§28.60 - 28.63

The amendments are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

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SUBCHAPTER G. RURAL AGRICULTURAL ECONOMIC DEVELOPMENT FINANCE PROGRAM

4 TAC §§28.70 - 28.72, 28.74 - 28.78, 28.80, 28.83, 28.86, 28.87

The rule amendments rules are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

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For further information, please call: (512) 463-3559

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4 TAC §28.73

The repeal is adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

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SUBCHAPTER H. PEST AND DISEASE CONTROL AND DEPREDATION PROGRAM

4 TAC §§28.90 - 28.96

The new rules are adopted pursuant to Section 12.016 of the Texas Agriculture Code (Code), which authorizes the Department to adopt rules as necessary for the administration of its powers and duties under the Code, and Sections 58.022(1) and 58.023 of the Code, which further authorizes the Authority to adopt and enforce bylaws, rules, and procedures in order to carry out its functions under Chapter 58.

The statutory provisions affected by this adoption are those within Texas Agriculture Code, Chapter 58.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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PART 2. TEXAS ANIMAL HEALTH COMMISSION

CHAPTER 51. ENTRY REQUIREMENTS

4 TAC §51.1

The Texas Animal Health Commission (Commission) in a duly noticed meeting on February 24, 2026, adopted amendments to Title 4, Texas Administrative Code, Chapter 51 titled "Entry Requirements." Specifically, the Commission adopted amendments to §51.1 regarding Definitions without changes to the proposed text published in the December 5, 2025 issue of the *Texas Register* (50 TexReg 7811) and will not be republished.

JUSTIFICATION FOR RULE ACTION

The Texas Animal Health Commission adopts amendments to §51.1, concerning Definitions. The purpose of the amendments is to clarify requirements for dairy cattle and dairy crosses entering the state.

Commission rules set forth testing requirements for cattle entering Texas. Specific tuberculosis testing requirements apply for dairy cattle. Commission staff responsible for permitting movement have noticed confusion surrounding the definition of dairy cattle and whether certain dairy crosses must be tested prior to entry.

Previously, Commission rules did not define dairy cattle. Staff relied on the USDA's definition when applying and explaining Commission rules. The USDA's definition states that all cattle, regardless of age or sex or current use, that are of a breed(s) or offspring of a breed used to produce milk or other dairy products for human consumption, including, but not limited to, Ayrshire, Brown Swiss, Holstein, Jersey, Guernsey, Milking Shorthorn, and Red and Whites.

The amendments incorporate the USDA's definition into Commission rules to clarify the meaning of dairy cattle and ease confusion as to what testing requirements must be met prior to entry.

HOW THE RULE WILL FUNCTION

Section 51.1 includes definitions. The amendments add a definition for "dairy cattle," adjust numbering, and make minor formatting changes.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended January 4, 2026.

During this period, the Commission received one comment. A summary of the comment relating to the rule and the Commission's response follows.

Comment: The Livestock Marketing Association expressed its appreciation for TAHC's effort to create a specific definition for dairy cattle but shared its concern that the proposed definition includes "or offspring of a breed." LMA believes that this definition may increase the number of animals covered by state dairy rules and have a potentially significant impact on costs. LMA asks that the final rule balance clarity with practicality and be supported by available data.

Response: The Commission thanks the commenters for the feedback. No changes were made as a result of these comments. Adoption of USDA's definition does not represent a change in the Commission's current interpretation and application of which animals are included in the meaning of "dairy cattle."

STATUTORY AUTHORITY

The amendments are adopted under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.006, entitled "Documents to Accompany Shipment", if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.046, entitled "Rules", the Commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled "Inspection of Shipment of Animals or Animal Products", the Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. An agent of the Commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception", the Commission, by rule, may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

Pursuant to §161.113, entitled "Testing or Treatment of Livestock", if the Commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

Pursuant to §161.114, entitled "Inspection of Livestock", an authorized inspector may examine livestock consigned to and delivered on the premises of a livestock market before the livestock are offered for sale. If the inspector considers it necessary, the inspector may have an animal tested or vaccinated. Any testing or vaccination must occur before the animal is removed from the livestock market.

No other statutes, articles, or codes are affected by this adoption.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 27, 2026.

TRD-202601035

Jeanine Coggeshall
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Texas Animal Health Commission
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TITLE 10. COMMUNITY DEVELOPMENT

PART 9. TEXAS ADVANCED NUCLEAR ENERGY OFFICE

CHAPTER 331. GRANTS

The Office of the Governor, the Texas Advanced Nuclear Energy Office (TANEO) adopts 10 Texas Administrative Code §§331.1 - 331.9, 331.20, 331.21, and 331.30 - 331.32. Section 331.32 is adopted with changes to the proposed text as published in the January 2, 2026, issue of the *Texas Register* (51 TexReg 9). This rule will be republished. Sections 331.1 - 331.9, 331.20, 331.21, 331.30 and 331.31 are adopted without changes and will not be republished.

REASONED JUSTIFICATION OF ADOPTED RULES

TANEO adopts 10 Texas Administrative Code (TAC) §§331.1 - 331.9, 331.20, 331.21, and 331.30 - 331.32 relating to the Texas Advanced Nuclear Development Fund, the Project Development and Supply Chain Reimbursement Program, and the Advanced Nuclear Construction Reimbursement Program. This adopted rulemaking implements Texas Government Code, Chapter 483 as enacted by House Bill (HB) 14 during the Texas 89th Regular Legislative Session. The adopted rulemaking establishes the policies and procedures governing the reimbursement programs, including the application process, eligibility requirements, and details related to the program's grant agreements. The adopted rules also establish the framework TANEO will use to award grants, enter into grant agreements, and distribute the proceeds of a grant award on a rolling basis, as required by Section 483.204(g), Texas Government Code.

SUMMARY OF COMMENTS AND AGENCY RESPONSE

TANEO received public comments on the proposed rules from The Dow Chemical Company, Fermi America, Last Energy Inc., Pacific Square, and X-energy. Some of the comments were general in nature, while others addressed concerns or questions about specific rule sections. The general comments are addressed as follows:

Comment: One commenter states that they support the intent behind the proposed rules.

Response: TANEO appreciates the support for the rules.

Comment: Two commenters state that they support TANEO's proposed rules and commend TANEO for establishing a clear framework to implement House Bill 14. One commenter states that the proposed rules appropriately balance program transparency with the flexibility necessary to accommodate the range of advanced nuclear technologies and regulatory pathways represented in Texas's emerging nuclear industry. The other commenter states that they recognize TANEO's intention to establish a competitive funding process and tailor milestone-based payments to each awarded project.

Response: TANEO appreciates the support for the rules and agrees with the commenters' assessments.

Comment: One commenter notes that the proposed rules do not address how TANEO will coordinate with other government agencies, whether federal, state, or local. The commenter recommends that TANEO establish a process for applicants to disclose other government funding sources and better coordinate reporting in order to streamline reporting and compliance.

Response: TANEO declines to modify the adopted rules to address how TANEO will coordinate with other government agencies, including federal, state, or local because this information will be addressed in Requests for Applications and the grant agreement.

Comment: One commenter recommends that TANEO clarify that workforce development investments are an important and eligible component of projects supported under proposed Sections 331.2, 331.4, and 331.5, Texas Administrative Code. Specifically, the commenter recommends that the following workforce development investments be identified as eligible components of projects under these rules: apprenticeships and on-the-job training; workforce certification and credentialing; partnerships with Texas community colleges and universities; nuclear-specific safety, quality assurance, and regulatory training; and workforce development tied to in-state manufacturing and supply chains. The commenter suggests that clear documentation standards for workforce-related expenses would improve compliance and reduce administrative burden while protecting taxpayer funds. The commenter also recommends that TANEO explicitly recognize workforce development commitments as a positive evaluation factor for projects supported under these rules, including demonstrated education partnerships, long-term operations staffing plans, and veteran or skilled-trades hiring initiatives.

Response: TANEO declines to modify the adopted rules in response to the recommended modifications. Adopted Section 331.2 follows applicable statute in Section 483.201(b)(1), Texas Government Code, which explains that grant recipients may be eligible businesses, nonprofit organizations, and governmental entities, including institutions of higher educations. Adopted Section 331.4 describes application requirements, including what an application must include as well as the possibility of requiring an applicant to submit a Notice of Intent to apply to TANEO. Adopted Section 331.5(a) and (b) explain that TANEO may establish and specify any selection criteria it considers relevant to the grant and lists non-exhaustive factors that TANEO shall use to evaluate each application. Although TANEO may use workforce development investments in evaluating grant applications and a project's potential benefits to the State, TANEO declines to include a comprehensive list of what constitutes a project's benefits to the State in the adopted rules. TANEO does not believe these components fit in Section 331.2 or Section 331.4. These components may fit in Section 331.5(d), but TANEO declines to include them in the adopted rule. Each project will have different characteristics that need to be evaluated based on different factors to avoid excluding the full range of benefits to the State. Accordingly, it is inappropriate to include a list of workforce development investments in the rule.

In addition to these general comments, TANEO received comments on specific rules, summarized as follows:

Comments on Subchapter A, General Provisions, §331.5, Grant Evaluation and Review Process.

Comment: One commenter encourages TANEO to interpret "the project's potential benefit to this state" in proposed Section 331.5(b)(2) to include in-state manufacturing and supply chain development, in addition to the creation of project-specific jobs. The commenter states that projects that commit to engaging Texas workers and supporting the State's manufacturing capacity can provide economic benefits that extend beyond electricity generation. The commenter encourages TANEO to include these considerations in TANEO's interpretive framework but does not recommend any changes to the proposed rule.

Response: The purposes for which the Legislature established TANEO are set forth in Section 483.101(b), Texas Government Code. That provision includes TANEO's purposes of "creating high-wage advanced manufacturing jobs in this state" and "support[ing] the development of an advanced nuclear energy supply chain . . . in this state." Tex. Gov't Code § 483.101(b)(3), (8). The aspirations described by the commenter directly align with TANEO's purposes, and, as such, TANEO agrees a project's potential benefit to this State may include increases in in-state manufacturing, supply chain development, and job creation--and all other benefits that align with TANEO's purposes. Because the benefits discussed align with statutory directives, TANEO declines to re-memorialize them in rule.

Comments on Subchapter A, General Provisions, §331.6, Amount of Grant Award Recommendations and Decisions.

Comment: Two commenters suggest that TANEO clarify the intent of the portion of proposed Section 331.6(c), which states "[n]either this chapter nor a grant agreement creates any entitlement or right to grant funds by a grant applicant." One commenter states that they understand that all grants will be subject to the availability of funds and the State's biennial budget process; however, the commenter states, a signed grant agreement by both parties will result in a properly executed contract and should result in funds for the project. Another commenter recommends that TANEO establish language around the reasons that grant funding may not be available to a selected applicant.

Response: TANEO is constitutionally prohibited from assuming obligations in excess of funds the Legislature has appropriated to TANEO to accomplish its duties and purposes. Tex. Const. art. III, § 49a; *id.* art. VIII, § 6. Additionally, TANEO is constitutionally prohibited from making a grant to a private party unless TANEO "has placed sufficient controls on the transaction to ensure that the public purpose is accomplished." Tex. Att'y Gen. Op. No. JC-0484 (2002); *see* Tex. Const. art. III, § 51. Accordingly, a grantee can have no entitlement or right to grant funds and may receive funds only if it has satisfied the controls TANEO has set forth in the application and contracting processes, including the Request for Applications and grant agreements. Further, TANEO will ensure the grant agreement sets forth conditions under which grant funding may not be available to a selected applicant.

Comments on Subchapter A, General Provisions, §331.8, Grant Agreement.

Comment: One commenter states that they appreciate TANEO's approach to establish milestones for each selected project to manage risk and steward funds. The commenter believes that these funds will be instrumental in advancing projects and attracting private sector capital, facilitating commercial decisions that advance nuclear projects for the benefit of Texas.

Response: TANEO appreciates the support for the rules and agrees with the commenter's assessments.

Comment: One commenter notes that proposed Section 331.8 indicates that a written grant agreement must specify benchmarks and milestones for the completion of the project for which the grant is provided. The commenter believes this is reasonable and appropriate.

Response: TANEO appreciates the support for the rules and agrees with the commenter's assessment. The adopted rule remains unchanged from the proposed rule.

Comment: Two commenters note that proposed Section 331.8(2) does not define "fail[ure]…to reach the specified benchmarks." The commenters suggest that TANEO clarify or define what constitutes such failure, even though the proposed rules state that they will be defined in the grant agreement.

Response: TANEO declines to modify the rule to further define failure to reach the specified benchmarks. Under the adopted rule and applicable statute, benchmarks and milestones will be agreed upon in an arm's length discussion between TANEO and a potential grantee and will be specified in the grant agreement. Accordingly, what constitutes a failure to meet benchmarks may vary from project to project.

Comment: One commenter recommends that TANEO establish a process for no-cost extensions if projects continue to make progress despite failing to reach specific benchmarks. The commenter states that this practice is commonplace among federal grants and provides an avenue to accommodate the complexity of large-scale infrastructure projects.

Response: TANEO declines to modify the rule to include a process for no-cost extensions. Specific benchmarks will vary between entities and will be determined in the grant agreement. TANEO can access the appropriateness of no-cost extensions on a case-by-case basis using the framework outlined in the Texas Grant Management Standards.

Comment: Two commenters note that proposed Section 331.8 suggests that repayment is tied to the specific benchmarks and milestones outlined in the grant agreement, rather than to the whole grant amount. The commenters suggest that if TANEO intends to clawback or seek repayment of the entire grant amount if a recipient fails to reach a particular benchmark or milestone, then TANEO should clearly state such in the rule.

Response: TANEO declines to adopt the recommended modification. TANEO must retain its discretion in this scenario to carry out this program in the best interests of the State of Texas. The benchmark, milestones, and repayment provisions in a grant agreement may vary among various grantees, as projects among the grantees will vary. Benchmarks, milestones, and repayment procedures will be set out in the grant agreement based on each individual grantee and the grantee's project.

Comment: Two commenters state that proposed Section 331.8 does not address a timeframe for when repayment must be made to the State if a grantee fails to reach specified benchmarks. One commenter suggests that TANEO make clear the expectation on timeline for repayment, and the other commenter recommends that TANEO add two provisions to this rule that require, in addition to the proposed rules, a grant agreement to also "address the implications of failing to meet any milestone that is not achieved; and provide clear mechanisms for repayment of grant funds under specified conditions; including the allowance of repayment in no less than 180 days."

Response: TANEO declines to adopt the recommended modification. Circumstances surrounding failure to reach specified benchmarks and repayment will vary among grantees. In the event a grantee fails to reach specified benchmarks and must repay grant funds, the details setting forth that repayment process will be laid out in the grant agreement, through discussions with TANEO, written notices of deficiencies, if applicable, and other applicable law.

Comments on Subchapter A, General Provisions, §331.9, Waiver of Rules.

Comment: One commenter states that proposed Section 331.9 does not provide guidance on its intended application, and that large, advanced nuclear projects may require tailored treatment to reflect scale, maturity, and grid impact. The commenter suggests that TANEO specify that waiver authority may be exercised for multi-unit projects, the United States Nuclear Regulatory Commission (NRC)-certified reactor designs, or projects with demonstrable system-level reliability and economic benefits to Texas.

Response: TANEO declines to adopt the recommended modification. The waiver provision relates to administrative rules found in 10 Texas Administrative Code Chapter 331 and is available only in extraordinary circumstances. Section 331.9 allows for a waiver of any rule for which a waiver (1) would further the public interest; and (2) would be consistent with applicable statutory law.

Comment: One commenter notes that they have concerns with granting TANEO unrestricted authority to override rules that are vital for grantees and stakeholders. The commenter states that the absence of clear criteria or limitations for such waivers creates the potential for inconsistent application. The commenter recommends that any waiver process be narrowly defined, with specific criteria and procedural safeguards to ensure an equitable application. The commenter states that the proposed rule should require TANEO to provide detailed justification for any waiver, including a public explanation of how the waiver serves the public interest, and should establish a formal appeals process for grantees affected by such decisions. The commenter recommends that TANEO add the following language to proposed Section 331.9: "TANEO will provide detailed justification for any waiver, including an explanation of how the waiver serves the public interest."

Response: TANEO declines to adopt the recommended modification. The waiver provision relates to administrative rules found in 10 Texas Administrative Code Chapter 331 and is available only in extraordinary circumstances. The provision has appropriate guardrails set forth within the text of the rule, as well as within the requirements set forth in the Texas Administrative Code.

Comments on Subchapter C, Advanced Nuclear Construction Reimbursement Program, §331.31, Limitations on Maximum Grant Amount: Prerequisites to Grant Funding.

Comment: One commenter notes that the $120 million cap on construction reimbursement grants does not scale to the capital requirements of a four-unit AP1000 project. The commenter states that, at this scale, the cap is insufficient to meaningfully reduce financial risk, influence investment decisions, or incentivize accelerated deployment. The commenter also notes that the proposed structure does not recognize the system-level benefits of multi-unit sites, including shared infrastructure, workforce continuity, and long-term grid reliability. The commenter suggests that TANEO establish per-unit caps, tiered caps, or alternative scaling mechanisms that recognize the magnitude and grid value of multi-unit nuclear deployments.

Response: TANEO declines to adopt the recommended modification because it is contrary to statute. Section 483.204(d) states that a "grant provided under this section may not exceed the lesser of: (1) 50 percent of the amount of qualifying expenses associated with the project; or (2) $120 million" for construction of an advanced nuclear project as defined by Section 483.001(1), Texas Government Code. Chapter 483, Texas Government Code, does not contemplate per-unit caps, tiered caps, or alternative scaling mechanisms, but TANEO may take into account long-term grid reliability impacts in the grant selection process.

Comment: One commenter notes that proposed Section 331.31(b) requires docketing of a construction permit or license application from the NRC before TANEO may provide construction reimbursement funding, but states that for a multi-unit AP1000 project using an NRC-certified reactor design, the most capital-intensive and risk-bearing activities occur prior to docketing, including site-specific engineering, long-lead procurement, and supply chain commitments. The commenter notes that by the time docketing occurs, state reimbursement support is unlikely to materially influence project viability, financing, or execution risk. The commenter suggests that TANEO modify the proposed rules to allow condition or phased construction reimbursement eligibility tied to defined pre-docket milestones for NRC-certified reactor designs, such as completion of site-specific engineering or Combined Operating License preparation.

Response: TANEO declines to adopt the recommended modification because it would be contrary to statute. Section 483.204(f), Texas Government Code, states "[TANEO] may not provide a reimbursement grant for a project under this section until the regulatory commission has docketed a construction permit or license application for the project."

Comment: One commenter seeks clarification on proposed Section 331.31(b)'s requirement that TANEO may not provide a reimbursement grant for a project until the NRC has docketed a construction permit or license application for the project. The commenter recommends that TANEO specify when a construction permit or license application must be docketed; specifically, the commenter requests clarification on whether the construction permit or license application must be docketed before TANEO awards the grant, before funds are disbursed, or by a specific date.

Response: TANEO declines to adopt the recommended modification. The adopted rule and applicable statute do specify when a construction permit or license application must be docketed. Adopted Section 331.31(b), Texas Administrative Code, and Section 483.204(f), Texas Government Code, state that TANEO may not provide a reimbursement grant under the Advanced Nuclear Construction Reimbursement Program until the Nuclear Regulatory Commission has docketed a construction permit or license application for the project. To clarify, this means that TANEO may not enter a grant agreement or disburse funds to a grantee until the NRC has docketed a construction permit or license application for the project. TANEO's request for application will provide details on the specific date by which a construction permit or license application for the project must be docketed before TANEO awards the grant.

Comment: One commenter explains that because of lengthy NRC review periods and the current reform effort initiated by

President Trump's Executive Order 14300, the official docketing of viable Texas projects may not align with the timing of the grant application window. The commenter states that to ensure the grant programs encompass favorable Texas projects, the commenter encourages TANEO to consider applications for projects that are in the process of being docketed or at a similar stage of oversight by another agency, such as the Department of Energy, and reimburse costs once docketing or similar oversight requirements have been met.

Response: TANEO declines to adopt the recommended modification because it is contrary to statute. Section 483.204(f), Texas Government Code, states that TANEO may not provide a reimbursement grant under the Advanced Nuclear Construction Reimbursement Program until the NRC has docketed a construction permit or license application for the project. TANEO may consider applications for projects that are in the process of being docketed, but TANEO may not enter a grant agreement or provide a reimbursement grant to a grantee until the NRC has docketed a construction permit or license application for the project. TANEO's request for application will provide details regarding the specific date by which a construction permit or license application for the project must be docketed before TANEO awards a grant.

Comments on Subchapter C, Advanced Nuclear Construction Reimbursement Program, §331.32, Grant Agreement.

Comment: One commenter recommends that TANEO retain the proposed rule provision allowing TANEO to accept approvals from federal agencies other than the NRC in Section 331.32(c). The commenter explains that, for example, the Department of Energy's (DOE) Reactor Pilot Program, established following President Trump's Executive Order 14301, is a fast-track initiative designed to accelerate the development and commercial licensing of advanced nuclear reactors. The commenter explains that the DOE's authorization process under 10 C.F.R. 830 mirrors NRC licensing stages in key respects. The commenter states that given the structural similarities between DOE authorization and NRC licensing, and the October 2025 Addendum No. 9 to the Memorandum of Understanding between the DOE and the NRC committing both agencies to leverage DOE-approved safety documentation for future NRC reviews, this proposed provision reflects sound policy. The commenter explains how the proposed provision allows TANEO to evaluate project milestones based on the regulatory framework most applicable to each project while ensuring safety standards remain vigorous.

Response: TANEO agrees that Section 331.32(c) should be adopted as proposed.

Comment: One commenter states that TANEO retains broad discretion to define milestones, evaluate progress, and withhold reimbursement, even for potentially eligible expenses. The commenter states that for large-scale projects that rely on project finance and long-term contracting, uncertainty around milestone verification increases cost of capital and complicates engineering, procurement, and construction (EPC) and vendor negotiations. The commenter also states that financing institutions require predictable, objective reimbursement criteria aligned with established regulatory and construction frameworks. The commenter recommends TANEO align the proposed rules milestone definitions more explicitly with NRC regulatory stages and standard AP1000 construction phases, and commit to objective, transparent milestone verification procedures.

Response: TANEO declines to adopt the recommended modification. The adopted rule follows the applicable statute in Section 483.204, Texas Government Code, and it applies to more than just AP1000 reactors. The Advanced Nuclear Construction Reimbursement program applies to "an advanced nuclear project" in this State, as defined by Section 483.001(1), Texas Government Code. Additionally, Section 331.8(1) states that benchmarks and milestones for the completion of the project for which a grant is provided shall be specified in a grant agreement.

Comment: Two commenters explain that it is important that a grantee be able to work together with TANEO to develop a mutually-agreed upon milestone-based plan, with one commenter stating that each grantee's plan will be different and must be specific for each project, aligning to the project's internal management process, as well as the timing and project financial expenditures. The commenters recommend the inclusion of additional language into proposed Section 331.32 to bring the grantee into the decision-making process for the milestone-based plan.

Response: TANEO declines to adopt the recommended modification. While TANEO agrees that it is important that a grantee be able to work together with TANEO to develop the appropriate milestone-based plan, and that each grantee's plan may be different, TANEO believes that this is something that is appropriately accomplished through a grant agreement and does not require additional administrative memorialization in the rulemaking process.

Comment: Two commenters recommend that TANEO replace "completion" with "incompletion" in proposed Section 331.32(d) for clarity, with one commenter stating that it seems to be a typographical error.

Response: TANEO agrees with these recommendations. Therefore, TANEO agrees to modify proposed Section 331.32(d) in response to comments. Adopted Section 331.32(d) reads as follows: "TANEO may withhold reimbursements of grant funds based on an applicant's failure to complete specified milestones described in the grant agreement." TANEO agrees with one of the commenters that this was a typographical error in the proposed rule and will correct this error in the adopted rule.

TAKINGS IMPACT ASSESSMENT

Mr. Shaffer has determined that there are no private real property interests affected by the adopted rules, and the rules do not restrict, limit, or impose a burden on an owner's rights to the owner's private real property that would otherwise exist in the absence of government action. Thus, the adopted rules do not constitute a taking or require a takings impact assessment pursuant to Section 2007.043, Texas Government Code.

SUBCHAPTER A. GENERAL PROVISIONS

10 TAC §§331.1 - 331.9

STATUTORY AUTHORITY

Section 483.101, Texas Government Code, authorizes TANEO to adopt and enforce rules necessary to carry out the programs established in Chapter 483, Texas Government Code. Section 483.203, Texas Government Code, authorizes TANEO to establish by rule procedures for the application for and provision of a grant under the Project Development and Supply Chain Reimbursement Program. Section 483.204, Texas Government Code, authorizes TANEO to establish by rule procedures for the application for and provision of a grant under the Advanced Nuclear Construction Reimbursement Program.

CROSS REFERENCE TO STATUTE

Chapter 483, Texas Government Code. No other statutes, articles, or codes are affected by the adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 27, 2026.

TRD-202601016
Jarred Shaffer
Director
Texas Advanced Nuclear Energy Office
Effective date: March 19, 2026
Proposal publication date: January 2, 2026
For further information, please call: (512) 463-2000

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SUBCHAPTER B. PROJECT DEVELOPMENT AND SUPPLY CHAIN REIMBURSEMENT PROGRAM

10 TAC §331.20, §331.21

STATUTORY AUTHORITY

Section 483.101, Texas Government Code, authorizes TANEO to adopt and enforce rules necessary to carry out the programs established in Chapter 483, Texas Government Code. Section 483.203, Texas Government Code, authorizes TANEO to establish by rule procedures for the application for and provision of a grant under the Project Development and Supply Chain Reimbursement Program. Section 483.204, Texas Government Code, authorizes TANEO to establish by rule procedures for the application for and provision of a grant under the Advanced Nuclear Construction Reimbursement Program.

CROSS REFERENCE TO STATUTE

Chapter 483, Texas Government Code. No other statutes, articles, or codes are affected by the adopted rules.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 27, 2026.

TRD-202601017
Jarred Shaffer
Director
Texas Advanced Nuclear Energy Office
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Proposal publication date: January 2, 2026
For further information, please call: (512) 463-2000

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SUBCHAPTER C. ADVANCED NUCLEAR CONSTRUCTION REIMBURSEMENT PROGRAM

10 TAC §§331.30 - 331.32

STATUTORY AUTHORITY

Section 483.101, Texas Government Code, authorizes TANEO to adopt and enforce rules necessary to carry out the programs established in Chapter 483, Texas Government Code. Section 483.203, Texas Government Code, authorizes TANEO to establish by rule procedures for the application for and provision of a grant under the Project Development and Supply Chain Reimbursement Program. Section 483.204, Texas Government Code, authorizes TANEO to establish by rule procedures for the application for and provision of a grant under the Advanced Nuclear Construction Reimbursement Program.

CROSS REFERENCE TO STATUTE

Chapter 483, Texas Government Code. No other statutes, articles, or codes are affected by the adopted rules.

§331.32. Grant Agreement.

(a) Before entering a grant agreement for a grant under this subchapter, TANEO will establish a milestone-based plan to distribute grant funds on a rolling basis in accordance with:

(1) a project's respective regulatory commission license or permit regulatory pathway; and

(2) the grant recipient's financial investment decisions as it relates to the project.

(b) To determine the milestones included in a grant agreement, TANEO may consider, but is not limited to, the following considerations:

(1) the applicant's progress and completion of the regulatory commission's regulatory stages and other requirements related to a license or permit, including the:

(A) application schedule and resource letter published;

(B) application safety review;

(C) application environmental review; and

(D) issuance of license or permit; and

(2) the recipient's financial investment decisions related to a project, including:

(A) a comprehensive description of the entire project management process;

(B) anticipated timing of decisions and associated prerequisites for a project to proceed through a gating process; and

(C) a comprehensive financing and capital expenditure plan for the project, including details relating to sources of funding and project-specific investment decisions and timelines.

(c) Notwithstanding subsection (b)(1) of this section, TANEO may, in its sole discretion, accept approvals that applicants receive from other federal agencies.

(d) TANEO may withhold reimbursements of grant funds based on an applicant's failure to complete specified milestones described in the grant agreement.

(e) TANEO may require a grant recipient to submit any documentation or information TANEO determines is necessary to assess whether a grantee has met a milestone in whole or in part for the purpose of distributing grant funds.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 27, 2026.

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TITLE 16. ECONOMIC REGULATION

PART 1. RAILROAD COMMISSION OF TEXAS

CHAPTER 7. GAS SERVICES
SUBCHAPTER H. INTERIM RATE ADJUSTMENTS

16 TAC §7.7102

The Railroad Commission of Texas (Commission) adopts new §7.7102, relating to Regulatory Asset for Certain Costs Associated with Gross Plant, with changes from the proposed text as published in the October 17, 2025, issue of the *Texas Register* (50 TexReg 6749); therefore, the rule text will be republished. The Commission adopts the new rule pursuant to House Bill 4384, 89th Legislative Session (2025), which creates a new §104.302 in Subchapter G, Interim Cost Recovery and Rate Adjustment, of the Texas Utilities Code. House Bill 4384 became effective on June 20, 2025.

The Commission received four comments on the proposal; no comments were received from any associations. Comments were submitted by the following: (1) Atmos Cities Steering Committee (ACSC); (2) Atmos Energy Corporation on behalf of its Atmos Pipeline-Texas Division, Mid-Tex Division, and West Texas Division, CenterPoint Energy Resources Corp. d/b/a CenterPoint Energy Entex, and Texas Gas Service, a Division of ONE Gas, Inc. (Atmos); (3) City of Houston (Houston); and (4) SiEnergy Gas, LLC, Pines Gas, Inc., and Pines Gas Development, Inc. (SiEnergy).

General Comments

Atmos expressed general support for §7.7102. ACSC expressed concerns that the value of regulatory lag could be diminished and noted that overuse of interim rate recovery mechanisms could undermine review of invested capital in comprehensive rate proceedings. The Commission appreciates these comments.

Atmos stated certain proposed language could be interpreted as conditioning recovery on an interim rate filing with the Commission and noted recovery may also occur through a Statement of Intent filing. SiEnergy requested revisions to make clear the deferred accounting provisions are not conditioned on use of the GRIP statute and recommended corresponding revisions to the preamble and subsections (b)(2), (b)(3), and (c)(1). The Commission adopts revisions clarifying that a regulatory asset under this section may be included in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 of this title (relating to Interim Rate Adjustments) or in a rate case filed by the gas utility or initiated by the regulatory authority.

Atmos commented that the preamble should be revised to consistently use the term "gas utility." The Commission agrees and makes this change for consistency.

Subsection (a)

Regarding subsection (a)(1), Atmos and SiEnergy requested clarification that the initial deferred balance used for qualifying unrecovered gross plant is the balance recorded on or after June 20, 2025. The Commission declines to make changes to the rule in response to these comments but notes the bill's effective date in the preamble for clarity.

ACSC requested modifications to the definition of gross plant to explicitly account for plant retirements consistent with the FERC Uniform System of Accounts. The Commission declines to add retirements because doing so would expand the term beyond its intended purpose.

Houston also recommended several changes to the definition. The Commission agrees in part and adopts changes to clarify that gross plant is the original cost of a gas utility's investment in plant, facilities, or equipment. The Commission declines to add "new" because gross plant may include acquired plant, not just new investment.

Regarding subsection (a)(2), Atmos proposed revising the definition to include a formula for calculating post in-service carrying costs and to specify monthly interest accrual until recovery in rates. Houston requested specifying a daily or monthly interest rate and clarification regarding the applicable calculation period. The Commission adopts changes to specify a monthly interest rate and clarify recovery in rates but declines to include the suggested formula. Calculation mechanics, including the applicable period, will be addressed in the Commission-approved workpaper.

Regarding the proposed definition of recovery, Atmos and SiEnergy requested it be revised or deleted because it is unclear and could be interpreted as limiting recovery under this section to the Commission's interim rate adjustment mechanism. Houston also requested clarifying revisions. The Commission agrees the definition is unclear and deletes the proposed definition for clarity. As a result, the Commission renumbers the remaining definitions accordingly.

Regarding subsection (a)(3), Houston commented that it is unclear whether "unrecovered gross plant" is intended to treat gross plant as net of amounts deferred to a regulatory asset for purposes of calculating post in-service carrying costs and recommended clarifying revisions. The Commission declines to adopt the requested revision because the definition already excludes amounts being deferred to a regulatory asset; calculation mechanics will be addressed in the Commission-approved workpaper.

The Commission adopts subsection (a)(4) with conforming renumbering changes.

Subsection (b)

The Commission adopts subsection (b) with changes as discussed below.

A gas utility shall only defer for future recovery in rates the costs specified in subsection (b)(1). The Commission revises subsection (b)(1) for clarity and consistency, including adding "in rates" in the introductory sentence and revises subsection (b)(1)(B) to include a clarifying parenthetical regarding treatment of depreciation to account for accumulated depreciation resulting from depreciation expense included in the regulatory asset.

Atmos requested revising subsection (b)(1)(C) to allow for the recovery of all ad valorem taxes associated with unrecovered gross plant. The Commission agrees and revises subsection (b)(1)(C) to remove the interim rate adjustment calendar year-end limitation.

In subsection (b)(2), SiEnergy recommended adding "if applicable" following the reference to §7.7101. The Commission declines to adopt the suggested changes but revises subsection (b)(2) to clarify that an unrecovered gross plant regulatory asset shall be included in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 or in a rate case filed by the gas utility or initiated by the regulatory authority.

ACSC requested clarification regarding how the regulatory asset will be treated once the plant is reflected in rates established in an IRA or in a subsequent general rate case and recommended inserting clarifying language to specify that the regulatory asset should only accumulate incremental return, depreciation, and taxes between IRA filings and not beyond the effective date of rates set in an IRA or in a subsequent general rate case. The Commission declines to adopt the suggested changes but revises subsection (b)(2) to specify the calculation period begins at the in-service date of the unrecovered gross plant. Subsection (d) specifies how necessary accounting adjustments are to be made once plant amounts are recovered in rates. Calculation mechanics, including the applicable period, will be addressed in the Commission-approved workpaper.

SiEnergy recommended adding "if applicable" in subsection (b)(3). The Commission declines to adopt the suggested revisions but adopts conforming revisions for consistency with subsection (b)(2).

ACSC recommended requiring documentation to support the in-service date of the plant in subsection (b)(3). The Commission declines to add an additional documentation requirement in the rule text. The Commission will review a representative sample of projects, including documentation to verify in-service dates of the investment.

Subsection (c)

The Commission revises the subsection title for clarity.

Houston recommended revising subsection (c)(1) to allow review by regulatory authorities other than the Commission. The Commission declines to make the requested change because the statute assigns review authority to the Commission.

SiEnergy suggested adding a reference to clarify what costs are subject to review in subsection (c)(1). The Commission declines to adopt the suggested language and revises subsection (c)(1) to clarify that any costs included in a regulatory asset authorized under this section shall be fully subject to review for reasonableness and prudence by the Commission.

The Commission adopts subsection (c)(2) with conforming changes for clarity and consistency with §7.7101 terminology used elsewhere in the rule.

Subsection (d)

The Commission adopts subsection (d) with conforming changes for clarity and consistency, including clarifying that accounting adjustments apply upon inclusion of an unrecovered gross plant regulatory asset in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 or in a rate case and must be made in accordance with §7.310 of this title (relating to System of Accounts).

The Commission appreciates the input from all those who submitted comments.

The adopted rule language is summarized below.

New §7.7102 establishes definitions and requirements governing a gas utility's deferral, for future recovery in rates, of post in-service carrying costs, depreciation associated with unrecovered gross plant, and ad valorem taxes associated with unrecovered gross plant in an unrecovered gross plant regulatory asset.

Subsection (a) defines gross plant, post in-service carrying costs, unrecovered gross plant, and unrecovered gross plant regulatory asset.

Subsection (b) specifies the costs that may be deferred in an unrecovered gross plant regulatory asset and provides that the regulatory asset is included in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 (relating to Interim Rate Adjustments) or in a rate case filed by the gas utility or initiated by the regulatory authority. Subsection (b) also requires a workpaper, with formulas intact, on a Commission-approved form, and specifies the period and components that must be included in the calculation of the unrecovered gross plant regulatory asset balance to be recovered in rates.

Subsection (c) provides that any costs included in a regulatory asset authorized under this section are fully subject to Commission review for reasonableness and prudence and provides that if the Commission disallows regulatory asset costs previously recovered through rates established in the Commission's interim rate adjustment cost recovery mechanism under §7.7101, the disallowed costs are subject to refund with interest calculated at the gas utility's pre-tax weighted average cost of capital.

Subsection (d) requires appropriate accounting adjustments to reflect recovery in rates upon inclusion of an unrecovered gross plant regulatory asset in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 or in a rate case and provides that the accounting adjustments must be made in accordance with §7.310 (relating to System of Accounts).

The Commission adopts the new rule pursuant to Texas Utilities Code §104.302. Section 104.302 also mandates that the Commission adopt a rule no later than 270 days after the effective date of HB 4384.

Statutory authority: Texas Utilities Code §104.302.

Cross-reference to statute: Texas Utilities Code, Chapters 101-104.

§7.7102. Regulatory Asset for Certain Costs Associated with Gross Plant.

(a) Definitions.

(1) Gross plant--The original cost of a gas utility's investment in plant, facilities, or equipment that has been placed in service and is used and useful.

(2) Post in-service carrying costs--The product of unrecovered gross plant multiplied by a monthly interest rate equal to one-twelfth of a gas utility's pretax weighted average cost of capital estab-

lished in the Commission's final order in the gas utility's most recent rate case until recovery in rates.

(3) Unrecovered gross plant--Gross plant whose cost is not yet being recovered in a gas utility's rates and not already being deferred to a regulatory asset.

(4) Unrecovered gross plant regulatory asset--A regulatory asset as authorized by §104.302, Utilities Code and this section.

(b) Deferral of certain costs associated with gross plant.

(1) A gas utility shall only defer for future recovery in rates the following costs in an unrecovered gross plant regulatory asset:

(A) post in-service carrying costs;

(B) depreciation associated with the unrecovered gross plant (if depreciation expense associated with the unrecovered gross plant is included in the unrecovered gross plant regulatory asset, the unrecovered gross plant used for purposes of calculating post in-service carrying costs shall be reduced by the associated accumulated depreciation that is deferred); and

(C) ad valorem taxes associated with the unrecovered gross plant.

(2) An unrecovered gross plant regulatory asset shall be included in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 of this title (relating to Interim Rate Adjustments) or in a rate case filed by the gas utility or initiated by the regulatory authority and calculated for the period from the in-service date of the unrecovered gross plant.

(3) A gas utility that defers for recovery an unrecovered gross plant regulatory asset shall include in its interim rate adjustment filing made pursuant to §7.7101 of this title or in a rate case filed by the gas utility or initiated by the regulatory authority a workpaper, with formulas intact, on a form approved by the Commission and found in the Gas Services' section of the Commission's website. The workpaper shall include the gas utility's calculation of the unrecovered gross plant regulatory asset balance to be recovered in rates calculated through the end of the interim rate adjustment calendar year or test year in a rate case. The calculation shall include depreciation expense, associated accumulated depreciation, ad valorem tax, and post in-service carrying costs.

(c) Review by the Commission in a general rate proceeding.

(1) Any costs included in a regulatory asset authorized under this section shall be fully subject to review for reasonableness and prudence by the Commission.

(2) If the Commission by order disallows unrecovered gross plant regulatory asset costs that were previously recovered through rates established in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 of this title, the disallowed costs are subject to refund with interest. Interest shall be calculated at the gas utility's pre-tax weighted average cost of capital.

(d) Accounting adjustments. Upon inclusion of an unrecovered gross plant regulatory asset in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 of this title or in a rate case filed by the gas utility or initiated by the regulatory authority, the gas utility shall make appropriate accounting adjustments to its books and records, in accordance with §7.310 (relating to System of Accounts), to reflect the recovery in rates.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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PART 2. PUBLIC UTILITY COMMISSION OF TEXAS

CHAPTER 22. PROCEDURAL RULES

The Public Utility Commission of Texas (commission) adopts amendments to 13 rules and one new rule in 16 Texas Administrative Code (TAC) Chapter 22. The commission adopts the following rules with changes to the proposed text as published in the September 5, 2025 issue of the *Texas Register* (50 TexReg 5815): §22.123, relating to Appeal of an Interim Order and Motions for Reconsideration of Interim Order Issued by the Commission; §22.127, relating to Certification of an Issue to the Commission; §22.141, relating to Form and Scope of Discovery; §22.142, relating to Limitations on Discovery and Protective Orders; §22.143, relating to Depositions; §22.144, relating to Requests for Information and Requests for Admission of Fact; §22.161, relating to Sanctions; §22.181, relating to Dismissal of a Proceeding; and §22.182, relating to Summary Decision. These rules will be republished.

The commission adopts the following rules with no changes to the proposed text as published in the September 5, 2025 issue of the *Texas Register* (50 TexReg 5815): §22.124, relating to Statements of Position; §22.125, relating to Interim Relief; §22.126, relating to Bonded Rates; new §22.162, relating to Enforcement of Subpoenas or Commissions for Deposition; and §22.183, relating to Disposition by Default. These rules will not be republished.

The commission received comments on the proposed rule from AEP Texas Inc., Electric Transmission Texas, LLC, and Southwestern Electric Power Company (collectively AEP); Entergy Texas, Inc. (ETI); Lower Colorado River Authority (LCRA); Office of Public Utility Counsel (OPUC); Oncor Electric Delivery Company, LLC (Oncor); Texas Association of Water Companies (TAWC); Texas Industrial Energy Consumers (TIEC).

General Changes

The adopted rules include various clerical and grammatical changes, as well as changes to outdated rules, statutes, or certain terms. Changes are also made to conform rules, where applicable, to the updated electronic filing requirements specified under §22.71, relating to Commission Filing Requirements and Procedures, and §22.72, relating to Form Standards for Documents Filed with the Commission, of this title.

Appeals of Interim Orders and Motions for Reconsideration

Adopted §22.123 is revised to require service of appeals and motions for reconsideration to comply with §22.74 of this title, relating to Service of Pleadings and Documents and authorizes

the presiding officer to grant a stay of an interim order if good cause is shown.

Statements of Position

Adopted §22.124 is revised to require a party that has not prefiled direct testimony to file a statement of position no later than three working days before the start of a hearing unless the presiding officer determines that doing so would be an unjustified burden or that a different deadline should be imposed.

Interim Relief

Adopted §22.125 is revised to clarify the requirement that an applicant, in any proceeding involving a proposed interim change in rates, to bear the burden of proof to show that the proposed interim relief is just and reasonable.

Certification of an Issue to the Commission

Adopted §22.127 is revised to authorize a party to request the presiding officer certify an issue to the commission or the presiding officer to certify an issue at his or her discretion. Adopted §22.127 also requires the presiding officer to certify an issue through the issuance of a written order. Adopted §22.127 further replaces the deadline for party briefs on the certified issue is replaced with "the timeframe set by OPDM." Adopted §22.127 is also revised to extend the commission deadline to decide a certified issue within 60 days of submission of the certified issue to the commission and requires OPDM to place the certified issue on the commission's agenda for consideration "at the earliest time practicable" consistent with the 60 day deadline for a commission decision.

Forms and Scope of Discovery

Adopted §22.141 is revised to authorize the parties, by written agreement, to take depositions in accordance with the Texas Rules of Civil Procedure, subject to any other ruling or procedure established by the presiding officer.

Limitations on Discovery and Protective Orders

Adopted §22.142 is revised to revert the change on proposal that would permissively authorize the presiding officer to consider the factors specified under §22.127(d). The adopted version preserves existing language requiring the presiding officer to consider all factors under §22.127(d) before setting limits on requests for information.

Depositions

Adopted §22.143 is revised to require the taking and use of depositions in any proceeding to comply with §22.141 of this title. Adopted §22.143 is also revised to require the party conducting the deposition to provide a copy of the transcript to commission staff and upon request, OPUC, without cost to the commission or OPUC.

Requests for Information and Requests for Admission of Facts

Adopted §22.144 is revised to require copies of each request for information to be served upon all parties to the proceeding in accordance with §22.74 of this title and extends objections founded upon a claim of privilege or exemption to those found under the Texas Rules of Evidence. Adopted §22.144 is also revised to clarify the procedures for motions to compel in the event an incomplete response or no response is filed and refines the requirements for the production and organization of documents, including voluminous documents.

Sanctions

Adopted §22.161 is revised to clarify the causes for imposition of sanctions and the requirement for one or more commissioners or a SOAH administrative law judge to hold a hearing on a motion for sanctions if one is requested. Adopted §22.161 is also revised to omit the sanction of punishing an offending party or its representative for contempt to the same extent as a district court. Adopted §22.161 is further revised to extend the sanctions available to an administrative law judge to the same sanctions available to the commission. Adopted §22.161 is also revised to omit the requirement for a hearing to be held on a motion for sanctions upon receipt of the motion.

Enforcement of Subpoenas or Commissions for Deposition

Adopted §22.162 is revised to authorize the commission or the party requesting a subpoena or commission for deposition to seek enforcement in accordance with the APA if a person fails to comply with a subpoena or commission for deposition issued by a presiding officer.

Dismissal of a Proceeding

Adopted §22.181 is revised to revert language regarding gross abuse of discovery as a reason for dismissal. Specifically, the adopted version preserves existing language requiring abuse of discovery to be "gross" before being a basis of dismissal of a proceeding.

Summary Decision

Adopted §22.182 is revised to require any response to a motion for summary decision to be filed within 20 days, unless otherwise ordered by the presiding officer. Adopted §22.182 is also revised to authorize the presiding officer to set a hearing on the motion for summary decision despite a hearing not being required.

Disposition by Default

Adopted §22.183 is revised to authorize the presiding officer to issue a proposal for decision granting default and further authorizes the presiding officer to deem the factual matters asserted in the notice of the opportunity for a hearing to be admitted in the proposal for decision

General Comments

Internal cross-references to commission rules

OPUC recommended that internal cross-references to other commission rules refer to the applicable chapter of the Texas Administrative Code, rather than the overall title (i.e., "§ 22.74 of this title" should be revised to "§ 22.74 of this chapter." OPUC stated the applicable title for commission rules would be "Title 16, Economic Regulation" and therefore include rules of at least six different State of Texas agencies. OPUC noted that "of this chapter" is the correct reference in most instances, as that would refer to Chapter 22, under Part 2 of Title 16 which is the appropriate reference.

Commission response

The commission declines to implement the recommended change. Across the Texas Administrative Code there may be several instances of a specific chapter. For instance, "Chapter 22" appears in Title 1, Title 4, Tile 13, Title 16, Title 19, Title 28, and Title 43. The reference to "Title 16" is intended to ensure the Chapter 22 that is applicable to the commission rules. For this reason, the usage of "of this title" is common practice among Texas state agencies (e.g., Title 16, Part 1, Chapter 3 of the Texas Railroad Commission's rules and Title 30, Part 1, Chapter 290 of the Texas Commission on Environmental Quality's rules

both use the phrase "of this title" over 200 times and "of this chapter" less than five times).

Usage of the terms "shall" vs. "must"

OPUC recommended that the term "shall" be preserved across the Chapter 22 rules, rather than be replaced with specific instances of "must" or "will," unless otherwise appropriate to do so in accordance with the Texas Code Construction Act. OPUC maintained that the Legislature intentionally used the term "shall" when drafting the statutes that underpin the commission's rules, even as recently as the last legislative session. Accordingly, if the Legislature had meant to use a different term, then it would have done so explicitly. OPUC further contended that the Texas Code Construction Act provides clear, separate definitions of "shall" and "must" and therefore the terms are not interchangeable. OPUC noted, had the Legislature intended the terms to be interchangeable, then it would have clearly stated that in the same manner notes that "may not" and "shall not" are. OPUC also commented that "shall" is not an antiquated term, given that other current bodies of law, such as "The Texas Rules of Civil Procedure, Texas Disciplinary Rules of Professional Conduct, and Texas Code of Judicial Conduct" all refer to the term "shall."

Commission response

The commission declines to implement the recommended change. The commission acknowledges the general applicability of the TCCA to the commission's rules. See Texas Government Code §311.002(4) (applying the TCCA to "each rule adopted under a code"). However, forgoing use of the term "shall" or replacing the term with "may," "must," or another contextually relevant term is appropriate and not inconsistent with the TCCA. As indicated by OPUC, the TCCA does separately indicate a specific construction for the terms "may," "shall," "must," and "may not" under Texas Government §311.016(1)-(3) and (5). However, the statute also establishes that: "[t]he following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided by statute" (emphasis added). This provision indicates a general level of flexibility in usage and interpretation of various modal verbs. More importantly, the TCCA does not require the usage of "shall" as opposed to "must" or "may" when implementing statutes in agency rules. Therefore, the commission is not prohibited by law from utilizing other modal verbs to replace "shall." Lastly, commenters have not identified instances where the usage of a different modal verb has resulted in ambiguity as to the intended meaning.

Clerical and Grammatical Revisions

Several commenters noted clerical and grammatical errors in the proposed rules. The commission implements these changes where appropriate.

Proposed §22.123 - Appeal of an Interim Order and Motions for Reconsideration of Interim Order Issued by the Commission.

Proposed §22.123 establishes the requirements associated with appeals and motions for reconsiderations of interim orders issued by the commission.

Proposed §§22.123(a), 22.123(a)(1), 22.123(b), 22.123(b)(1) - Appeal of an Interim Order and motion for reconsideration of interim order issued by the commission.

Proposed §22.123(a) establishes the availability, procedures, and form and content requirements associated with appeals of interim orders issued by the commission. Proposed §22.123(a)(1) establishes the availability of appeal for any interim order of the presiding office that immediately prejudices a substantial or material right of a party or materially affects the course of a proceeding.

Proposed §22.123(b) establishes the availability, procedures, and form and content requirements associated with motions for reconsideration of interim orders issued by the commission. Proposed §22.123(a)(1) establishes the availability of a motion for reconsideration for any interim order of the presiding officer that immediately prejudices a substantial or material right of a party or materially affects the course of a proceeding. The provisions also establish certain limitations associated with appeals and motions for reconsideration, respectively.

TIEC, Oncor, ETI, AEP, and OPUC recommended the commission not eliminate a party's right to appeal commission rulings on evidence or discovery under proposed §22.123(a)(1). TIEC, Oncor, OPUC also recommended the commission not eliminate a party's right to file a motion for reconsideration in response to commission rulings on evidence or discovery under proposed §22.123(b)(1). In contrast, LCRA supported the proposed changes, stating the revisions will promote more efficient management of contested cases and "avoid inserting Commissioners into discovery disputes."

TIEC emphasized that discovery is a "fundamental question" in commission proceedings and that the commission should be the ultimate arbiter of discovery disputes, particularly in cases that are referred to the State Office of Administrative Hearings (SOAH). TIEC noted that the commission is best positioned to evaluate the appropriate scope of discovery on a case-by-case basis. TIEC accordingly indicated that if the commission determines that certain discovery is unnecessary, the commission's order on the appeal or reconsideration "will prevent the party from whom that discovery is being sought from needlessly wasting resources responding to the requests." TIEC therefore recommended existing §22.123(a)(1) and §22.123(b)(1) be preserved and continue to authorize interlocutory appeals of discovery rulings. TIEC stated that a party's opportunity to appeal or request reconsideration of discovery rulings is a rare but essential option to ensure efficient and thorough proceedings. Specifically, the ability to appeal or request reconsideration of discovery rulings helps facilitate the prompt issuance of commission final orders, particularly in cases that have short statutory deadlines such as rate cases or sale, transfer, merger cases. TIEC commented that removing these options will "inevitably result in scenarios where cases must be remanded for further litigation based on an incomplete record." TIEC noted that, if these options are removed, the commission's only remedy would be to remand the proceeding for additional discovery and fact finding, which would inevitably introduce significant delays.

Oncor commented that in its most recent base rate proceeding, it received almost 2,000 requests for information including subparts and provided more than 2,000 responses, including supplemental responses. Oncor stated that some discovery requests raise significant concerns because of either (1) the burden involved to gather and provide the requested information; (2) the sensitivity of the requested information (i.e. critical infrastructure or confidential financial information); or (3) the requirement to disseminate third party confidential information. ETI similarly noted that discovery requests would frequently entail disclosure of privileged, confidential, or highly sensitive information that could cause substantial harm to the party from whom discov-

ery is sought as well as customers and the general public. Oncor indicated that, while it does object to such requests, in some instances the presiding officer rules against Oncor and compels Oncor to respond to the request. Oncor emphasized that, due to this potential for a litigant to be compelled to respond to a discovery request to which it objects, a litigant needs the option to appeal such a ruling under §22.123(a)(1). Specifically, to either avoid the provision of confidential information which would cause irreversible harm to either the litigant or a third party, or to minimize or eliminate the significant burden that some discovery requests represent to the litigant. Oncor commented that the same rationale applies to preserving the option for a party to file a motion for reconsideration under §22.123(b)(1). Oncor noted that the Texas Railroad Commission permits parties to appeal discovery rulings under 16 TAC §1.55.(e). Oncor and AEP also noted that appeals of discovery rulings under §22.123(a)(1) are infrequent and therefore should remain available. AEP provided draft language consistent with its recommendation. Oncor stated that preserving the ability for a party to appeal discovery ruling will not unduly burden commission resources, as the commissioners may always decline to hear an issue on appeal under existing §22.123(a)(7)(A) or hear a motion for reconsideration under §22.123(b)(6)(A). Moreover, the commission can address any frivolous appeals or motions through sanctions under §22.161(b)(2) or the dismissal of a proceeding under §22.181(d)(9). Oncor noted that the commissions revisions of both §22.161 and §22.181 in this rulemaking would either not affect or enhance the commission's authority to act under those provisions in the event frivolous appeals are filed. Oncor provided draft language consistent with its recommendation.

OPUC commented that the proposed rule change prohibiting a party from appealing a presiding officer's discovery ruling on "substantive and material evidence" denies parties to a contested case their right to due process. OPUC recommended adding an exception to permit "appeals for discovery or evidentiary rulings that immediately prejudice a party's substantial or material right or materially affect the proceeding's course." OPUC stated its proposed revision would preclude appeals for minor and nonsubstantive discovery while protecting parties' due process rights. OPUC explained that the Texas Supreme Court has held that due process in administrative proceeding requires a full and fair hearing on disputed fact issues, which includes the right to present and rebut evidence. OPUC stated that, under §2001.051 of the Texas Administrative Procedure Act (APA), parties in a contested case are entitled to both the opportunity for a hearing after reasonable notice of not less than 10 days and the opportunity to respond and present evidence and argument on each issue involved in the case. OPUC further stated that the removal of a party's right to appeal a discovery ruling or file a motion for reconsideration "prevents the Commission from later considering that evidence when reaching a decision." OPUC provided draft language consistent with its recommendation.

Commission response

The commission agrees with TIEC, Oncor, ETI, AEP, and OPUC that appeals and motions for reconsideration should be available for discovery rulings. While appeals of discovery rulings should be rare, extraordinary circumstances may exist where a party believes that compliance with a discovery order would cause irreparable harm, including through the disclosure of confidential information. The commission accordingly omits that language from §22.123(a)(1) and (b)(1) to ensure a process exists for challenging a discovery ruling. However, the commission disagrees with commenters that appeals and motions for reconsideration should be available for evidentiary rulings. Under existing §22.123(a)(1) and (b)(1), appeals and motions for evidentiary rulings are unavailable for evidentiary rulings due to the logistical challenges associated with such procedural actions during a hearing. Moreover, evidentiary objections can be preserved in the record for later review in accordance with §22.221(c) of this title, relating to Rules of Evidence in Contested Cases.

Proposed §22.123(a)(5) - Motion for stay

Upon motion, proposed §22.123(a)(5) authorizes the presiding officer to grant a stay of the interim order pending a ruling by the commissioners if good cause is shown. The provision also establishes that the filing of an appeal does not stay the interim order or any applicable procedural schedule.

OPUC recommended that proposed § 22.123(a)(5) be revised to require the presiding officer to consider public interest factors in determining whether to issue an interim order. Specifically, whether the issuance of an interim order would "immediately prejudice a substantial or material right of a party or materially affect the proceeding's course; the effect on the parties and the public interest;" or any other factors relevant in determining if good cause exists. OPUC noted that these factors are similar to those for appeals under §22.123(a)(1) and that the revision would provide greater clarity to parties and the presiding officer. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change because it is unnecessary. OPUC's proposed changes would only serve to complicate the issuance of interim orders by the presiding officer.

Proposed §22.123(a)(8) - Reconsideration of appeal by presiding officer

Proposed §22.123(a)(8) authorizes the presiding officer to treat an appeal as a motion for reconsideration and may withdraw or modify the order under appeal before the commission decides on the merits of the appeal.

OPUC recommended proposed §22.123(a)(8) be revised to retain the requirement that the presiding officer notify the commission of their decision to treat an appeal as a motion for reconsideration. OPUC also recommended minor grammatical changes. OPUC stated that the existing language should be preserved because it is administratively efficient by avoiding unnecessary action by the commission. OPUC noted that, under §22.123(a)(7)(A), "the Commission is required to place an appeal on the Commission's agenda within 20 days after the appeal is filed, or the appeal will be deemed denied." OPUC indicated that, if the commission is notified during this period that the presiding officer is treating the appeal as a motion for reconsideration, then it will be communicated that commission action on the appeal is unnecessary as the presiding officer will rule on the motion for reconsideration. OPUC provided draft language consistent with its recommendation.

Commission response

The commission implements the grammatical correction but declines to retain the requirement that the presiding officer notify the commission of their decision to treat an appeal as a motion for reconsideration because the sentence is redundant. Any or-

der on reconsideration effectively serves as notice to the commission, therefore the requirement is unnecessary.

Proposed §22.123(b)(2) - Procedure for motion for reconsideration

Proposed §22.123(b)(2) requires a motion for reconsideration of a commission interim order to be filed within five working days of the date the interim order is filed or the date the oral interim ruling is made and to be served on all parties in accordance with §22.74, relating to Service of Pleadings and Documents. The provision also establishes that, if the commission does not intend to reduce an oral ruling to a written order, it will indicate such on the record at the time of the oral ruling.

TAWC identified a typographical error in proposed §22.123(b)(2). Specifically, TAWC recommended that sentence concerning the deadlines for motions for reconsideration of interim orders should be revised to state that such motions must be filed "within five working days of the date the written order is filed…" (i.e. omitting the second unnecessary "of").

Commission response

The commission agrees with TAWC and implements the recommended change.

Proposed §22.124 - Statements of Position

Proposed §22.124 establishes the procedural and content requirements associated with statements of position.

Oncor recommended that proposed §22.124(a)(1) should be revised to require all parties to file a statement of position that includes all issues the party plans to litigate or may litigate unless direct testimony addressing such issues have been filed. Oncor stated that this revision would put other parties on notice of all issues that may be litigated and should be prepared to defend. Oncor provided draft language consistent with its recommendation.

Oncor, as an alternative to its primary recommendation, and LCRA and OPUC recommended retaining the existing version of §22.124(a)(1), which authorizes the option to prefile direct testimony, file a statement, or both. LCRA and OPUC specifically opposed the proposed change to §22.124(a)(1). LCRA stated that the existing provision, which requires a party to prefile a statement of position if the party does not prefile direct testimony on an issue that it plans to litigate. LCRA stated the existing provision appropriately notifies all other parties in a case of contested issues prior to a hearing. LCRA provided draft language consistent with its recommendation.

OPUC commented that the proposed revision to §22.124(a)(1) "directly impairs OPUC's ability to represent residential and small business consumers' rights" in commission proceedings. OPUC stated that, under the existing rule, if five issues were present in a proceeding but OPUC prefiled direct testimony on three of the issues it planned to litigate, OPUC could still file a statement of position on the remaining two issues. However, under the proposed rule language, OPUC would be required to either "either prefile direct testimony on all issues involved in the proceeding or file a statement of position" but not both. OPUC stated that the proposed change limits its strategic options in planning for litigation. OPUC stated that several reasons may exist for wanting OPUC to file a statement of position but not on others. OPUC stated that prefiling direct testimony is preferable when there are heavily disputed fact issues where an expert witness is required. Inversely, where there are issues that are not as fact-intensive, a statement of position would better represent the interests of customers. OPUC noted that splitting prefiling testimony and statements of position in this manner reduces litigation costs associated with cross-examining potentially superfluous witnesses and therefore saves ratepayer money. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement Oncor's recommended changes to §22.124(a)(1) as the revision would create additional obstacles for pro se litigants to participate in a proceeding before the commission. The commission also declines to retain the existing language for §22.124(a)(1) for the same reasons. In response to OPUC, the commission disagrees that the proposed change impairs the Office's ability to represent residential and small commercial customers. The amended rule only prescribes when a statement of position must be filed. It does not otherwise prohibit the filing of a statement of position.

Proposed §§22.124(a), 22.124(a)(1), 22.124(a)(2) - Statements of position required, timeline, and sanctions

Proposed §22.124(a) establishes the procedural requirements for statements of position. Proposed §22.124(a)(1) requires each party that has not prefiled direct testimony to file a statement of position no later than three working days before the start of a hearing unless the presiding officer determines that doing so would add unjustified burden and expense to the proceeding or that a different deadline should be imposed. Proposed §22.124(a)(2) authorizes the presiding officer to, in accordance with §22.161, relating to Sanctions, sanction any party that fails to comply with the requirement to file a statement of position.

Oncor recommended proposed §22.124(a)(1) be revised to set the deadline for filing statements of position to be no later than seven days before the start of the hearing. Oncor commented that the existing deadline of three working days is insufficient to provide parties with "adequate time to fully review and formulate a strategy for addressing issues raised in the statements of position." Oncor emphasized that this is particularly relevant when there are numerous parties filing statements of position while preparations for an imminent hearing are underway. OPUC stated that a seven day deadline is a more appropriate timeline that ensures all parties are both adequately apprised of and prepared to respond to any issues that are raised in a statement of position. As part of its alternative recommendation, OPUC similarly recommended that the timeline for filing statements of position be increased from three to ten working days before the start of a hearing, unless the presiding officer determines otherwise.

Commission response

The commission declines to implement the recommended change. Extending the deadline to file statements of position to seven or ten days could create conflicts with other deadlines in procedural schedules, particularly in cases with abbreviated timelines required by statute, or otherwise risk further delays in commission proceedings.

OPUC recommended that, if proposed §22.161 is adopted as-is, the commission adopt its alternative recommendations for §22.124(a)(1) and (b)(1) to ensure sufficient procedural guardrails are preserved for filing statements of position. As part of its alternative recommendation, OPUC recommended that proposed §22.124(a)(1) be revised to state that the failure of a party to file a statement of position is not grounds for

automatic disqualification as a party from the proceeding. In contrast, TAWC recommended adding language to proposed §22.124(a)(2) be revised to explicitly include dismissal of a party as a sanction for failing to comply with the requirement to file a statement of position. OPUC stated that dismissal of a party from a proceeding for failing to timely file a statement of position under proposed §22.161(a) and (b)(8) "exceeds the presiding officer's authority," specifically an administrative law judge of the commission or SOAH. OPUC commented that its proposed revision to §22.124(a)(1) is necessary to protect the due process rights of parties before the commission, particularly pro se litigants that may be unfamiliar with the commission's procedural rules.

Commission response

The commission disagrees with OPUC that failure to file a statement of position is grounds for automatic dismissal or disqualification from a commission proceeding and declines to implement the recommended changes. The commission also disagrees with TAWC that §22.161(a)(2) should incorporate express language authorizing party dismissal for failure to file a statement of position. As amended, §22.124(a)(1) provides sufficient latitude for the presiding officer to either extend the deadline for filing a statement of position or eliminate the requirement altogether if it presents an unjustified burden for a party. The implementation of TAWC's recommendation is also unnecessary given the revisions made to §22.161(b), which provide discretion to the presiding officer, but do not mandate any particular sanction for noncompliance with §22.124(a)(1). Sanctions are an extraordinary penalty against a litigant. Therefore, the presiding officer should retain leeway to impose sanctions when appropriate, rather than automatically. Further discussion regarding §22.161 is provided under the appropriate header.

As part of its alternative recommendation, OPUC further recommended that proposed §22.124(a)(2) should be revised to prevent the presiding officer from striking or limiting a party's involvement in a proceeding for failing to file a statement of position until certain criteria are met. Specifically, before such action, the presiding officer must (1) notify the party of the requirement under §22.124(a)(1); (2) grants the party seven working days after the notice to prefile testimony or file a statement of position; and (3) provide the party an opportunity to be heard on any motion to dismiss, strike, or limit the party's participation. OPUC provided draft language consistent with its recommendation. OPUC noted that PURA §14.052(a) requires the commission to adopt and enforce rules governing practice and procedure before the commission and, as applicable, SOAH. OPUC further noted that PURA §14.052(d) requires all rules adopted by the commission "'ensure that each party receives due process.'" OPUC commented that intervenors in commission proceedings frequently have no representation but are directly affected by a utility's action in a particular case. OPUC stated that prefiled direct testimony and statements of position are "the two main ways that unrepresented residential intervenors can meaningfully participate in PUCT proceedings," but that intervenors are often unaware of the existing requirement to file a statement of position three working days prior to the start of a hearing. OPUC indicated that unrepresented intervenors are frequently uncertain as to what may be required during a rate proceeding or may assume it is like proceedings before the Texas Commission on Environmental Quality which affords the public to "to state their position, ask questions, and state a list of issues on the day of the hearing." OPUC emphasized that pro se intervenors are already disadvantaged relative to parties with representation, particularly those that frequently appear before the commission, and therefore should not be so severely sanctioned as to be dismissed from a case where they had no knowledge of certain procedural requirements, like filing a statement of position. OPUC noted that applicants in commission proceedings frequently seek to strike pro se intervenors that fail to file a statement of position. OPUC indicated this failure to file such statements is primarily due to "insufficient communication between the Commission and pro se intervenors unfamiliar with the Commission's rules." OPUC emphasized that the commission is obligated to reduce barriers to public participation in commission proceedings and proceedings referred to SOAH and that its proposed language would provide greater clarity to the public of such requirements. OPUC commented that proposed §22.124 is similar to §194.2 of the Texas Rules of Civil Procedure (TRCP), which governs initial disclosures. OPUC stated that TRCP §215.2(b), which relates to sanctions a court may impose for failing to comply with a court order or discovery request, requires notice and hearing before imposing sanctions on a party for failure to comply with a court order or discovery request. OPUC concluded that the proposed revisions to §22.161, without implementing any of OPUC's proposed safeguards to §22.124, would render the commission's rules more punitive than those under the TRCP. OPUC also commented that its proposed safeguards would help the presiding officer evaluate whether a party is acting in good faith. OPUC indicated that under proposed §22.161(a) and (b), the striking or limiting of a party from a proceeding may only occur if the filing of a motion or pleading was brought in bad faith for the purposes of harassment or other improper purpose such as abusing the discovery process or failure to obey a commission order.

Commission response

The commission declines to implement the recommended change because it is unnecessary. While §22.124 does not independently contemplate notice and hearing, §22.124 does cross-reference §22.161 which provides notice and opportunity for hearing before imposition of sanctions. This means that pro se litigants will receive notice and an opportunity for a hearing before dismissal or any other sanction authorized under §22.161. Providing further procedures under §22.124 would be duplicative and create ambiguity.

Proposed §22.125 - Interim Relief

Proposed §22.125 establishes the availability, procedures, and other requirements associated with interim relief.

Proposed §22.125(d) - Standard and burden of proof

Proposed §22.125(d) establishes that, in any proceeding involving a proposed interim change in rates, the applicant bears the burden of proof to show that the proposed interim relief is just and reasonable.

OPUC recommended that proposed §22.125(d) be revised to establish that interim rates cannot be higher than the rates proposed by the utility in its application. OPUC stated this revision is necessary for consistency with other commission rules, such as under §24.37(d) relating to Interim Rates, which authorizes the commission to authorize interim rates if a proposed increase in rates could result in an unreasonable economic hardship on the utility's customers or result in unjust or unreasonable rates. OPUC also referenced §24.37(e)(1) which states that the commission may, in determining interim rates under §24.37(d), set interim rates no lower than authorized rates prior to the proposed increase nor higher than the requested rates. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change because it is unnecessary and unduly limits the discretion of the presiding officer. Under the amended rule, contested interim relief can only be granted on a showing of good cause. For that reason, it is unlikely that interim rates would be higher than rates sought in the application because an applicant would carry the burden to show good cause for interim rates that exceed the applied-for rates. However, special circumstances could arise during a proceeding demonstrating that an applicant requires higher rates than originally sought. In such a scenario, the presiding officer's ability to set interim rates should not be limited and the recommended change would be counterproductive.

Proposed §22.126 - Bonded Rates

Proposed §22.126 establishes the procedures and requirements associated with requesting and reviewing bonded rates.

Proposed §22.126(a) - Requests for bonded rates

Proposed §22.126(a) establishes the filing and timing requirements for filing applications for bonded rates. The provision also establishes requirements for the bond itself and for commission review of the bond.

OPUC commented that proposed §22.126(a) should be revised to prohibit bonded rates from exceeding a utility's proposed rates. OPUC stated that PURA §36.110(b) and §53.110(b), as well as Texas Water Code §§13.187(j) and 13.1871(q) prohibit a bonded rate from exceeding a proposed rate and require that "any bonds must be payable to the commission ˜in an amount, in a form, and with a surety approved by the commission' and 'condition on refund.'" OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change for the same reasons stated under the heading for §22.125(d). Additionally, the proposed revisions to §22.126 were purely grammatical, therefore OPUC's recommendation is out of scope.

Proposed §22.127 - Certification of an Issue to the Commission

Proposed §22.127 establishes the requirements and procedures associated with the certification of issues to the commission and commission action on certified issues.

Proposed §§22.127(c), 22.127(c)(1) and 22.127(c)(2) - Procedure for certification in commission proceedings, and requests for certification of an issue and placement of certified issue on commission agenda

Proposed §22.127(c) authorizes a party to request the presiding officer to certify an issue to the commission or, alternatively, authorizes the presiding officer to certify an issue at his or her discretion. The provision also requires certified issue to be submitted to the commission through the issuance of a written order. Proposed §22.127(c)(1) establishes that if a party requests an issue to be certified, the presiding officer will either certify the requested issue or file an order denying the motion at the earliest time practicable. Proposed §22.127(c)(2) requires the Office of Policy and Docket Management (OPDM) to place the certified issue on the commission's agenda to be considered at the earliest time practicable.

OPUC recommended proposed §22.127(c)(1) and (2) be revised to establish a 30-day deadline beginning on the date the request was made. OPUC commented that the proposed language that refers to "the earliest time practicable" is too ambiguous and would therefore significantly delay proceedings and interfere with statutory deadlines. OPUC stated that the commission should consider such statutory deadlines to enable parties to fully litigate their interests. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended changes because they are impracticable. While the commission shares OPUC's concerns for complying with statutory deadlines and seeks to timely secure the commission's responses to certified issues, there are a variety of factors that affect when an item may be placed on the commission's agenda. It may also be impractical to place the certified issue on the immediately upcoming open meeting because of the complexity of the certified issue and the agency resource requirements for the other open meeting agenda items. Additionally, OPUC's proposed language is infeasible as it would establish two deadlines on the same day (i.e., 30 days after a certified issue request is made). Unless the presiding officer acted much sooner than the proposed 30-day deadline under OPUC's version of §22.127(c)(1), then in most cases OPDM's compliance with proposed §22.127(c)(2) could be impossible. This is because the certified issue would not be placed on an open meeting agenda until after the presiding officer issued an order certifying the issue, after which the certified issue would need to be briefed and considered by the commissioners. Open meetings are currently scheduled for an approximate two- to three-week cadence, and the Open Meetings Act requires agendas to be published no later than seven days before the open meeting. However, consistent with the reinstatement and extension of the deadline for commission action under §22.127(d), the commission revises §22.127(c)(2) to require OPDM to place the certified issue on the commission's agenda at the earliest time practicable "in accordance with subsection (d) of this section."

Proposed §22.127(d) - Commission action

Proposed §22.127(d) provides that a commission decision on a certified issue is not subject to a motion for rehearing.

OPUC, Oncor, TAWC, and LCRA opposed the elimination of the deadline for the commission to issue a written decision on a certified issue. OPUC and LCRA recommended the current deadline of thirty days be preserved. LCRA alternatively recommended the rule establish commission discretion to set an appropriate, but specific deadline. Oncor also recommended the deadline for issuance of the commission's written decision on a certified be reinserted into the rule and be set at 45 days. TAWC similarly recommended such a deadline be set at 60 days. OPUC stated that the phrase "earliest practicable time" in proposed §22.127(d) is too ambiguous and will only serve to delay proceedings and present issues in complying with statutory deadlines that must be complied with regardless. OPUC also recommended the commission consider statutory deadlines when scheduling the issuance of written decisions on certified issues to avoid conflict and to permit parties to "fully litigate their interests." OPUC provided draft language consistent with its recommendation. LCRA acknowledged the difficulty in meeting the existing 30-day deadline to issue a written decision on a certified issue due to the prerequisites and filing requirements for items before the commission at an open meeting. LCRA noted, however, that

the presiding officer frequently abates a proceeding while a certified issue is pending and that leaving a proceeding abated indefinitely is not efficient. Oncor stated that it is not opposed to extending the thirty-day deadline for the commission to issue a written decision on a certified issue, but it is opposed to eliminating the deadline entirely. Oncor emphasized that leaving a certified issue unresolved indefinitely could result in other filers that may seek to test or challenge the same issue in other cases during the pendency of the initial certified issue which would contribute to confusion between proceedings and increased, redundant work for staff and stakeholders. Conversely, providing deadline provides certainty to parties that present certified issue will have an expectation as to when it will receive commission guidance on such issues, which are typically of significant importance or consequence to that party. Oncor provided draft language consistent with its recommendation. Similar to Oncor, TAWC emphasized the necessity of such a deadline to ensure proceedings are not postponed indefinitely.

Commission response

The commission reinstates the deadline for the commission to decide a certified issue and adopts TAWC's deadline of 60 days from the date the certified issue is submitted to the commission. A 60 day deadline appropriately balances the aforementioned timing considerations for Open Meetings and the need for regulatory certainty on when to expect commission guidance on certified issues.

Proposed §22.141 - Forms and Scope of Discovery

Proposed §22.141 establishes the scope and methods for discovery in a commission proceeding, including stipulations that may be agreed to regarding discovery procedures.

TAWC recommended that proposed §22.141 be revised to explicitly apply the Texas Rules of Civil Procedure (TRCP) rules for discovery in commission proceedings. TAWC noted the TRCP are established procedure and precedent used in most other legal proceedings in the State of Texas.

Commission response

The commission declines to implement the recommended change because it is out of scope. The implications of applying the TRCP discovery rules wholesale to all commission proceedings, including the costs and benefits of such a revision, would require substantial evaluation that is beyond the scope of a rule review. Moreover, such an analysis has not been provided by commenters.

Proposed §22.141(a) - Scope

Proposed §22.141(a) establishes that parties may obtain discovery regarding any matter not privileged or exempted under the Texas Rules of Evidence, the TRCP or other law or rule that is applicable to the subject matter in the proceeding. The provision also establishes what matters are discoverable and certain requirements associated with the production of documents or tangible things.

ETI and OPUC recommended that the existing language of §22.141(a) that establishes the proper scope of discovery as matters "relevant" to the subject matter in the proceeding, rather than subject matter "applicable" to the subject matter in the proceeding. ETI strongly opposed the revision on the basis that the term "relevance" is "a ubiquitous and well-understood legal concept that benefits from decades, if not centuries, of legal precedent interpreting the meaning of the term," whereas the term "applicable" is ambiguous and unsupported by precedent. ETI noted that it is unclear how the terms are supposed to differ and this lack of clarity would therefore lead to significant litigation and expense by parties in seeking to define the new standard. ETI emphasized that the policy rationale for basing the scope of discovery on "relevant" stems from Rule 403 of the Texas Rules of Evidence - stating that "evidence is relevant if… it has any tendency to make a fact more or less probable than it would be without the evidence; and…the fact is of consequence in determining the action." In contrast, using the term "applicable" risks expanding the scope of discovery in a manner that wastes resources without any commensurate benefit towards achieving a meaningful resolution to a commission proceeding. ETI commented that the term "applicable" would also unnecessarily narrow the scope of discovery in a commission proceeding by excluding important information that is informative for the presiding officer in rendering a decision. OPUC commented that "relevant" is an easier concept to understand for pro se intervenors and therefore should be preserved. OPUC provided draft language consistent with its recommendation.

Commission response

The commission agrees with ETI and OPUC and reverts the proposed change. Specifically, the commission replaces the term "applicable" with the existing term "relevant" in §22.141(a).

Proposed §22.142 - Limitations on Discovery and Protective Orders

Proposed §22.142 establishes the limitations on discovery requests and requests for information.

TAWC recommended that the discovery and protective order limitations under proposed §22.142 either be replaced with or based on the limitations prescribed by the TRCP. TAWC alternatively recommended that proposed §22.142 be revised to limit discovery requests "such that utilities are not subject to requests for information (RFIs) without end." TAWC stated that the current unlimited discovery practices in commission proceedings represents a significant time and resource commitment to its members, particularly in rate proceedings, and is not beneficial to water and sewer utilities or their ratepayers.

Commission response

The commission declines to implement the recommended change because it is out of scope for the same reasons stated in the commission response under the header for §22.141. Specifically, the implications of applying the TRCP rules concerning discovery and protective order limitations wholesale to all commission proceedings, including the costs and benefits of such a revision, would require substantial evaluation that is beyond the scope of a rule review. Moreover, such an analysis has not been provided by commenters. Regarding TAWC's concerns about abuses of the discovery process, a party may move for sanctions under §22.161(b)(2) for "abusing the discovery process in seeking, making, or resisting discovery."

Proposed §22.142(d) and §22.142(d)(1) - Limitations on requests for information

Proposed §22.142(d) establishes the requirements associated with limitations on requests for information. Proposed §22.142(d)(1) establishes a list of factors the presiding officer must consider before setting limitations on requests for information.

LCRA recommended proposed §22.142(d)(1) be modified to require the presiding officer to consider the factors for limiting discovery under §22.142(d)(1)(A)-(K). LCRA stated that the revised language effectively authorizes the presiding officer to limit discovery in a proceeding without any standards and therefore would invite discovery disputes and appeals. LCRA stated that the broad factors under §22.142(d)(1)(A)-(K) allow the presiding officer to exercise discretion when setting limitations on discovery, therefore revising the provision to make consideration of such factors permissive is unnecessary.

Commission response

The commission agrees with LCRA and implements the recommended change.

New §22.142(e) - Discovery response deadlines in expedited proceedings

OPUC recommended new §22.142(e) be added to the proposed rule to establish standard discovery response filing deadlines in expedited proceedings that would apply if such deadlines are not otherwise addressed in the applicable commission rule. OPUC stated that the filing response deadlines for expedited proceedings are inconsistent across commission rules. Specifically, some rules establish a timeline for a particular expedited proceeding, but some do not. Some rules use the standard 20-day response deadline even though it does not apply in expedited hearings. OPUC stated adding a standard discovery timeline for expedited proceedings that applies unless the applicable commission rule states otherwise would help provide consistency for discovery timelines and benefit pro se litigants and less sophisticated parties in commission proceedings by providing a clear filing deadline. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change at is it out of scope. Any substantive changes that were not included in the proposal are outside of the scope of the rule review and should be undertaken in a rulemaking specifically regarding this topic. Moreover, parties routinely negotiate shorter discovery deadlines in cases with abbreviated timeframes.

Proposed §22.143 - Depositions

Proposed §22.143 establishes the procedural and timing requirements for requesting and holding a deposition in commission proceedings, including the provision of deposition transcripts

Proposed §22.143(c) - Copy to be provided

Proposed §22.143(c) requires the party conducting the deposition to provide a copy of the transcript to commission staff without cost to the commission.

OPUC recommended proposed §22.143(c) be revised to state that copies of depositions should be provided to OPUC at no cost, upon OPUC's request. OPUC provided draft language consistent with its recommendation.

Commission response

The commission agrees with OPUC and implements the recommended change.

Proposed §22.144 - Requests for Information and Requests for Admission of Facts

Proposed §22.144 establishes the requirements associated with requests for information, requests for admissions of fact, and motions to compel. The provision also establishes timing requirements associated with responding to such requests and motions, including making objections and supplementing responses.

Proposed §22.144(a) - Availability

Proposed §22.144(a) authorizes any party to serve upon any other party written requests for information and requests for admission of fact at any time after an application is filed and is subject to the provisions of §22.141, relating to Forms and Scope of Discovery.

Oncor, AEP, and ETI opposed proposed language to §22.144(a) that would let the presiding officer, with party agreement, keep drafts of testimony, exhibits, and workpapers from disclosure. Oncor commented that parties frequently agree, sometimes in writing in agreed procedural schedules or other documents filed with the commission, that such material is not discoverable. Accordingly, Oncor stated the proposed addition is unnecessary and could be interpreted as otherwise authorizing the discovery of such draft materials. Oncor stated the additional language would increase the amount of discovery disputes where parties have agreed to the non-discoverability of such materials, but the presiding officer has not issued an order that memorializes such an agreement. Oncor provided draft language consistent with its recommendation. AEP and ETI recommended that proposed §22.144(a) be revised to explicitly state that drafts of testimony, exhibits, and workpapers are not subject to discovery unless expressly agreed by all parties and ordered by the presiding officer. AEP and ETI stated that the proposed language attempts to capture the standard practice that such draft materials are non-discoverable by agreement of the parties. However, AEP and ETI stated that the rule language should go further to explicitly bar such material from discovery for efficiency to avoid the administrative burden of the parties entering into - and the commission approving - such agreements in every proceeding. AEP provided draft language consistent with its recommendation.

Commission response

The commission agrees with Oncor and deletes the additional language from §22.144(a). However, the commission notes that the effect is the same - the presiding officer may order that certain draft material is not subject to disclosure upon agreement by the parties. The commission declines to implement the proposed changes by ETI and AEP because the revisions would make the default position that drafts are not discoverable unless agreed to by all parties and ordered by the presiding officer.

Proposed §22.144(b) and §22.144(b)(2) - Making requests for information and service

Proposed §22.144(b) establishes the content and service requirements associated with making requests for information. Proposed §22.144(b)(2) requires a copy of each request for information to be served upon all parties in accordance with §22.74 and establishes that requests for information received after 5:00 p.m. are deemed to have been received the following working day.

Oncor and ETI opposed changing the 3:00 p.m. deadline for service of requests for information to 5:00 p.m.. Oncor and ETI emphasized that the benefit of a 3:00 p.m. deadline is that parties will be more likely to be aware that they have received discovery on that day, as opposed to a 5:00 p.m. deadline, which

is generally the end of a regular business day for most stakeholders. ETI stated that an earlier deadline will allow recipients of requests for information to review discovery requests, and either contact the propounding party for necessary clarifications, negotiate modifications to the requests, or begin responding to discovery before close of business. Oncor commented that the 5:00 p.m. deadline would cause parties that must response to RFIs to lose time when responding to requests for information and cause its employees to stay after business hours. Oncor stated that the proposed change would not greatly benefit the propounding party but significantly burden the responding party, with little benefit to the discovery process as a whole. Oncor provided draft language consistent with its recommendation. ETI stated that revising the deadline to 5:00 p.m. would create confusion with other pleading deadlines, particularly among pro se litigants. OPUC supported changing the deadline to 5:00 p.m. if the commission changes all of its other filing-related deadlines to 5:00 p.m. across the commission's procedural rules such as under existing §22.71(h). Similar to ETI, OPUC stated that inconsistent deadlines across the commission's procedural rules could create imbalances in the discovery process, such as if requests are due by 5:00 p.m. but responses are due by 3:00 p.m.. TAWC expressed categorical support for changing the deadline for service of requests for information from 3:00 p.m. to 5:00 p.m..

Commission response

The commission agrees with OPUC that consistent deadlines are preferable and retains the 5:00 P.M. deadline, particularly for parties that do not regularly appear before the commission such as pro se litigants. In response to other commenters that opposed replacing the 3:00 P.M. deadline for service of requests for information with a 5:00 P.M. deadline, if a responding party needs additional time due to a discovery request being sent late in the day, that party may confer with the propounding party to seek an agreed extension or seek an extension from the presiding officer.

Proposed §22.144(c) and §22.144(d) - Responding to requests for information and objections to requests for information

Proposed §22.144(c) prescribes the timing and requirements for responding to requests for information. Proposed §22.144(d) requires parties to negotiate diligently and in good faith concerning any discovery disputes prior to filing objections. The provision further specifies the requirements for making objections and claiming privilege, including the form and content of objections.

Similar to its recommendation for proposed §22.142, OPUC recommended that proposed §22.144(c) be revised to list all filings associated with expedited proceedings for administrative efficiency. OPUC stated that the current fragmentary approach to expedited proceeding requirements in commission rules. OPUC stated that such a list would establish clear filing expectations for parties to those proceedings and ensure that parties and the general public are properly notified of those filings.

Commission response

The commission declines to implement the recommended change because it is unnecessary and out of scope. OPUC's recommendation represents a significant change that is beyond the scope of a rule review. Moreover, expedited proceedings frequently have varying deadlines based on different criteria. Therefore, maximum flexibility is necessary in expedited proceedings to ensure the statutory deadlines are met. Revisions to §22.144 to address expedited proceedings may be considered in a further rulemaking.

TAWC recommended the deadlines for responding to requests for information and requests for admissions of facts and objections in proposed §22.144(c) and (d) be revised to align with those established in the TRCP. Specifically, TAWC recommended that discovery responses should be extended to 30 days, as in the TRCP, rather than 20 days. TAWC alternatively recommended that, if the discovery rule is not modeled off the TRCP, the deadline for objections should be the same as the deadline for responses. TAWC further recommended that the process for asserting privileges and exemptions match the process established under TRCP Rule 193.3(c), including "recognition of the exemption in TRCP 193.3(c) from the requirement to assert a privilege at all for certain lawyer and litigation related communications and documents."

Commission response

The commission declines to implement the recommended change because it is out of scope for the same reasons stated in the commission response under the header for §§22.141 and 22.142. Specifically, the implications of applying the TRCP rules concerning responses to discovery wholesale to all commission proceedings -including the costs and benefits of such a revision - would require substantial evaluation that is beyond the scope of a rule review. Moreover, such an analysis has not been provided by commenters.

Proposed §22.144(d)(2) - Objections based on claims of privilege or exemption.

Proposed §22.144(d)(2) requires objections based on claims of privilege or exemption under the Texas Rules of Civil Procedure or Texas Rules of Evidence to file an index that lists specific information regarding the documents subject to the discovery request within two working days of the filing of the objections. The provision also establishes certain requirements for the index and exception for documents provided under the terms of a protective order.

LCRA recommended proposed §22.144(d)(2) be revised to expand the exception to complying with the requirements associated with making an objection to a discovery request on the basis of privilege "if alternative procedures are agreed to by the parties." LCRA stated that this revision reflects the common industry practice that parties frequently agree "that privilege objections are not necessary, that privilege may be asserted in the discovery response, and that an extension for the privilege index is allowed." LCRA provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change because it is overbroad and out of scope. LCRA's proposed language is overbroad because it exceeds the provided justification. Specifically, LCRA's edits would potentially exempt the requirement for a public privilege altogether, if agreed to by the parties, rather than just an extension for filing one. Additionally, the implications of allowing alternative procedures for objections to discovery requests, including the costs and benefits of such a revision, would require substantial evaluation that is beyond the scope of a rule review.

Proposed §22.144(e) - Motions to compel

Proposed §22.144(e) requires a party seeking discovery to file a motion to compel no later than five working days after the objection is received Alternatively, if no response is made to the request for information, the motion to compel must be filed no later than five working days after the deadline by when a response was due. The provision further states that, unless otherwise ordered by the presiding officer, a party seeking discovery in connection with an unanswered discovery request or an incomplete discovery response must file a motion to compel no later than five working days from the date the incomplete discovery response was received, or the unanswered discovery request was due.

LCRA recommended that proposed §22.144(e) be revised to clearly "affirm the obligation of all parties to provide full and complete responses to discovery that is appropriately propounded and unobjected." LCRA stated that, as proposed, the proposed language could enable a party to avoid responding to discovery by simply not responding to the request for information, rather than being required to file an objection. LCRA therefore recommended deletion of the references to unanswered discovery requests in the provision. LCRA provided draft language consistent with its recommendation. Oncor similarly observed that the proposed language could be interpreted such that the party that receives a discovery request may decline to respond "unless and until a motion to compel for the unanswered request is timely filed by the requesting party, rather than having to file an objection to the request." Oncor requested clarification as to whether the provision is intended to be read to have no negative consequences to the responding party. If that is not the correct interpretation, Oncor recommended that proposed §22.144(e) be revised to indicate the consequences when a party neither files an objection nor a response to request for information both when the requesting party timely files a motion to compel and when the requesting party does not.

Commission response

A full response to discovery is required under §22.144(c)(1), therefore further revisions to require a "full and complete" response are unnecessary. However, the commission revises §22.144(e) to address Oncor and LCRA's concerns. Specifically, the commission revises the provision to state that if an incomplete response is filed, the party seeking discovery must file a motion to compel no later than five working days after the incomplete response was filed and if no response is filed despite the requirement to do so, the party seeking discovery must file a motion to compel no later than five working days after the response was due. Additionally, the commission omits reference to the presiding officer ordering a different deadline to file a motion to compel.

TAWC recommended that proposed §22.144(e) be revised to state that a motion to compel may be filed within five working days of discovering a previous response is incomplete. TAWC stated the proposed language does not account for instances where it could not have been known that a discovery response was incomplete, such as in a deposition.

Commission response

The commission declines to implement the recommended change. TAWC's proposed language contravenes the purpose of having a deadline to file a motion to compel and would inappropriately relieve the party seeking discovery of the obligation to timely review discovery responses.

OPUC recommended that proposed §22.144(e) be revised to require a motion compel to "be filed no later than five working days after the deadline to respond" rather than "five working days after the deadline by when a response was due." OPUC stated this revision would help minimize the ambiguity associated with the deadline to file a motion to compel.

Commission response

The commission declines to implement the recommended change because it is unnecessary. The aforementioned revisions made to §22.144(e) should substantially address OPUC's concern.

Proposed §22.144(h) - Production of material responsive to requests for information

Proposed §22.144(h) establishes the procedures applicable to the production of materials responsive to requests for information, unless otherwise specified by the presiding officer.

TAWC recommended that proposed §22.144(h) be revised to align the discovery requirements associated with the production of voluminous material with the TRCP. TAWC expressed concern that, without further revision, the proposed indexing requirement for voluminous discovery would be overly burdensome, resource intensive, or even impossible in some instances. TAWC noted that the indexing requirement is onerous and not necessary in most cases because responses to request for information generally reference the relevant documents or files and the associated bates or page numbers that are responsive to the request. TAWC endorsed a general requirement that discovery responses and the associated materials be organized for efficient review of the requester, but cautioned that an index would "result in an unreasonable amount of time and expense to be incurred that is not materially justified." TAWC indicated that the proposed language would significantly increase the difficulty for parties to respond to discovery. In contrast, TRCP Rule 196.3(c) noted that the TRCP authorizes documents and tangible things to be produced in the manner that they are kept in the usual course of business. TAWC noted that TRCP Rule 196.4 establishes parameters for the production of electronic data and recommended that the electronic production of documents be an option for parties if feasible. If such an option is not included in the rule, TAWC alternatively recommended the commission lower the threshold for what it determines to be "voluminous" such that paper copies may be made available where those documents are maintained in instances when the total amount of documents requested in the set of discovery is more than 100 pages; not when as a single request is more than 100 pages, as the existing rule and proposed language currently provide. TAWC indicated that a single discovery request could still entail the production of thousands of pages of documents. TAWC commented that, prior to COVID, the commission required the filing of all discovery materials, unlike most other litigation forums.

Commission response

The commission declines to implement the recommended change because it is out of scope for the same reasons previously stated. Specifically, the implications of applying the TRCP rules concerning voluminous discovery wholesale to all commission proceedings, including the costs and benefits of such a revision, would require substantial evaluation that is beyond the scope of a rule review.

OPUC recommended that proposed §22.144(h) state that failure to fully produce all responsive material when responding to a discovery request could result in sanctions under §22.161. OPUC commented that sanctions on this basis are authorized under

the APA for "other improper purpose such as to cause unnecessary delay or needless increase in the cost of the proceeding" or "abuse of the discovery process in seeking, making, or resisting discovery." OPUC noted that utilities frequently fail to respond properly to requests for information in commission proceedings it has litigated, which has led to unnecessary delays and increased litigation costs. OPUC stated that authorizing sanctions for failure to fully produce discovery provides an incentive for parties to comply with discovery requests at the outset and would discourage unnecessary discovery disputes. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change because it is unnecessary. Sanctions are already available under §22.161(b)(2) for abuse of discovery and §22.161(b)(3) for failing to obey an order of an administrative law judge or the commission.

Proposed §22.144(h)(1) - General requirements for production

Proposed §22.144(h)(1) requires a party responding to a request for information to make available all material responsive to the request to each party to that proceeding. The provision also specifies the specific methods that the responding party may use to make such material available.

ETI recommended proposed §22.144(h)(1) be revised to state that materials will only be provided in a manner consistent with each party's right to review such material under a commission protective order issued by the presiding officer. ETI stated that its recommended change eliminates ambiguity for the handling of confidential and highly sensitive protected material. ETI noted that highly sensitive protective material requires "exceptional handling" and must only be provided in a manner that is consistent with the terms of the protective order adopted in the proceeding and not necessarily to the parties in the proceeding, "regardless of their eligibility to receive and review those materials." ETI provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change because it is out of scope. ETI's proposal would require substantial evaluation that is beyond the scope of a rule review.

Proposed §22.144(h)(1)(A) - Service of responsive material

Proposed §22.144(h)(1)(A) authorizes a party responding to request for information to make such material available by serving a copy of all such responsive material to the other parties to the proceeding in accordance with §22.74.

ETI recommended that proposed §22.144(h)(1)(A) be revised to include an exception to the requirement to serve a copy of discovery on each party in the proceeding in the event a party does not provide sufficient contact information to the producing party. ETI commented that filing the discovery with Central Records is sufficient to make that discovery available to parties with inadequate contact information. ETI stated such an exception is appropriate because parties do not always provide adequate contact information, particularly when there are numerous or pro se litigants in the proceeding, such as CCN applications. ETI provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change. Discovery should be served on all parties and any disputes regarding discovery, including failure to properly serve discovery, can be brought to the presiding officer for resolution.

Proposed §22.144(h)(1)(B) - Filing of responsive material

Proposed §22.144(h)(1)(B) authorizes a party responding to request for information to make such material available by filing all such responsive material with the commission in the manner required by §22.71 of this title, relating to Commission Filing Requirements and Procedures, and, as applicable, §22.72 of this title relating to Form Requirements for Documents Filed with the Commission.

Oncor requested clarification as to whether proposed §22.144(h)(1)(B) requires a party to file voluminous discovery with an index or a party is only required to file an index describing the voluminous material, as is the case under the existing rule. Oncor recommended that the revision to proposed §22.144(h)(1)(B) not be adopted if the intention of the proposed language is the former and that the provision be explicitly revised to exclude voluminous discovery from being filed. Oncor observed that, under existing §22.144(h), a party is required to file with the commission the index of voluminous material, not the voluminous material itself. Oncor surmised that the intent of the index is to provide notice on the Interchange regarding the contents of the voluminous discovery materials that were not filed. Oncor expressed concern with the practicability associated with filing of voluminous material on the Interchange given the practical concerns with filing numerous of pages and the limitations of the Interchange filers which only allows for 255 individual files per filing, with a file size limitation of 200 megabytes. Alternatively, if the commission implements the new requirement, Oncor recommended that the commission provide guidance on how to electronically file large or numerous files. Oncor expressed that it is unclear whether the commission intends for voluminous materials to be filed separately from, or together with, the non-voluminous discovery. Oncor noted that if voluminous and non-voluminous discovery is not separated when filing, it would be burdensome and challenging for both the producing party when filing and for the requesting party when searching through the produced discovery. Oncor provided draft language consistent with its recommendation.

Commission response

The commission agrees with Oncor and implements the recommended change with minor revisions for consistency with the commission's drafting practices.

Proposed §22.144(h)(4) and §22.144(h)(4)(A)-(E)- Index for voluminous discovery

Proposed §22.144(h)(4) requires a party providing materials that individually are 100 pages or more to include with its response an index of the material responsive to a particular question and must organize the responses and material to enable parties to efficiently review the material. Proposed §22.144(h)(4)(A) requires the index to include information sufficient to locate each individual document by page or file number. Proposed §22.144(h)(4)(B) requires the index to include the date each document was created. Proposed §22.144(h)(4)(C) requires the index to include the title of the document, or, if none exists, a description of the document. Proposed §22.144(h)(4)(D) requires the index to include the name of the preparer or source of each document. Proposed §22.144(h)(4)(E) requires the index to include the length of each document.

AEP and Oncor recommended proposed §22.144(h)(4)(B) and (D) be deleted from the rule. Consistent with its recommendation for proposed §22.144(h)(1)(B), Oncor also recommended proposed §22.144(h)(4) be revised to exempt voluminous materials from being filed with the commission in lieu of providing an index describing such voluminous materials. AEP and Oncor commented that the creation date of a document under §22.144(h)(4)(B) and the name of the preparer under §22.144(h)(4)(D) are not always readily accessible and therefore is unduly burdensome to comply with. AEP alternatively recommended qualifying language such as "to the extent possible" be included in each provision such that parties can file the appropriate response without providing such information. Oncor further noted that the requirements to identify the creation date and the preparer is a burden additional to the already cumbersome task of compiling and producing discovery, particularly when a discovery request includes several records like internal company policies, transmission studies, etc. Oncor indicated that, in some instances, different portions of a document may have been created or updated on different dates, rendering it difficult to comply with the proposed change. Moreover, a utility responding to discovery may have hundreds of employees that have had varying levels of involvement in the preparation or creation of a document that has become subject to a discovery request. Oncor highlighted the impracticability and time commitment that providing such information would entail in the index, which could in itself be several pages long. Oncor stated the proposed additional information is not necessary for the requesting party to be able to use the requested document for their intended purpose and, should a question arise about a particular set of voluminous discovery, the requesting party may propound additional requests for information. AEP and Oncor provided draft language consistent with their recommendations.

Commission response

The commission acknowledges AEP's and Oncor's concerns and replaces the requirement to provide the date the document was created and the requirement to provide the name of the preparer or source of each document with a requirement to provide the name of the sponsoring witness. The commission renumbers the provisions accordingly. The commission declines to implement Oncor's revisions to §22.144(h)(4) which would exempt voluminous materials from being filed with the commission. All materials must be filed with the commission to maximize the availability of data that are in the public interest.

Proposed §22.161 - Sanctions

Proposed §22.161 establishes the procedural requirements and basis for issuing sanctions. The provision also provides a list of the types of sanctions and the procedure for seeking sanctions.

Proposed §22.161(a) - Causes for imposition of sanctions

Proposed §22.161(a) authorizes the presiding officer to impose appropriate sanctions against a party or its representative for the reasons specified under §22.161(a)(1)-(3) after notice and an opportunity for hearing. The provision also requires one or more commissioners or a SOAH administrative law judge to hold a sanctions hearing if requested.

OPUC recommended proposed §22.161(a) be revised to be identical to the notice and hearing requirements of §2003.049 of the APA. OPUC stated that since the rule simply reiterates what is already in statute, the rule language should reflect the statute exactly. OPUC explained that this proposed change would eliminate ambiguity and the potential for the rule to conflict with the statute unnecessarily. OPUC noted that §2003.049 states that an administrative law judge cannot impose sanctions until after notice and opportunity for a hearing on the sanctions is completed. OPUC stated that the proposed language is ambiguous as to the type of notice and hearing that must be performed before the issuance and order of a sanctions motion. OPUC noted that the proposed rule could be interpreted as authorizing a presiding officer "to move for sanctions, and issue them, after any type of notice and hearing, even if they were unrelated to the sanctions at issue in the motion," which would be a substantial violation of a party's due process rights in proceedings before the commission. OPUC provided draft language consistent with its recommendation.

Commission response

The commission disagrees with OPUC and declines to implement the recommended change. A set of sanctions that is available to the presiding officer (i.e., an administrative law judge or the commissioners) is appropriate and consistent with the APA. For purposes of implementation, it is not a requirement to perfectly mirror statutory language in a rule. Moreover, the list in §2003.049(j) is not exhaustive and the amended rule preserves the requirement for notice and opportunity for a hearing before sanctions may be imposed.

OPUC provided alternative recommendations for §22.161 if the commission implements its proposed language for §22.161(a) and §22.161(d). As part of its alternative recommendation, OPUC recommended proposed §22.161(a) be revised to prohibit a presiding officer from unilaterally moving to strike or limit a party from a proceeding for failing to comply with §22.124. Specifically, OPUC recommended revising proposed §22.161(a) to require a notice and hearing for striking or limiting a party's participation for failing to file a statement of position or prefiling direct testimony under §22.124(a). OPUC further recommended that any hearing that is held on such a ruling must either be held by a commissioner or a SOAH administrative law judge. OPUC stated that the removal of a party from a proceeding for something as minor as filing a timely statement of position is a severe consequence that diminishes that person's capability of representing themselves before the commission. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change. All sanctions require notice and opportunity for a hearing under the APA and the amended rule. If a hearing is requested, the hearing can be held either by the commission or the SOAH administrative law judge.

Proposed §22.161(b) and §22.161(b)(8)-(10)- Types of sanctions, limitation or disallowance of a party's right to participate in the proceeding, dismissal of application, and any other sanction available by law

Proposed §22.161(b) establishes the types of sanctions that may be assessed on a party by the presiding officer. Proposed §22.161(b)(8) establishes that the presiding officer may limit or disallow a party's right to participate in the proceeding as a sanction. Proposed §22.161(b)(8) establishes that the presiding officer may dismiss an application with or without prejudice as a sanction. Proposed §22.161(b)(10) specifies that the presiding officer may impose any other sanction available to the presiding officer by law.

OPUC recommended proposed §22.161(b)(8)-(10) be deleted because they exceed the commission's statutory authority under the APA. OPUC stated that §2003.049(j) of the APA does not authorize commission or SOAH administrative law judges to "broadly impede a party's due process rights in the manner allowed in the new proposed sanctions." OPUC cited case law stating that the commission may only exercise the powers the Legislature expressly grants it or implied powers reasonably necessary to carry out the agency's statutory duties. OPUC further cited the Texas Constitution and case law stating the commission does not have the same jurisdictional presumption that a district court does, and neither the commission or administrative law judges can exercise new powers or a power contradictory to statute on the basis that such power is administratively expedient. OPUC averred that the sanctions under proposed §22.161(b)(8)-(10) are not implied powers necessary to carry out the commission's statutory duties in commission proceedings. Specifically, the dismissal of a party from a proceeding or limiting a party's participation is a severe sanction on the party's due process right to appear in a commission proceedings. OPUC stated that the explicit limitations of §2003.049(j)(1)-(8) are reflected in proposed §22.161(c)(1)-(7) and that conversely, proposed §22.161(b)(8)-(10) are the effective exercise of a new power, contradictory to statute, "on the theory" of administrative expediency.

Commission response

The commission disagrees with OPUC and declines to implement the recommended changes. The sanctions under §22.161(b)(8)-(10) are in the existing rule and are necessary tools for the effective processing of a matter. Therefore, the cited sanctions should be retained.

As part of its alternative recommendation, OPUC recommended §22.161(b)(8) be revised to prohibit the issuance of a motion for sanctions for failing to file a statement of position unless all of OPUC's recommended procedural safeguards for §22.124 have been provided to the offending party. OPUC stated that, because of the inherent severity of dismissing, striking, or otherwise limiting participation in a proceeding on a party's due process rights, such safeguards are necessary. OPUC provided draft language consistent with its recommendation.

Commission response

The commission disagrees with OPUC and declines to implement the recommended change for the reasons already stated.

Proposed §22.161(c) - Procedure for seeking sanctions

As part of its alternative recommendation, OPUC recommended §22.161(c) be revised to prohibit the presiding officer from moving sua sponte to dismiss, strike, or limit a party's participation in the proceeding for failing to file a statement of position under §22.124. OPUC further recommended §22.161(c) be revised to require the automatic stay of a proceeding where a party is dismissed, struck, or limited from participating for failing to file a statement of position under §22.124 to allow the affected party an opportunity to appeal. OPUC also recommended §22.161(c) be revised to provide that the failure of the presiding officer to fully provide OPUC's proposed procedural safeguards under §22.124 is an "affirmative defense." OPUC stated that administrative efficiency does not outweigh the benefit in ensuring that parties are not wrongly removed or limited from a proceeding and receive their full due process rights. OPUC emphasized that the gravity of the sanction necessitates these extra procedural steps. OPUC provided draft language consistent with its recommendation.

Commission response

The commission declines to implement the recommended change. The current practice in which an administrative law judge can issue an order dismissing inactive parties should be preserved as it is a key tool for managing a hearing on the merits, particularly for large proceedings with many intervenors. The implementation of an automatic stay is also impracticable because of the variable length of time between open meetings. Moreover, if a stay is entered in a proceeding, that does not toll any applicable statutory deadlines.

Existing §22.161(d) - Imposition of sanctions by the commission

Existing §22.161(d) establishes sanctions additional to those under existing §22.161(c) that may be imposed by an administrative law judge, except for the punishment of the offending party or its representative for contempt to the same extent as a district court, that may be assessed by the presiding officer or the commission, after notice and opportunity for hearing.

OPUC opposed the merging of sanctions that can be imposed by the commission and the sanctions that can be imposed by the administrative law judge into proposed §22.161(d) and recommended retaining the existing bifurcated structure. OPUC stated that under the existing rule, there are certain sanctions that only the commission may issue due to the significant impact such sanctions have on a party's right to representation and due process before the commission. OPUC stated that allowing an administrative law judge to impose such sanctions lessens a party's protections against such punitive action. OPUC stated that public participation by affected persons "is a hallmark of Commission proceedings" and that the combined effect of merging proposed §22.161(d) and allowing the limitation or disallowance of participation in a proceeding under proposed §22.161(d) limits public participation. OPUC emphasized the general benefit to the public interest of having meaningful participation by ratepayers in commission proceedings and that the opportunity for such participation is required by both state law and commission rules. OPUC stated that public participation would be directly affected by the proposed repeal and, as an example, stated that administrative law judges frequently attempt to strike ratepayer intervenors from participating in proceedings for failure to meet the statement of position requirements under §22.124. OPUC stated that only the commission should be authorized to strike a party from a proceeding and referred to a commission order in Project No. 36164 where only the commission, not an administrative law judge, could impose sanctions under §22.161(d).

Commission response

The commission disagrees with OPUC and declines to implement the recommended change. A single set of sanctions should be available to all presiding officers. Moreover, a sanctions order from an administrative law judge can be appealed to the commission for further review.

Proposed §22.181 - Dismissal of a Proceeding

Proposed §22.181 establishes the requirements and procedures associated with dismissing a commission proceeding and filing motions for dismissal.

Proposed §22.181(d) and §22.181(d)(9)- Reasons for dismissal and abuse of discovery

Proposed §22.181(d) establishes a list of criteria for which a commission proceeding may be dismissed by the presiding officer. Proposed §22.181(d)(9) provides that abuse of discovery consistent with §22.161(b)(2), relating to Sanctions, is grounds for dismissal of a proceeding.

LCRA recommended proposed §22.181(d)(9) be revised to specify the original standard of "gross abuse of discovery" as a basis for dismissal of a proceeding or one or more issues within a proceeding. LCRA commented that dismissal is "an extreme remedy that should not be wielded without sufficient cause." LCRA noted that Rule 215 of the TRCP does not list dismissal of a case a remedy for abuse of discovery. LCRA stated that, generally, the evidentiary procedures for contested cases under the Texas APA are more lenient during administrating hearings relative to court cases. Therefore, a sanction as severe as dismissal "should not be invoked for abuses that are less than gross abuses."

Commission response

The commission retains the existing language for §22.181(d)(9) and revises the provision to specify "gross abuse of discovery."

Proposed §22.182 - Summary Disposition

Proposed §22.182 prescribes the filing and content requirements for motions for summary decision, the timing for responses to the motion, and other procedural aspects associated with commission review of the motion.

Proposed §22.182(d) - Hearing on the motion not required

Proposed §22.182(d) provides that a hearing on a motion for summary decision is not required.

LCRA and OPUC recommended that proposed §22.128(d) be revised to reflect existing language that authorizes the presiding officer to set the motion for a hearing. LCRA commented that stating this authority explicitly makes it clear that the presiding officer may set such a hearing in the rare event a hearing on a summary decision motion is needed. OPUC noted that the proposed language suggests that the default standard is to not hold a hearing, which may be detrimental to residential and small commercial customers. LCRA and OPUC provided draft language consistent with its recommendation.

Commission response

The commission agrees with LCRA and implements the recommended language. The commission declines to implement OPUC's language as it would perpetuate the ambiguity in the existing rule the proposed language was attempting to correct.

SUBCHAPTER G. PREHEARING PROCEEDINGS

16 TAC §§22.123 - 22.127

The amended rules are adopted under the following provisions of PURA: §14.001 and Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; PURA §14.002 001 and Texas Water Code §13.041(a), which provides the commission with the authority to make adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.052 and Texas Water Code §13.041(b), which requires the commission to adopt and enforce rules governing practice and procedure before the commission and SOAH. The amended rules are also adopted under PURA §36.110 and §53.110 which establish the authority and procedure for an electric utility to impose changed rates in certain circumstances by filing a bond with the commission; PURA §15.024 which provides the commission with the authority to assess and impose an administrative penalty against a person who fails to timely respond to a written notice summarizing an alleged violation and a corresponding recommended penalty; and Texas Government Code, Subchapter D §2001.081-103 which govern the usage of and procedures for evidence, witnesses and discovery for contested cases held at agencies of the State of Texas.

Cross reference to statutes: Public Utility Regulatory Act §§14.001, 14.002, 14.052, and Texas Water Code §13.041(a) and (b); PURA 15.024, 36.110, 53,110; and Texas Government Code, Subchapter D §2001.081-103.

§22.123. Appeal of an Interim Order and Motions for Reconsideration of Interim Order Issued by the Commission.

(a) Appeal of an interim order.

(1) Availability of appeal. Appeals are available for any interim order of the presiding officer that immediately prejudices a substantial or material right of a party or materially affects the course of the proceeding. Appeals are not available for evidentiary rulings. Interim orders are not subject to exceptions or motions for rehearing.

(2) Procedure for appeal. If the presiding officer intends to reduce an oral ruling to a written order, the presiding officer must so indicate on the record at the time of the oral ruling and must promptly issue the written order. Any appeal to the commission from an interim order must be filed within ten days of the date the written order is filed or the date the appealable oral ruling is made when no written order is to be issued. The appeal must be served on all parties in accordance with §22.74 of this title (relating to Service of Pleadings and Documents).

(3) Contents. An appeal must specify the reasons why the interim order is unjustified or improper and how it immediately prejudices a substantial or material right of a party or materially affects the course of the proceeding.

(4) Responses. Any response to an appeal must be filed within five working days of the filing of the appeal.

(5) Motion for stay. Pending a ruling by the commissioners, the presiding officer may, upon motion, grant a stay of the interim order if good cause is shown. A motion for a stay must specify the basis for a stay. The mere filing of an appeal does not stay the interim order or any applicable procedural schedule.

(6) Agenda ballot. Upon the filing of an appeal, the Office of Policy and Docket Management must send a separate ballot to each commissioner to determine whether the commission will consider the appeal at an open meeting. Untimely motions will not be balloted. The Office of Policy and Docket Management must notify the parties whether a commissioner by individual ballot has added the appeal to an open meeting agenda but will not identify the requesting commissioner or commissioners.

(7) Denial or granting of appeal.

(A) If no commissioner has placed an appeal on the agenda of an open meeting by agenda ballot within 20 days after the filing of an appeal, the appeal is deemed denied.

(B) If any commissioner has voted by agenda ballot in favor of considering the appeal, the appeal will be placed on the agenda of the next regularly scheduled open meeting or such other meeting

as the commissioner may direct by the agenda ballot. If two or more commissioners vote to consider the appeal, but differ as to the date the appeal will be heard, the appeal must be placed on the latest of the dates specified by the ballots. At the open meeting, the commission will either rule on the appeal or extend time to act on it.

(8) Reconsideration of appeal by presiding officer. The presiding officer may treat an appeal as a motion for reconsideration and may withdraw or modify the order under appeal before the commission decides on the merits of the appeal.

(b) Motion for reconsideration of interim order issued by the commission.

(1) Availability of motion for reconsideration. Motions for reconsideration are available for any interim order of the commission that immediately prejudices a substantial or material right of a party or materially affects the course of the hearing. Motions for reconsideration may only be filed by a party to the proceeding and are not available for evidentiary rulings. Interim orders are not subject to exceptions or motions for rehearing.

(2) Procedure for motion for reconsideration. If the commission does not intend to reduce an oral ruling to a written order, the commission will so indicate on the record at the time of the oral ruling. A motion for reconsideration of an interim order issued by the commission must be filed within five workings days from the date that the written interim order is filed or the date the oral interim ruling is made. The motion for reconsideration must be served on all parties in accordance with §22.74 of this title by hand delivery, electronic mail, or by overnight courier delivery.

(3) Content. A motion for reconsideration must specify the reasons why the interim order is unjustified or improper.

(4) Responses. Any response to a motion for reconsideration must be filed within five working days of the filing of the motion.

(5) Agenda ballot. Upon the filing of a motion for reconsideration, the Office of Policy and Docket Management must send a separate ballot to each commissioner to determine whether the commission will consider the motion at an open meeting. The Office of Policy and Docket Management must notify the parties whether a commissioner by individual ballot has added the motion to an open meeting agenda but will not identify the requesting commissioner or commissioners.

(6) Denial or granting of motion.

(A) If no commissioner has placed a motion for reconsideration on the agenda for an open meeting by agenda ballot within 20 days after the filing of the motion, the motion is deemed denied.

(B) If any commissioner has voted by agenda ballot in favor of considering the motion, the motion will be placed on the agenda for the next regularly scheduled open meeting or such other meeting as the commissioner may direct by the agenda ballot. If two or more commissioners vote to consider the motion, but differ as to the date the motion will be heard, the motion must be placed on the latest of the dates specified by the ballots. At the open meeting, the commission will either rule on the motion or extend time to act on it.

§22.127. Certification of an Issue to the Commission.

(a) Certification. The presiding officer may certify to the commission an issue that involves an ultimate finding of compliance with or satisfaction of a statutory standard the determination of which is committed to the discretion or judgment of the commission by law.

(b) Issues eligible for certification. The following types of issues are appropriate for certification:

(1) the commission's interpretation of its rules and applicable statutes;

(2) which rules or statutes are applicable to a proceeding; or

(3) whether commission policy should be established or clarified as to a substantive or procedural issue of significance to the proceeding.

(c) Procedure for certification in commission proceedings. A party may request the presiding officer to certify an issue to the commission or the presiding officer may certify an issue at his or her discretion. The presiding officer must submit a certified issue to the commission by issuing a written order.

(1) If a party requests an issue to be certified, the presiding officer will either certify the requested issue or file an order denying the motion at the earliest time practicable.

(2) In accordance with subsection (d) of this section, the Office of Policy and Docket Management (OPDM) must place the certified issue on the commission's agenda to be considered at the earliest time practicable.

(3) Party briefs on the certified issue are due within the timeframe set by OPDM.

(4) The presiding officer may abate the proceeding while a certified issue is pending.

(d) Commission action. The commission will decide the certified issue within 60 days of submission of the certified issue to the commission. A commission decision on a certified issue is not subject to a motion for rehearing.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Seaver Myers
Rules Coordinator
Public Utility Commission of Texas
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For further information, please call: (512) 936-7433

SUBCHAPTER H. DISCOVERY PROCEDURES

16 TAC §§22.141 - 22.144

The amended rules are adopted under the following provisions of PURA: §14.001 and Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; PURA §14.002 001 and Texas Water Code §13.041(a), which provides the commission with the authority to make adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.052 and Texas Water Code §13.041(b), which requires the commission to adopt and enforce rules governing practice and procedure before the commission and SOAH. The amended rules are also

adopted under PURA §36.110 and §53.110 which establish the authority and procedure for an electric utility to impose changed rates in certain circumstances by filing a bond with the commission; PURA §15.024 which provides the commission with the authority to assess and impose an administrative penalty against a person who fails to timely respond to a written notice summarizing an alleged violation and a corresponding recommended penalty; and Texas Government Code, Subchapter D §2001.081-103 which govern the usage of and procedures for evidence, witnesses and discovery for contested cases held at agencies of the State of Texas.

Cross reference to statutes: Public Utility Regulatory Act §§14.001, 14.002, 14.052, and Texas Water Code §13.041(a) and (b); PURA 15.024, 36.110, 53,110; and Texas Government Code, Subchapter D §2001.081-103.

§22.141. Forms and Scope of Discovery.

(a) Scope. Parties may obtain discovery regarding any matter not privileged or exempted under the Texas Rules of Evidence, the Texas Rules of Civil Procedure, or other law or rule that is relevant to the subject matter in the proceeding.

(1) Discoverable matters include:

(A) the existence, description, nature, custody, condition, location and contents of any documents, including papers, books, accounts, drawings, graphs, charts, photographs, maps, email, audio or video recordings;

(B) any other data compilations from which information can be obtained and translated, if necessary, by the person from whom information is sought, into reasonably usable form; and

(C) any other tangible things which constitute or contain matters relevant to the subject matter in the action, and the identity and location of persons having any knowledge of any discoverable matter.

(2) Discovery is not limited to tangible things, but may extend to knowledge, mental impressions, and opinions of persons who will testify; explanations of documents or tangible things, or information contained therein; and other relevant information within the knowledge or control of the entity from whom discovery is sought.

(3) A person is not required to produce a document or tangible thing unless it is within that person's constructive or actual possession, custody, or control.

(4) A person has possession, custody or control of a document or tangible thing as long as the person has a superior right to compel the production from a third party and can obtain possession of the document or tangible thing with reasonable effort.

(b) Discovery methods. Parties may obtain discovery by requests for information, which include requests for inspection or production of documents or things, requests for admissions, and depositions by oral examination.

(c) Stipulations regarding discovery procedure. The parties may, by written agreement:

(1) provide that depositions may be taken at any time or place, upon any notice, and in any manner and when so taken may be used in accordance with the Texas Rules of Civil Procedure, subject to any other ruling or procedure established by the presiding officer;

(2) agree to extensions of time in which to respond to or object to a discovery request; and

(3) modify the procedures provided by this chapter for other methods of discovery.

§22.142. Limitations on Discovery and Protective Orders.

(a) Limitation of discovery requests. The presiding officer may limit discovery, by order, to protect a party against unreasonable or unwarranted discovery requests.

(1) The presiding officer may issue an order limiting discovery requests for good cause, including the following purposes:

(A) Prevention of undue delay in the proceeding;

(B) Protection from a request to provide information which is readily available to the requesting party at a reasonable cost;

(C) Protection from unreasonably cumulative or duplicative discovery requests; or

(D) Protection of a party or other person from undue burden, unnecessary expense, harassment or annoyance, or invasion of personal, constitutional, or property rights.

(2) Any person from whom discovery is sought may file a motion for a protective order, specifying the grounds on which a protective order is justified. Motions and responses must include affidavits, discovery pleadings, or other pertinent documents to support the allegations made therein.

(3) The presiding officer may order that:

(A) Specific discovery not be sought in whole or in part, or that the extent or subject matter of discovery be limited, or that it not be undertaken at the time or place specified;

(B) Discovery be undertaken only by such method or upon such terms and conditions or at the time and place directed by the presiding officer;

(C) For good cause shown, results of discovery be sealed or otherwise adequately protected, that its distribution be limited, or that its disclosure be restricted;

(D) Information or material be protected by any means consistent with the intent of this chapter; or

(E) Information or material be protected in the interest of justice if necessary to protect the party from undue burden, unnecessary expense, harassment or annoyance, or invasion of personal, constitutional, or property rights.

(4) The presiding officer may limit requests for information (RFIs) as set out in subsection (d) of this section.

(b) Denial of right to discovery requests. The presiding officer may deny a party the right to continue discovery, by order, upon proof and a finding that the party abused the discovery process.

(c) Protection of confidential or proprietary information. The presiding officer may issue a protective order governing the production of confidential or proprietary information as is appropriate in each proceeding before the commission. The order must be in the form adopted by the commission as the standard protective order. In addition, the parties may enter into agreements regarding protection of confidential or proprietary information. Entry of a protective order is not a determination that any documents produced under the protective order are proprietary or confidential.

(d) Limitations on requests for information.

(1) Before setting limitations on RFIs, the presiding officer must consider the following factors:

(A) The type of proceeding.

(B) The number and complexity of the issues in the proceeding.

(C) The cost of alternative forms of discovery for the party seeking discovery.

(D) The comprehensiveness of the information provided in the application.

(E) Any material deficiencies in the application.

(F) The number of issues that the party seeking discovery is expected to address.

(G) The novelty of the issues in the proceeding.

(H) The number of answers required by requests, including subparts, propounded in similar proceedings.

(I) Whether the number of questions is limited in other forms of discovery.

(J) Whether the hearing on the merits will be shortened by virtue of questions that are answered.

(K) Any jurisdictional deadlines.

(2) For purposes of calculating the number of RFIs, each answer is considered a separate request for information.

(3) If a party is not required to answer a question, that question may not be included in the calculation of whether the propounding party has reached its limit. However, if the presiding officer determines that a party is intentionally propounding frivolous, irrelevant, or otherwise objectionable requests, the question will be included in the calculation of a propounding party's limit.

(4) To discourage duplicate RFIs, any party that does not use its entire allotment of RFIs directed toward another party may transfer, by written notice to the presiding officer, that portion of its allotment to any other party in the proceeding. The requirements of this paragraph do not apply to RFIs originating from commission staff or directed to commission staff.

(5) The presiding officer may use discretion in determining whether to limit the number of RFIs that may be propounded upon commission staff or the Office of Public Utility Counsel by another party. In making this determination, the presiding officer must consider the limited resources available to each agency, and specifically that commission staff is required by law to represent the public interest in all proceedings before the commission.

(6) The presiding officer may limit or expand the number of RFIs that commission staff may propound upon any other party, and must consider that commission staff is required by law to represent the public interest in all proceedings before the commission, and thus may require more questions than other parties to ensure that it adequately explores all of the issues presented in the case.

§22.143. Depositions.

(a) Governing statute. The taking and use of depositions in any proceeding are governed by the APA and §22.141 of this title (relating to Forms and Scope of Discovery). A request to issue a commission for deposition must be filed no later than five working days before the date of the deposition. Issuance of a commission for deposition is a ministerial act and does not preclude requests for issuance of a protective order pursuant to §22.142 of this title (relating to Limitations on Discovery and Protective Orders).

(b) Deposition by agreement. Upon agreement of the parties, parties may waive the requirement of issuance of a commission. All parties will be given no less than three working days' notice of depositions, including the person to be deposed, the date, time, and place of the deposition, and the subject of the deposition.

(c) Copy to be provided. Upon receipt of a transcript of the deposition by the party, the party conducting the deposition must provide a copy of the transcript to commission staff and upon request, the Office of Public Utility Counsel, without cost to the commission or the Office of Public Utility Counsel.

(d) Agreements. An agreement affecting a deposition upon oral examination is also enforceable if the agreement is recorded in the deposition transcript.

§22.144. Requests for Information and Requests for Admission of Facts.

(a) Availability. At any time after an application is filed, and subject to the provisions of §22.141 of this title (relating to Forms and Scope of Discovery), any party may serve upon any other party written requests for information and requests for admission of fact.

(b) Making requests for information.

(1) Contents. A request under this section must identify with reasonable particularity the information, documents or material sought. A request seeking inspection of documents or property must describe with reasonable particularity the documents to be produced or the property to which access is requested, and must set forth the items to be inspected by individual item or by category.

(2) Service. A copy of each request for information must be served upon all parties to the proceeding in accordance with §22.74 of this title, relating to Service of Pleadings and Documents. Requests for information that are received after 5:00 p.m. Central Prevailing Time are deemed to have been received the following working day. Responses to requests for information must be served on the requesting party and any party that has requested, in writing, to be served.

(c) Responding to requests for information.

(1) Time for response. The party upon whom a request is served must serve a full written response to the request within 20 days after receipt of the request. The presiding officer, on motion and for good cause shown, may extend or shorten the time for providing responses.

(2) Requirements of response.

(A) Each response to discovery under this subsection must identify the preparer or person under whose direct supervision the response was prepared, and the sponsoring witness, if any.

(B) Each request for information must be answered separately. Responses to requests for information must be preceded by the request to which the answer pertains.

(C) Responses to requests for production of documents, property, or other items, must state, for each item or category of items for which an objection has not been raised, that inspection or other requested action will be permitted at a mutually convenient time at the location where the documents, property, or other items are maintained. If compliance with the request is impossible, a written response must be filed stating the reasons for the unavailability of the information.

(D) Where the response to a request for information may be derived or ascertained from local public records, the responding party is not be obligated to produce the documents for the requesting party. It is a sufficient answer to identify with particularity the public records that contain the requested information.

(E) Where a request may be answered by production of or reference to information that currently exists in the form of a docu-

ment, computer record, or other existing tangible thing, it is a sufficient answer to the request to specify the records from which the answer may be derived or ascertained and to afford a reasonable opportunity to the requesting party to examine, to audit or to inspect such records and to allow the requesting party to make copies, compilations, abstracts or summaries from such records. The specification of records provided must be consistent with the method specified under subsection (h) of this section and include sufficient detail to permit the requesting party to locate and to identify the records from which the answers may be ascertained.

(F) Responses to requests for information must be filed under oath, unless the responding party stipulates in writing that responses to requests for information can be treated by all parties as if the answers were filed under oath.

(d) Objections to requests for information. Parties must negotiate diligently and in good faith concerning any discovery dispute prior to filing an objection. The objections must include a statement that negotiations were conducted diligently and in good faith. If negotiation fails, objections to requests for information, if any, must be filed within ten days of receipt of the request for information. The objections must state the date the request for information was received.

(1) The objections must be a separate pleading and entitled "Objections of (name of objecting party) to (style of RFI objected to)." The request for information to which an objection is being filed must be stated and the specific grounds for the objection must be separately listed for each question. If an objection pertains only to a part of a question, that part must be clearly identified. All arguments upon which the objecting party relies must be presented in full in the objection.

(2) If the objection is founded upon a claim of privilege or exemption under the Texas Rules of Civil Procedure or Texas Rules of Evidence, the objecting party must file within two working days of the filing of the objections, an index that lists, for each document: the date and title of the document; the preparer or custodian of the information; to whom the document was sent and from whom it was received; and the privilege or exemption that is claimed. A full and complete explanation of the claimed privilege or exemption must be provided. The index must be sufficiently detailed to enable the presiding officer to identify the documents from the list provided. The index and explanations must be public documents and must be served on all parties who are entitled to receive copies of responses to requests for information under subsection (b)(2) of this section. If a document is to be provided pursuant to the terms of a protective order, the responding party need not comply with the procedures of this paragraph.

(3) A party raising objections on the grounds of relevance as well as grounds of privilege or exemption is not required to file an index to the privileged or exempt documents at the time the objections are filed. A party may instead include an objection to the filing of the index. The objections must show good cause for postponement of the filing of the index. An index to the privileged or exempt documents is due within five working days of receipt of an order denying the relevance objection or overruling the objection to the filing of an index.

(4) The requirement to respond to those requests, or portions thereof, to which objection is made will postponed until the objections are ruled upon and for such additional time thereafter as the presiding officer may direct.

(5) In the interests of narrowing discovery disputes, the responding party may agree to provide certain information sought by a request while objecting to the provision of other information sought by the request.

(e) Motions to compel. The party seeking discovery must file a motion to compel no later than five working days after an objection is filed. If an incomplete response is filed, the party seeking discovery must file a motion to compel no later than five working days after the incomplete response was filed. If, despite the requirement to provide a response, no response is filed, the party seeking discovery must file a motion to compel no later than five working days after the response was due. Absence of a motion to compel will be construed as an indication that the parties have resolved their dispute. The presiding officer may rule on the motion to compel based on written pleadings without allowing additional argument.

(f) Responses to motions to compel. Responses to a motion to compel must be filed within five working days after receipt of the motion and must include all factual and legal arguments the respondent wants to present regarding the motion.

(g) In camera inspection. If an objection is founded on a claim of privilege or an exemption under the Texas Rules of Civil Procedure or Texas Rules of Evidence, the burden is on the objecting party to request an in camera inspection and to provide the documents for review. Any request must be filed within three working days of the receipt of the motion to compel. The request must contain the factual and legal bases to support the claimed exemption or privilege. The objecting party must review the documents and note with specificity any portions to which the claimed privilege or exemption claim does not apply. The objecting party must provide the documents to the presiding officer, under seal, no later than one working day after it requests an in camera inspection. Documents submitted for in camera review must not be filed with Central Records. Documents submitted for in camera review must be submitted to the presiding officer and enclosed in a sealed and labeled container accompanied by an explanatory cover letter. The cover letter must identify the control number and style of the proceeding and explain the nature of the sealed materials. The container must identify the control number, style of the case, name of the submitting party, and be marked "IN CAMERA REVIEW" in bold print at least one inch in size. Each page for which a privilege is asserted must be marked "privileged."

(h) Production of material responsive to requests for information. The following procedures apply to the production of materials responsive to requests for information unless otherwise specified by the presiding officer:

(1) A party responding to a request for information must make available all material responsive to the request to each party to that proceeding. A party responding to a request for information makes such material available by:

(A) serving a copy of all such responsive material to the other parties to the proceeding in the manner specified by §22.74 of this title; and

(B) with the exception of voluminous material as provided by paragraph (4) of this subsection, filing all such responsive material with the commission in the manner required by §22.71 of this title (relating to Commission Filing Requirements and Procedures) and, as applicable, §22.72 of this title (relating to Form Requirements for Documents Filed with the Commission).

(2) In addition to the required methods of production specified under subparagraphs (1)(A) and (1)(B) of this section, a party responding to a request for information may also make available materials responsive to such a request in a form and manner agreed to by the parties.

(3) Material responsive to a request for discovery must, at a minimum, be:

(A) consecutively categorized or classified (e.g., "Attachment A");

(B) labelled or cross-referenced by request for information number and subpart (e.g., "Responsive to RFI 1-1"); and

(C) sequentially ordered by page or bates number.

(4) A party providing materials that individually are 100 pages or greater must include with its response a detailed index of the material responsive to a particular question and must organize the responses and material to enable parties to efficiently review the material. The index must include:

(A) information sufficient to locate each individual document by page or file number;

(B) the title of the document, or, if none exists, a description of the document;

(C) the name of the sponsoring witness; and

(D) the length of each document.

(5) If a party responding to a request for information does not provide an index required under paragraph (4) of this subsection, the party filing the request for information may file a motion to compel the responding party to produce such an index.

(i) Duty to supplement. A responding party is under a continuing duty to supplement its discovery responses if that party acquires information upon the basis of which the party knows or should know that the response was incorrect or incomplete when made, or though correct or complete when made, is materially incorrect or incomplete. The responding party must amend its prior response within five working days of acquiring the information.

(j) Requests for admission of facts. Requests for admission of facts must be made in accordance with the Texas Rules of Civil Procedure.

(k) Modifications of deadlines. Modification of the deadlines for responses, objections, and motions to compel may be modified by agreement of the affected parties, by filing a letter or other document evidencing the agreement.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Seaver Myers
Rules Coordinator
Public Utility Commission of Texas
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For further information, please call: (512) 936-7433

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SUBCHAPTER I. SANCTIONS

16 TAC §22.161, §22.162

The new and amended rules are adopted under the following provisions of PURA: §14.001 and Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; PURA §14.002 001 and Texas Water Code §13.041(a), which provides the commission with the authority to make adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.052 and Texas Water Code §13.041(b), which requires the commission to adopt and enforce rules governing practice and procedure before the commission and SOAH. The amended rules are also adopted under PURA §36.110 and §53.110 which establish the authority and procedure for an electric utility to impose changed rates in certain circumstances by filing a bond with the commission; PURA §15.024 which provides the commission with the authority to assess and impose an administrative penalty against a person who fails to timely respond to a written notice summarizing an alleged violation and a corresponding recommended penalty; and Texas Government Code, Subchapter D §2001.081-103 which govern the usage of and procedures for evidence, witnesses and discovery for contested cases held at agencies of the State of Texas.

Cross reference to statutes: Public Utility Regulatory Act §§14.001, 14.002, 14.052, and Texas Water Code §13.041(a) and (b); PURA 15.024, 36.110, 53,110; and Texas Government Code, Subchapter D §2001.081-103.

§22.161. Sanctions.

(a) Causes for imposition of sanctions. After notice and an opportunity for a hearing, a presiding officer, on the presiding officer's own motion or on the motion of a party, may impose appropriate sanctions against a party or its representative for the reasons specified under this subsection. If a hearing on the motion for sanctions is requested, one or more commissioners or a SOAH administrative law judge must hold a sanction hearing for purposes of this section. Sanctions may be imposed for:

(1) filing a motion or pleading that was brought in bad faith, for the purpose of harassment, or for any other improper purpose, such as to cause unnecessary delay or needless increase in the cost of the proceeding;

(2) abusing the discovery process in seeking, making, or resisting discovery; or

(3) failing to obey an order of an administrative law judge or the commission.

(b) Types of sanctions. A sanction imposed under subsection (b) of this section may include, as appropriate and justified, issuance of an order:

(1) disallowing further discovery of any kind or a particular kind by the offending party;

(2) charging all or any part of the expenses of discovery against the offending party or its representative;

(3) holding that designated facts be deemed admitted for purposes of the proceeding;

(4) refusing to allow the offending party to support or oppose a designated claim or defense or prohibiting the party from introducing designated matters in evidence;

(5) disallowing in whole or in part requests for relief by the offending party and excluding evidence in support of such requests;

(6) requiring the offending party or its representative to pay, at the time ordered by the administrative law judge, the reasonable

expenses, including attorney's fees, incurred by other parties because of the sanctionable behavior;

(7) striking pleadings or testimony, or both, in whole or in part, or staying further proceedings until the order is obeyed;

(8) limiting or disallowing the offending party's rights to participate in the proceeding;

(9) dismissing the application with or without prejudice; and

(10) imposing any other sanction available to the presiding officer by law.

(c) Procedure for seeking sanctions. A motion for sanctions may be filed at any time during the proceeding or may be initiated *sua sponte* by the presiding officer. A motion to compel discovery is not a prerequisite to the filing of a motion for sanctions. A motion should contain all factual allegations necessary to apprise the parties and the presiding officer of the conduct at issue, should request specific relief, and must be verified by affidavit. A motion must be served on all parties. Any order regarding sanctions issued by a presiding officer is appealable pursuant to §22.123 of this title (relating to Appeal of an Interim Order and Motions for Reconsideration of Interim Order Issued by the Commission). Any sanction imposed by the administrative law judge may be stayed to allow the party to appeal the imposition of the sanction to the commission.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER J. SUMMARY PROCEEDINGS

16 TAC §§22.181 - 22.183

The amended rules are adopted under the following provisions of PURA: §14.001 and Texas Water Code §13.041(a), which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; PURA §14.002 001 and Texas Water Code §13.041(a), which provides the commission with the authority to make adopt and enforce rules reasonably required in the exercise of its powers and jurisdiction; PURA §14.052 and Texas Water Code §13.041(b), which requires the commission to adopt and enforce rules governing practice and procedure before the commission and SOAH. The amended rules are also adopted under PURA §36.110 and §53.110 which establish the authority and procedure for an electric utility to impose changed rates in certain circumstances by filing a bond with the commission; PURA §15.024 which provides the commission with the authority to assess and impose an administrative penalty against a person who fails to timely respond to a written notice summarizing an alleged violation and a corresponding recommended penalty; and Texas Government Code, Subchapter D §2001.081-103 which govern the usage of and procedures for evidence, witnesses and discovery for contested cases held at agencies of the State of Texas.

Cross reference to statutes: Public Utility Regulatory Act §§14.001, 14.002, 14.052, and Texas Water Code §13.041(a) and (b); PURA 15.024, 36.110, 53,110; and Texas Government Code, Subchapter D §2001.081-103.

§22.181. Dismissal of a Proceeding.

(a) Dismissal of a proceeding. Upon the motion of the presiding officer or the motion of any party, the presiding officer may recommend that the commission dismiss, with or without prejudice, any proceeding for any reason specified in this section.

(b) Dismissal of issues within a proceeding. Upon the motion of the presiding officer or the motion of any party, the presiding officer may dismiss or may recommend that the commission dismiss, with or without prejudice, one or more issues within a proceeding for any reason specified in this section.

(c) Dismissal without hearing. A dismissal under this section requires a hearing unless the facts necessary to support the dismissal are uncontested or are established as a matter of law.

(d) Reasons for dismissal. Dismissal of a proceeding or one or more issues within a proceeding may be based on one or more of the following reasons:

(1) lack of jurisdiction;

(2) moot questions or obsolete petitions;

(3) res judicata;

(4) collateral estoppel;

(5) unnecessary duplication of proceedings;

(6) failure to prosecute;

(7) failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient;

(8) failure to state a claim for which relief can be granted;

(9) gross abuse of discovery consistent with §22.161(b)(2) of this title (relating to Sanctions);

(10) withdrawal of an application consistent with subsection (g) of this section; or

(11) other good cause shown.

(e) Motion for dismissal, responses, and replies. Dismissal of a proceeding or one or more issues within a proceeding may be made upon the motion of the presiding officer or the motion of any party.

(1) A party's motion for dismissal must specify at least one of the grounds for dismissal identified in subsection (d) of this section. The motion must include a statement that explains the basis for the dismissal and, if necessary:

(A) A statement that sets forth the material facts that support the motion; and

(B) An affidavit that supports the motion and that includes evidence that is not found in the then-existing record.

(2) A presiding officer's motion must be provided by written order or stated in the record and must specify one or more grounds

for dismissal identified in subsection (d) of this section and a clear and concise statement of the material facts supporting the dismissal.

(3) The party that initiated the proceeding and any other party has 20 days from the date of receipt to respond to a motion to dismiss unless the presiding officer specifies otherwise. The response must contain a statement of reasons the party contends the motion to dismiss should not be granted, and if necessary

(A) A statement that refers to each material fact identified in the motion to dismiss as uncontested that the responding party contends is contested; and

(B) An affidavit that supports the response to the motion to dismiss and that includes evidence the party relies upon to establish contested issues of fact. The affidavit may include evidence that is not found in the then-existing record.

(4) Replies to a response to a motion to dismiss may be made only by leave of and as directed by the presiding officer.

(f) Action on a motion to dismiss. Action on a motion to dismiss must conform to this subsection.

(1) If a hearing on the motion to dismiss is held, that hearing must be confined to the issues raised by the motion to dismiss.

(2) If the administrative law judge determines that all issues within a proceeding should be dismissed, the administrative law judge must prepare a proposal for decision in accordance with §22.261 of this title (relating to Proposals for Decision) to that effect, unless the reason for dismissal is solely one of the following:

(A) the withdrawal of an application under subsection (g)(1), (2), or (3) of this section; or

(B) either failure to prosecute under subsection (d)(6) of this section or failure to amend an application such that it is sufficient after repeated determinations that the application is insufficient under subsection (d)(7) of this section, or both, and the dismissal is without prejudice.

(3) For dismissal under paragraphs (2)(A) and (2)(B) of this subsection, the administrative law judge may issue an order dismissing the proceeding. An order issued under this paragraph is a final order of the commission and is subject to motions for rehearing under §22.264 of this title (relating to Rehearing).

(4) The commission will consider a proposal for decision recommending dismissal as soon as is practicable.

(5) If the commission determines that all issues within a proceeding should be dismissed, the commission will issue an order subject to motions for rehearing under §22.264 of this title.

(6) If the administrative law judge determines that one or more, but not all, issues within a proceeding should be dismissed, the administrative law judge may issue a proposal for interim decision or an interim order dismissing such issues. An interim order issued by the administrative law judge resulting in partial dismissal is subject to appeal or reconsideration under §22.123 of this title (relating to Appeal of an Interim Order and Motions for Reconsideration of Interim Order Issued by the Commission). If the commission determines that one or more, but not all, issues within a proceeding should be dismissed, the commission may issue an interim order dismissing such issues. An interim order issued by the commission resulting in partial dismissal is subject to appeal or reconsideration under §22.123 of this title.

(g) Withdrawal of application. An application may be withdrawn only in accordance with this subsection.

(1) A party that initiated a proceeding may withdraw its application without prejudice to refiling of same, at any time before that party has presented its direct case. A party may agree to withdraw its application with prejudice.

(2) After the presentation of its direct case, but prior to the issuance of a proposed order or proposal for decision, a party may request to withdraw its application with or without prejudice, and withdrawal may be granted only upon a finding of good cause by the presiding officer.

(3) The presiding officer may grant a request to withdraw an application with or without prejudice after a proposed order or proposal for decision has been issued if the request to withdraw is filed by the applicant and the applicant's application would be granted by the proposed order or proposal for decision.

(4) A request to withdraw an application with or without prejudice after a proposed order or proposal for decision has been issued that is filed by an applicant to whom the result of the proposed order or proposal for decision is adverse may be granted only upon a finding of good cause by the commission. In ruling on the request, the commission will weigh the importance of the matter being addressed to the jurisprudence of the commission and the public interest.

(5) A request to withdraw an application with or without prejudice after the application has been placed on an open meeting agenda for consideration of an appeal of an interim order, a request for certified issues, or a preliminary order with threshold legal or policy issues may be granted only upon a finding of good cause by the commission. In ruling on the request, the commission will weigh the importance of the matter being addressed to the jurisprudence of the commission and the public interest.

(6) If a request to withdraw an application is granted, the presiding officer must issue an order of dismissal stating whether the dismissal is with or without prejudice. If the presiding officer finds good cause, the order of dismissal under this paragraph must not be with prejudice, unless the applicant requests dismissal with prejudice. Such order must, if applicable, specify the facts on which good cause is based and the basis of the dismissal and is the final order of the commission subject to motions for rehearing under §22.264 of this title.

§22.182. Summary Decision.

(a) Motion for summary decision. The presiding officer, on motion by any party, may grant a motion for summary decision on any or all issues to the extent that the pleadings, affidavits, materials obtained by discovery or otherwise, admissions, matters officially noticed in accordance with §22.222 of this title (relating to Official Notice), or evidence of record show that there is no genuine issue as to any material fact and that the moving party is entitled to a decision in its favor, as a matter of law, on the issues expressly set forth in the motion.

(b) Filing and contents of motion. Any party to a proceeding may move for summary decision on any or all of the issues. The motion must be filed before the close of the hearing on the merits or before the issuance of a proposal for decision or proposed order if no hearing is held, unless the time to file is extended by order of the presiding officer. The party filing the motion must demonstrate that the issue or issues may be resolved by summary decision in accordance with the standard set forth in subsection (a) of this section. Affidavits in support of the motion must be based on personal knowledge and must set forth such facts as would be admissible in evidence. A motion for summary decision must specifically describe the facts upon which the request for summary decision is based, the information and materials which demonstrate those facts, and the laws or legal theories that entitle the movant to summary decision.

(c) Response to motion. Any response to a motion for summary decision must be filed within 20 days from the date of receipt of the motion for summary decision, unless otherwise ordered by the presiding officer. A party opposing the motion must show, by affidavits, materials obtained by discovery or otherwise, admissions, matters officially noticed, or evidence of record, that there is a genuine issue of material fact for determination at the hearing, or that summary decision is inappropriate as a matter of law.

(d) Hearing on the motion not required. While a hearing on the motion for summary decision is not required, the presiding officer may set the motion for a hearing.

(e) No further hearing. No further evidentiary hearing shall be held on issues for which summary decision has been granted.

(f) Action on the motion by administrative law judge. The administrative law judge must issue a proposal for decision if all issues will be resolved by summary decision. The administrative law judge may issue an interim order or a proposal for interim decision if some, but not all, issues will be resolved by summary decision. Such a partial summary decision may result if the motion for summary decision does not include all issues or, if the motion does include all issues, the administrative law judge grants summary decision on some issues and denies summary decision on other issues. Parties may file exceptions and replies to exceptions to a proposal for interim decision recommending resolution of issues by summary decision. An interim order issued by the administrative law judge granting partial summary decision is subject to appeal or reconsideration under §22.123 of this title (relating to Appeal of an Interim Order and Motions for Reconsideration of Interim Order Issued by the Commission).

(g) Action on the motion by the commission. If all issues will be resolved by summary decision, the commission will issue an order that is subject to motions for rehearing under §22.264 of this title (relating to Motions for Rehearing). An interim order issued by the commission granting partial summary decision is subject to reconsideration under §22.123 of this title.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TITLE 22. EXAMINING BOARDS

PART 5. STATE BOARD OF DENTAL EXAMINERS

CHAPTER 101. DENTAL LICENSURE

22 TAC §101.1

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §101.1, pertaining to general qualifications for dental licensure. The amendment is adopted without changes to the proposed text as published in the January 23, 2026, issue of the *Texas Register* (51 TexReg 390) and will not be republished. The adopted amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for dental licensure. The adopted amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice dentistry in Texas. The adopted amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a license may be issued or renewed.

The Texas Dental Association (TDA) did not specifically indicate whether it was in support or opposition of the rule as proposed. TDA provides that the proposed amendments appropriately require confirmation of citizenship or lawful work authorization. The process for submitting that documentation should be clear, consistent, and efficient for both new licensure/registrant applicants and those seeking renewal. Texas dental schools and allied oral health training programs rely heavily on the expertise and didactic and clinical teaching capability of internationally educated faculty. Implementation should therefore preserve rigorous verification standards while minimizing avoidable administrative friction, ensuring that qualified foreign educators can continue to contribute to the state's dental education pipeline without unnecessary disruption.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

The Texas House Democratic Caucus (TXHDC) submitted a written comment in opposition of adoption of the rule as proposed. The TXHDC is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will increase the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. Texans living in shortage areas struggle with limited access to care, resulting in longer wait times for appointments, travel challenges for patients, and an overall gap in preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Texas State Representative John Bryant submitted a written comment in opposition of adoption of the rule as proposed. Mr. Bryant is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will exacerbate the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. For Texans in these shortage areas, limited access translates to grueling travel times and a lack of preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Dr. Austin Lee, DMD submitted a written comment in opposition of adoption of the rule as proposed. Dr. Lee provides that this may be a part of an effort to eliminate and limit H1B. Many universities rely financially on their international dentist education program. He believes the rule would bar any graduating non-US citizen dental students to be able to obtain a Texas license, and the rule could affect universities in a way that they may need to shut down or lose students in the international programs.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. H-1B is a separate program that is controlled by the federal government. No changes to the rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Casey Nichols
Executive Director
State Board of Dental Examiners
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For further information, please call: (737) 363-2320

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CHAPTER 103. DENTAL HYGIENE LICENSURE

22 TAC §103.1

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §103.1, pertaining to general qualifications for hygiene licensure. The amendment is adopted without changes to the proposed text as published in the January 23, 2026, issue of the *Texas Register* (51 TexReg 391) and will not be republished. The adopted amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for hygiene licensure. The adopted amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice hygiene in Texas. The adopted amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a license may be issued. The adopted amendment also corrects a grammatical error.

The Texas Dental Association (TDA) did not specifically indicate whether it was in support or opposition of the rule as proposed. TDA provides that the proposed amendments appropriately require confirmation of citizenship or lawful work authorization. The process for submitting that documentation should be clear, consistent, and efficient for both new licensure/registrant applicants and those seeking renewal. Texas dental schools and allied oral health training programs rely heavily on the expertise and didactic and clinical teaching capability of internationally educated faculty. Implementation should therefore preserve rigorous verification standards while minimizing avoidable administrative friction, ensuring that qualified foreign educators can continue to contribute to the state's dental education pipeline without unnecessary disruption.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

The Texas House Democratic Caucus (TXHDC) submitted a written comment in opposition of adoption of the rule as proposed. The TXHDC is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will increase the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. Texans living in shortage areas struggle with limited access to care, resulting in longer wait times for appointments, travel challenges for patients, and an overall gap in preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Texas State Representative John Bryant submitted a written comment in opposition of adoption of the rule as proposed. Mr. Bryant is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will exacerbate the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. For Texans in these shortage areas, limited access translates to grueling travel times and a lack of preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Dr. Austin Lee, DMD submitted a written comment in opposition of adoption of the rule as proposed. Dr. Lee provides that this may be a part of an effort to eliminate and limit H1B. Many universities rely financially on their international dentist education program. He believes the rule would bar any graduating non-US citizen dental students to be able to obtain a Texas license, and the rule could affect universities in a way that they may need to shut down or lose students in the international programs.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. H-1B is a separate program that is

controlled by the federal government. No changes to the rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600857
Casey Nichols
Executive Director
State Board of Dental Examiners
Effective date: March 15, 2026
Proposal publication date: January 23, 2026
For further information, please call: (737) 363-2320

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CHAPTER 114. EXTENSION OF DUTIES OF AUXILIARY PERSONNEL--DENTAL ASSISTANTS

22 TAC §114.6

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §114.6, pertaining to general qualifications for dental assistant registration or certification. The amendment is adopted with changes to the proposed text as published in the January 23, 2026, issue of the *Texas Register* (51 TexReg 393) and will be republished. The adopted amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for a dental assistant registration or certification. The adopted amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice in Texas. The adopted amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a registration or certification may be issued. The adopted amendment also corrects grammatical errors.

The Texas Dental Association (TDA) did not specifically indicate whether it was in support or opposition of the rule as proposed. TDA provides that the proposed amendments appropriately require confirmation of citizenship or lawful work authorization. The process for submitting that documentation should be clear, consistent, and efficient for both new licensure/registrant applicants and those seeking renewal. Texas dental schools and allied oral health training programs rely heavily on the expertise and didactic and clinical teaching capability of internationally educated faculty. Implementation should therefore preserve rigorous verification standards while minimizing avoidable administrative friction, ensuring that qualified foreign educators can continue to contribute to the state's dental education pipeline without unnecessary disruption.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

The Texas House Democratic Caucus (TXHDC) submitted a written comment in opposition of adoption of the rule as proposed. The TXHDC is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will increase the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. Texans living in shortage areas struggle with limited access to care, resulting in longer wait times for appointments, travel challenges for patients, and an overall gap in preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Texas State Representative John Bryant submitted a written comment in opposition of adoption of the rule as proposed. Mr. Bryant is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will exacerbate the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. For Texans in these shortage areas, limited access translates to grueling travel times and a lack of preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Dr. Austin Lee, DMD submitted a written comment in opposition of adoption of the rule as proposed. Dr. Lee provides that this may be a part of an effort to eliminate and limit H1B. Many universities rely financially on their international dentist education program. He believes the rule would bar any graduating non-US citizen dental students to be able to obtain a Texas license, and the rule could affect universities in a way that they may need to shut down or lose students in the international programs.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. H-1B is a separate program that is controlled by the federal government. No changes to the rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

§114.6. General Qualifications for Registration or Certification.

(a) Any person who desires to provide dental assistant services requiring registration or certification must obtain the proper registration or certification issued by the Board before providing the services, ex-

cept as provided in Texas Occupations Code §265.001(d) and §114.11 of this chapter.

(b) Any applicant for registration or certification must meet the requirements of this chapter.

(c) To be eligible for registration or certification, an applicant must provide with an application form approved by the Board satisfactory proof to the Board that the applicant:

(1) has fulfilled all requirements for registration or certification outlined in this chapter;

(2) has submitted documentation of proof of United States citizenship, legal permanent residency in the United States, or federal work authorization. This requirement applies for initial and renewal applications. The applicant must submit one of the following:

(A) a valid, unexpired driver's license or state identification certificate issued by a state or territory of the United States that complies with the minimum document requirements and issuance standards for federal recognition under the REAL ID Act of 2005, Public Law 109-13, unless the driver's license is marked "Limited Term" or "Temporary";

(B) a valid, unexpired driver's license or state identification certificate that does not comply with REAL ID issued by one of the following states: Alabama, Alaska, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, or Wyoming;

(C) a valid passport. Valid passport is defined as:

(i) an unexpired passport or passport card issued by the United States government; or

(ii) an unexpired passport issued by the government of another country accompanied by a current permanent resident card or unexpired immigrant visa issued by the United States Department of Homeland Security;

(D) a valid, unexpired license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(E) a United States Certificate of Naturalization (Form N-550 or N-570); or

(F) a United States Certificate of Citizenship (Form N-560 or N-561);

(3) has met the requirements of §101.8 of this title (relating to Persons with Criminal Backgrounds);

(4) has not had any disciplinary action taken in this state or any other jurisdiction;

(5) has successfully completed a current course in basic life support;

(6) has taken and passed the jurisprudence assessment administered by the Board or an entity designated by the Board within one year immediately prior to application;

(7) has paid all application, examination and registration or certification fees required by the Dental Practice Act and Board rules;

(8) has completed a course in human trafficking prevention approved by the executive commissioner of the Texas Health and Human Services Commission; and

(9) has submitted a National Practitioner Data Bank self-query report upon initial registration or certification. The report results must remain in the original sealed envelope.

(d) Applications for dental assistant registration and certification must be delivered to the office of the State Board of Dental Examiners.

(e) An application for dental assistant registration or certification is filed with the Board when it is actually received, date-stamped, and logged-in by the Board along with all required documentation and fees. An incomplete application will be returned to the applicant with an explanation of additional documentation or information needed.

(f) The Board may refuse to issue a registration or certificate or may issue a conditional registration or certificate to any individual who does not meet the requirements of subsection (c)(3) or (4) of this section, or who:

(1) presents to the Board fraudulent or false evidence of the person's qualification for registration or certification;

(2) is guilty of any illegality, fraud, or deception during the process to secure a registration or certification;

(3) is habitually intoxicated or is addicted to drugs;

(4) commits a dishonest or illegal practice in or connected to dentistry;

(5) is convicted of a felony under federal law or law of this state; or

(6) is found to have violated a law of this state relating to the practice of dentistry within the 12 months preceding the date the person filed an application for a registration or certification.

(g) If the Board chooses to issue a conditional registration or certificate, the individual may be required to enter into an agreed settlement order with the Board at the time the registration or certificate is issued.

(1) The order may include limitations including, but not limited to, practice limitations, stipulations, compliance with court ordered conditions, notification to employer or any other requirements the Board recommends to ensure public safety.

(2) In the event an applicant is uncertain whether he or she is qualified to obtain a dental assistant registration or certification due to criminal conduct, the applicant may request a Criminal History Evaluation Letter in accordance with §114.9 of this chapter, prior to application.

(3) Should the individual violate the terms of his or her conditional registration or certificate, the Board may take additional disciplinary action against the individual.

(h) An applicant whose application is denied by the Board may appeal the decision to the State Office of Administrative Hearings.

(i) An individual whose application for dental assistant registration/certification is denied is not eligible to file another application for registration/certification until the expiration of one year from the date of denial or the date of the Board's order denying the application for registration/certification, whichever date is later.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600858
Casey Nichols
Executive Director
State Board of Dental Examiners
Effective date: March 15, 2026
Proposal publication date: January 23, 2026
For further information, please call: (737) 363-2320

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CHAPTER 116. DENTAL LABORATORIES

22 TAC §116.3

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §116.3, pertaining to registration and renewal of dental laboratories. The amendment is adopted without changes to the proposed text as published in the January 23, 2026, issue of the *Texas Register* (51 TexReg 395) and will not be republished. The adopted amendment requires certain personal identification documents that an individual applicant must submit in an initial and renewal application for a dental laboratory registration. The adopted amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to own a dental laboratory in Texas. The adopted amendment would require the applicant to submit appropriate documentation verifying legal presence and work authorization before a dental laboratory registration may be issued or renewed. Additionally, the adopted amendment removes references to the Dental Laboratory Certification Council (DLCC). Chapter 266 of the Texas Occupations Code pertaining to the regulation of dental laboratories was amended by Senate Bill 313 of the 85th Texas Legislature, Regular Session (2017). The bill repealed chapter sections that referenced the DLCC. The Board no longer uses the council.

The Texas Dental Association (TDA) did not specifically indicate whether it was in support or opposition of the rule as proposed. TDA provides that the proposed amendments appropriately require confirmation of citizenship or lawful work authorization. The process for submitting that documentation should be clear, consistent, and efficient for both new licensure/registrant applicants and those seeking renewal. Texas dental schools and allied oral health training programs rely heavily on the expertise and didactic and clinical teaching capability of internationally educated faculty. Implementation should therefore preserve rigorous verification standards while minimizing avoidable administrative friction, ensuring that qualified foreign educators can continue to contribute to the state's dental education pipeline without unnecessary disruption.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

The Texas House Democratic Caucus (TXHDC) submitted a written comment in opposition of adoption of the rule as proposed. The TXHDC is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will increase the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. Texans living in shortage areas struggle with limited access to care, resulting in longer wait times for appointments, travel challenges for patients, and an overall gap in preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Texas State Representative John Bryant submitted a written comment in opposition of adoption of the rule as proposed. Mr. Bryant is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will exacerbate the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. For Texans in these shortage areas, limited access translates to grueling travel times and a lack of preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Dr. Austin Lee, DMD submitted a written comment in opposition of adoption of the rule as proposed. Dr. Lee provides that this may be a part of an effort to eliminate and limit H1B. Many universities rely financially on their international dentist education program. He believes the rule would bar any graduating non-US citizen dental students to be able to obtain a Texas license, and the rule could affect universities in a way that they may need to shut down or lose students in the international programs.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. H-1B is a separate program that is controlled by the federal government. No changes to the rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600859
Casey Nichols
Executive Director
State Board of Dental Examiners
Effective date: March 15, 2026
Proposal publication date: January 23, 2026
For further information, please call: (737) 363-2320

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CHAPTER 117. FACULTY AND STUDENTS IN ACCREDITED DENTAL SCHOOLS

22 TAC §117.2

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §117.2, pertaining to dental faculty licensure. The amendment is adopted without changes to the proposed text as published in the January 23, 2026, issue of the *Texas Register* (51 TexReg 396) and will not be republished. The adopted amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for dental faculty licensure. The adopted amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice as a faculty dentist in Texas. The adopted amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a faculty license may be issued.

The Texas Dental Association (TDA) did not specifically indicate whether it was in support or opposition of the rule as proposed. TDA provides that the proposed amendments appropriately require confirmation of citizenship or lawful work authorization. The process for submitting that documentation should be clear, consistent, and efficient for both new licensure/registrant applicants and those seeking renewal. Texas dental schools and allied oral health training programs rely heavily on the expertise and didactic and clinical teaching capability of internationally educated faculty. Implementation should therefore preserve rigorous verification standards while minimizing avoidable administrative friction, ensuring that qualified foreign educators can continue to contribute to the state's dental education pipeline without unnecessary disruption.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

The Texas House Democratic Caucus (TXHDC) submitted a written comment in opposition of adoption of the rule as proposed. The TXHDC is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will increase the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. Texans living in shortage areas struggle with limited access to care, resulting in longer wait times for appointments, travel challenges for patients, and an overall gap in preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Texas State Representative John Bryant submitted a written comment in opposition of adoption of the rule as proposed. Mr. Bryant is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will exacerbate the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. For Texans in these shortage areas, limited access translates to grueling travel times and a lack of preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Dr. Austin Lee, DMD submitted a written comment in opposition of adoption of the rule as proposed. Dr. Lee provides that this may be a part of an effort to eliminate and limit H1B. Many universities rely financially on their international dentist education program. He believes the rule would bar any graduating non-US citizen dental students to be able to obtain a Texas license, and the rule could affect universities in a way that they may need to shut down or lose students in the international programs.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. H-1B is a separate program that is controlled by the federal government. No changes to the rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600860
Casey Nichols
Executive Director
State Board of Dental Examiners
Effective date: March 15, 2026
Proposal publication date: January 23, 2026
For further information, please call: (737) 363-2320

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22 TAC §117.3

The State Board of Dental Examiners (Board) adopts this amendment to 22 TAC §117.3, pertaining to dental hygiene faculty licensure. The amendment is adopted without changes to the proposed text as published in the January 23, 2026, issue of the *Texas Register* (51 TexReg 398) and will not be republished. The adopted amendment requires certain personal identification documents that an applicant must submit in an initial and renewal application for dental hygiene faculty licensure. The adopted amendment is necessary to ensure that the applicant's personal identification document is valid and that the applicant is legally eligible to practice as a faculty hygienist in Texas. The adopted amendment would require applicants to submit appropriate documentation verifying legal presence and work authorization before a faculty license may be issued.

The Texas Dental Association (TDA) did not specifically indicate whether it was in support or opposition of the rule as proposed. TDA provides that the proposed amendments appropriately require confirmation of citizenship or lawful work authorization. The process for submitting that documentation should be clear, consistent, and efficient for both new licensure/registrant applicants and those seeking renewal. Texas dental schools and allied oral health training programs rely heavily on the expertise and didactic and clinical teaching capability of internationally educated faculty. Implementation should therefore preserve rigorous verification standards while minimizing avoidable administrative friction, ensuring that qualified foreign educators can continue to contribute to the state's dental education pipeline without unnecessary disruption.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

The Texas House Democratic Caucus (TXHDC) submitted a written comment in opposition of adoption of the rule as proposed. The TXHDC is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will increase the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. Texans living in shortage areas struggle with limited access to care, resulting in longer wait times for appointments, travel challenges for patients, and an overall gap in preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Texas State Representative John Bryant submitted a written comment in opposition of adoption of the rule as proposed. Mr. Bryant is concerned that the proposed changes will hinder the Board's ability to process and approve licensing applications efficiently, which will exacerbate the shortage of dental professionals in Texas. According to the Health Resources & Services Administration (HRSA), approximately 2 million Texans live in a Dental Health Professional Shortage Area. The HRSA estimates only 28.99% of the state's dental care needs are being met, and, to address this gap, an estimated 368 additional dental practitioners are required. For Texans in these shortage areas, limited access translates to grueling travel times and a lack of preventative and restorative care.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. No changes to the rule were made as a result of the comment.

Dr. Austin Lee, DMD submitted a written comment in opposition of adoption of the rule as proposed. Dr. Lee provides that this may be a part of an effort to eliminate and limit H1B. Many universities rely financially on their international dentist education program. He believes the rule would bar any graduating non-US citizen dental students to be able to obtain a Texas license, and the rule could affect universities in a way that they may need to shut down or lose students in the international programs.

Board response: the Board anticipates that the proposed changes will not hinder the Board's ability to efficiently process licensing applications. H-1B is a separate program that is controlled by the federal government. No changes to the rule were made as a result of the comment.

This rule is adopted under Texas Occupations Code §254.001(a), which gives the Board authority to adopt rules necessary to perform its duties and ensure compliance with state laws relating to the practice of dentistry to protect the public health and safety.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600861
Casey Nichols
Executive Director
State Board of Dental Examiners
Effective date: March 15, 2026
Proposal publication date: January 23, 2026
For further information, please call: (737) 363-2320

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PART 6. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CHAPTER 137. COMPLIANCE AND PROFESSIONALISM FOR ENGINEERS

SUBCHAPTER D. FIRM AND GOVERNMENTAL ENTITY COMPLIANCE

22 TAC §137.75

The Texas Board of Professional Engineers and Land Surveyors (Board) adopts an amendment to 22 Texas Administrative Code, Chapter 137, Subchapter D, regarding firm and governmental entity compliance, specifically §137.75 Registration Renewal and Expiration. The Board adopts the amendment with no changes to the proposed text as published in the October 17, 2025, issue of the *Texas Register* (50 TexReg 6846). The rule will not be republished.

Pursuant to §2001.029 of the Texas Government Code, the Board gave all interested persons a reasonable opportunity to provide oral and/or written commentary concerning the adoption of the rules. The public comment period began on October 17, 2025, and ended November 16, 2025. The Board received no comments about this rule and adopts the rule with no changes to the proposal.

The rule is adopted pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600862
Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Effective date: March 15, 2026
Proposal publication date: October 17, 2025
For further information, please call: (512) 440-7723

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PART 8. TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

CHAPTER 153. RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT

22 TAC §§153.13, 153.21, 153.40

The Texas Appraiser Licensing and Certification Board (TALCB) adopts amendments to 22 TAC §153.13, Education Required for Licensing, §153.21, Appraiser Trainees and Supervisory Appraisers, and §153.40, Approval of Continuing Education Providers and Courses. The amendments are adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7830) and will not be republished.

The amendments to §153.13 clarify courses that are acceptable by the Board to satisfy the education requirements for licensure. The amendments to §153.21 clarify requirements related to supervisory appraisers and appraiser trainees, specifically, the amendments eliminate the requirement that the Appraiser Trainee/Supervisory Appraiser course be retaken by trainees and supervisory appraisers every four years, and that the course must be taken by an applicant prior to obtaining a trainee license. The amendments to §153.40 clarify requirements related to the duration of approval of Board approved courses and approval requirements for providers.

No comments were received regarding adoption of the amendments.

The amendments are adopted under Texas Occupations Code §1103.151, which authorizes TALCB to adopt rules related certifying or licensing an appraiser or appraiser trainee and qualifying education and experience required for certifying or licensing an appraiser or appraiser trainee that are consistent with applicable federal law and guidelines recognized by the Appraiser Qualifications Board (AQB); §1103.152, which authorizes TALCB to prescribe qualifications for appraisers that are consistent with the qualifications established by the AQB, and §1103.153, which authorizes TALCB to adopt rules relating to the requirements for approval of a provider or course for qualifying or continuing education.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 24, 2026.

TRD-202600900
Kathleen Santos
General Counsel
Texas Appraiser Licensing and Certification Board
Effective date: March 16, 2026
Proposal publication date: December 5, 2025
For further information, please call: (512) 936-3088

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PART 14. TEXAS OPTOMETRY BOARD

CHAPTER 271. EXAMINATIONS

22 TAC §271.4

The Texas Optometry Board (Board) adopts new rule 22 TAC Part 14 §271.4 - Licensing for Military Service Member, Military Veteran, and Military Spouse. The Board adopts this rule with one change to the proposed text as published in the January 2, 2026, issue of the *Texas Register* (51 TexReg 27). The adopted rule will be republished.

CHANGE TO TEXT

The one change to the text can be found in subsection (d). The word "is" is changed to "if" in the second sentence to read as follows: "The Board may deny an application if the applicant has a disqualifying criminal history." The published sentence previously read "The Board may deny an application is the applicant has a disqualifying criminal history."

EXPLANATION OF AND JUSTIFICATION FOR THE RULE

HB 5629 and SB 1818, adopted by the 89th Legislature, Regular Session, established new criteria for licensing agencies to consider upon receipt of an application by a member of the military, veteran or a military spouse. Both bills took effect on September 1, 2025.

The new rule incorporates the updated statutory provisions into language of the current rule (previously found at 22 TAC §273.14). The Board moved the language related to military licensing from Chapter 273 to Chapter 271 to consolidate agency rules related to licensing into the same chapter for ease of use by applicants and interested parties.

HB 5629 changes the threshold of military licensing from those that have licensing requirements that are substantially equivalent to instead require the Board to consider licenses that are similar in scope of practice and that are in good standing. HB 1818 requires the Board to immediately issue a 180-day provisional license to military applicants while an application for full licensure is pending.

COMMENTS

No comments were received on the proposed rule.

STATUTORY AUTHORITY

The Board adopts the rule pursuant to the authority found in §351.151 of the Tex. Occ. Code which vests the Board with

the authority to adopt rules necessary to perform its duties. The statutory provisions affected by the proposed rules are those set forth in Chapter 55 of the Tex. Occ. Code. No other sections are affected by the amendments.

§271.4. Licensing for Military Service Member, Military Veteran, and Military Spouse.

(a) The Board adopts by reference the definitions set forth in Chapter 55 of the Occupations Code.

(b) The Board has sole discretion in determining whether an applicant's out-of-state license is similar in scope to a license issued by the Board. Applicants may only practice optometry to the extent allowed by Texas law.

(c) To protect the health and safety of the citizens of this state, a license to practice optometry or therapeutic optometry requires a doctorate degree in optometry and passing scores on nationally accepted examinations. An alternative method to demonstrate competency is not available.

(d) An applicant under this section must pass a criminal-background check. The Board may deny an application if the applicant has a disqualifying criminal history.

(e) A person is in good standing with another state's licensing authority if the person:

(1) holds a license that is current, has not been suspended or revoked, and has not been voluntarily surrendered during an investigation for unprofessional conduct;

(2) has not been disciplined by the licensing authority with respect to the person's practice of optometry or therapeutic optometry; and

(3) is not currently under investigation by the licensing authority for unprofessional conduct related to the practice of optometry or therapeutic optometry.

(f) Alternate licensing procedure for military service member, military spouse, or military veteran authorized by Texas Occupations Code §55.004.

(1) A license shall be issued to a military service member, military veteran, or military spouse upon proof of one of the following:

(A) the applicant holds a current license in another state that is similar in scope of practice to Texas scope of practice and is in good standing with the other state's licensing authority; or

(B) within the five years preceding the application date, the applicant held the license sought in this state.

(2) As part of the application process, the Executive Director may waive any prerequisite for obtaining a license, other than the requirements listed in subsections (c) and (d) of this rule, if it is determined that the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought. No waiver may be granted where a military service member or military veteran holds a license issued by another jurisdiction that has been restricted.

(3) While a license application is being processed, the applicant shall be issued a provisional license to practice. The provisional license shall expire on the earlier of the date the agency approves or denies the license application or the 180th day after the date the provisional license is issued.

(4) Not later than 10 days after receipt of a complete application including required supplemental documents and fingerprint criminal history background check, the agency shall process the application.

(5) An applicant applying as a military spouse must submit proof of marriage to a military service member.

(6) The initial renewal date for a license issued pursuant to this rule shall be set in accordance with the agency's rule governing initial renewal dates.

(g) Recognition of out-of-state license of military service member or military spouse authorized by Texas Occupations Code §55.0041

(1) Notwithstanding any other law a military service member or military spouse may engage in the practice of optometry or therapeutic optometry without obtaining a Texas license if the applicant currently holds a license similar in scope of practice to Texas issued by the licensing authority of another state and is in good standing with that licensing authority.

(2) In order for an out-of-state license to be recognized, a military service member or military spouse must submit an application on a form prescribed by the Board that includes:

(A) a copy of the member's military orders showing relocation to Texas;

(B) if the applicant is a military spouse, a copy of the military spouse's marriage license and spouse's order showing relocation to Texas; 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 the applicable license 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 an applicable license.

(3) Not later than 10 days after receipt of an application for recognition of an out-of-state license, the agency shall notify the applicant:

(A) the agency recognizes the applicant's out-of-state license;

(B) the application is incomplete; or

(C) the agency is unable to recognize the applicant's out-of-state license because the agency does not issue a license similar in scope of practice to the applicant's license in another state or the applicant has a disqualifying criminal history.

(4) In order to ensure the public can verify if a person is recognized to practice optometry or therapeutic optometry in Texas, the Board will post the person's name and out of state license number on its website. The person is not considered licensed by the Board and no license verifications will be issued.

(5) A service member or military spouse authorized to practice with a recognized out of state license is subject to the enforcement authority granted under the Texas Optometry Act, and the laws and regulations applicable to a licensed provider.

(6) A service member or military spouse may practice under this recognized status only while the service member is stationed at a military installation in this state.

(7) In the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a former spouse who relied upon this rule to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date of confirmation referenced in paragraph (3)(A) of this subsection.

(8) In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.

(h) Pursuant to Texas Occupations Code §55.002, application fees are waived for military service members, military veterans, and military spouses. The applicant is responsible for paying any examination fees that are charged by a third-party examination vendor.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 24, 2026.

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Janice McCoy
Executive Director
Texas Optometry Board
Effective date: March 16, 2026
Proposal publication date: January 2, 2026
For further information, please call: (512) 305-8500

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CHAPTER 273. GENERAL RULES

22 TAC §273.14

The Texas Optometry Board (Board) adopts the repeal of 22 TAC Part 14 §273.14 -- License Applications for Military Service Member, Military Veteran, and Military Spouse. The Board repeals this rule with no changes as published in the January 2, 2026, issue of the *Texas Register* (51 TexReg 30). The repealed rule will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE REPEAL

HB 5629 and SB 1818, adopted by the 89th Legislature, Regular Session, established new criteria for licensing agencies to consider upon receipt of an application by a member of the military, veteran or a military spouse. Both bills took effect on September 1, 2025. In the scope of incorporating the new provisions of the legislation, the Board determined it makes sense to move the language found in the repealed rule to the same chapter of its rules related to licensing.

The substance of the language related to military licensing is being adopted in a separate submission with the *Texas Register*.

COMMENTS

No comments were received on the proposed repeal.

STATUTORY AUTHORITY

The Board repeals this rule pursuant to the authority found in §351.151 of the Tex. Occ. Code which vests the Board with the authority to adopt rules necessary to perform its duties. No other sections are affected by the amendments.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Janice McCoy
Executive Director
Texas Optometry Board
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For further information, please call: (512) 305-8500

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CHAPTER 279. INTERPRETATIONS

22 TAC §279.16

The Texas Optometry Board (Board) adopts amendments to 22 TAC Part 14 §279.16 - Telehealth Services. The Board adopts this rule with no changes to the proposed text as published in the January 2, 2026, issue of the *Texas Register* (51 TexReg 31). The adopted rule will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULE

The rule specifies the informed consent documentation that is required when licensees perform telehealth services for optometry. The Board adopts this rule in accordance with House Bill 1700 of the 89th Texas Legislature, Regular Session (2025), and Chapter 111, Texas Occupations Code.

The rule provides that informed consent for the provision of telehealth services shall be in writing with exceptions for audio-only consent, and must be maintained in the patient record. The rule lists minimum requirements for the informed consent statement.

COMMENTS

No comments were received on the proposed rule.

STATUTORY AUTHORITY

The Board adopts this rule pursuant to the authority found in §351.151 of the Tex. Occ. Code which vests the Board with the authority to adopt rules necessary to perform its duties. The statutory provisions affected by the adopted rule are those set forth in §111.004 of the Tex. Occ. Code. No other sections are affected by the amendments.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Janice McCoy
Executive Director
Texas Optometry Board
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For further information, please call: (512) 305-8500

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PART 21. TEXAS STATE BOARD OF EXAMINERS OF PSYCHOLOGISTS

CHAPTER 463. APPLICATIONS AND EXAMINATIONS

SUBCHAPTER B. LICENSING REQUIREMENTS

22 TAC §463.8

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §463.8, relating to Licensed Psychological Associate. Section 463.8 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 7994) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist. The amendments remove a requirement that an applicant preemptively identify transcript courses to Council staff, instead of on request. The adopted amendments also expand authorization to use up to 12 hours of graduate course credit from a secondary graduate degree program to meet licensure requirements. Finally, the adopted amendments remove language regarding remediating application deficiencies that are now superseded by Council Rule 882.14.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
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For further information, please call: (512) 305-7706

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22 TAC §463.9

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §463.9, relating to Licensure as a School Psychologist. Section 463.9 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 7996) and will not be republished.

Reasoned Justification.

The adopted amendments aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received two comments for the proposed rule change, supporting the change in terminology.

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Agency Response.

The agency appreciates the public comments in support of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
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For further information, please call: (512) 305-7706

22 TAC §463.11

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §463.11, relating to Supervised Experience Required for Licensure as a Psychologist. Section 463.11 is adopted with changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 7999) and will be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment supporting the proposed rule change as aligning with statute.

Agency Response.

The agency appreciates the public comments in support of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§463.11. Supervised Experience Required for Licensure as a Psychologist.

(a) Required Supervised Experience. In order to qualify for licensure, an applicant must submit proof of a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have been obtained through a formal internship that occurred within the applicant's doctoral degree program and at least 1,750 of which must have been received as a provisionally licensed psychologist (or under provisional trainee status under prior versions of this rule).

(1) A formal internship completed after the doctoral degree was conferred, but otherwise meeting the requirements of this rule, will be accepted for an applicant whose doctoral degree was conferred prior to September 1, 2017.

(2) The formal internship must be documented by the Director of Internship Training. Alternatively, if the Director of Internship Training is unavailable, the formal internship may be documented by a licensed psychologist with knowledge of the internship program and the applicant's participation in the internship program.

(3) Following conferral of a doctoral degree, 1,750 hours obtained or completed while employed in the delivery of psychological services in an exempt setting, while licensed or authorized to practice in another jurisdiction, or while practicing as a psychological associate or school psychologist in this state may be substituted for the minimum of 1,750 hours of supervised experience required as a provisionally licensed psychologist if the experience was obtained or completed under the supervision of a licensed psychologist. Post-doctoral supervised experience obtained without a provisional license or trainee status prior to September 1, 2016, may also be used to satisfy, either in whole or in part, the post-doctoral supervised experience required by this rule if the experience was obtained under the supervision of a licensed psychologist.

(b) Satisfaction of Post-doctoral Supervised Experience with Doctoral Program Hours.

(1) Applicants who received their doctoral degree from a degree program accredited by the American Psychological Association (APA), the Canadian Psychological Association (CPA), Psychological Clinical Science Accreditation System (PCSAS), or a substantially equivalent degree program, may count the following hours of supervised experience completed as part of their degree program toward the required post-doctoral supervised experience:

(A) hours in excess of 1,750 completed as part of the applicant's formal internship; and

(B) practicum hours certified by the doctoral program training director (or the director's designee) as meeting the following criteria:

(i) the practicum training is overseen by the graduate training program and is an organized, sequential series of supervised experiences of increasing complexity, serving to prepare the student for internship and ultimately licensure;

(ii) the practicum training is governed by a written training plan between the student, the practicum training site, and the graduate training program. The training plan must describe how the trainee's time is allotted and assure the quality, breadth, and depth of the training experience through specification of the goals and objectives of the practicum, the methods of evaluation of the trainee's performance, and reference to jurisdictional regulations governing the supervisory experience. The plan must also include the nature of supervision, the identities of the supervisors, and the form and frequency of feedback from the agency supervisor to the training faculty. A copy of the plan must be provided to the Council upon request;

(iii) the supervising psychologist must be a member of the staff at the site where the practicum experience takes place;

(iv) at least 50% of the practicum hours must be in service-related activities, defined as treatment or intervention, assessment, interviews, report-writing, case presentations, and consultations;

(v) individual face-to-face supervision shall consist of no less than 25% of the time spent in service-related activities;

(vi) at least 25% of the practicum hours must be devoted to face-to-face patient or client contact;

(vii) no more than 25% of the time spent in supervision may be provided by a licensed allied mental health professional or a psychology intern or post-doctoral fellow; and

(viii) the practicum must consist of a minimum of 15 hours of experience per week.

(2) Applicants applying for licensure under the substantial equivalence clause must submit an affidavit or unsworn declaration from the program's training director or other designated leader familiar with the degree program, demonstrating the substantial equivalence of the applicant's degree program to an APA, PCSAS, or CPA accredited program at the time of the conferral of applicant's degree.

(3) An applicant and the affiant or declarant shall appear before the agency in person to answer any questions, produce supporting documentation, or address any concerns raised by the application if requested by a council or board member or the Executive Director. Failure to comply with this paragraph shall constitute grounds for denial of substantial equivalency under this rule.

(c) General Requirements for Supervised Experience. All supervised experience for licensure as a psychologist, including the formal internship, must meet the following requirements:

(1) Each period of supervised experience must be obtained in not more than two placements, and in not more than 24 consecutive months.

(2) A formal internship with rotations, or one that is part of a consortium within a doctoral program, is considered to be one placement. A consortium is composed of multiple placements that have entered into a written agreement setting forth the responsibilities and financial commitments of each participating member, for the purpose of offering a well-rounded, unified psychology training program whereby trainees work at multiple sites, but obtain training from one primary site with some experience at or exposure to aspects of the other sites that the primary site does not offer.

(3) The supervised experience required by this rule must be obtained after official enrollment in a doctoral program.

(4) All supervised experience must be received from a psychologist licensed at the time supervision is received.

(5) The supervising psychologist must be trained in the area of supervision provided to the supervisee.

(6) Experience obtained from a psychologist who is related within the second degree of affinity or consanguinity to the supervisee may not be utilized to satisfy the requirements of this rule.

(7) All supervised experience obtained for the purpose of licensure must be conducted in accordance with all applicable Council rules.

(8) Unless authorized by the Council, supervised experience received from a psychologist practicing with a restricted license may not be utilized to satisfy the requirements of this rule.

(9) The supervisee shall be designated by a title that clearly indicates a supervisory licensing status such as "intern," "resident," "trainee," or "fellow." An individual who is a Provisionally Licensed Psychologist or a Licensed Psychological Associate may use that title so long as those receiving psychological services are clearly informed that the individual is under the supervision of a licensed psychologist. An individual who is a School Psychologist may use that title so long as the supervised experience takes place within a school, and those receiving psychological services are clearly informed that the individual is under the supervision of an individual who is licensed as a psychologist and school psychologist. Use of a different job title is permitted only if authorized under §501.004 of the Psychologists' Licensing Act, or another Council rule.

(d) Formal Internship Requirements. The formal internship hours must be satisfied by one of the following types of formal internships:

(1) The successful completion of an internship program accredited by the American Psychological Association (APA) or Canadian Psychological Association (CPA), or which is a member of the Association of Psychology Postdoctoral and Internship Centers (APPIC); or

(2) The successful completion of an organized internship meeting all of the following criteria:

(A) It must constitute an organized training program which is designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose of the program must be to assure breadth and quality of training.

(B) The internship agency must have a clearly designated staff psychologist who is responsible for the integrity and quality of the training program and who is actively licensed/certified by the licensing board of the jurisdiction in which the internship takes place and who is present at the training facility for a minimum of 20 hours a week.

(C) The internship agency must have two or more full-time licensed psychologists on the staff as primary supervisors.

(D) Internship supervision must be provided by a staff member of the internship agency or by an affiliate of that agency who carries clinical responsibility for the cases being supervised.

(E) The internship must provide training in a range of assessment and intervention activities conducted directly with patients/clients.

(F) At least 25% of trainee's time must be in direct patient/client contact.

(G) The internship must include a minimum of two hours per week of regularly scheduled formal, face-to-face individual supervision. There must also be at least four additional hours per week in learning activities such as: case conferences involving a case in which the intern was actively involved; seminars dealing with psychology issues; co-therapy with a staff person including discussion; group supervision; additional individual supervision.

(H) Training must be post-clerkship, post-practicum and post-externship level.

(I) The internship agency must have a minimum of two full-time equivalent interns at the internship level of training during applicant's training period.

(J) The internship agency must inform prospective interns about the goals and content of the internship, as well as the expectations for quantity and quality of trainee's work, including expected competencies; or

(3) The successful completion of an organized internship program in a school district meeting the following criteria:

(A) The internship experience must be provided at or near the end of the formal training period.

(B) The internship experience must require a minimum of 35 hours per week over a period of one academic year, or a minimum of 20 hours per week over a period of two consecutive academic years.

(C) The internship experience must be consistent with a written plan and must meet the specific training objectives of the program.

(D) The internship experience must occur in a setting appropriate to the specific training objectives of the program.

(E) At least 600 clock hours of the internship experience must occur in a school setting and must provide a balanced exposure to regular and special educational programs.

(F) The internship experience must occur under conditions of appropriate supervision. Field-based internship supervisors, for the purpose of the internship that takes place in a school setting, must be licensed as a psychologist and, if a separate credential is required to practice school psychology, must have a valid credential to provide psychology in the public schools. The portion of the internship which appropriately may take place in a non-school setting must be supervised by a psychologist.

(G) Field-based internship supervisors must be responsible for no more than two interns at any given time. University internship supervisors shall be responsible for no more than twelve interns at any given time.

(H) Field-based internship supervisors must provide at least two hours per week of direct supervision for each intern. University internship supervisors must maintain an ongoing relationship with field-based internship supervisors and shall provide at least one field-based contact per semester with each intern.

(I) The internship site shall inform interns concerning the period of the internship and the training objectives of the program.

(J) The internship experience must be systematically evaluated in a manner consistent with the specific training objectives of the program.

(K) The internship experience must be conducted in a manner consistent with the current legal-ethical standards of the profession.

(L) The internship agency must have a minimum of two full-time equivalent interns at the internship level during the applicant's training period.

(M) The internship agency must have the availability of at least two full-time equivalent psychologists as primary supervisors, at least one of whom is employed full time at the agency and is a school psychologist.

(e) Industrial/Organizational Requirements. Individuals from an Industrial/Organizational doctoral degree program are exempt from the formal internship requirement but must complete a minimum of 3,500 hours of supervised experience, at least 1,750 of which must have taken place after conferral of the doctoral degree and in accordance with subsection (a) of this section. Individuals who do not undergo a formal internship pursuant to this paragraph should note that Council rules prohibit a psychologist from practicing in an area in which they do not have sufficient training and experience, of which a formal internship is considered to be an integral requirement.

(f) Licensure Following Respecialization.

(1) In order to qualify for licensure after undergoing respecialization an applicant must demonstrate the following:

(A) conferral of a doctoral degree in psychology from a regionally accredited institution of higher education prior to undergoing respecialization;

(B) completion of a formal post-doctoral respecialization program in psychology which included at least 1,750 hours in a formal internship; and

(C) upon completion of the respecialization program, at least 1,750 hours of supervised experience obtained as a provisionally licensed psychologist (or under provisional trainee status under prior versions of this rule).

(2) An applicant meeting the requirements of this subsection is considered to have met the requirements for supervised experience under this rule.

(g) Remedy for Incomplete Supervised Experience.

(1) An applicant who has completed at least 1,500 hours of supervised experience in a formal internship, 1,500 hours of supervised experience following conferral of a doctoral degree, and who does not meet all of the supervised experience qualifications for licensure set out in subsections (a), (c), and (d) of this section or §465.2 of this title, may petition for permission to remediate an area of deficiency. An applicant may not however, petition for the waiver or modification of the requisite doctoral degree or passage of the requisite examinations.

(2) The Council may allow an applicant to remediate a deficiency identified in paragraph (1) of this subsection if the applicant can demonstrate:

(A) the prerequisite is not mandated by federal law, the state constitution or statute, or 22 TAC Part 41; and

(B) the remediation would not adversely affect the public welfare.

(3) The Council may approve or deny a petition under this subsection, and in the case of approval, may condition the approval on reasonable terms and conditions designed to ensure the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice as a licensed psychologist.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
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For further information, please call: (512) 305-7706

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SUBCHAPTER C. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, VETERANS, AND MILITARY SPOUSES

22 TAC §463.20

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §463.20, relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses. Section 463.20 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8002) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Top of Form

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules nec-

essary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202600965
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
Effective date: March 18, 2026
Proposal publication date: December 12, 2025
For further information, please call: (512) 305-7706

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SUBCHAPTER E. EXAMINATIONS

22 TAC §463.30

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §463.30, relating to Examinations Required for Licensure. Section 463.30 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8004) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment supporting the proposed rule change as aligning with statute.

Top of Form

Agency Response.

The agency appreciates the public comments in support of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
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For further information, please call: (512) 305-7706

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CHAPTER 465. RULES OF PRACTICE

22 TAC §465.1

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §465.1, relating to Definitions. Section 465.1 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8005) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment supporting the proposed rule change as aligning with statute.

Top of Form

Agency Response.

The agency appreciates the public comments in support of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
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Proposal publication date: December 12, 2025
For further information, please call: (512) 305-7706

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22 TAC §465.2

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §465.2, relating to Supervision. Section 465.2 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8007) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment supporting the proposed rule change as aligning with statute.

Top of Form

Agency Response.

The agency appreciates the public comments in support of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
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Proposal publication date: December 12, 2025
For further information, please call: (512) 305-7706

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22 TAC §465.18

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §465.18, relating to Forensic Services. Section 465.18 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8010) and will not be republished.

Reasoned Justification.

The adopted amendments conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

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Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires

state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
Effective date: March 18, 2026
Proposal publication date: December 12, 2025
For further information, please call: (512) 305-7706

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22 TAC §465.21

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §465.21, relating to Termination of Services. Section 465.21 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8014) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment supporting the proposed rule change as aligning with statute.

Top of Form

Agency Response.

The agency appreciates the public comments in support of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
Effective date: March 18, 2026
Proposal publication date: December 12, 2025
For further information, please call: (512) 305-7706

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22 TAC §465.38

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Psychologists adopts amendments to §465.38, relating to Psychological Services in Schools. Section 465.38 is adopted without changes as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8015) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist. The amendments also add a requirement that school psychologists follow newly enacted state laws regarding parental consent to mental health treatment in schools.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment supporting the proposed rule change as aligning with statute.

Agency Response.

The agency appreciates the public comments in support of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §501.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Psychologists previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §501.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 501 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Psychologists
Effective date: March 18, 2026
Proposal publication date: December 12, 2025
For further information, please call: (512) 305-7706

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PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

SUBCHAPTER B. RULES OF PRACTICE

22 TAC §681.53

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.53, relating to Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions. Section 681.53 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8017) and will not be republished.

Reasoned Justification.

The adopted amendments are made to conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Professional Counselors
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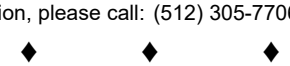
For further information, please call: (512) 305-7706



SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §681.114

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.114, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses. Section 681.114 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8019) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one comment against the proposed rule changes, stating that licensees should be required to have at least two years of supervised experience.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The adopted amendments are required to align the agency's rules with recent statutory changes. While the rule language allows the agency to credit military service experience toward the required two-year minimum, it does not change the two-year requirement or provide for waiver of that experience.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Professional Counselors
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For further information, please call: (512) 305-7706

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PART 34. TEXAS STATE BOARD OF SOCIAL WORKER EXAMINERS

CHAPTER 781. SOCIAL WORKER LICENSURE

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §781.102

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.102, relating to Definitions. Section 781.102 is adopted with changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7836) and will be republished.

Reasoned Justification.

The adopted amendments update language related to supervisors to remove terminology that suggests the Council approves individual supervision relationships and to align with changes proposed in other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one comment against the proposed rule changes, raising concerns about the use of the term "supervisor" needing more consistency across all rules.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received three comments in support of the rule changes, which included commentary unrelated to the proposed rule changes.

Agency Response.

The agency appreciates the public comments. The agency believes it has identified all language related to supervisors that needs changing to ensure consistency, but will continue to update rule language as any outdate terminology is found.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.102. Definitions.

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

(1) Accredited colleges or universities--An educational institution that is accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education.

(2) Act--The Social Work Practice Act, Texas Occupations Code, Chapter 505, concerning the licensure and regulation of social workers.

(3) Agency--A public or private employer, contractor or business entity providing social work services.

(4) Assessment--An ongoing process of gathering information about and reaching an understanding of the client or client group's characteristics, perceived concerns and real problems, strengths and weaknesses, and opportunities and constraints; assessment may involve administering, scoring and interpreting instruments designed to measure factors about the client or client group.

(5) Association of Social Work Boards (ASWB)--The international organization which represents regulatory boards of social work and administers the national examinations utilized in the assessment for licensure.

(6) Board--Texas State Board of Social Worker Examiners.

(7) Case record--Any information related to a client and the services provided to that client, however recorded and stored.

(8) Client--An individual, family, couple, group or organization that receives social work services from a person identified as a social worker who is licensed by the Council.

(9) Clinical social work--A specialty within the practice of master social work that requires applying social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or bio-psychosocial functioning of individuals, couples, families, groups, and/or persons who are adversely affected by social or psychosocial stress or health impairment. Clinical social work practice involves using specialized clinical knowledge and advanced clinical skills to assess, diagnose, and treat mental, emotional, and behavioral disorders, conditions and addictions, including severe mental illness and serious emotional disturbances in adults, adolescents and children. Treatment methods may include, but are not limited to, providing individual, marital, couple, family, and group psychotherapy. Clinical social workers are qualified and authorized to use the Diagnostic and Statistical Manual of Mental Disorders (DSM), the International Classification of Diseases (ICD), Current Procedural Terminology (CPT) codes, and other diagnostic classification systems in assessment, diagnosis, and other practice activities. The practice of clinical social work is restricted to either a Licensed Clinical Social Worker, or a Licensed Master Social Worker as described in §781.302 of this title.

(10) Confidential information--Individually identifiable information relating to a client, including the client's identity, demographic information, physical or mental health condition, the services the client received, and payment for past, present, or future services the client received or will receive. Confidentiality is limited in cases where the law requires mandated reporting, where third persons have legal rights to the information, and where clients grant permission to share confidential information.

(11) Counseling, clinical--The use of clinical social work to assist individuals, couples, families or groups in learning to solve problems and make decisions about personal, health, social, educational, vocational, financial, and other interpersonal concerns.

(12) Counseling, supportive--The methods used to help individuals create and maintain adaptive patterns. Such methods may include, but are not limited to, building community resources and networks, linking clients with services and resources, educating clients and informing the public, helping clients identify and build strengths, leading community groups, and providing reassurance and support.

(13) Council--The Texas Behavioral Health Executive Council.

(14) Consultation--Providing advice, opinions and conferring with other professionals regarding social work practice.

(15) Continuing education--Education or training aimed at maintaining, improving, or enhancing social work practice.

(16) Council on Social Work Education (CSWE)--The national organization that accredits social work education schools and programs.

(17) Direct practice--Providing social work services through personal contact and immediate influence to help clients achieve goals.

(18) Dual or multiple relationship--A relationship that occurs when social workers interact with clients in more than one capacity, whether it be before, during, or after the professional, social, or business relationship. Dual or multiple relationships can occur simultaneously or consecutively.

(19) Electronic practice--Interactive social work practice that is aided by or achieved through technological methods, such as the web, the Internet, social media, electronic chat groups, interactive TV, list serves, cell phones, telephones, faxes, and other emerging technology.

(20) Examination--A standardized test or examination, approved by the Council, which measures an individual's social work knowledge, skills and abilities.

(21) Equivalent or substantially equivalent--A licensing standard or requirement for an out-of-state license that is equal to or greater than a Texas licensure requirement shall be deemed equivalent or substantially equivalent.

(22) Executive Director--The executive director for the Texas Behavioral Health Executive Council. The executive director may delegate responsibilities to other staff members.

(23) Exploitation--Using a pattern, practice or scheme of conduct that can reasonably be construed as primarily meeting the licensee's needs or benefitting the licensee rather than being in the best interest of the client. Exploitation involves the professional taking advantage of the inherently unequal power differential between client and professional. Exploitation also includes behavior at the expense of another practitioner. Exploitation may involve financial, business, emotional, sexual, verbal, religious and/or relational forms.

(24) Field placement--A formal, supervised, planned, and evaluated experience in a professional setting under the auspices of a CSWE-accredited social work program and meeting CSWE standards.

(25) Fraud--A social worker's misrepresentation or omission about qualifications, services, finances, or related activities or information, or as defined by the Texas Penal Code or by other state or federal law.

(26) Full-time experience--Providing social work services thirty or more hours per week.

(27) Group supervision for licensure or for specialty recognition--Providing supervision to a minimum of two and a maximum of six supervisees in a designated supervision session.

(28) Health care professional--A licensee or any other person licensed, certified, or registered by the State of Texas in a health related profession.

(29) Impaired professional--A licensee whose ability to perform social work services is impaired by the licensee's physical health, mental health, or by medication, drugs or alcohol.

(30) Independent clinical practice--The practice of clinical social work in which the social worker, after having completed all requirements for clinical licensure, assumes responsibility and accountability for the nature and quality of client services, pro bono or in exchange for direct payment or third party reimbursement. Independent clinical social work occurs in independent settings.

(31) Independent non-clinical practice--The unsupervised practice of non-clinical social work outside of an organizational setting, in which the social worker, after having completed all requirements for independent non-clinical practice recognition, assumes responsibility and accountability for the nature and quality of client services, pro bono or in exchange for direct payment or third party reimbursement.

(32) Independent Practice Recognition--A specialty recognition related to unsupervised non-clinical social work at the LBSW or LMSW category of licensure, which denotes that the licensee has earned the specialty recognition, commonly called IPR, by successfully

completing additional supervision which enhances skills in providing independent non-clinical social work.

(33) Individual supervision for licensure or specialty recognition--Supervision for professional development provided to one supervisee during the designated supervision session.

(34) LBSW--Licensed Baccalaureate Social Worker.

(35) LCSW--Licensed Clinical Social Worker.

(36) License--A regular or temporary Council-issued license, including LBSW, LMSW, and LCSW. Some licenses may carry an additional specialty recognition, such as LMSW-AP, LBSW-IPR, or LMSW-IPR.

(37) Licensee--A person licensed by the Council to practice social work.

(38) LMSW--Licensed Master Social Worker.

(39) LMSW-AP--Licensed Master Social Worker with the Advanced Practitioner specialty recognition for non-clinical practice. This specialty recognition will no longer be conferred after September 1, 2017. Licensees under a supervision plan for this specialty recognition before September 1, 2017 will be permitted to complete supervision and examination for this specialty recognition.

(40) Non-clinical social work--Professional social work which incorporates non-clinical work with individuals, families, groups, communities, and social systems which may involve locating resources, negotiating and advocating on behalf of clients or client groups, administering programs and agencies, community organizing, teaching, researching, providing employment or professional development non-clinical supervision, developing and analyzing policy, fund-raising, and other non-clinical activities.

(41) Person--An individual, corporation, partnership, or other legal entity.

(42) Psychotherapy--Treatment in which a qualified social worker uses a specialized, formal interaction with an individual, couple, family, or group by establishing and maintaining a therapeutic relationship to understand and intervene in intrapersonal, interpersonal and psychosocial dynamics; and to diagnose and treat mental, emotional, and behavioral disorders and addictions.

(43) Recognition--Authorization from the Council to engage in the independent or specialty practice of social work services.

(44) Rules--Provisions of this chapter specifying how the Council implements the Act-as well as Title 22, Chapters 881-885 of the Texas Administrative Code.

(45) Social work case management--Using a bio-psychosocial perspective to assess, evaluate, implement, monitor and advocate for services on behalf of and in collaboration with the identified client or client group.

(46) Social worker--A person licensed under the Act.

(47) Social work practice--Services which an employee, independent practitioner, consultant, or volunteer provides for compensation or pro bono to effect changes in human behavior, a person's emotional responses, interpersonal relationships, and the social conditions of individuals, families, groups, organizations, and communities. Social work practice is guided by specialized knowledge, acquired through formal social work education. Social workers specialize in understanding how humans develop and behave within social environments, and in using methods to enhance the functioning of individuals, families, groups, communities, and organizations. Social work practice involves the disciplined application of social work values, principles, and methods including, but not limited to, psychotherapy; marriage, family, and couples intervention; group therapy and group work; mediation; case management; supervision and administration of social work services and programs; counseling; assessment, diagnosis, treatment; policy analysis and development; research; advocacy for vulnerable groups; social work education; and evaluation.

(48) Supervisor--A person who holds a social work license with the Council and has received recognition of supervisor status to provide supervision in Texas. A Council-licensed supervisor will denote having this specialty recognition by placing a "-S" after their credential initials, e.g., LBSW-S, LMSW-S or LCSW-S.

(49) Supervision--Supervision includes:

(A) administrative or work-related supervision of an employee, contractor or volunteer that is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;

(B) clinical supervision of a Licensed Master Social Worker in a setting in which the LMSW is providing clinical services; the supervision may be provided by a Licensed Professional Counselor, Licensed Psychologist, Licensed Marriage and Family Therapist, Licensed Clinical Social Worker or Psychiatrist. This supervision is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure;

(C) clinical supervision of a Licensed Master Social Worker, who is providing clinical services and is under a supervision plan to fulfill LCSW supervised experience requirements; a Licensed Clinical Social Worker with supervisor status delivers this supervision;

(D) non-clinical supervision of a Licensed Master Social Worker or Licensed Baccalaureate Social Worker who is providing non-clinical social work service toward qualifications for independent non-clinical practice recognition; this supervision is delivered by a licensee with an appropriate category of licensure, authorization to practice independently, and supervisor status; and

(E) Council-ordered supervision of a licensee by a Council-approved supervisor pursuant to a disciplinary order or as a condition of new or continued licensure.

(50) Supervision hour--A supervision hour is a minimum of 60 minutes in length.

(51) Termination--Ending social work services with a client.

(52) Waiver--The suspension of educational, professional, and/or examination requirements for applicants who meet the criteria for licensure under special conditions based on appeal to the Council.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

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SUBCHAPTER B. RULES OF PRACTICE

22 TAC §781.302

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.302, relating to The Practice of Social Work. Section 781.302 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7840) and will not be republished.

Reasoned Justification.

The adopted amendments update rule references to clinical and non-clinical supervision plans, to align with other proposed rule changes.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in support of the rule changes.

Agency Response.

The agency appreciates the public comment in support of the proposal.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 305-7706

22 TAC §781.303

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.303, relating to General Standards of Practice. Section 781.303 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7841) and will not be republished.

Reasoned Justification.

The adopted amendments require a licensee who provides services to a client who concurrently receives services from another provider to seek consent from the client to contact the other provider and to strive to establish a collaborative relationship with that provider. The amendment also clarifies a licensee must report any knowledge of unlicensed practice.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one comment against the rule, objecting that requiring social workers to gain consent to share mental health information with fellow providers could conflict with parental consent laws, particularly in schools.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in support of the rule changes, as well as two comments that were neutral requesting further clarification of the requirement to coordinate services.

Agency Response.

The agency appreciates the public comments related to this rule change. The amendments to the rule do not conflict with informed consent or parental consent, and do not require a licensee to coordinate care with other providers against the consent of the client. The rule would require licensees who learn of

a client receiving concurrent services from another mental health professional to seek client consent to share information and coordinate, but would not require further action if that consent was denied.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
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22 TAC §781.322

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.322, relating to Child Custody Evaluations. Section 781.322 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7843) and will not be republished.

Reasoned Justification.

The adopted amendments conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §781.401

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.401, relating to Qualifications for Licensure. Section 781.401 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7845) and will not be republished.

Reasoned Justification.

The adopted amendments align the rule with statutory language and use more plain language to describe licensure requirements, including to replace the phrase "Council-approved supervisor" with the more accurate term "qualified supervisor." The amendments also remove language related to the independent practice recognition specialty, which is proposed to be included in a new rule.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one comment against the rule change that pointed out inconsistencies in the degree requirements between the LMSW and LCSW licenses. The agency also received one neutral comment concerned about eliminating non-clinical independent licensure.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comments. The inconsistencies pointed out in the rule match different degree requirements set out in statute for LMSW and LCSW licenses. Further, the language related to non-clinical independent licensure are not eliminated, but are consolidated into a single rule by the combined rule changes.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
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Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

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22 TAC §781.402

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers repeals rule §781.402, relating to Clinical Supervision for LCSW and Non-

Clinical Supervision for Independent Practice Recognition. Section 781.402 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7846) and will not be republished.

Reasoned Justification.

The adopted repeal removes the current rule in conjunction with proposed new rules that restructure and consolidate existing rule language.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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For further information, please call: (512) 305-7706

22 TAC §781.402

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts new rule §781.402, relating to Types of Supervision. Section 781.402 is adopted with changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7848) and will be republished.

Reasoned Justification.

The adopted new rule will consolidate existing rule language regarding the types of supervision provided by social work licensees. The new language makes non-substantive edits to use more plain, direct language.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one neutral comment requesting supervisor terminology be made consistent across agency rules.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comments. The adopted rule changes general update all uses of supervisor terminology, but staff will continue to review rules to ensure terminology is used consistently.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.402. Types of Supervision.

(a) Types of supervision.

(1) Administrative or work-related oversight of an employee, contractor or volunteer that is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure. This supervision does not require recognition by the Council.

(2) Clinical supervision of an LMSW in a setting in which the LMSW is providing clinical services. This supervision may be provided by a Licensed Professional Counselor, Licensed Psychologist, Licensed Marriage and Family Therapist, LCSW, or Psychiatrist. This supervision is not related to qualification for licensure, practice specialty recognition, a disciplinary order, or a condition of new or continued licensure.

(3) Clinical supervision of an LMSW, who is providing clinical services and is under a supervision plan to fulfill supervision requirements for achieving the LCSW. This supervision must be provided by an LCSW who holds supervisor status.

(4) Non-clinical supervision of an LMSW or LBSW who is providing non-clinical social work service toward qualifications for independent non-clinical practice recognition.

(5) Council-ordered supervision of a licensee by an approved supervisor pursuant to a disciplinary order or as a condition of new or continued licensure.

(b) A licensee with supervisor status may perform the following supervisory functions.

(1) An LCSW may supervise clinical experience toward the LCSW license, non-clinical experience toward the Independent Practice Recognition (non-clinical), and Council-ordered supervision.

(2) An LMSW with the Independent Practice Recognition (non-clinical) or Advanced Practitioner (AP) recognition may supervise an LBSW's or LMSW's non-clinical experience toward the non-clinical Independent Practice Recognition, and an LBSW or LMSW (non-clinical) under Council-ordered supervision.

(3) An LBSW with the non-clinical Independent Practice Recognition may supervise an LBSW's non-clinical experience toward the non-clinical Independent Practice Recognition, and an LBSW under Council-ordered supervision.

(c) A supervisor shall supervise only those supervisees who provide services that fall within the supervisor's own competency.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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22 TAC §781.403

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers repeals rule §781.403, relating to Independent Practice Recognition (Non-Clinical). Section 781.403 is repealed without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7849) and will not be republished.

Reasoned Justification.

The adopted repeal removes the current rule in conjunction with proposed new rules that restructure and consolidate existing rule language.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The repeal is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this repeal pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules nec-

essary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this repeal to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this repeal in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this repeal under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
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Proposal publication date: December 5, 2025
For further information, please call: (512) 305-7706

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22 TAC §781.403

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts new rule §781.403, relating to Supervision Process. Section 781.403 is adopted with changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7850) and will be republished.

Reasoned Justification.

The adopted new rule consolidates existing rule language regarding the supervision process and requirements supervisors must perform. The new language clarifies the type of records a supervisor must keep, including a detailed log of supervision sessions and a plan for the custody of records in the event a supervisor ceases practice. The new language requires a supervisee to notify supervisors of any pending complaints against the supervisee, and to share a copy of any remediation plan with all current and future supervisors. The new language also makes non-substantive edits to use more plain, direct language.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one neutral comment requesting supervisor terminology be made consistent across agency rules.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comments. The adopted rule changes general update all uses of supervisor terminology, but staff will continue to review rules to ensure terminology is used consistently.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.403. Supervision Process.

(a) A supervisor providing any form of supervision, other than administrative or work-related supervision described in §781.402(a)(1) of this title, must comply with the following:

(1) The supervisor is obligated to keep legible, accurate, complete, signed supervision notes and must be able to produce such documentation for the Council if requested. The notes shall document the content, duration, and date of each supervision session.

(2) A social worker may only provide supervision to a supervisee employed in another setting with written approval of the employer. A copy of the approval must be kept in the supervisor's files.

(3) A supervisor who is otherwise compensated for supervisory duties may not charge or collect a fee or anything of value from the supervisee for the supervision services provided to the supervisee.

(4) The supervisor shall ensure that the supervisee knows and adheres to the laws and rules governing the practice of social work.

(5) A supervisor shall not be employed by or under the employment supervision of the person who he or she is supervising.

(6) A supervisor shall not be a family member of the person being supervised.

(7) The supervisor and supervisee shall avoid forming any relationship with each other that impairs the objective, professional judgment and prudent, ethical behavior of either.

(b) All supervision toward licensure or specialty recognition must meet the following conditions.

(1) The supervisor shall keep a supervision file on each supervisee that includes:

(A) a supervision plan;

(B) a clearly defined job description and list of responsibilities for each of the supervisee's positions held during the supervised experience, including a discussion of any position or duties not subject to supervision;

(C) a list of locations where the supervisee provides supervised services;

(D) a log of experience and supervision earned by the supervisee that reflects the date and duration of each supervision meeting, the accumulated hours of non-clinical experience, and the accumulated hours of clinical supervised experience, if any;

(E) an established plan for the custody and control of the records of supervision for the supervisee in the event of the supervisor's death or incapacity or termination of the supervisor's practice,

(F) copy of written approval from the supervisee's employing agency agreeing to outside supervision, and

(G) a copy of any written plan for remediation of the supervisee described in 781.403(d) of this section.

(2) A supervisor is responsible for developing a well-conceptualized supervision plan with the supervisee, and for updating that plan whenever there is a change in agency of employment, job function, goals for supervision, or method by which supervision is provided.

(3) Before entering into a supervisory plan, the supervisor shall be aware of actual or intended service terms and conditions between a supervisee and their clients. The supervisor shall not provide supervision if the supervisee is practicing outside the authorized scope of the license. If the supervisor believes that a social worker is practicing outside the scope of the license, the supervisor shall make a report to the Council.

(4) Supervision toward licensure or specialty recognition may occur in one-on-one sessions, in group sessions, or in a combination of one-on-one and group sessions. Sessions may transpire in the same geographic location, or via audio, web technology or other electronic supervision techniques that comply with HIPAA and Texas Health and Safety Code, Chapter 611, and/or other applicable state or federal statutes or rules.

(5) Supervision groups shall have no fewer than two supervisees and no more than six.

(6) The Council considers supervision toward licensure or specialty recognition to be supervision which promotes professional growth. Therefore, all supervision formats must encourage clear, accurate communication between the supervisor and the supervisee, including case-based communication that meets standards for confidentiality. Though the Council favors supervision formats in which the supervisor and supervisee are in the same geographical place for a substantial part of the supervised experience, the Council also recognizes that some current and future technology, such as using reliable, technologically-secure computer cameras and microphones, can allow personal face-to-face, though remote, interaction, and can support professional growth. Supervision formats must be clearly described in the supervision plan, explaining how the supervision strategies and methods of delivery meet the supervisee's professional growth needs and ensure that confidentiality is protected.

(7) Supervision toward licensure or specialty recognition must extend over a full 3000 hours over a period of not less than 24 full months for Licensed Clinical Social Worker (LCSW) or Independent Practice Recognition (IPR). Even if the individual completes the minimum of 3000 hours of supervised experience and minimum of 100 hours of supervision prior to 24 months from the start date of supervision, supervision which meets the Council's minimum requirements shall extend to a minimum of 24 full months.

(8) Supervision shall occur in proportion to the number of actual hours worked for the 3,000 hours of supervised experience. No more than 10 hours of supervision may be counted in any one month, or 30-day period, as appropriate, towards satisfying minimum requirements for licensure or specialty recognition.

(c) A supervisor who agrees to provide Council-ordered supervision of a licensee must understand the Council order and follow the supervision stipulations outlined in the order. The supervisor must address with the licensee those professional behaviors that led to Council discipline, and must help to remediate those concerns while assisting the licensee to develop strategies to avoid repeating illegal, substandard, or unethical behaviors.

(d) If the supervisor determines that the supervisee lacks the professional skills and competence to practice social work under an independent license, the supervisor shall develop and implement a written remediation plan for the supervisee. If a supervisee receives a remediation plan, the supervisee must provide a copy of the remediation plan to any other current or future supervisors, as well as any relevant documentation regarding successful completion of the plan.

(e) The supervisor and the supervisee bear professional responsibility for the supervisee's professional activities. Supervisees notified of a pending complaint against them must inform each of their supervisors of the complaint.

(f) A supervisee who provides client services for payment or reimbursement shall submit billing to the client or third-party payers which clearly indicates:

(1) the services provided;

(2) who provided the services;

(3) the supervisee's licensure category; and

(4) the fact that the licensee is under supervision.

(g) If either the supervisor's or supervisee's license is revoked, suspended, placed on probated suspension, or becomes delinquent or expired during supervision, supervision hours accumulated during that time will not be accepted unless approved by the Council.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

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22 TAC §781.404

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.404, relating to Recognition as a Supervisor. Section 781.404 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7852) and will not be republished.

Reasoned Justification.

The adopted amendments consolidate existing rule language regarding the requirements to hold supervisor status. The amendments clarify that a supervisor must hold a social work license issued by the Council, and adds requirements for actions a licensee must take if supervisor status is revoked or expires. Language related to types of supervision and the supervision process is proposed to move to other consolidated rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

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22 TAC §781.405

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers repeals rule §781.405, relating to Application for Licensure. Section 781.405 is repealed without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7856) and will not be republished.

Reasoned Justification.

The adopted repeal removes the current rule in conjunction with proposed new rules that restructure and consolidate existing rule language.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

22 TAC §781.405

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts new rule §781.405, relating to Clinical Supervision for Licensed Clinical Social Worker. Section 781.405 is adopted with changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7857) and will be republished.

Reasoned Justification.

The adopted new rule consolidates existing rule language related to applying for a clinical social worker license, including what information must be submitted to the Council with the application. The new language also clarifies how an LMSW may continue to perform clinical social work services after completing LCSW experience requirements. The new language also makes non-substantive edits to use more plain, direct language.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received two comments in support of the rule changes, along with suggested typographical changes.

Agency Response.

The agency appreciates the public comments and suggestions.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education require-

ments for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.405. Clinical Supervision for Licensed Clinical Social Worker.

(a) To accrue supervised clinical experience required for the issuance of a Licensed Clinical Social Worker (LCSW), a Licensed Master Social Worker (LMSW) and their LCSW supervisor shall complete a supervision plan, on a form prescribed by the Council or a form with substantially equivalent information, signed by both the LMSW and the LCSW supervisor.

(b) The LMSW shall submit an application to reclassify the LMSW licensure to an LCSW license upon fulfillment of the supervision requirements and passage of the ASWB Clinical exam.

(1) The applicant must provide the appropriate supervision plans and verification forms. The documentation must include the names and contact information of all supervisors; beginning and ending dates of supervision; job description; and average number of hours of social work activity per week.

(2) The applicant's experience must have been in a position providing social work services, under the supervision of a qualified supervisor, with written evaluations to demonstrate satisfactory performance.

(3) The applicant must maintain and, upon request, provide to the Council documentation of employment status, pay vouchers, or supervisory evaluations.

(c) Upon request of the LMSW, the LCSW supervisor shall submit a completed and signed supervision verification form prescribed by the Council, within 30 days.

(d) An LMSW who has completed clinical supervision for an LCSW license may, but is not required to, continue to provide clinical social work services under the supervision plan with their LCSW supervisor. An LCSW supervisor may, but is not required to, continue to provide clinical supervision to an LMSW who has completed their clinical supervised experience hours. An LMSW who has completed clinical supervision may not provide clinical social work services outside of appropriately supervised practice until issuance of an LCSW license.

(e) A person who has obtained a temporary license may not begin the supervision process toward independent clinical practice until the regular license is issued.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

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22 TAC §781.406

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers repeals rule §781.406, relating to Required Documentation of Qualifications for Licensure. Section 781.406 is repealed without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7859) and will not be republished.

Reasoned Justification.

The adopted repeal removes the current rule in conjunction with proposed new rules that restructure and consolidate existing rule language.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Texas State Board of Social Worker Examiners
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22 TAC §781.406

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts new rule §781.406, relating to Independent Practice Recognition. Section 781.406 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7860) and will not be republished.

Reasoned Justification.

The adopted new rule consolidates existing rule language related to the independent practice recognition (IPR) specialty, including requirements to qualify for the specialty designation and qualification to supervise the experience required to earn the specialty. The new language clarifies that an LBSW or LMSW under supervision toward the IPR designation may own and operate a non-clinical practice under that supervision. The new language also makes non-substantive edits to use more plain, direct language.

List of interested groups or associations against the rule.

The agency received one comment against the rule change, suggesting that two years of supervision seemed excessive for LMSW license candidates already recognized for independent practice as an LBSW.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment and suggestion. However, the requirement for receiving new supervision upon applying for an LMSW is necessary because the training received for independent practice as an LBSW will not include the full scope of services and responsibilities of an LMSW.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
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Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

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22 TAC §781.407

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts new rule §781.407, relating to Prohibited Independent Practice. Section 781.407 is adopted with changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7862) and will be republished.

Reasoned Justification.

The adopted new rule consolidates existing rule language related to prohibitions on independent social work practice, including that an LMSW working towards an LCSW may not own or operate a private practice to provide clinical social work services. The new language expands the guidelines the Council will rely on and makes clarifying edits to better guide a determining whether independent practice is occurring.

List of interested groups or associations against the rule.

The agency received two comments neutral on the rule changes, but that noted the use of the term "independent contractor" might suggest approval by the Council of using that terminology even when an individual is being closely supervised.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comments and suggestions. The agency has eliminated the use of the term "independent contractor" in the rule to avoid confusion.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§781.407. Prohibited Independent Practice.

(a) A Licensed Master Social Worker who plans to apply for a Licensed Clinical Social Worker license may not own or operate a private practice to provide clinical social work to clients.

(b) A licensee who is not recognized for independent practice and who is not under a non-clinical supervision plan must not engage in any independent practice that falls within the definition of social work practice in §781.102 of this title unless the person is licensed in another profession and acting solely within the scope of that license.

(c) A social worker provides services under the direction of an employing agency, and is not practicing independently, when the employer has the right to control the means and details by which services are performed, regardless of whether the social worker is a full-time or part-time employee or is contracted for services. The Council will use guidelines developed by the Internal Revenue Service (IRS) and the Texas Workforce Commission, to demonstrate whether a professional is performing independent practice. Such guidelines include:

(1) Behavioral control. An employer can control the social worker's behavior by giving instructions about how work gets done rather than simply receiving the end products of the work. The more detailed the instructions, the more control an employer exercises.

(2) Financial control. The employer determines the amount and regularity of payment to employees. An independent practitioner typically negotiates a timeframe for completing work and receiving payment. Independent practitioners have more freedom to make business decisions that affect the profitability of their work, such as investing in equipment or renting an office. Employees typically do not invest their own finances into an employing agency. Employees are usually reimbursed for job-related expenses, whereas independent practitioners often must negotiate reimbursement as part of the total agreed compensation.

(3) Relationship of the parties. The nature of the relationship between the employer and the social worker is usually outlined in a written contract with clear intent whether the employing agency has control over the social worker and whether the employer is assuming responsibility for the social worker as an employee. Signs that a social worker is an employee include: if the employment relationship is permanent or ongoing, if an employer gives the social worker employee benefits, and if the social worker is retained to perform key aspects of the employer's day-to-day business.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Social Worker Examiners
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For further information, please call: (512) 305-7706

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22 TAC §781.419

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.419, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses. Section 781.419 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7863) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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SUBCHAPTER D. SCHEDULE OF SANCTIONS

22 TAC §781.805

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Social Workers adopts amendments to §781.805, relating to Schedule of Sanctions. Section 781.805 is adopted without changes to the proposed text as published in the December 5, 2025, issue of the *Texas Register* (50 TexReg 7864) and will not be republished.

Reasoned Justification.

The adopted amendments adjusts the schedule of sanctions to align with other rule consolidation proposals.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §505.2015 of the Tex. Occ. Code the Texas State Board of Social Worker Examiners previously voted and, by a majority, approved to propose the adoption of this rule to the Executive Council. The rule is specifically authorized by §505.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed the rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 505 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §801.2

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.2, relating to Definitions. Section 801.2 is adopted with changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8021) and will be republished.

Reasoned Justification.

The adopted amendment would remove the term "regionally" to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education. The adopted amendments would also add the recently created "temporary" license to the definition of license.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been

proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§801.2. Definitions.

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

(1) Accredited institutions or programs--An institution of higher education accredited by an accrediting agency recognized by the Council for Higher Education Accreditation, the Texas Higher Education Coordinating Board, or the United States Department of Education.

(2) Act--Texas Occupations Code, Chapter 502, the Licensed Marriage and Family Therapist Act.

(3) Board--The Texas State Board of Examiners of Marriage and Family Therapists.

(4) Client--An individual, family, couple, group, or organization who receives or has received services from a person identified as a marriage and family therapist who is either licensed by the council or unlicensed.

(5) Council--The Texas Behavioral Health Executive Council.

(6) Council Act--Texas Occupations Code, Chapter 507, concerning the Texas Behavioral Health Executive Council.

(7) Council rules--22 Texas Administrative Code, Chapters 801 and 881 to 885.

(8) Direct clinical services to couples or family--Professional services provided to couples or families in which a clinician delivers therapeutic services with two or more individuals simultaneously or two or more individuals from the same family system within the same therapeutic session. Individuals must share an ongoing relationship beyond that which occurs in the therapeutic experience itself. Examples of ongoing relationships include family systems, couple systems, enduring friendship/community support systems, and residential, treatment or situationally connected systems.

(9) Endorsement--The process whereby the council reviews licensing requirements that a license applicant completed while under the jurisdiction of an out-of-state marriage and family therapy regulatory board. The council may accept, deny or grant partial credit for requirements completed in a different jurisdiction.

(10) Executive director--The executive director for the Texas Behavioral Health Executive Council.

(11) Family system--An open, on-going, goal-seeking, self-regulating, social system which shares features of all such systems. Certain features such as its unique structuring of gender, race, nationality and generation set it apart from other social systems. Each individual family system is shaped by its own particular structural features (size, complexity, composition, and life stage), the psychobiological characteristics of its individual members (age, race, nationality, gender, fertility, health and temperament) and its socio-cultural and historic position in its larger environment.

(12) Group supervision--Supervision that involves a minimum of three and no more than six marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.

(13) Independent Practice--The practice of providing marriage and family therapy services to a client without the supervision of an LMFT-S.

(14) Individual supervision--Supervision of no more than two marriage and family therapy supervisees or LMFT Associates in a clinical setting during the supervision hour.

(15) Jurisprudence exam--An online learning experience based on the Act, the Council Act, and council rules, and other state laws and rules relating to the practice of marriage and family therapy.

(16) License--A marriage and family therapist license, a marriage and family therapist associate license, a provisional or temporary marriage and family therapist license, or a provisional marriage and family therapist associate license.

(17) Licensed marriage and family therapist (LMFT)--As defined in §502.002 of the Occupations Code, a person who offers marriage and family therapy for compensation.

(18) Licensed marriage and family therapist associate (LMFT Associate)--As defined in §502.002 of the Occupations Code, an individual who offers to provide marriage and family therapy for compensation under the supervision of a supervisor approved by the executive council. The appropriate council-approved terms to refer to an LMFT Associate are: "Licensed Marriage and Family Therapist Associate" or "LMFT Associate." Other terminology or abbreviations like "LMFT A" are not council-approved and may not be used.

(19) Licensee--Any person licensed by the council.

(20) Licensure examination--The national licensure examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) or the State of California marriage and family therapy licensure examination.

(21) Marriage and family therapy--The rendering of professional therapeutic services to clients, singly or in groups, and involves the professional application of family systems theories and techniques in the delivery of therapeutic services to those persons. The term includes the evaluation and remediation of cognitive, affective, behavioral, or relational dysfunction or processes.

(22) Month--A calendar month.

(23) Person--An individual, corporation, partnership, or other legal entity.

(24) Recognized religious practitioner--A rabbi, clergyman, or person of similar status who is a member in good standing of and accountable to a legally recognized denomination or legally recognizable religious denomination or legally recognizable religious organization and other individuals participating with them in pastoral counseling if:

(A) the therapy activities are within the scope of the performance of regular or specialized ministerial duties and are performed under the auspices of sponsorship of an established and legally recognized church, denomination or sect, or an integrated auxiliary of a church as defined in 26 CFR §1.6033-2(h) (relating to Returns by exempt organizations (taxable years beginning after December 31, 1969) and returns by certain nonexempt organizations (taxable years beginning after December 31, 1980));

(B) the individual providing the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary; and

(C) the person does not use the title of or hold himself or herself out as a licensed marriage and family therapist.

(25) Supervision--

(A) Supervision for licensure--The guidance or management in the provision of clinical services by a marriage and family therapy supervisee or LMFT Associate, which must be conducted for at least one supervision hour each week, except for good cause shown.

(B) Supervision, Council-ordered--For the oversight and rehabilitation in the provision of clinical services by a licensee under a Council Order, defined by the Order and the Council-Ordered Supervision Plan, and must be conducted as specified in the Council Order and Supervision Plan (generally in face-to-face, one-on-one sessions).

(26) Supervision hour--50 minutes.

(27) Supervisor--An LMFT with supervisor status meeting the requirements set out in §801.143 of this title. The appropriate council-approved terminology to use in reference to a Supervisor is: "Supervisor," "Licensed Marriage and Family Therapist Supervisor," "LMFT-S" or "LMFT Supervisor." Other terminology or abbreviations may not be used.

(28) Technology-assisted services--Providing therapy or supervision with technologies and devices for electronic communication and information exchange between a licensee in one location and a client or supervisee in another location.

(29) Therapist--A person who holds a license issued by the council.

(30) Waiver--The suspension of educational, professional, or examination requirements for an applicant who meets licensing requirements under special conditions.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706

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SUBCHAPTER B. RULES OF PRACTICE

22 TAC §801.57

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.57, relating to Child Custody Evaluations. Section 801.57 is adopted with changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8023) and will be republished.

Reasoned Justification.

The adopted amendment conform the rule to the statutory changes made to Sections 107.104 and 107.112 of the Family Code by H.B. 2340 from the 89th Legislature, Regular Session (2025).

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§801.57. Child Custody Evaluations.

(a) Licensees must comply with all applicable statutes and rules, including but not limited to Texas Family Code, Chapter 107,

Subchapters D, E, and F (relating to Child Custody Evaluation, Adoption Evaluation, and Evaluations in Contested Adoptions).

(b) When a licensee who has conducted a court-ordered child custody evaluation or adoption evaluation receives any complaint relating to the outcome of the evaluation, the licensee must report the complaint to the court that ordered the evaluation. See Council rule §884.3 of this title.

(c) Disclosure of confidential information in violation of Texas Family Code §§107.111 (relating to Child Custody Evaluator Access to Investigative Records of Department of Family and Protective Services; Offense), 107.1111 (relating to Child Custody Evaluator Access to Other Records), or 107.163 (relating to Adoption Evaluator Access to Investigative Records of Department of Family and Protective Services; Offense), or failure to redact any social security numbers or child's birth date from records subject to disclosure under 107.112 (relating to Communications and Recordkeeping of Child Custody Evaluator) before making the records available, is grounds for disciplinary action, up to and including license revocation.

(d) A licensee may not provide any other type of service, neither sequentially nor simultaneously in the same case that he or she provides a child custody evaluation, unless required by court order.

(e) A licensee may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child unless the licensee has conducted a child custody evaluation relating to the child in accordance with Texas Family Code, Chapter 107, Subchapter D.

(f) Before beginning child custody evaluations or adoption evaluations, a licensee must inform the parties in writing of:

(1) the limitations on confidentiality in the evaluation process; and

(2) the basis of fees and costs and the method of payment, including any fees associated with postponement, cancellation, and/or nonappearance, and the parties' pro rata share of the fees and costs as determined by the court order or written agreement of the parties.

(g) An LMFT Associate may not conduct child custody evaluations or adoption evaluations unless qualified by another professional license to provide such services or otherwise allowed by law.

(h) An LMFT who has completed a doctoral degree and at least 10 court-ordered child custody evaluations under the supervision of an individual qualified by the Texas Family Code, Chapter 107 to perform child custody evaluations is qualified to conduct child custody evaluations under Texas Family Code, Chapter 107. All other LMFTs must comply with the qualification requirements stipulated in Texas Family Code, Chapter 107.

(1) In addition to the minimum qualifications set forth by this rule, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct child custody evaluations.

(2) In addition to the qualifications prescribed by this rule, to be qualified to conduct a child custody evaluation, an individual must complete, during the two-year period preceding the evaluation, at least three hours of initial or continuing training, as applicable, related to the care of a child with an intellectual disability or developmental disability, including education, therapy, preparation for independent living, or methods for addressing physical or mental health challenges.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706

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SUBCHAPTER C. APPLICATIONS AND LICENSING

22 TAC §801.112

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.112, relating to General Academic Requirements. Section 801.112 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8025) and will not be republished.

Reasoned Justification.

The adopted amendments remove the term "regionally" to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education. The adopted amendments also align the requirement that all courses must receive a passing grade and be credited on an applicant's transcript, removing the requirement that some courses receive a "B" letter grade.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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22 TAC §801.113

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.113, relating to Academic Requirements. Section 801.113 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8026) and will not be republished.

Reasoned Justification.

The adopted amendments remove the term "regionally" to expand the category of acceptable accrediting agencies to include regional, national, and institutional accrediting bodies, as long as they are recognized by CHEA, THECB, or the U.S. Department of Education.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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22 TAC §801.204

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.204, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses. Section 801.204 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8028) and will not be republished.

Reasoned Justification.

The adopted amendments align the Council's rules with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

TRD-202600961
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
Effective date: March 18, 2026
Proposal publication date: December 12, 2025
For further information, please call: (512) 305-7706

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PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

CHAPTER 881. GENERAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §881.2

The Texas Behavioral Health Executive Council adopts amendments to §881.2, relating to Definitions. Section 881.2 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8029) and will not be republished.

Reasoned Justification.

The adopted amendment aligns the Council's rules with House Bill 2598, passed by the 89th Legislature, to rename a Licensed Specialist in School Psychology to a School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received three comments against the proposed amendment, arguing that the use of the term "psychologist" should be limited to individuals holding a doctoral degree in psychology.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received six comments in favor of the amendment, with commentors noting the change will help remove confusion by using a title the general public will more accurately understand.

Agency Response.

The agency appreciates the public comments. Because the Legislature changed the statutory name of the school psychology license in House Bill 2598, adoption of the proposed amendments is necessary to comply with statute.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

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CHAPTER 882. APPLICATIONS AND LICENSING

SUBCHAPTER B. LICENSE

22 TAC §882.42

The Texas Behavioral Health Executive Council adopts amendments to §882.42, relating to Ineligibility Due to Criminal History. Section 882.42 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8031) and will not be republished.

Reasoned Justification.

The adopted amendment conforms the rule to the statutory changes made to Section 53.021 of the Occupations Code by S.B. 1080 from the 89th Legislature, Regular Session (2025).

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

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SUBCHAPTER F. LICENSING PROVISIONS RELATED TO MILITARY SERVICE MEMBERS, VETERANS, AND MILITARY SPOUSES

22 TAC §882.60

The Texas Behavioral Health Executive Council adopts amendments to §882.60, relating to Special Provisions Applying to Military Service Members, Veterans, and Spouses. Section 882.60 is adopted with changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8032) and will be republished.

Reasoned Justification.

The adopted amendments align the Council's rule with changes made to Texas Occupations Code Chapter 55 by the 89th Legis-

lature regarding licensing of military service members, veterans, and spouses.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in support of the amendments, highlighting the importance of career portability for military service members.

Agency Response.

The agency appreciates the public comment in support of the proposed change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§882.60. Special Provisions Applying to Military Service Members, Veterans, and Spouses.

(a) The Council adopts by reference the definitions set forth in Chapter 55 of the Occupations Code.

(b) A license may be issued to a military service member, military veteran, or military spouse upon proof of one of the following:

(1) the applicant holds a current license in good standing in another jurisdiction that has a similar scope of practice as the license sought in this state as defined by the Texas Occupations Code; or

(2) within the five years preceding the application date, the applicant held the license sought in this state.

(c) An applicant applying as a military spouse must submit proof of marriage to a military service member.

(d) As part of the application process, the Executive Director may waive any prerequisite for obtaining a license, other than the requirements in subsection (b) of this section, the jurisprudence examination, and the fingerprint criminal history background check, if it is determined that the applicant's education, training, and experience provide reasonable assurance that the applicant has the knowledge and skills necessary for entry-level practice under the license sought. When making this determination, the Executive Director must consult with the relevant member board or its designated application or licensing committee and consider the board's or committee's input and recommendations. In the event the Executive Director does not follow a recommendation of the board or committee, the Executive Director must submit a written explanation to the board or committee explaining why its recommendation was not followed. No waiver may be granted where a military service member or military veteran holds a license issued by another jurisdiction that has been restricted, or where the applicant has a disqualifying criminal history.

(e) Each member board may develop and maintain alternate methods for a military service member, military veteran, or military spouse to demonstrate competency in meeting the requirements for obtaining a license, including receiving appropriate credit for training, education, and professional experience.

(f) Each member board shall develop and maintain a method for applying credit toward license eligibility requirements for applicants who are military service members or military veterans with verifiable military service, training, or education. An applicant may not receive credit toward licensing requirements under this subsection if the applicant holds another license that has been restricted, or the applicant has a disqualifying criminal history.

(g) The initial renewal date for a license issued pursuant to this rule shall be set in accordance with the agency's rule governing initial renewal dates.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

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Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

22 TAC §882.61

The Texas Behavioral Health Executive Council adopts amendments to §882.61, relating to Special Licensing Provisions for Service Members and Military Spouses. Section 882.61 is adopted with changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8034) and will be republished.

Reasoned Justification.

The adopted amendments align the Council's rule with changes made to Texas Occupations Code Chapter 55 by the 89th Legislature regarding licensing of military service members, veterans, and spouses.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§882.61. Special Licensing Provisions for Service Members and Military Spouses.

(a) Notwithstanding §882.23 of this chapter and in accordance with §55.0041 of the Occupations Code and the Veterans Auto and Education Improvement Act of 2022 (Public Law No. 117-333), a service member or military spouse is authorized to practice marriage and family therapy, professional counseling, psychology, or social work without a license if the person meets each of the following requirements:

(1) the service member or military spouse notifies the Council on an agency approved form or as directed by agency staff, of the service member's or military spouse's intent to practice a particular profession in this state;

(2) the service member or military spouse provides verification of licensure in good standing in another jurisdiction in the similar scope of practice and in the discipline applied for in this state;

(3) the service member or military spouse submits proof of location in this state (e.g. copy of a permanent change of station order); and

(4) the Council provides confirmation to the service member or military spouse that it has verified the service member's or military spouse's license in the other jurisdiction and that the service member or military spouse is authorized to practice a particular profession.

(b) The Council may rely upon the following when verifying licensure under this subsection: official verification received directly from the other jurisdiction, a government website reflecting active licensure and good standing, or verbal or email verification directly from the other jurisdiction.

(c) A service member or military spouse authorized to practice under this rule is subject to all laws and regulations in the same manner as a regularly licensed provider.

(d) A service member or military spouse may practice under this rule while the service member or military spouse is stationed at a military installation in this state.

(e) In order to obtain and maintain the privilege to practice without a license in this state, a service member or military spouse must remain in good standing with every licensing authority that has issued a license to the service member or military spouse at a similar scope of practice and in the discipline applied for in this state.

(f) This does not apply to service members or military spouses that are licensed and able to operate in this state through an interstate licensure compact. Service members or military spouses eligible to participate in an interstate licensure compact may either apply to practice through the authority of the interstate licensure compact or through other applicable state law.

(g) Notwithstanding subsection (d) of this section, in the event of a divorce or similar event (e.g., annulment, death of spouse) affecting a military spouse's marital status, a military spouse who relied upon this section to obtain authorization to practice may continue to practice under the authority of this rule until the third anniversary of the date the spouse submitted the application for authorization.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

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CHAPTER 884. COMPLAINTS AND ENFORCEMENT

SUBCHAPTER B. INVESTIGATIONS AND DISPOSITION OF COMPLAINTS

22 TAC §884.11

The Texas Behavioral Health Executive Council adopts amendments to §884.11, relating to Informal Conferences. Section 884.11 is adopted without changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8035) and will not be republished.

Reasoned Justification.

The adopted amendments will streamline the enforcement process and better align it with other agency rules.

List of interested groups or associations against the rule.

Texas Counseling Association, Texas Society for Clinical Social Workers, Houston Psychological Association, Texas Association of Marriage and Family Therapy.

Summary of comments against the rule.

The agency received 248 comments against the proposed rule change. Commentors argue that the presence of licensed professional board members is necessary during disciplinary proceedings to provide expertise related to clinical judgment and standards of care. They argue agency staff and attorneys lack the necessary training and practical experience to effectively assess the nuances of complaint scenarios. Many commentors feel the informal settlement conferences are adjudication of

complaints and, therefore, fairness and due process require the presence of board members. Commentors are concerned absence of a professional board member will decrease transparency, deemphasize the importance of professional training, and weaken public protection.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in support of the rule change, which noted the proposal would help remove any potential bias from licensed board members and encourage consistency and efficiency through reliance on the penalty matrix.

Agency Response.

The agency appreciates the public feedback and understands the concerns raised by the comments. However, the impact of the proposed rule change will not be to remove professional board members from the enforcement process. Council staff will continue to seek involvement of board members in informal settlement conferences, including to seek input from professional board members when standard of practice questions arise. The rule change as adopted simply allow staff to manage the workflow of the agency and ensures informal settlement conferences can continue even without the presence of a board member if one is not necessary.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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Darrel D. Spinks
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Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

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CHAPTER 885. FEES

22 TAC §885.1

The Texas Behavioral Health Executive Council adopts amendments to §885.1, relating to Executive Council Fees. Section 885.1 is adopted with changes to the proposed text as published in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8037) and will be republished.

Reasoned Justification.

The adopted amendments remove a prior fee schedule that has not been in effect for over two years. The amendments also add a fee for requesting an 11" by 14" wall printing of a license, and conforms language to other rule changes that rename Licensed Specialists in School Psychology to School Psychologist.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received three comments against the proposed rule change. The commentors mostly raised concerns about the amount of fees required for application or renewal of a license, stating that fee amounts are too high given the relative pay for a mental health practitioner.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comments and continuously works to keep our fees low compared with the national average. The proposed amendments do not raise any application or renewal fees, and so the comments do not relate directly to the proposed amendments. One commentor suggests that a free printed license should be provided to all licensees. The agency has recently created a free printable license that is made available to all license holders to print at their convenience.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§885.1. Executive Council Fees.

(a) General provisions.

(1) All fees are nonrefundable, nontransferable, and cannot be waived except as otherwise permitted by law. Any attempt to cancel, initiate a chargeback, or seek recovery of fees paid to the Council may result in the opening of a complaint against a licensee or applicant.

(2) Fees required to be submitted online to the Council must be paid by debit or credit card. All other fees paid to the Council must be in the form of a personal check, cashier's check, or money order.

(3) For applications and renewals the Council is required to collect fees to fund the Office of Patient Protection (OPP) in accordance with Texas Occupations Code §101.307, relating to the Health Professions Council.

(4) For applications, examinations, and renewals the Council is required to collect subscription or convenience fees to recover costs associated with processing through Texas.gov.

(5) All examination fees are to be paid to the Council's designee.

(b) The Executive Council adopts the following chart of fees: Figure 22 TAC §885.1(b)

(c) Late fees. (Not applicable to Inactive Status)

(1) If the person's license has been expired (i.e., delinquent) for 90 days or less, the person may renew the license by paying to the Council a fee in an amount equal to one and one-half times the base renewal fee.

(2) If the person's license has been expired (i.e., delinquent) for more than 90 days but less than one year, the person may renew the license by paying to the Council a fee in an amount equal to two times the base renewal fee.

(3) If the person's license has been expired (i.e., delinquent) for one year or more, the person may not renew the license; however, if eligible the person may apply for reinstatement of the license.

(d) Open Records Fees. In accordance with §552.262 of the Government Code, the Council adopts by reference the rules developed by the Office of the Attorney General in 1 TAC Part 3, Chapter 70 (relating to Cost of Copies of Public Information) for use by each governmental body in determining charges under Government Code, Chapter 552 (Public Information) Subchapter F (Charges for Providing Copies of Public Information).

(e) Military Exemption for Fees. All licensing and examination base rate fees payable to the Council are waived for applicants who are:

(1) military service members and military veterans, as those terms are defined by Chapter 55, Occupations Code, whose military service, training, or education substantially meets all licensure requirements; or

(2) military service members, military veterans, and military spouses, as those terms are defined by Chapter 55, Occupations Code, who hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements of this state.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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TRD-202600955

Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

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TITLE 30. ENVIRONMENTAL QUALITY

PART 1. TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 116. CONTROL OF AIR POLLUTION BY PERMITS FOR NEW CONSTRUCTION OR MODIFICATION

SUBCHAPTER F. STANDARD PERMITS

30 TAC §116.605

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts amendment to 30 Texas Administrative Code (TAC) §116.605.

Amended 30 TAC §116.605 is adopted without change to the proposed text as published in the October 24, 2025, issue of the *Texas Register* (50 TexReg 6986). The rule will not be republished.

These amended rules will be submitted to the United States Environmental Protection Agency (EPA) as a revision to the state implementation plan (SIP).

Background and Summary of the Factual Basis for the Adopted Rules

Senate Bill (SB) 763 amends Texas Health and Safety Code (THSC), §382.05195, Standard Permit. The bill adds Subsection (e-1) requiring TCEQ to conduct a protectiveness review at least once every eight years for a standard permit issued under this section that authorizes the operation of a permanent concrete batch plant (CBP) that performs wet batching, dry batching, or central mixing (Air Quality Standard Permit for Concrete Batch Plants (CBP SP)). If the standard permit is amended after a protectiveness review is conducted, TCEQ shall allow facilities authorized to operate under the standard permit as it read before being amended to continue to operate until a date provided by the commission that provides facility operators a reasonable amount of time to comply with the amended standard permit. The bill requires TCEQ to adopt rules necessary to implement these changes no later than March 1, 2026. SB 763 was signed by the Governor on June 20, 2025, and became effective on September 1, 2025.

SB 2351 amends THSC, §382.05195, Standard Permit, by adding Subsection (f-1) that will apply only to a standard permit issued under this section that authorizes the operation of a permanent concrete batch plant that performs wet batching, dry batching, or central mixing (CBP SP). SB 2351 also amends THSC, §382.05198, Standard Permit for Certain Concrete Plants, by adding Subsection (d) that will apply only to a standard permit issued under that section (Air Quality Standard Permit for Concrete Batch Plants with Enhanced Controls (CBPEC SP)). New THSC, §382.05195, Subsection (f-1) and THSC, §382.05198, Subsection (d) establish that upon TCEQ

amending these standard permits, TCEQ may require each facility operator authorized to begin construction of a facility under the former standard permit to update the facility's plans for the new construction in accordance with the amended standard permit if the facility operator did not begin construction before the adoption of the amended standard permit, and if the facility operator filed a request under commission rules for an extension to begin construction. SB 2351 was signed by the Governor on May 24, 2025, and became effective on May 24, 2025, after receiving a vote of two-thirds of all the members of each house.

Section by Section Discussion

To implement the requirements of SB 763 and SB 2351, 89th Regular Texas Legislature, 2025, the commission amends 30 TAC Chapter 116, Subchapter F (Standard Permits).

The rulemaking adoption adds 30 TAC §116.605(d)(4) requiring a protectiveness review to be conducted for the CBP SP at least once every eight years. The rulemaking adoption also adds 30 TAC §116.605(f)(1) and (2) that will be applicable only when an amendment to the CBP SP or the CBPEC SP is issued by the commission. New 30 TAC §116.605(f)(1) and (2) outlines criteria of how the commission may require an operator of a permanent facility that is authorized to begin new construction under the former standard permit to update the permanent facility's plans for the new construction to comply with the amended standard permit if the facility operator did not begin the construction before the adoption of the amended standard permit and the operator filed a request for an extension to begin construction. These adopted requirements are not applicable to temporary or specialty plants authorized under the CBP SP.

Final Regulatory Impact Determination

The commission reviewed the rulemaking adoption considering the regulatory impact analysis requirements of Texas Government Code (TGC), §2001.0225, and determined that the rulemaking adoption does not meet the definition of a "Major environmental rule" as defined in that statute, and in addition, if it did meet the definition, would not be subject to the requirement to prepare a regulatory impact analysis. A "Major environmental rule" means a rule, the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. Additionally, the rulemaking adoption does not meet any of the four applicability criteria for requiring a regulatory impact analysis for a major environmental rule, which are listed in TGC, §2001.0225(a). TGC, §2001.0225 applies only to a major environmental rule, the result of which is to: 1) exceed a standard set by federal law, unless the rule is specifically required by state law; 2) exceed an express requirement of state law, unless the rule is specifically required by federal law; 3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or 4) adopt a rule solely under the general powers of the agency instead of under a specific state law.

The adopted rulemaking's purpose is to amend 30 TAC §116.605(d)(4) requiring a protectiveness review to be conducted for the concrete batch plant standard permit at least once every eight years. The rulemaking adoption will also add 30 TAC §116.605(f)(1) and (2) that will outline criteria of how the commission may require an operator of a permanent facility that is authorized to begin new construction under the former standard permit to update the permanent facility's plans for the new construction to comply with the amended standard permit. The new requirements are required under statutory amendments to THSC, §382.05195.

As defined in the Texas Government Code, TGC, §2001.0225 only applies to a major environmental rule, the result of which is to: exceed a standard set by federal law, unless the rule is specifically required by state law; exceed an express requirement of state law, unless the rule is specifically required by federal law; exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or adopt a rule solely under the general authority of the commission. The adopted amendments to 30 TAC §116.605 do not exceed an express requirement of state law or a requirement of a delegation agreement and were not developed solely under the general powers of the agency but are authorized by specific sections of the Texas Government Code and the Texas Water Code that are cited in the Statutory Authority section of this preamble. The adopted rule implements Senate Bills 763 and 2351, 89th Regular Legislature, 2025, which require changes relating to how the agency evaluates standard permits and thus is a specific requirement under state statute. Therefore, this rulemaking is not subject to the regulatory analysis provisions of TGC, §2001.0225(b).

The commission invited public comment regarding the draft regulatory impact analysis determination during the public comment period. No comments were received on the regulatory impact analysis determination.

Takings Impact Assessment

Under TGC, §2007.002(5), taking means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the United States Constitution or §17 or §19, Article I, Texas Constitution; or a governmental action that (i) affects an owner's private real property that is the subject of the governmental action, in whole or in part or temporarily or permanently, in a manner that restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action; and (ii) is the producing cause of a reduction of at least 25% in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect.

The adopted amendments are procedural in nature and will not burden private real property. The adopted amendments do not affect private property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of a governmental action. Consequently, this rulemaking action does not meet the definition of a taking under TGC, §2007.002(5). The adopted amendments do not directly prevent a nuisance or prevent an immediate threat to life or property. Therefore, this rulemaking action will not constitute a taking under TGC, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the rulemaking adoption and found that the adoption is subject to the Texas Coastal Management Program (CMP) in accordance with the Coastal Coordination

Act, Texas Natural Resources Code, §§33.201 et seq., and therefore must be consistent with all applicable CMP goals and policies. The commission conducted a consistency determination for the adopted rules in accordance with Coastal Coordination Act implementation rules, 31 TAC §29.22, and found the rulemaking adoption is consistent with the applicable CMP goals and policies.

The CMP goal applicable to this rulemaking adoption is the goal to protect, preserve, restore, and enhance the diversity, quality, quantity, functions, and values of coastal natural resource areas (31 TAC §26.12(l)). The adopted amendments to Chapter 116 will update TCEQ rules to implement the requirement that a protectiveness review be conducted for the CBP SP at least once every eight years and incorporate requirements for when an operator of a facility authorized under the CBP SP or CBPEC SP must comply with the amended standard permit. The CMP policy applicable to the rulemaking adoption is that commission rules comply with federal regulations in Title 40 of the Code of Federal Regulations (40 CFR) to protect and enhance air quality in the coastal areas (31 TAC §26.32). This rulemaking complies with 40 CFR Part 51, Requirements for Preparation, Adoption, and Submittal of Implementation Plans. Therefore, in accordance with 31 TAC §29.22(e), the commission affirms that this rulemaking is consistent with CMP goals and policies.

Promulgation and enforcement of these rules will not violate or exceed any standards identified in the applicable CMP goals and policies because the adopted rules are consistent with these CMP goals and policies and because these rules do not create or have a direct or significant adverse effect on any coastal natural resource areas.

The commission invited public comment regarding the consistency with the coastal management program during the public comment period. No comments were received on related to the CMP.

Effect on Sites Subject to the Federal Operating Permits Program

The adopted amendments are not expected to have a significant impact on sites subject to the Federal Operating Permits Program. Facilities that operate under a registered standard permit and have a Site Operating Permit (SOP) should evaluate the revised applicable requirements of 30 TAC §116.615 to determine if an update to their SOP is necessary.

Public Comment

The commission held a public hearing on November 20, 2025. The comment period closed on November 25, 2025. The commission received comments from Senator Carol Alvarado (Texas Senate District 6), Representative Armando Walle (Texas House District 140), Bill Alsup on behalf of the City of Richardson, Sydney Beckner on behalf of Texans for Responsible Aggregate Mining (TRAM), Karina Yonekawa Blest, Lisa Brenskille, Theresa Q. Tran Carapucci on behalf of the City of Houston Health Department (HHD), Harris County Attorney's Office (HCAO), Alexandra Cormier, Esteban De La Rosa, Amy Dinn of Lone Star Legal Aid (LSLA) on behalf of Super Neighborhood 48 Trinity/Houston Gardens, Lucia Garcia, Genesis Granados, Kathryn Guerra on behalf of Public Citizen, Leticia Gutierrez of Air Alliance Houston, Jennifer Hadayia of Air Alliance Houston, Julian Hernandez, Omar Hernandez, Rich Herweck, Rosa Hines, Iris King, Gavin Linley-Elwell, Mike Renna, Sarah Sam, Adrian Shelly on behalf of Public Citizen, Reem Tariq, Tatum Ownes, Carmela Walker, Ebee Ward of Rigby Slack on behalf of the Texas Aggregate and Concrete Association, and Indira Zaldivar.

All comments received were in general support of the rule.

Response to Comments

COMMENT 1

Senator Alvarado commented that "nder prior agency rules, TCEQ possessed broad discretion to require a permit holder seeking a construction extension to update their permit based on the best available control technology and the lowest achievable emission rate. However, that discretion stemmed solely from agency rules, not statute, and was rarely exercised. Senate Bill (SB) 2351 codifies this authority in state law and provides clear legislative direction by *authorizing* TCEQ to require a permit holder requesting an extension to comply with the most recent version or amendment of the standard air permit. With this discretionary authority, I urge TCEQ to amend the proposed rules to state that the TCEQ must require facilities to meet new permit conditions if there are delays in construction.

Specifically, proposed rule 30 Texas Administrative Code (TAC) §116.605(f) should read as follows:

(f) When standard permits issued under THSC, §§382.05195 and 382.05198 are amended, the commission *shall* require each facility operator authorized to begin new construction of permanent concrete batch plants that perform wet batching, dry batching or central mixing under the former standard permit to update the facility's plan for the new construction in accordance with the amended standard permit if the facility operator:

Requiring each facility to operate under updated standard permit requirements after a delay in construction is fully compliant with the legislature's intent as passed in SB 2351."

AND

Representative Walle commented that House Bill 2351 addressed a gap in the permitting process "…by clarifying that when an operator requests an extension and TCEQ has since updated the applicable standard permit, TCEQ has clear authority to require compliance with the most recent permit conditions." And the "…legislative intent was to encourage TCEQ to make this requirement mandatory rather than permissive. We strongly believe that requiring permit holders who delay construction to comply with the most up-to-date standards would better protect the health, safety, and property of Texas communities. We respectfully urge TCEQ to incorporate this requirement into its rulemaking."

RESPONSE 1

Consistent with the bill, the proposed rulemaking would allow the commission to require facility operators authorized to begin new construction of permanent concrete batch plants to update the facility's plan for the new construction in accordance with an amended standard permit if construction had not begun before the adoption of the amended standard permit.

The commission appreciates the legislative intent to provide a strong statutory foundation for the agency. TCEQ strives to ensure any rulemaking actions align as closely as possible with statutory language set by the legislature. The proposed rulemaking gives TCEQ the ability to require operators authorized under a concrete batch plant standard permit to update plans to comply with an amended standard permit but also allows the

agency some discretion when amendments to the standard permit do not warrant an operator submitting updated facility plans.

No changes were made in response to this comment.

COMMENT 2

The City of Richardson supports TCEQ for advancing the rulemaking under Project 2025-032-116-AI and supports its adoption. The city supports the changes mandated by SB 763 and SB 2351 because regular updates to the protectiveness review will keep residents protected from emerging risks, and gives municipalities, cities, and communities greater transparency and confidence with TCEQ permitting and industrial operations.

RESPONSE 2

The commission appreciates the support. No changes were made in response to this comment.

COMMENT 3

HCAO proposed that protectiveness review for each standard permit be updated at least every eight years.

RESPONSE 3

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews for permanent concrete batch plants.

No changes were made in response to this comment.

COMMENT 4

HCAO commented that the commission should expedite an updated protectiveness review if there are changes to the National Ambient Air Quality Standards (NAAQS).

RESPONSE 4

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews. SB 763 does not include any guidance on additional triggers for the initiation of a protectiveness review, nor does it limit the commission's ability to initiate a protectiveness review. The commission does consider multiple factors in determining the necessity of completing a protectiveness review inside the proposed 8-year cycle.

No changes were made in response to this comment.

COMMENT 5

HCAO commented that the commission should allow the public to comment on protectiveness reviews.

RESPONSE 5

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews. SB 763 does not add any process requirements for the protectiveness reviews and does not give guidance on public participation.

No changes were made in response to this comment.

COMMENT 6

LSLA on behalf of Super Neighborhood 48 Trinity/Houston Gardens comments that "…new Rule 116.605(d)(4) should not be read on its own but in the context of existing TCEQ rules related to the amendment of the CBP SP. TCEQ needs to follow the rules already in place, notably in the same subsection (d) of Rule 116.605, and not defer any future protectiveness reviews until 2030 because it has not yet been 8 years from the last Air Quality Assessment. If there are conditions that should trigger an earlier amendment of the permit, such as the new NAAQS for $PM_{2.5}$ adopted in 2024, then TCEQ should conduct an updated protectiveness review and move forward with an amendment of the standard permit."

RESPONSE 6

The commission appreciates the comment and recognizes the alignment and codependency of the rules. SB 763 establishes a maximum time boundary for updating the protectiveness review without limiting the commission's ability to update the protectiveness review earlier if warranted.

No changes were made in response to this comment.

COMMENT 7

LSLA on behalf of Super Neighborhood 48 Trinity/Houston Gardens commented that the current concrete batch plant standard permit is not protective under the 2012 or 2023 NAAQS for $PM_{2.5}$ and that the protectiveness review completed in 2023 does not support the commission's ability to establish that the current concrete batch plant standard permit is protective for residents of Harris County.

RESPONSE 7

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 and SB 763 for the timing of required protectiveness reviews. SB 763 does not include any guidance on additional triggers for the initiation of a protectiveness review, nor does it limit the commission's ability to initiate a protectiveness review.

No changes were made in response to this comment.

COMMENT 8

Public Citizen noted a discrepancy between the language in the proposed rule and the

statute. The proposed rule refers to a facility operator who, "filed a request under §116.120 of this title, (relating to Voiding of Permits) for an extension…" Whereas SB 2351 states, "the facility operator filed a request under commission rules for an extension…" meaning that SB 2351 is technically broader than the proposed rule, as it would cover any extension granted under any rules, not just under 30 TAC §116.120.

RESPONSE 8

The commission appreciates the comment. The commission's proposal follows the specific direction of the legislature in SB 2351, to require compliance with the most recent permit conditions.

No changes were made in response to this comment.

COMMENT 9

Public Citizen commented that the proposal does not include guidance on when the commission would require compliance with the terms in an updated standard permit. Public Citizen strongly supports adopting a mandatory requirement for compliance with revised standards.

RESPONSE 9

The commission appreciates the comment. The commission's proposal follows the specific direction of the legislature in SB 2351. The proposed rulemaking would allow the commission to require facility operators authorized to begin new construction of permanent concrete batch plants to update the facility's plan for the new construction in accordance with an amended standard permit if construction had not begun before the adoption of the amended standard permit.

The proposed rulemaking gives TCEQ the ability to require operators authorized under a concrete batch plant standard permit to update plans to comply with an amended standard permit but also allows the agency some discretion when amendments to the standard permit do not warrant an operator submitting updated facility plans.

No changes were made in response to this comment.

COMMENT 10

Public Citizen commented that the proposed 8-year cycle is an improvement over past practices but that the commission has the discretion to complete a protectiveness review more frequently. They suggested including this discretion in the rule language.

RESPONSE 10

The commission appreciates the comment. The proposal follows the specific direction of the legislature in SB 763 for the timing of required protectiveness reviews. SB 763 does not limit the commission's ability to initiate a protectiveness review within the 8-year cycle. The commission does consider multiple factors in determining the necessity of completing a protectiveness review inside the proposed 8-year cycle.

No changes were made in response to this comment.

COMMENT 11

Commentors encouraged the commission to consider cumulative impacts of multiple facilities (including concrete batch plants and other industries) in common geographic areas when evaluating permit applications and the protectiveness of the standard permit.

RESPONSE 11

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 and SB 2351 do not add any requirements for the protectiveness reviews.

No changes were made in response to this comment.

COMMENT 12

Multiple commentors encouraged the commission to require that the 440-yard set-back distance be measured from the facility fence-line, not the baghouse exhaust.

RESPONSE 12

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 and SB 2351 do not include guidance for set-back distances.

No changes were made in response to this comment.

COMMENT 13

Commentors expressed concern about pollution from temporary concrete batch suggesting that the commission establish a defined time limit for temporary facilities.

RESPONSE 13

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 and SB 2351 do not include any guidance addressing temporary facilities.

No changes were made in response to this comment.

COMMENT 14

Commentors expressed concern about the health effects of emissions from concrete batch plants and encouraged the commission to prioritize public health in all permitting decisions.

RESPONSE 14

The commission appreciates the comments, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 763 and SB 2351. The bills do not address specific permitting decisions.

No changes were made in response to this comment.

COMMENT 15

Commentors expressed concern that the commission relies on facility self-reporting over direct monitoring and recommended that the commission require fenceline monitoring for permanent concrete batch plants.

RESPONSE 15

The commission appreciates the comment, but this is outside the scope of the proposed rulemaking. The proposal follows the specific direction of the legislature in SB 2351 to require compliance with the most recent permit conditions and SB 763 for the timing of required protectiveness reviews. SB 763 does not include guidance for monitoring of concrete batch plants.

No changes were made in response to this comment.

COMMENT 16

All Commentors expressed strong support for the proposed revisions.

RESPONSE 16

The commission appreciates the support.

Statutory Authority

The amendments are adopted under Texas Water Code (TWC), §5.013, concerning General Jurisdiction of Commission, which establishes the general jurisdiction of the commission; TWC, §5.102, concerning General Powers, which provides the commission with the general powers to carry out its duties under the TWC; TWC, §5.103, concerning Rules, which authorizes the commission to adopt rules necessary to carry out its powers and duties under the TWC; and TWC, §5.105, concerning General Policy, which authorizes the commission by rule to establish and approve all general policy of the commission. The amendments are also adopted under Texas Health and Safety Code (THSC), §382.002, concerning Policy and Purpose, which establishes

the commission's purpose to safeguard the state's air resources, consistent with the protection of public health, general welfare, and physical property; THSC, §382.011, concerning General Powers and Duties, which authorizes the commission to control the quality of the state's air; THSC, §382.012, concerning State Air Control Plan, which authorizes the commission to prepare and develop a general, comprehensive plan for the proper control of the state's air; THSC, §382.017, concerning Rules, which authorizes the commission to adopt rules consistent with the policy and purposes of the Texas Clean Air Act; THSC §382.05195, concerning standard permits; and §382.05198, concerning standard permits for certain concrete plants.

In addition, the amendments are adopted under Texas Government Code (TGC), §2001.004, concerning Requirement to Adopt Rules of Practice and Index Rules, Orders, and Decisions, which requires state agencies to adopt procedural rules; TGC, §2001.006, concerning Actions Preparatory to Implementation of Statute or Rule, which authorizes state agencies to adopt rules or take other administrative action that the agency deems necessary to implement legislation; TGC, §2001.142, concerning Notification of Decisions and Orders, which provides a time period for presumed notification by a state agency; and the Federal Clean Air Act, 42 United States Code (USC), §§7401, et seq., which requires states to submit state implementation plan revisions that specify the manner in which the national ambient air quality standards will be achieved and maintained within each air quality control region of the state. The adopted amendments implement Senate Bills 763 and 2351, 89th Regular Legislature, 2025, which require changes relating to how the agency evaluates standard permits.

The adopted amendments implement changes to THSC, §382.05195.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

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CHAPTER 331. UNDERGROUND INJECTION CONTROL

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) adopts amendments to §§331.19, 331.107, and 331.108.

Amended §331.19 and §331.107 are adopted *without changes* to the proposed text and, therefore, will not be republished. Amended §331.108 is adopted *with changes* to the proposed text as published in the November 7, 2025, issue of the *Texas Register* (50 TexReg 7224) and, therefore, will be republished.

Background and Summary of the Factual Basis for the Adopted Rules

This rulemaking implements Senate Bill (SB) 616 and SB 1061, 89th Texas Legislature, Regular Session, 2025, which amended Texas Water Code (TWC), §§27.051 and 27.0513, relating to certain injection wells transecting the Edwards Aquifer used for an aquifer storage and recovery (ASR) project, and Class III production area authorizations (PAA) respectively. SB 616 allows for additional exceptions to prohibitions on drilling into or through the Edwards Aquifer. SB 1061 allows for an application for an amendment to a Class III PAA to be an uncontested matter if certain conditions are met and requires the commission to prioritize conservation of regional groundwater supplies when considering amendment to restoration table values.

The adopted rulemaking implements SB 616 by amending the commission's underground injection control rules to allow authorization of certain types of injection wells that transect or terminate in the Edwards Aquifer, either by permit or by rule, and to allow for authorization of an ASR injection well that transects the Edwards Aquifer as long as the geologic formation used for injection underlies the Edwards Aquifer and the injection well will be located in either the area of Williamson County east of Interstate Highway 35 or in Medina County. The adopted rulemaking implements SB 1061 by amending the commission's underground injection control rules to allow for amendment to an in-situ uranium mining PAA to be an uncontested matter if certain conditions are met and requiring the commission to prioritize the conservation of regional groundwater water supplies when reviewing an application to amend a restoration table value.

A PAA is an authorization, issued under the terms of a Class III injection well area permit for uranium mining, that approves the initiation of mining activities in a specified production area within a permit area, and sets specific conditions for production and restoration in each production area within a permit area. Because the SB 1061 amendments of TWC, §27.0513(d) now include an amendment application for a PAA and all of the applicability provisions applying under paragraphs (d)(1)-(4), all applications for a PAA will be uncontested matters and not subject to an opportunity for a contested case hearing. An application for a PAA is still subject to public notice requirements and an opportunity to submit public comment.

Section by Section Discussion

The commission adopts amendments to 30 Texas Administrative Code (TAC) §331.19 to implement SB 616 and TWC, §27.051(i). The adopted amendment revises the prohibition against certain injection wells in the Edwards Aquifer to allow authorization of certain aquifer storage and recovery projects. The commission adopts the amendment to §331.19 by adding new §331.19(a)(5) which states "wells that transect the Edwards Aquifer and that inject water into a geologic formation that underlies the Edwards Aquifer as part of an aquifer storage and recovery projectÂ in the area of Williamson County east of Interstate Highway 35 or in Medina County." An injection well subject to this allowance will still be required to comply with other applicable requirements in Chapter 331 for ASR projects.

The commission adopts amendments to 30 TAC §§331.107 and 331.108 to implement SB 1061 and TWC, §27.0513. The commission adopts the amendment to §331.107 by adding "The commission shall prioritize the conservation of regional water supplies when considering an application to amend a restoration table value or range table" to §331.107(g)(1). The adopted amendment to §331.107 implements TWC, §27.0513(c-1) as amended by SB 1061.Â Accordingly, the commission will give priority to the conservation of regional water supplies over the

other factors listed in §331.107(g)(1)(A)-(I). The commission specifically solicited comments on the amendment to paragraph 331.107(g)(1) to apply the prioritization of regional groundwater supplies when considering an application for amendment of a permit range table but received no comments about this provision. Because the same considerations are given to the amendment of a restoration table and amendment of a permit range table under §331.107(g), the commission adopts this amendment to give priority to the conservation of regional water supplies over the other factors when considering an amendment of a permit range table.

The commission's rule in §331.108 establishes that an application for a PAA is not subject to an opportunity for a contested case hearing if the conditions established in TWC, §27.0513(d) are met. The commission adopts the amendment of §331.108 by adding the phrase "or an amendment to production area authorization" in §331.108(a). The commission amends §331.108(a)(1)-(3) to implement the amendments to TWC, §27.0513(d)(1)-(3) as established by SB 1061.Â The commission adopts the amendment to §331.108 by adding new §331.108(a)(4), which establishes that an application for a PAA is not subject to an opportunity for a contested case hearing if the Notice of Receipt of Application and Intent to Obtain Permit is provided to the individual land owners, mineral rights owners and an applicable Groundwater Conservation District not later than 30 days after the date the executive director commission determines the new or amended PAA application to be administratively complete.Â Adopted new §331.108(a)(4) implements TWC, §27.0513(d) as amended by SB 1061. The public notice requirements for an application for a PAA has not changed and the amendments in §331.108(a)(4) are consistent with the existing public notice requirements in 30 TAC §§39.418 and 39.653. Under existing §39.653, the chief clerk is required to mail the Notice of Receipt of Application and Intent to Obtain Permit not later than 30 days after the executive director declares an application to be administratively complete. The commission amends §331.108(b) because the adopted revision of subsection (a) applies to an amendment application and to specify that a restoration table value in a PAA may not be amended to exceed the respective maximum value of the permit range table and is consistent with the existing requirement in §331.107(a)(1). In response to comment, the word "maximum" is added to the provision in §331.108(b). The commission adopts the removal of §331.108(c) because all Class III injection well permits for in situ uranium mining include a permit range table as required by TWC, §27.0513(a). Because the revisions to §331.108 now include amendment applications as specified by SB 1061, all applications for PAAs will be expected to fall within the conditions in §331.108(a)(1)-(4) that render the applications as uncontested matters and not subject to an opportunity for a contested case hearing. Applications for PAAs are still subject to public notice requirements and an opportunity to submit public comment.

Final Regulatory Impact Analysis

The commission reviewed the rulemaking adoption action in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the action is not subject to Texas Government Code, §2001.0225 because it does not meet the definition of a "Major environmental rule" as defined in that statute. A "Major environmental rule" is a rule the specific intent of which is to protect the environment or reduce risks to human health from environmental exposure, and that may adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The adopted amendments implement SB 616 and SB 1061 from the 89th Texas Legislature, Regular Session, 2025. SB 616 provides additional exceptions to the prohibition of injection wells into or through the Edwards Aquifer to allow for certain ASR projects in Williamson or Medina Counties. SB 1061 is procedural in addressing application requirements for PAAs and revises the conditions for which applications for PAAs are uncontested matters and requires the commission to prioritize the conservation of regional groundwater supplies when considering an application for amendment to a restoration table value. The adopted rules revise the exceptions to the prohibition of injection wells that terminate in or transect the Edwards Aquifer to allow for certain ASR projects in Williamson or Medina Counties. The allowance for injection wells that transect the Edwards Aquifer for certain ASR projects in Williamson or Medina Counties does not alleviate or change existing requirements that will otherwise apply to ASR projects. The adopted rules also specify that the commission will prioritize the conservation of regional groundwater supplies when considering an application to revise a restoration table or permit range table. The adopted rules specify the conditions that render an application for a new or amended PAA an uncontested matter and not subject to an opportunity for a contested case hearing. The adopted rules do not change any existing requirements that protect the environment or reduce risks to human health from environmental exposure, nor do the adopted rules affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state.

As defined in the Texas Government Code, §2001.0225 only applies to a major environmental rule, the result of which is to: exceed a standard set by federal law, unless the rule is specifically required by state law; exceed an express requirement of state law, unless the rule is specifically required by federal law; exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or adopt a rule solely under the general authority of the commission. The adopted rules do not exceed a standard set by federal law. The adopted amendments do not exceed an express requirement of state law or a requirement of a delegation agreement. These rules were not developed solely under the general powers of the agency but are authorized by specific sections of the Texas Government Code and TWC, that are cited in the statutory authority section of this preamble. Therefore, this rulemaking is not subject to the regulatory analysis provisions of Texas Government Code, §2001.0225(b).

The commission invited public comment regarding the Draft Regulatory Impact Analysis Determination during the public comment period.

Takings Impact Assessment

The commission evaluated the rulemaking adoption and performed an analysis of whether Texas Government Code, Chapter 2007, is applicable. The adopted amendments implement SB 616 and SB 1061 from the 89th Texas Legislature, Regular Session, 2025. The adopted amendments in Chapter 331 do not affect private property in a manner that restricts or limits an owner's right to the property that would otherwise exist in the absence of the adopted rules. The adopted amendments to Chapter 331 amend the prohibition for injection wells that transect or terminate in the Edwards Aquifer to allow certain aquifer and

storage and recovery projects in Williamson or Medina Counties and amend procedural requirements for the processing of applications for PAAs. Consequently, this rulemaking action does not meet the definition of a taking under Texas Government Code, §2007.002(5). Therefore, this rulemaking action will not constitute a taking under Texas Government Code, Chapter 2007.

Consistency with the Coastal Management Program

The commission reviewed the adopted rules and found they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(2) or (4), nor will they affect any action/authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(a)(6). Therefore, the adopted rules are not subject to the Texas Coastal Management Program (CMP).

The commission invited public comment regarding the consistency with the coastal management program during the public comment period.

Public Comment

The commission held a public hearing on December 8, 2025. The comment period closed on December 10, 2025. The commission received comments from Brazos River Authority, Greater Edwards Aquifer Alliance (GEAA), Texas Environmental Justice Advocacy Services (Tejas), and The Owner/Operator Members of the Uranium Committee of the Texas Mining & Reclamation Association (TMRA-UC).

Brazos River Authority supported the rulemaking. TMRA-UC was generally supportive of the rulemaking, but requested the commission not adopt amendment of §331.108(b). GEAA and Tejas were generally against the rulemaking.

Response to Comments

Comment

Brazos River Authority commented that TCEQ's proposed amendment of §331.19(a)(5) is consistent with both the plain language and intent of SB 616 and that it supports its adoption by the commission.

Response

The commission acknowledges Brazos River Authority's comment. No changes were made in response to the comment.

Comment

Tejas commented that the amendment to §331.19 to implement SB 616 raises a risk of contamination of the Edwards Aquifer from failures in well casing, cement, sealing materials, construction flaws, geological movement or long-term degradation.

Response

The implementation of SB 616 to amend rules to allow for certain exceptions to injection wells that transect the Edwards Aquifer does not alter rule provisions that require injection wells to be sited, designed, constructed and operated to protect underground sources of drinking water from pollution. Current underground injection control rules under 30 TAC Chapter 331 Subchapters A, H and K do not allow for Class V injection well design/construction and operation associated with ASR systems to introduce contaminants from the injection source into a non-designated receiving aquifer. No changes were made in response to the comment.

Comment

Tejas commented that the amendment to §331.19 to implement SB 616 could introduce surface water, treated effluent or other contaminants from the injection source into the Edwards Aquifer.

Response

The commission does not agree that amendment of §331.19 could introduce contaminants into the Edwards Aquifer. Any injection wells subject to this allowance in SB 616 will still be required to comply with other applicable requirements in Chapter 331 for ASR projects. Under existing rule 30 TAC §331.5(a), "No permit or authorization by rule shall be allowed where an injection well causes or allows the movement of fluid that would result in the pollution of an underground source of drinking water. A permit or authorization by rule shall include terms and conditions reasonably necessary to protect fresh water from pollution." No changes were made in response to the comment.

Comment

Tejas commented that any damage to the Edwards Aquifer would be irreversible given the high-flow nature of a karst aquifer.

Response

The commission does not agree that amendment of §331.19 imposes greater risk to the Edwards Aquifer due to the permeability of the aquifer or karst conditions. Any injection wells subject to §331.19 must still comply with the other applicable requirements of 30 TAC Chapter 331. No changes were made in response to the comment.

Comment

GEAA urged the TCEQ to reconsider and reject the provisions of SB 616 and SB 1061 asserting that this will endanger the Edwards Aquifer and eliminate public recourse. GEAA also urged TCEQ to reject provisions of SB 1061 that would reduce or eliminate public involvement.

Response

The commission is implementing law enacted by the legislature. The commission does not have the authority to reconsider SB 616 and SB 1061. No changes were made in response to the comment.

Comment

GEAA commented that removing the opportunity to challenge PAA amendments through contested case hearings eliminates the ability to scrutinize restoration plans and mining activities and thus opposes efforts to rollback opportunities for contested case hearing on PAA applications.

Response

The commission's amendments to §331.108 that establish when an application for a PAA is not subject to an opportunity for a contested case hearing implement SB 1061. By enacting the statutory amendments, the legislature established the requirements for a PAA application and when an application can or cannot be contested. The commission's rule amendments are consistent with SB 1061. No changes were made in response to the comment.

Comment

The Owner/Operator Members of the Uranium Committee of the Texas Mining & Reclamation Association (TMRA-UC) commented in support of the overall effort to align the TCEQ rules with SB 1061.

Response

The commission acknowledges TMRA-UC's comment. No changes were made in response to the comment.

Comment

TMRA-UC requested that the commission not adopt the proposed amendment to §331.108(b) and that the existing rule language in §331.108(b) be retained. TMRA-UC contends that the proposed amendment to §331.108(b) is not required by SB 1061 and conflicts with §331.107(g) and TWC, §27.0513(c). TMRA-UC states that if a restoration table value exceeds the upper limit of a permit range table, the statute allows a permittee to apply for a major amendment of the permit range table. TMRA-UC asserts that the rule should be revised to match the statutory language to retain the ability for applicants to apply for a major amendment of the permit.

Response

The commission does not agree that the amendment of §331.108(b) conflicts with §331.107(g) and TWC, §27.0513(c). However, for clarification, §331.108(b) has been revised since proposal to state "A restoration table may not be amended to exceed a respective maximum value of the permit range table." This provision is consistent with TWC, §27.0513(c) and 30 TAC §331.107(a)(1). A PAA restoration table value cannot exceed the range listed in the permit range table. If a proposed restoration table were to exceed the range listed in the permit table such that it falls above the upper limit of the range, the value from the permit range table must be used or the permittee must apply for an amendment of the permit range table. There is no authorization for a PAA restoration table to have a restoration value that exceeds the respective maximum value of a permit range table for a particular constituent in TWC, §27.0513(c) and 30 TAC §331.107.

SUBCHAPTER A. GENERAL PROVISIONS

30 TAC §331.19

Statutory Authority

The amendments are adopted under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission; TWC, §5.102, which provides the commission with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC; TWC, §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; TWC, §5.120, which authorizes the commission to administer the law so as to promote the judicious use and maximum conservation and protection of the environment and natural resources of the state; TWC, §27.051 which establishes conditions for the issuance of a UIC permit; and TWC, §27.019, which authorizes the commission to adopt rules for the performance of its powers, duties, and functions under the Injection Well Act.

The adopted rules implement Senate Bill (SB) 616, 89th Texas Legislature, Regular Session, 2025; and TWC, § 27.051.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 27, 2026.

TRD-202601072
Amy L. Browning
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Effective date: March 19, 2026
Proposal publication date: November 7, 2025
For further information, please call: (512) 239-6087

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SUBCHAPTER F. STANDARDS FOR CLASS III WELL PRODUCTION AREA DEVELOPMENT

30 TAC §331.107, §331.108

Statutory Authority

The amendments are adopted under Texas Water Code (TWC), §5.013, which establishes the general jurisdiction of the commission; §5.102, which provides the commission with the authority to carry out its duties and general powers under its jurisdictional authority as provided by TWC; §5.103, which requires the commission to adopt any rule necessary to carry out its powers and duties under the TWC and other laws of the state; TWC, §5.105, which authorizes the commission to establish and approve all general policy of the commission by rule; TWC, §5.120, which authorizes the commission to administer the law so as to promote the judicious use and maximum conservation and protection of the environment and natural resources of the state; §27.019, which authorizes the commission to adopt rules for the performance of its powers, duties, and functions under the Injection Well Act; and §27.0513 which establishes conditions for area permits and production areas for uranium mining.

The adopted rules implement Senate Bill (SB) 1061, 89th Texas Legislature, Regular Session, 2025; and TWC, §27.0513.

§331.108. Opportunity for a Contested Case Hearing on a Production Area Authorization Application.

(a) An application for a new production area authorization or an amendment to a production area authorization is not subject to opportunity for a contested case hearing if:

(1) the authorization is for a production area within the boundary of the permit under which the authorization will be issued and the permit includes, for each production area addressed in the application, a range table with values established in accordance with the requirements in §305.49(a)(10) of this title (relating to Additional Contents of Application for an Injection Well Permit);

(2) the application includes, for each production area addressed in the application, a restoration table with restoration parameter values that do not exceed the high values for the respective parameters in the permit range table;

(3) the application is for a production area within the boundary of the permit under which the authorization will be issued, and the application meets the requirements at §331.104(a) - (d) of this title (relating to Establishment of Baseline and Control Parameters for Excursion Detection) regarding baseline wells; and

(4) not later than 30 days after the date the executive director determines the application to be administratively complete, the Notice of Receipt of Application and Intent to Obtain Permit is mailed to:

(A) the owners of the surface of:

(i) the tract of land on which the existing or proposed production area is or will be located; and

(ii) the tracts of land adjacent to the tract of land on which the existing or proposed production area is or will be located;

(B) the owners of mineral rights underlying:

(i) the tract of land on which the existing or proposed production area is or will be located; and

(ii) the tracts of land adjacent to the tract of land on which the existing or proposed production area is or will be located; and

(C) any groundwater conservation district established in the county in which the existing or proposed production area is or will be located.

(b) A restoration table may not be amended to exceed a respective maximum value of the permit range table.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 27, 2026.

TRD-202601006
Amy L. Browning
Acting Deputy Director, Environmental Law Division
Texas Commission on Environmental Quality
Effective date: March 19, 2026
Proposal publication date: November 7, 2025
For further information, please call: (512) 239-6087

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TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 16. COMPTROLLER GRANT PROGRAMS

SUBCHAPTER B. TEXAS BROADBAND DEVELOPMENT OFFICE

DIVISION 1. BROADBAND DEVELOPMENT MAP

34 TAC §§16.21 - 16.24

The Comptroller of Public Accounts adopts amendments to §16.21, concerning broadband development map, §16.22, concerning map challenges; criteria, §16.23, concerning challenge process; deadlines, and §16.24, concerning reclassification determinations, without changes to the proposed text as published in the November 21, 2025, issue of the *Texas Register* (50 TexReg 7512). The rules will not be republished.

The amendments to §16.21 remove the requirement for the office to create, update or publish a map if the office adopts a map produced by the Federal Communications Commission and include conforming changes.

The amendments to §16.22 provide that a challenge may occur only if the office does not adopt a map produced by the Federal Communications Commission and remove references to a challenge process if the office adopts a map produced by the Federal Communications Commission.

The amendments to §16.23 remove unnecessary deadlines related to the office adopting a map produced by the Federal Communications Commission and remove unnecessary notice procedures. The amendments maintain the challenge procedures for a map the office creates for future use in the event the office chooses to create its own map.

The amendments to §16.24 modify the name of the section to more specifically reflect the outcome of the challenge process.

The comptroller did not receive any comments regarding adoption of the amendments.

The amendments are adopted under Government Code, §490I.0109, which permits the comptroller to adopt rules as necessary to implement Chapter 490I regarding the Texas Broadband Development Office.

The amendments implement Government Code, Chapter 490I.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2026.

TRD-202600917
Victoria North
General Counsel for Fiscal and Agency Affairs
Comptroller of Public Accounts
Effective date: March 17, 2026
Proposal publication date: November 21, 2025
For further information, please call: (512) 475-2220

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DIVISION 2. BROADBAND DEVELOPMENT PROGRAM

34 TAC §§16.30, 16.31, 16.35 - 16.38, 16.40 - 16.42, 16.46

The Comptroller of Public Accounts adopts amendments to §16.30, concerning definitions, §16.31, concerning notice of funds availability, §16.35, concerning program eligibility requirements, §16.36, concerning application process generally, §16.40, concerning evaluation criteria, §16.41, concerning application protest process, §16.42, concerning awards; grant agreement, and §16.46, concerning forms; notices, with changes to the proposed text as published in the November 21, 2025, issue of the *Texas Register* (50 TexReg 7514). The rules will be republished. The Comptroller of Public Accounts also adopts new §16.37, concerning direct contract and grant awards, and new §16.38, concerning fixed amount awards with changes to the proposed text as published in the November 21, 2025, issue of the *Texas Register* (50 TexReg 7514). The rules will be republished. The new sections replace §16.37, concerning overlapping applications or project areas, and §16.38, concerning overlapping project areas in noncommercial applications, which the comptroller will repeal in a separate rulemaking.

The amendments to §16.30 remove the "application protest period" and "designated area" definitions, add the "gigabit-level broadband service" definition, and add the "interested party" definition, which was previously in §16.41. The amendments modify the "served location" definition for brevity. The amendments to the "unserved location" definition provide speed requirements for public schools and community anchor institutions.

The amendments reword §16.31 for brevity and modify the publication process. The amendments remove the requirement for a notice of funds availability to state the minimum and maximum amounts of grant funds available for each application. The amendments clarify that eligibility criteria will be in each notice of funds availability.

The amendments to §16.35 change the title to "Competitive Grant Limitations." The amendments remove eligibility criteria details as unnecessary because §16.31 requires a notice of funds availability to include eligibility criteria. The amendments modify non-commercial provider limitations to competitive grants for the deployment of last-mile broadband service projects in subsection (b).

The amendments to §16.36 add "competitive grant" in the title and in subsection (b) to specify that this section applies to competitive grants. The amendments change "protest" to "publishing" to describe the 30-day period in subsection (d). The amendments describe notification after the challenge process and requests for additional information in subsections (f) and (g) respectively. The amendments remove certain provisions related to the challenge process for placement in §16.30 and §16.41.

New §16.37 describes the office's ability to award direct contract or grant awards on a non-competitive basis to a political subdivision in subsection (a). The section permits the office to award a direct contract or grant award with a grant agreement and to require information be submitted electronically in subsection (b).

New §16.38 describes fixed amount awards in subsection (a). The section permits the office to award a fixed amount award for competitive and direct grants without regard to the Texas Acquisition Threshold as defined in the Texas Grant Management Standards in subsection (b).

The amendments to §16.40 remove the reference to Government Code, §490I.0105 in subsection (a)(4) as required by Senate Bill 1405, 89th Legislature, R.S., 2025.

The amendments to §16.41 change the title of the section to "Application Challenge Process" to reflect the more commonly used term and make conforming changes throughout the section. The amendments in subsection (a) provide that only applications related to last-mile broadband infrastructure projects are subject to the challenge process and only the location may be challenged. The amendments describe under what circumstances a successfully challenged application may be amended and resubmitted in subsections (d) and (g). The amendments add subsections (g), (h) and (i) that are transferred from §16.36(f), (g) and (i) respectively, and make a conforming change to subsection (i).

The amendment to §16.42 adds the statutory requirement for last-mile infrastructure grant recipients to make reasonable efforts to restore private property affected by a broadband infrastructure project in subsection (d).

The amendments to §16.46 allow notice by certified mail and make conforming changes in subsections (c) and (d). The amendments remove subsection (e) relating to §16.34 that was previously repealed.

The comptroller received comments regarding adoption of the amendments and proposed new rules from the Texas Broadband Association ("TBBA"); Texas Cable Association ("TCA"); and Texas Telephone Association ("TTA").

The comptroller thanks these organizations for the suggestions, information, and legal arguments. This office appreciates the time and resources devoted to drafting and submitting the written and oral comments. These thoughtful comments helped make the rules more effective.

The TBBA requests replacing "or" with "and" in the definition of "gigabit-level broadband service" in the amendments to §16.30(8)(A) to ensure both the 1000 Mbps download and 20 Mbps upload speeds are required. The comptroller agrees with this comment and implements the suggestion as this will apply the appropriate standard for determining whether a public school or community anchor institution is underserved.

The TBBA requests requiring the comptroller publish notices of funding availability on the comptroller's website in addition to the Electronic State Business Daily ("ESBD") in §16.31(a). The TBBA believes the comptroller's website is a known repository for information about funding opportunities that should include the notices regarding funding opportunities. While the comptroller appreciates the commenter's concerns, the comptroller declines to make a change. Section 16.31(a) as amended allows for continued publishing of a link to the notice of funding availability on the comptroller's website. The change in §16.31(a) provides for a single, official location for notices of funds availability on the ESBD, which is in alignment with other funding opportunities across the state. This change will improve efficiency with the program as well as simplify the publication process.

The TBBA requests amending proposed §16.37 to include certain guardrails to protect transparency. First, the TBBA recommends that non-competitive awards occur only if they are expressly statutorily authorized or directed via specific legislative appropriation. While the comptroller appreciates this recommendation, the comptroller declines to make this change. The legislature amended Government Code, §490I.0106 by enacting Senate Bill 1405, 89th Legislature, R.S., 2025. The addition of "contracts" in Government Code, §490I.0106 conforms with the comptroller's existing authority to enter into interagency and interlocal contracts with other governmental entities permitted under Government Code, Chapters 771 and 791. Further, the removal of "to applicants" from Government Code, §490I.0106(a), (a-1), (a-2) and (a-3) makes clear that the award process is not limited to a competitive application process. There is no need for further statutory authorization. Additionally, funds awarded from the Broadband Infrastructure Fund (BIF) do not require further legislative appropriation as provided in Texas Constitution, article III, §49-d-16 and Government Code, §403.653. The proposal by TBBA is unnecessary under current state law.

Alternatively, TBBA requests including a 30-day comment period prior to issuance of a non-competitive contract or award that includes a rationale by the comptroller as to why the political subdivision is being granted the funds and why a competitive process is infeasible in the circumstance to prevent duplicative efforts. Existing authority still allows the comptroller to craft a notice of funding availability and other requirements for other broadband projects to ensure that a proposed project complements and does not duplicate any existing infrastructure.

However, the statutory requirements for a posting period and comments applies only to accepted applications for competitive grants and does not apply to contracts with local government. When the legislature removed "to applicants" from Government Code, §490I.0106(a), (a-1), (a-2) and (a-3), the legislature did not remove "applicant" or "application" from (e) or (f). The comptroller appreciates the commenter's concerns but declines to change the proposed rule to add extra procedures and time delays that would inhibit direct contracts of their efficiency, cost savings and speed of implementation.

The TBBA requests clarification, to mitigate confusion, that any awards made under proposed §16.37 are subject to §16.35. However, §16.35 incorporates Government Code, §490I.0106(d)(2) which prevents competitive awards to a non-commercial broadband service provider for last-mile broadband deployment if an eligible commercial broadband service provider has previously submitted an application for the same location. The rule implements recent legislation authorizing direct awards that are not subject to an application process. The comptroller will comply with all rules and statutes that govern the office when those rules and statutes apply, and declines to incorporate this request within the proposed rule.

The TBBA requests amending proposed §16.38 to limit fixed amount awards 'without regard to actual costs incurred' only for competitively awarded grants due to fiscal responsibility concerns. The proposed description of "fixed amount awards" mirrors text from the Texas Grant Management Standards Guide published by the comptroller. Under the analysis of Attorney General Opinion KP-0099 (2016), a fixed amount grant can comply with state fiscal law if there is a sufficient return benefit (ex: speed of implementation for public safety related grants, cost savings by forgoing extra process to monitor and analyze, and risk shifting). Adding competition is not necessary for fixed amount grants to comply with state fiscal law. The return benefits for the comptroller are the ability to promptly implement grant programs, the cost savings to the state by forgoing the extra procedures required for competitive reimbursement grants, and shifting the risk of underestimating costs to the grantee. As stated in the fiscal note, the rule will benefit the public by providing greater flexibility in broadband project funding while facilitating further access to and adoption of broadband service across the state. To clarify that fixed amount awards are based on reasonable, estimated costs provided by the grantee prior to award, the comptroller adopts the rule with changes to remove "without regard to actual costs incurred" and add "based on reasonable, estimated costs."

The TCA requests requiring all grants awarded by the comptroller to be competitive to provide important safeguards because TCA disagrees that political subdivisions should receive a non-competitive contract or award for any broadband project. This requirement would be contrary to recent legislative amendments. The addition of "contracts" in Government Code, §490I.0106 conforms with the comptroller's existing authority to enter into interagency and interlocal contracts with other governmental entities permitted under Government Code, Chapters 771 and 791. Further, the removal of "to applicants" in Government Code, §490I.0106(a), (a-1), (a-2) and (a-3) clarifies that the award process is not limited to a competitive application process. Further, unlike private entities, local governments have the additional safeguard of governance that is accountable to the public through, for example, gubernatorial appointments subject to senate confirmation, or through elections. Because there is established state law and guidance in the Texas Procurement and Contract Management Guide regarding direct interlocal contracts, the comptroller is satisfied with the existing guardrails to protect transparency and integrity in the award process. The comptroller declines to change the proposed rule in response to this comment.

Alternatively, TCA requests that non-competitive contracts or awards be limited to non-deployment-related programs. The TCA believes non-deployment-related programs permitted by Government Code, §490I.0106 (a-3) are similar to traditional government functions and would not conflict with existing last-mile internet service. The TCA believes that no non-competitive contracts or awards should ever go to broadband deployments or support retail or wholesale internet service. This requirement would be contrary to recent legislative amendments. While the comptroller appreciates the commenter's concerns, the comptroller declines to change the statutorily authorized rule. The comptroller disagrees that this change is necessary to protect transparency and integrity in the award process.

The TCA notes a possible conflict and requests clarification on how these non-competitive awards will impact other statutory requirements; specifically posting on the comptroller's website the award process information, criteria for awards and received applications. The requirements of Government Code, §490I.0106(e) continue to apply to the competitive award process, as discussed previously, and the requirements of §490I.0106(h) apply to both. The comptroller notes no plans to remove the competitive process as a means to award funds; therefore, these statutory requirements will be given full meaning and effect, and it is not necessary to change the rule.

The TCA argues that a competitive process ensures the best value for the agency and requests clarification on how the non-competitive process will be in alignment with the Texas Grant Management Standards and state law. Adding competition is not necessary in all cases for grants to comply with state fiscal law. The return benefits for the comptroller are the ability to promptly implement grant programs and the cost savings to the state by forgoing the extra procedures that would be required to identify and review additional applicants. The fiscal note further supports these benefits by acknowledging the proposed new rules would benefit the public by providing greater flexibility in broadband project funding while facilitating further access to and adoption of broadband service across the state. For example, the comptroller's office may enter into an agreement with a local governmental entity to deploy adequate middle-mile infrastructure in areas not previously served through earlier grant opportunities. Because competition is not always required under state law or guidance and because the added process implements recent legislation, the comptroller will provide for both processes.

The TCA notes that Government Code, §490I.0106(d)(2) and §490I.01062(a) may present conflicts for the award processes with a direct grant. The TCA requests clarification that any awards made under proposed §16.37 are subject to §16.35 regarding the prohibition on a political subdivision or other non-commercial broadband service providers being awarded a grant for last-mile broadband deployment if a commercial broadband service provider has previously submitted an application for the same location. The TCA also seems to suggest that Government Code, §490I.01062(a) requires a notice of funding availability be published for every award. The comptroller disagrees that a notice is always required when awarding funding or that the comptroller would not follow existing law regarding

last-mile broadband infrastructure projects. The comptroller agrees with TCA that a notice of funding availability, specifically for broadband infrastructure, should include the preference to prioritize fiber optic facilities specified in §490I.01062(a). The comptroller appreciates the concerns provided by the TCA, but the comptroller will not make a change to the rule in response because the rule implements recent legislation authorizing direct awards that are not subject to an application process. The comptroller will continue to comply with all applicable rules and statutes that govern each award process.

The TCA proposes the challenge process should be extended for all broadband infrastructure projects and not limited to last-mile projects. The TCA requests changes to §16.41 to provide for middle-mile projects be reviewed in a challenge process to prevent duplicative access. This suggestion is contrary to the statute. The comptroller modifies §16.41 to align with recent statutory changes. Specifically, Government Code, §490I.0106(f) requires only applications for projects that directly fund last-mile broadband service to eligible broadband serviceable locations go through the challenge process. The comptroller notes the existing authority does not change the comptroller's ability to craft a notice of funding availability with requirements that ensure a proposed project complements any existing infrastructure. The comptroller appreciates the commenter's concerns but declines to make further changes to the amended rule.

The TCA requests the challenge process occur without regard to the number of served locations in a proposed project area because the current limitation appears arbitrary. The amended §16.41 limits the challenge process to only allow for contesting whether the location(s) to be served by a proposed project is eligible for funding. An interested party may submit a challenge to an application when the proposed project includes served locations that represent at least twenty percent of the total project locations. While the comptroller appreciates the commenter's concerns, the comptroller declines to make a change to the rule. This limitation on the challenge process complies with the statute and provides greater flexibility in broadband project funding opportunities while facilitating further access to and adoption of broadband service across the state.

The TTA provides comments and proposals for proposed §16.37 regarding direct contracts or grant awards. First, the TTA requests requiring statutory authorization or legislative appropriation for direct contract or grant awards on a non-competitive basis to political subdivisions to guaranty that such awards are deliberate legislative policy choices. Adding this requirement would be contrary to recent legislative amendments enacted by Senate Bill 1405, 89th Legislature, R.S., 2025. While the comptroller appreciates this recommendation, the comptroller declines to make this change. The addition of "contracts" in Government Code, §490I.0106 conforms with the comptroller's existing authority to enter into interagency and interlocal contracts with other governmental entities permitted under Government Code, Chapters 771 and 791. Further, the removal of "to applicants" from Government Code, §490I.0106(a), (a-1), (a-2) and (a-3) clarifies that the award process is not limited to a competitive application process. There is no need for further statutory authorization. Additionally, funds awarded from the BIF do not require further legislative appropriation as provided in Texas Constitution, article III, §49-d-16 and Government Code, §403.653. The proposal by TTA is unnecessary under current state law.

Alternatively, the TTA requests that direct awards to political subdivisions generally follow the same competitive process as other grant awards made by the comptroller to provide safeguards, transparency and for the state to receive the best possible price for services. This requirement would be contrary to recent legislative amendments. A competitive process is still available to utilize when appropriate but is not required for every award. "The addition of "contracts" in Government Code, §490I.0106 conforms with the comptroller's existing authority to enter into interagency and interlocal contracts with other governmental entities permitted under Government Code, Chapters 771 and 791. Further, the removal of "to applicants" from Government Code, §490I.0106(a), (a-1), (a-2) and (a-3) clarifies that the award process is not limited to a competitive application process. And, unlike private entities, local governments have the additional safeguard of governance that is accountable to the public through, for example, gubernatorial appointments subject to senate confirmation, or through elections. Because there is established state law and guidance in the Texas Procurement and Contract Management Guide, the existing guardrails are sufficient to protect transparency and trust in the process for direct contracts and awards.

The TTA proposes another alternative to modifying the proposed §16.37 by requiring a public notice and comment period for all direct awards for transparency and accountability. Existing authority still allows the comptroller to craft a notice of funding availability and other requirements for other broadband projects to ensure a proposed project complements any existing infrastructure. However, the statutory requirements for a posting period and comments applies only to accepted applications for competitive grants and does not apply to direct contracts with local government. When the legislature removed "to applicants" from Government Code, §490I.0106(a), (a-1), (a-2) and (a-3), the legislature did not remove "applicant" or "application" from Government Code, §490I.0106(e) or (f). The comptroller appreciates the commenter's concerns but declines to change the proposed rule.

The TTA's last request regarding §16.37 is to require direct contracts or grant awards have an applicable "claw back" provision to safeguard public funds, deter fraud and enable the reallocation of funds. The comptroller agrees with the commenter's concerns but declines to change the proposed rule. The contract or grant agreement is better suited to address detailed terms and conditions regarding receiving funds and what would trigger returning funds. Additionally, because the Texas Grant Management Standards and Texas Procurement and Contract Management Guide provide guidance regarding remedies for noncompliance, the comptroller is satisfied with the existing guardrails to ensure compliance with the terms and conditions of an award.

The TTA also proposed changes to §16.38 regarding fixed award amounts to provide transparency, prevent waste and abuse, ensure selection of the most meritorious recipient and ensure the program efficiently and effectively achieves broadband deployment goals. The TTA requests requiring fixed amount award recipients be limited to those that have been evaluated under the competitive grant process already outlined in the existing rules. While the comptroller appreciates the commenter's concerns, the comptroller declines to accept the requested change. The proposed change is not present in statute and could significantly limit the applicant pool for future awards or contracts. Further, the comptroller may continue to utilize its existing grant process framework as appropriate without an addition to the rule. As previously discussed, the rule implements recent legislation. Fur-

ther, §16.37 limits use of the direct contract process to awards that are to local governments. Unlike private entities, local governments have the additional safeguard of governance that is accountable to the public through, for example, gubernatorial appointments subject to senate confirmation, or through elections. The comptroller will continue to comply with best practices as provided in the Texas Grant Management Guide, which includes additional guidance for the program on how best to provide for fixed amount awards while maintaining credibility and trust in the process.

The amendments are adopted under Government Code, §490I.0109, which permits the comptroller to adopt rules as necessary to implement Chapter 490I regarding the Texas Broadband Development Office.

The amendments implement Government Code, Chapter 490I.

§16.30. Definitions.

As used in this subchapter and in these rules, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(1) Applicant--A person that has submitted an application for an award under this subchapter.

(2) Broadband development map--The map adopted or created under Government Code, §490I.0105.

(3) Broadband service--Internet service that delivers transmission speeds capable of providing:

(A) a download speed of not less than 100 Mbps;

(B) an upload speed of not less than 20 Mbps; and

(C) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements.

(4) Broadband serviceable location--A business or residential location in this state at which broadband service is, or can be, installed, including a community anchor institution.

(5) Census block--The smallest geographic area for which the U.S. Bureau of the Census collects and tabulates decennial census data as shown on the most recent on Census Bureau maps.

(6) Commercial broadband service provider--A broadband service provider engaged in business intended for profit, a telephone cooperative, an electric cooperative, or an electric utility that offers broadband service or middle-mile broadband service for a fare, fee, rate, charge, or other consideration.

(7) Community anchor institution--An entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations, including, but not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals.

(8) Gigabit-level broadband service--Internet service that delivers transmission speeds capable of providing:

(A) a download speed of not less than 1000 Mbps;

(B) an upload speed of not less than 20 Mbps; and

(C) network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements.

(9) Grant funds--Grants, low-interest loans, and other financial incentives awarded to applicants under this subchapter for the purpose of expanding access to and adoption of broadband service.

(10) Grant recipient--An applicant who has been awarded grant funds under this subchapter.

(11) Interested party--A person, including an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity, that resides, is located, or conducts business in the project area subject to challenge. The term includes a broadband service provider that is not located in the project area but who proposes to provide broadband service in the project area.

(12) Mbps--Megabits per second.

(13) Middle mile infrastructure--Any broadband infrastructure that does not connect directly to an end-user location, including a community anchor institution. The term includes:

(A) leased dark fiber, interoffice transport, backhaul, carrier-neutral internet exchange facilities, carrier-neutral submarine cable landing stations, undersea cables, transport connectivity to data centers, special access transport, and other similar services; and

(B) wired or private wireless broadband infrastructure, including microwave capacity, radio tower access, and other services or infrastructure for a private wireless broadband network, such as towers, fiber, and microwave links.

(C) The term does not include provision of Internet service to end-use customers on a retail basis.

(14) Non-commercial broadband service provider--A broadband service provider that is not a commercial broadband service provider.

(15) Office--The Broadband Development Office created under Government Code, §490I.0102.

(16) Project area--The area, consisting of one or more broadband serviceable locations, identified by an applicant in which the applicant proposes to deploy broadband service or middle mile infrastructure.

(17) Public school--A school that offers a course of instruction for students in one or more grades from prekindergarten through grade 12 and is operated by a governmental entity.

(18) Qualifying broadband service--Broadband service that meets the minimum speed, latency and reliability thresholds prescribed by the office in each applicable notice of funds availability.

(19) Reliable broadband service--Broadband service that is accessible to a location via:

(A) fiber-optic technology;

(B) Cable Modem/ Hybrid fiber-coaxial technology;

(C) digital subscriber line (DSL) technology; or

(D) terrestrial fixed wireless technology utilizing entirely licensed spectrum or using a hybrid of licensed and unlicensed spectrum.

(20) Served location--A broadband serviceable location that is neither an unserved nor an underserved location.

(21) Underserved location--A broadband serviceable location that has access to reliable broadband service but does not have access to reliable broadband service with the capability of providing:

(A) a download speed of not less than 100 Mbps;

(B) an upload speed of not less than 20 Mbps; and

(C) a network round-trip latency of less than or equal to 100 milliseconds based on the 95th percentile of speed measurements as established under Government Code, §490I.0101.

(22) Unserved location--A broadband serviceable location that:

(A) does not have access to reliable broadband service; or

(B) is a public school or community anchor institution and does not have access to reliable broadband service that is gigabit-level broadband service.

§16.31. Notice of Funds Availability.

(a) The office shall provide notice of the availability of funds for competitive grant awards and may publish the notice on the Electronic State Business Daily website or the comptroller's website.

(b) The notice of funds availability published under subsection (a) of this section shall include:

(1) the total amount of grant funds available for award;

(2) eligibility criteria;

(3) application requirements;

(4) award and evaluation criteria; and

(5) the date by which applications must be submitted to the office;

(c) The notice may include:

(1) limitations on the geographic distribution of grant funds;

(2) the anticipated date of award; and

(3) any other information the office determines is necessary for award.

§16.35. Competitive Grant Limitations.

(a) The office may not award grant funds for deployment of last-mile broadband service for a broadband serviceable location to a non-commercial broadband service provider if a commercial broadband service provider has submitted an eligible application for the same location.

(b) For the purposes of this subchapter, a joint application submitted by any combination of a political subdivision, commercial broadband service provider, or a non-commercial broadband service provider that includes at least one commercial broadband service provider shall be deemed to be an application submitted by a commercial broadband service provider.

§16.36. Competitive Grant Application Process Generally.

(a) No award for competitive grant funding will be disbursed by the office except pursuant to an application submitted in accordance with this subchapter.

(b) An application for competitive grant funding under this subchapter shall be submitted on the forms and in the manner prescribed by the office. The office may require that applications be submitted electronically.

(c) Prior to publication of application information pursuant to Government Code, §490I.0106(e), the office may undertake an examination to determine whether the application appears on its face to comply with applicable program requirements. The office may reject and take no further action on an application that does not appear to comply with applicable program requirements on its face.

(d) The office shall for a period of at least 30 days publish on its website information from each accepted application, including the applicant's name, the project area targeted for expanded broadband service access or adoption by the application, and any other information the office considers relevant or necessary. The information will remain on the website for a period of at least 30 days before the office makes a decision on the application.

(e) During the 30-day application publishing period described by subsection (d) of this section, the office shall accept from any interested party a written protest of the application relating to whether the applicant or project is eligible for an award or should not receive an award based on the criteria prescribed by the office. A protest of an application must be submitted as provided under §16.41 of this subchapter.

(f) After the publishing period in subsection (d) of this section and any challenge process under §16.41 of this subchapter, the office will notify grant recipient(s).

(g) During the application review process, the office may require an applicant to submit additional information the office determines is necessary to make an award decision.

§16.37. Direct Contract or Grant Awards.

(a) The office may make a direct contract or grant award on a non-competitive basis to a political subdivision of this state.

(b) No award for direct funding will be disbursed by the office except pursuant to a contract or grant agreement executed in accordance with this subchapter. The office may require that information regarding the award be submitted electronically.

§16.38. Fixed Amount Awards.

(a) For the purposes of this subchapter, a fixed amount award is a type of grant agreement pursuant to which the office provides a specific amount of funding based on reasonable, estimated costs under the award.

(b) Pursuant to Government Code, §783.007(b) allowing for variances from the uniform assurances and standard financial conditions, the office may determine the amount per award and provide a fixed amount award for competitive and direct grants without regard to the Texas Acquisition Threshold as defined in the Texas Grant Management Standards. All other uniform assurances and standard financial conditions developed pursuant to Government Code, § 783.006 remain applicable to local governments receiving financial assistance from the office.

§16.40. Evaluation Criteria.

(a) The office shall establish the eligibility and award criteria applicable for each round of competitive grant funding by publishing the criteria in a notice of funds availability as provided by §16.31 of this subchapter. In establishing eligibility and award criteria, the office shall:

(1) prioritize applications that expand access to and adoption of broadband service in designated areas in which the highest percentage of broadband serviceable locations are unserved or underserved locations;

(2) prioritize applications that expand access to broadband service in public and private primary and secondary schools and institutions of higher education;

(3) prioritize applications that connect end-user locations with end-to-end fiber optic facilities that meet speed, latency, reliabil-

ity, consistency, scalability, and related criteria as the office shall determine;

(4) give preference to applicants that provide the information requested by the office under Government Code, §490I.01061; and

(5) take into consideration whether an applicant has forfeited federal funding for defaulting on a project to deploy qualifying broadband service.

(b) In addition to the evaluation criteria provided under subsection (a) of this section, the office may include and provide preferences for the following evaluation criteria in the notice of funds availability:

(1) application participant(s) experience;

(2) technical specifications including broadband transmission speeds (Mbps upload and download) that will be deployed as a result of the project;

(3) estimated project completion date;

(4) the availability of matching funds including amount, percentage, and source of matching funds;

(5) cost effectiveness and overall impact as measured by the total project cost, the total number of prospective broadband service locations to be served by the project, the proportion of unserved and underserved locations to be served by the project compared to the number of serviceable locations within the designated area(s) the project is located, the proportion of recipients to be served by the project compared to the population of the designated area(s) in which the project is located, and the project cost per prospective broadband service recipient;

(6) geographic location including, but not limited to, rural areas where because of population density the cost of broadband expansion is characterized by disproportionately high capital and operational costs;

(7) community, non-profit, or cooperative support or participation in the project;

(8) affordability of broadband services in the areas in which the proposed project is located prior to the deployment of broadband services as a result of the project;

(9) consumer price of broadband services that applicant proposes to deploy as a result of the project;

(10) participation in federal programs that provide low-income consumers with subsidies for broadband services;

(11) small business and historically underutilized business involvement or subcontracting participation; and

(12) any additional factors the office may determine are necessary to further the expansion and adoption of broadband service.

(c) Notwithstanding subsection (a)(3) of this section, the office may consider an application for a broadband infrastructure project that does not employ end-to-end fiber optic facilities if the use of an alternative technology:

(1) is proposed for a high-cost area;

(2) may be deployed at a lower cost than deploying fiber optic technology; or

(3) meets the speed, latency, reliability, consistency, scalability, and related criteria as the office shall determine for each applicable notice of funds availability.

§16.41. Application Challenge Process.

(a) The office shall publish on the office's website criteria and requirements for submitting a challenge under this section for applications related to last-mile broadband infrastructure projects. An interested party may only challenge an application on the basis that the application includes broadband serviceable locations that are ineligible for an award. The inclusion of a location in a project may only be challenged if:

(1) the number of served locations included in a proposed project exceeds twenty percent of the total number of locations to which service would be deployed by the project; or

(2) the broadband serviceable location is subject to an existing federal commitment to deploy qualifying broadband service to the location.

(b) A challenge submitted under this section shall be submitted electronically in the manner and on the forms prescribed by the office and shall be accompanied by all relevant supporting documentation. The interested party submitting the challenge bears the burden to establish that a location is ineligible for an award.

(c) The office shall review the protest and make a determination as to whether the protest should be upheld. The office shall provide notice of its determination to each affected applicant, including the right, if any, to submit an amended application under subsection (d) of this section.

(d) If the office upholds a challenge on the basis prescribed by the office, an applicant may amend and resubmit an application without the challenged locations and re-scope the application or project area if, after the protest is upheld:

(1) the remaining number of broadband serviceable locations in the project area is greater than 50% of the original number of locations in the project area; or

(2) the office permits, at its sole discretion, the applicant to amend the application.

(e) If an amended application without the challenged locations is not received by the office by the 30th day after receiving notice of the determination under subsection (c) of this section, the office may remove the application from grant funding consideration.

(f) A determination made by the office under this section is not a contested case for purposes of Government Code, Chapter 2001.

(g) Notwithstanding any deadline for submitting an application, if the office upholds a challenge, the applicant may resubmit an amended application as provided under this subchapter without the challenged broadband serviceable locations not later than 30 days after the date that the office upheld the protest. An amended application may not include additional areas or broadband serviceable locations not already included in the original application.

(h) If the office upholds a challenge and the applicant resubmits an application in accordance with subsection (g) of this section, the resubmitted application is not subject to further challenges.

(i) Notwithstanding section §16.36(e) of this subchapter, a broadband service provider who has not provided information requested by the office under Government Code, §490I.01061, may not submit a challenge of an application made under this subchapter.

§16.42. Awards; Grant Agreement.

(a) All award decisions shall be made at the sole discretion of the office and are not appealable or subject to protest.

(b) Grants for the deployment of broadband infrastructure awarded under this subchapter may only be used for capital expenses,

purchase or lease of property, and other expenses, including backhaul and transport, that will facilitate the provision or adoption of broadband service.

(c) A grant recipient shall have 30 days from the date of award to negotiate and sign the grant agreement. The comptroller may extend the deadline to fully execute the grant agreement upon a showing of good cause by the grant recipient(s). If the grant agreement is not signed by the grant recipient and received by the office by the later of the 30th day after the award of the grant agreement or the extended deadline date, the office may rescind the award.

(d) For last-mile infrastructure projects, the grant recipient must make a reasonable effort to restore the private property affected by the project to the condition the property was in before the beginning of the project.

§16.46. Forms; Notices.

(a) Unless otherwise required by law, the office may prescribe all forms or other documents required to implement this subchapter and may require that the forms or other documents be submitted electronically.

(b) Any notice required by these rules to be sent by the office may be provided electronically and the office is entitled to rely on an email address provided by an applicant, grant recipient or other person, including a political subdivision or broadband service provider, for all purposes relating to notification. Applicants and grant recipients must provide an email address that is designated for receipt of notices from the office.

(c) If notice cannot be sent electronically, the office shall provide notice by regular or certified U.S. Mail and the office is entitled to rely on the mailing address currently on file for all purposes relating to notification.

(d) Service of notice by the office is complete and receipt is presumed on:

(1) the date the notice is sent, if sent before 5:00 p.m. by electronic mail;

(2) the date after the notice is sent, if sent after 5:00 p.m. by electronic mail; or

(3) three business days after the date it is placed in the mail, if sent by regular or certified U.S. Mail.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2026.

TRD-202600919
Victoria North
General Counsel for Fiscal and Agency Affairs
Comptroller of Public Accounts
Effective date: March 17, 2026
Proposal publication date: November 21, 2025
For further information, please call: (512) 475-2220

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34 TAC §§16.37 - 16.39

The Comptroller of Public Accounts adopts the repeal §16.37, concerning overlapping applications or project areas, §16.38, concerning special rule for overlapping project areas in non-commercial applications, and §16.39, concerning application requirements, without changes to the proposed text as published in the November 21, 2025, issue of the *Texas Register* (50 TexReg 7519). The rules will not be republished.

The comptroller repeals §§16.37 - 16.39 since they are no longer needed as information related to application requirements will be in each respective notice of funds availability.

The comptroller did not receive any comments regarding adoption of the repeal.

The repeal is adopted under Government Code, §490I.0109, which permits the comptroller to adopt rules as necessary to implement Chapter 490I regarding the Texas Broadband Development Office.

The repeal implements Government Code, Chapter 490I.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 25, 2026.

TRD-202600918
Victoria North
General Counsel for Fiscal and Agency Affairs
Comptroller of Public Accounts
Effective date: March 17, 2026
Proposal publication date: November 21, 2025
For further information, please call: (512) 475-2220

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SUBCHAPTER F. RURAL AMBULANCE SERVICE GRANT PROGRAM

34 TAC §§16.500 - 16.506

The Comptroller of Public Accounts adopts new §16.500, concerning definitions; §16.501, concerning applications; §16.502, concerning comptroller review; §16.503, concerning grant agreement; §16.504, concerning authorized uses of grant funds; §16.505, concerning reporting and compliance; and §16.506, concerning fiscal year 2026 application period, without changes to the proposed text as published in the November 21, 2025, issue of the *Texas Register* (50 TexReg 7519). The rules will not be republished. These new sections will be located in 34 Texas Administrative Code, Chapter 16, new Subchapter F, Rural Ambulance Service Grant Program.

Section 16.500 provides definitions.

Section 16.501 describes the application process.

Section 16.502 describes comptroller review.

Section 16.503 describes the requirements for grant agreements.

Section 16.504 describes the authorized uses of grant funds and limitations on uses of grant funds.

Section 16.505 describes reporting requirements and available remedies for noncompliance.

Section 16.506 describes the Fiscal Year 2026 application period.

The comptroller received comments from eight entities, including four associations: Texas State Association of Fire and Emergency Districts ("SAFE-D"), Texas Ambulance Association ("TAA"), Texas EMS Alliance ("TEMSA"), and County Judges and Commissioners Association of Texas ("CJCAT")). Karnes County Emergency Medical Services ("Karnes County EMS"), Delta County, Camp County Emergency Medical Services ("Camp County EMS"), and Wilson County Emergency Services District ("Wilson ESD") also submitted comments on the proposal.

The comptroller thanks every commenter for the suggestions, information, and arguments. This office appreciates the time and resources devoted to drafting and submitting the written comments.

Karnes County EMS requests changing the allowable date for ordering an ambulance. If a county's ambulance service provider has an order on file with a manufacturer at the time the application was submitted, and the delivery and payment occur after the award date, Karnes County EMS proposes allowing the grantee to utilize grant funds on that order. Karnes County EMS and other commenters shared their frustration with the significant delays in delivery times by ambulance manufacturers and how best to guarantee their place in the production queue at the best price. Some commenters argued the disallowance of pre-award expenses is not statutorily authorized and conflicts with legislative intent. One commenter acknowledged a pre-award order would be at the county's own risk. SAFE-D, TAA, TEMSA and Delta County also request amending the ambulance ordering date allowed by the proposed rule. These organizations suggest qualified counties be able to place ambulance orders immediately upon receiving their grant award notices to prevent unnecessary delay in the delivery of the ambulance. TAA, TEMSA and CJCAT alternatively request a change to allow qualified counties to place ambulance orders on or after January 1, 2026, and later utilize grant funds for these orders. For the sake of this discussion, the comptroller assumes an order on file with a manufacturer requires a contract. Grant funding is not guaranteed in part because the statute limits providers to receive funds from only one county per fiscal year and the appropriation is not unlimited. For example, in some areas, up to six counties may share a single provider. If all six counties apply, only one can receive a grant in each fiscal year. In this scenario, at least one county would wait at least six years to receive a grant. Further, grant funds will be disbursed quickly, but not without an executed grant agreement between the comptroller and the county and, for counties with private providers, not until their executed agreement with the provider is submitted to our office. While the comptroller appreciates the commenters' concerns, the comptroller declines to make the proposed change because it would create risk and reduce the efficiency of program administration. Orders placed, i.e. purchase contracts signed, before execution of the grant agreement and fulfilment of its contingencies are pre-award expenses. The comptroller disagrees that disallowance of pre-award expenses conflicts with or exceeds statutory authority. In order to efficiently operate the program with statutorily required controls to ensure the public purpose is accomplished, the comptroller declines to amend §16.504(c), which disallows pre-award expenses.

TAA, TEMSA and Delta County also request that the rules provided that the comptroller distribute funding 30 to 45 days after the ambulance is ordered. TAA and TEMSA further recommend requiring that the county submit documentation regarding the order. Because the documentation provides appropriate fiscal oversight, the commenters argue this option gives the county what it needs to secure a place in the manufacturing queues. While the comptroller appreciates the commenters' concerns to receive funds timely, the comptroller declines to make the proposed change. After executing the grant agreement and, if applicable, submitting an executed private provider agreement, the comptroller will distribute grant funds to the grantee in accordance with §16.503 and Local Government Code, §130.914(h). The comptroller notes that the sample required documents (e.g. purchase agreements, documentation detailing the ordered vehicle specifications, progress reports on manufacturing status and final invoicing upon delivery) suggested by the commenters for qualified counties to provide the comptroller are reasonable examples that a grantee could be expected to produce to confirm compliance with the grant requirements.

Camp County EMS comments that it is concerned about significant delays in ambulance acquisition and capacity if qualified counties must wait or are denied funding in a scenario where qualified counties name the same qualified rural ambulance service provider. TAA, TEMSA, Delta County and CJCAT share similar concerns about this potential outcome from the proposed rules: If multiple qualified counties list the same qualified rural ambulance service provider in their application, only one qualified county may be awarded a grant for that fiscal year for that shared qualified rural ambulance service provider. The commenters request that qualified counties receive funding without regard to the partnering qualified rural ambulance service provider. While the comptroller appreciates the concerns, this request conflicts with Local Government Code, §130.914(c) that prevents providers from receiving grant funds through more than one county in a fiscal year. The statute requires evaluations that prevent immediate funding after applications are submitted. Grant funding cannot be guaranteed because the statute requires the comptroller to evaluate each county's capability to otherwise obtain the money necessary to provide adequate ground ambulance services, prevents a provider from receiving funding from another qualified county in the same fiscal year and does not provide for unlimited funding. The proposed rules allow the comptroller to ensure compliance with state law as the comptroller reviews and processes all applications prior to awarding the funding. Therefore, the recommended revision provided is respectfully declined.

CJCAT, SAFE-D, TEMSA, and TAA disagree with requiring a county to allocate the entire award to one provider and requests amending the proposed rules to allow qualified counties to distribute the funds among multiple eligible qualified ambulance service providers. Commenters cite legislative intent, disparities between counties with one provider and several providers, the desire to benefit all EMS agencies that serve a county and desire to provide equitable services across a county. The limitation to one provider per county per fiscal year is supported by the statute's requirement for sufficient controls. The limit to one provider simplifies grant administration not only for this office, but also for small rural counties who have very few employees, and may not have a dedicated staff grant compliance expert. Based on our office's experience with other grant programs, smaller counties have more incidence of disallowed expenditures. Because clawing back misspent funds is a great burden for small counties, the best mechanism to ensure grant compliance is prevention. Commenters asking to divide limited grant funds among multiple providers indicate possible misunderstandings of allowable grant uses. Statute limits the use of grant funds to the purchase of ambulances. After consulting De-

partment of State Health Services experts, the proposed rules include refurbishing as a mechanism for purchase. Many counties elect to refurbish an ambulance by purchasing a new 'box' to place on an existing chassis, or by purchasing a new chassis to transport an existing 'box.' The high costs of new ambulances and new boxes or chassis will likely exceed grant amounts. Dividing funds among multiple providers could signal an intent to use funds for something less than new ambulances or refurbishments. Some commenters argued they could support dividing grant funds among multiple providers by adding their own funds. While the county still needs to demonstrate their inability to otherwise obtain the funds necessary to provide adequate ground ambulance service to receive the grant, the county could provide grant funds to one provider and provide the county's own funds to the other. This rule also provides controls to ensure compliance with Local Government Code, §130.914(c) that states a qualified rural ambulance service provider is ineligible to receive additional grant funds under the grant program from another qualified county in the same fiscal year. The comptroller oversees compliance with state statute as the comptroller reviews and processes all applications prior to awarding the funding. Therefore, the recommended revision is respectfully declined.

Wilson ESD suggests qualified ambulance service providers could demonstrate their ability to provide matching funds to complete the ambulance purchase if the grant will not cover the full vehicle purchase amount. Wilson ESD further proposes granting qualified counties the ability to elect to split grant funds between two selected qualified rural ambulance service providers on application if the providers demonstrated matching funds to complete the respective ambulance purchases. The comptroller finds that these requested additions are outside the scope of the proposed rulemakings and would materially alter the issues raised in the proposed rules. Such an adoption would deprive affected parties of fair notice and the opportunity for meaningful and informed participation in the rulemaking process. See Tex. Workers' Comp. Comm'n v. Patient Advocates, 136 S.W.3d 643 (Tex. 2004). The comptroller declines to change the rules in response to these comments.

SAFE-D requests adding a definition for "grant period" that would be for at least five years from the date the county received the grant funds. The comptroller declines to add a definition for "grant period" in the rule because the statute provides grantees five years to purchase and take possession of an ambulance, and because the grant agreement is the most appropriate means to implement this statutory requirement.

The new sections are adopted under Local Government Code, §130.914, which requires the comptroller to adopt rules to implement a new grant program to provide financial assistance to certain rural counties for ambulance service.

The new sections implement Local Government Code, §130.914.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 26, 2026.

TRD-202600996

Victoria North

General Counsel for Fiscal and Agency Affairs

Comptroller of Public Accounts

Effective date: March 18, 2026

Proposal publication date: November 21, 2025

For further information, please call: (512) 475-2220

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 6. TEXAS DEPARTMENT OF CRIMINAL JUSTICE

CHAPTER 151. GENERAL PROVISIONS

37 TAC §151.58

The Texas Board of Criminal Justice (board) adopts new rule §151.58, concerning Legislative Leave Pool, without changes to the proposed text as published in the October 31, 2025, issue of the *Texas Register* (50 TexReg 7100). The rule will not be republished. The purpose of the new rule is to establish a legislative leave pool in compliance with HB 1828, 89th Regular Legislative Session.

No public comments were received regarding the new rule.

The new rule is adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; and §493.0075, which establishes the donation of accrued compensatory time or accrued annual leave for legislative purposes for TDCJ employees.

Cross Reference to Statutes: None.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600855

Stephanie Greger

General Counsel

Texas Department of Criminal Justice

Effective date: March 15, 2026

Proposal publication date: October 31, 2025

For further information, please call: (936) 437-6700

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CHAPTER 152. CORRECTIONAL INSTITUTIONS DIVISION
SUBCHAPTER A. MISSION AND ADMISSIONS

37 TAC §152.5

The Texas Board of Criminal Justice (board) adopts without changes the repeal of 37 Texas Administrative Code, Part 6 §152.5, concerning Designation of State Jail Regions, as published in the October 31, 2025, issue of the *Texas Register* (50 TexReg 7102). The rule will not be republished. The

repeal eliminates a rule whose governing statutes, Government Code §§507.003-.004 were repealed by SB 2405, 89th Regular Legislative Session.

No public comments were received regarding the repeal.

The repeal is adopted under Texas Government Code §492.013, which authorizes the board to adopt rules as necessary for its own procedures and for operation of the department and the independent reporting entities.

Cross Reference to Statutes: None.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600852
Stephanie Greger
General Counsel
Texas Department of Criminal Justice
Effective date: March 15, 2026
Proposal publication date: October 31, 2025
For further information, please call: (936) 437-6700

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37 TAC §152.3

The Texas Board of Criminal Justice (board) adopts amendments to §152.3, concerning Admissions, without changes to the proposed text as published in the October 31, 2025, issue of the *Texas Register* (50 TexReg 7101). The rule will not be republished. The adopted amendments add language to include the verification process of a county's request for reimbursement; remove requirements mandated by §152.5, "Designation of State Jail Regions," which is repealed; and make grammatical and formatting updates.

No public comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.013, which authorizes the board to adopt rules; §499.1215, which establishes guidelines for compensation to counties for inmates awaiting transfer to the TDCJ; and §507.024, which addresses the safe transfer of defendants from counties to state jail felony facilities.

Cross Reference to Statutes: None.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600853
Stephanie Greger
General Counsel
Texas Department of Criminal Justice
Effective date: March 15, 2026
Proposal publication date: October 31, 2025
For further information, please call: (936) 437-6700

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CHAPTER 159. SPECIAL PROGRAMS

37 TAC §159.19

The Texas Board of Criminal Justice (board) adopts amendments to §159.19, concerning Continuity of Care and Services Program for Offenders who are Elderly, Terminally Ill, Significantly Ill or with a Physical Disability or Having a Mental Illness, with a change to the proposed text as published in the October 31, 2025, issue of the *Texas Register* (50 TexReg 7103). The rule will be republished. The adopted amendments add the Texas Workforce Commission to the Memorandum of Understanding (MOU); revise "mental illness" to "mental impairment" and "terminally ill" to "terminal illness" throughout, including the title; remove the linked graphic of the finalized MOU; and make other edits and grammatical updates for clarity.

No public comments were received regarding the amendments.

The amendments are adopted under Texas Government Code §492.001, which establishes the board's authority over the department; §492.013, which authorizes the board to adopt rules; Texas Health and Safety Code §614.003, which establishes the Texas Correctional Office on Offenders with Medical or Mental Impairments; §§614.007-.008, which establishes the powers and duties of TCOOMMI and the community-based diversion program; and §§614.013-.015, which mandates a memorandum of understanding be established for the continuity of care for offenders with mental impairments, elderly offenders, and offenders with physical disabilities, terminal illnesses, or significant illnesses.

Cross Reference to Statutes: None.

§159.19. Continuity of Care and Services Program for Offenders who are Elderly, have a Mental Impairment or Physical Disability, or have Significant or Terminal Illness.

(a) The Texas Department of Criminal Justice (TDCJ) adopts a memorandum of understanding (MOU) with the Texas Health and Human Services Commission (HHSC), the Texas Workforce Commission, and the Texas Department of State Health Services (DSHS) for the purpose of establishing a continuity of care and services program for offenders who are elderly, have a mental impairment or physical disability, or have significant or terminal illness.

(b) This MOU is required by the Texas Health and Safety Code §§614.013 - 614.015.

(c) Copies of the MOU are filed in the Texas Correctional Office on Offenders with Medical or Mental Impairments, 4616 W. Howard Lane, Suite 200, Austin, Texas 78728 and may be reviewed during regular business hours.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on February 23, 2026.

TRD-202600854
Stephanie Greger
General Counsel
Texas Department of Criminal Justice
Effective date: March 15, 2026
Proposal publication date: October 31, 2025
For further information, please call: (936) 437-6700

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Historical Commission

Title 13, Part 2

The Texas Historical Commission files this notice of intent to review and consider for re-adoption, revision, or repeal of Chapter 22 of the Texas Administrative Code, Title 13, Part 2, related to cemeteries. Pursuant to Texas Government Code § 2001.039, the Texas Historical Commission will assess whether the reason(s) for initially adopting these rules continue to exist. The rules will be reviewed to determine whether the rules are obsolete, reflect current legal and policy considerations, reflect current general provisions in the governance of the Commission and/or whether the rules are in compliance with Chapter 2001 of the Texas Government Code (Administrative Procedure Act).

Comments as to whether the reasons for initially adopting these rules continue to exist may be submitted to Joseph Bell, Executive Director, Texas Historical Commission, P.O. Box 12276, Austin, Texas 78711. Comments will be accepted for 30 days after publication in the *Texas Register*.

The text of the rule sections being reviewed will not be published, but may be found in Title 13, Part 2, of the Texas Administrative Code or on the Secretary of State's website (www.sos.texas.gov) under the "Rules & Meetings" tab.

TRD-202601021
Joseph Bell
Executive Director
Texas Historical Commission
Filed: February 27, 2026

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State Board for Educator Certification

Title 19, Part 7

The State Board for Educator Certification (SBEC) proposes the review of 19 Texas Administrative Code (TAC) Chapter 235, Classroom Teacher Certification Standards, Subchapter A, General Provisions; Subchapter B, Early Childhood Certificate Standards; Subchapter C, Classroom Teacher Pedagogy Standards, Early Childhood-Grade 12; Subchapter D, Trade and Industrial Workforce Training Certification Standards; Subchapter E, Science of Teaching Reading Standards; and Subchapter F, Supplemental and Special Education Certificate Standards, pursuant to Texas Government Code (TGC), §2001.039.

As required by TGC, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 235 continue to exist.

The comment period on the review of 19 TAC Chapter 235 begins March 13, 2026, and ends April 13, 2026. A form for submitting public comments on the proposed rule review is available on the Texas Education Agency (TEA) website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/State_Board_for_Educator_Certification_Rule_Review/. The SBEC will take registered oral and written comments on the review of 19 TAC Chapter 235 during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

TRD-202601052
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Filed: March 2, 2026

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The State Board for Educator Certification (SBEC) proposes the review of 19 Texas Administrative Code (TAC) Chapter 241, Certification as Principal, pursuant to Texas Government Code (TGC), §2001.039.

As required by TGC, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 241 continue to exist.

The comment period on the review of 19 TAC Chapter 241 begins March 13, 2026, and ends April 13, 2026. A form for submitting public comments on the proposed rule review is available on the Texas Education Agency (TEA) website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/State_Board_for_Educator_Certification_Rule_Review/. The SBEC will take registered oral and written comments on the review of 19 TAC Chapter 241 during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

TRD-202601055
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Filed: March 2, 2026

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The State Board for Educator Certification (SBEC) proposes the review of 19 Texas Administrative Code (TAC) Chapter 242, Superintendent Certificate, pursuant to Texas Government Code (TGC), §2001.039.

As required by TGC, §2001.039, the SBEC will accept comments as to whether the reasons for adopting 19 TAC Chapter 242 continue to exist.

The comment period on the review of 19 TAC Chapter 242 begins March 13, 2026, and ends April 13, 2026. A form for submitting public comments on the proposed rule review is available on the Texas Education Agency (TEA) website at https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/State_Board_for_Educator_Certification_Rule_Review/. The SBEC will take registered oral and written comments on the review of 19 TAC Chapter 242 during the April 24, 2026 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

TRD-202601058
Cristina De La Fuente-Valadez
Director, Rulemaking
State Board for Educator Certification
Filed: March 2, 2026

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Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 566, Texas Home Living (TXHML) Program and Community First Choice (CFC) Certification Standards

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 566, Texas Home Living (TXHML) Program and Community First Choice (CFC) Certification Standards, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to **hhsrulescoordinationoffice@hhs.texas.gov**. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 566" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202600992
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: February 26, 2026

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The Texas Health and Human Services Commission (HHSC) proposes to review and consider for readoption, revision, or repeal the chapter listed below, in its entirety, contained in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 711, Investigations of Individuals Receiving Services from Certain Providers

This review is conducted in accordance with the requirements of Texas Government Code §2001.039, which requires state agencies, every four years, to assess whether the initial reasons for adopting a rule continue to exist. After reviewing its rules, the agency will readopt, readopt with amendments, or repeal its rules.

Comments on the review of Chapter 711, Investigations of Individuals Receiving Services from Certain Providers, may be submitted to HHSC Rules Coordination Office, Mail Code 4102, P.O. Box 13247, Austin, Texas 78711-3247, or by email to **hhsrulescoordinationoffice@hhs.texas.gov**. When emailing comments, please indicate "Comments on Proposed Rule Review Chapter 711" in the subject line. The deadline for comments is on or before 5:00 p.m. central time on the 31st day after the date this notice is published in the *Texas Register.*

The text of the rule sections being reviewed will not be published but may be found in Title 26, Part 1, of the Texas Administrative Code or on the Secretary of State's website at State Rules and Open Meetings (www.sos.texas.gov).

TRD-202600993
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: February 26, 2026

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State Pension Review Board

Title 40, Part 17

The Texas Pension Review Board (board) files this notice of intent to review 40 Texas Administrative Code Chapter 610, concerning funding soundness restoration plans, in accordance with Texas Government Code §2001.039. The board will consider whether the reasons for initially adopting these rules continue to exist and determine whether these rules should be repealed, readopted, or readopted with amendments.

The board will accept written comments regarding the review. The comment period will last for 30 days following the publication of this notice in the *Texas Register*. Comments regarding this review may be submitted to Tamara Aronstein, General Counsel, Texas Pension Review Board, P.O. Box 13498, Austin, Texas 78711-3498 or to rules@prb.texas.gov with the subject line "Rule Review."

Any proposed changes to the sections of this chapter as a result of the review will be published in the Proposed Rules section of the *Texas Register* and will be subject to an additional 30-day public comment period prior to final adoption of any repeal, amendment, or re-adoption.

TRD-202601047
Tamara Aronstein
General Counsel
State Pension Review Board
Filed: March 2, 2026

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Adopted Rule Reviews

Texas Department of Licensing and Regulation

Title 16, Part 4

The Texas Department of Licensing and Regulation (Department) filed a Notice of Intent to Review to consider for readoption, revision, or repeal the rule chapters listed below, in their entirety, under Title 16, Part 4, of the Texas Administrative Code (TAC). This review was conducted in accordance with Texas Government Code §2001.039.

Rule Chapters Under Review

The Department reviewed the following rule chapters:

Chapter 62, Code Enforcement Officers

Chapter 78, Mold Assessors and Remediators

Chapter 79, Weather Modification

Chapter 90, Court-Ordered Education Programs

Chapter 92, Responsible Pet Owners

Chapter 95, Transportation Network Companies

Chapter 117, Massage Therapy

Chapter 118, Laser Hair Removal

Chapter 119, Sanitarians

Chapter 121, Behavior Analyst

Chapter 130, Podiatric Medicine Program

Public Comments

A combined Notice of Intent to Review for all of the chapters listed above was published in the August 15, 2025, issue of the *Texas Register* (50 TexReg 5346). The public comment period closed on September 15, 2025. The Department received public comments from 23 interested parties in response to the Notice of Intent to Review. The public comments received for each chapter are explained below.

Chapter 62, Code Enforcement Officers

The Department received comments from one interested party in response to the Notice of Intent to Review for Chapter 62, Code Enforcement Officers. However, this comment was unrelated to the rules under review. The commenter requested changes to the rules that first require statutory changes to be made. The commenter suggested removing the code enforcement officer in training license type and considering an unlicensed individual claiming to be a "code enforcement officer" or a "code enforcement officer in training" as a criminal offense. The Department cannot take any action on these comments because changes to the statute must be made by the Texas Legislature. This commenter also requested increasing the continuing education hours; adding continuing education activities; and modifying the advisory board. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 78, Mold Assessors and Remediators

The Department received comments from seven interested parties in response to the Notice of Intent to Review for Chapter 78, Mold Assessors and Remediators. Of the seven commenters, five are in support of the re-adoption of the rules because the rules are protective of public health, consumers, and standards for the professional practice of mold assessment and remediation. These supportive comments are from two individuals, two businesses, and one organization, The Institute of Inspection, Cleaning, and Restoration Certification (IICRC). The Department has taken these comments into consideration as part of this review. The Department received comments from one individual who is against readoption of the rules unless significant changes are made. This commenter, one individual in support of the rules, and the IICRC request many specific amendments to the rules, including improvements to processes, credentialing, and standards for professional practice. The Department will take these comments under consideration for future rulemaking because any amendments must be made using the standard rulemaking process. The Department received comments from one individual that are unrelated to the current rules under review but instead relate to recent statutory changes for which rules have not yet been adopted. These comments were directed to the appropriate division for consideration.

Chapter 79, Weather Modification

The Department received comments from one interested party in response to the Notice of Intent to Review for Chapter 79, Weather Modification, however it was unrelated to the rules under review. The commenter requested a change to a rule to allow for public notices related to weather modification permits to be published online instead of in a newspaper. Because newspaper publication is required by statute, the Department cannot take action to eliminate it at this time, as changes to the statute must be made by the Texas Legislature. The Department could require online publication in addition to newspaper publication. The Department will take this possibility under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 90, Court-Ordered Education Programs

The Department received comments from one interested party in response to the Notice of Intent to Review for Chapter 90, Court-Ordered Education Programs. The Department received one public comment that is unrelated to the rules under review. This comment was directed to the appropriate division for consideration. The Department will not take any further rulemaking action as result of this unrelated comment.

Chapter 92, Responsible Pet Owners

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 92, Responsible Pet Owners.

Chapter 95, Transportation Network Companies

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 95, Transportation Network Companies.

Chapter 117, Massage Therapy

The Department received comments from three interested parties in response to the Notice of Intent to Review for Chapter 117, Massage Therapy. None of the comments received expressed support for, or objection to, readoption of the rules. However, the comment submitted by the Federation of State Massage Therapy Boards suggested several changes to the program rules regarding definitions, minimum education hours, the duration of student permits, and standards of professional conduct. The Department will take these comments under consideration for a possible future rulemaking because any amendments must be made using the standard rulemaking process.

Chapter 118, Laser Hair Removal

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 118, Laser Hair Removal.

Chapter 119, Sanitarians

The Department received comments from two interested parties in response to the Notice of Intent to Review for Chapter 119, Sanitarians. Of the comments that were received, the Department received one comment in support of re-adoption of the rules. The Department has taken these comments into consideration as part of this review. The Department also received one comment requesting changes to the rules that first require statutory changes. This comment stated the rules are outdated and create unnecessary barriers to workforce entry by requiring an applicant for a sanitarian in training certificate to pass an examination before being registered. The Department cannot take any action on this comment because changes to the statute must be made by the Texas Legislature.

Chapter 121, Behavior Analyst

The Department received seven public comments for Chapter 121, Behavior Analyst, that are unrelated to the rules under review. The Department will not take any further rulemaking action as result of these unrelated comments.

Chapter 130, Podiatric Medicine Program

The Department did not receive any public comments in response to the Notice of Intent to Review for Chapter 130, Podiatric Medicine Program.

Department Review and Recommendation

The Department has reviewed each of the rule chapters listed above and has determined that the reasons for adopting or readopting the rules in these chapters continue to exist. The rules are still essential in implementing the statutory provisions for each of the affected programs. The rules provide details that are not found in the program statutes but are necessary for implementation and operation of the programs. The Department recommends that the Commission readopt all of the rule chapters listed above, in their entirety and in their current form.

The Department may propose amendments in the future to update, clarify, or supplement the existing rules. Any proposed changes to the rules will be published in the Proposed Rules section of the *Texas Register* and will be open for public comment before final adoption by the Texas Commission of Licensing and Regulation (Commission), the Department's governing body, and in accordance with the requirements of the Administrative Procedure Act, Texas Government Code, Chapter 2001.

Commission Action

At its meeting on February 18, 2026, the Texas Commission of Licensing and Regulation, the Department's governing body, readopted the following rule chapters, in their entirety and in their current form: 16 TAC, Chapter 62, Code Enforcement Officers; Chapter 78, Mold Assessors and Remediators; Chapter 79, Weather Modification; Chapter 90, Court-Ordered Education Programs; Chapter 92, Responsible Pet Owners; Chapter 95, Transportation Network Companies; Chapter 117, Massage Therapy; Chapter 118, Laser Hair Removal; Chapter 119, Sanitarians; Chapter 121, Behavior Analyst; and Chapter 130, Podiatric Medicine Program. This concludes the review of these rule chapters in accordance with Texas Government Code §2001.039.

Filed with the Office of the Secretary of State on February 27, 2026.

TRD-202601023
Doug Jennings
General Counsel
Texas Department of Licensing and Regulation
Filed: February 27, 2026

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Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 559, Day Activity and Health Services Requirements

Notice of the review of this chapter was published in the December 19, 2025, issue of the *Texas Register* (50 TexReg 8343). HHSC received no comments concerning this chapter.

HHSC has reviewed Chapter 559 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 559. Any amendments, if applicable, to Chapter 559 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register*.

This concludes HHSC's review of 26 TAC Chapter 559 as required by Texas Government Code §2001.039.

TRD-202601020
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: February 27, 2026

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Texas Juvenile Justice Department

Title 37, Part 11

In accordance with §2001.039, Government Code, the Texas Juvenile Justice Department (TJJD) has completed its review of 37 TAC, Part 11, Chapter 344, Employment, Certification, and Training. TJJD published its Notice of Intent to Review this chapter in the January 30, 2026, issue of the *Texas Register* (51 TexReg 629). TJJD received no public comments on the proposed rule review.

As a result of the review, TJJD has determined that the original reasons for adopting Chapter 344 continue to exist and readopts the chapter.

This concludes TJJD's review of 37 TAC, Part 11, Chapter 344.

TRD-202601059
Jana Jones
General Counsel
Texas Juvenile Justice Department
Filed: March 2, 2026

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Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 19 TAC §228.15(b)(1)

Residency Route Requirements for Programs Seeking Approval (2027-2028 Only)

Programs previously approved to offer the teacher residency route may apply to offer the residency route with additional, new requirements described in the figure below.

Requirement	TAC References	Description of Required Evidence
1. Prior approval to offer the Residency Route	**§228.15(b)(1)**	• For 2027-2028 approval, the program must have been previously approved by SBEC to offer the residency route by April 30th, 2026. • *Programs that have not been approved by April 30, 2026, may apply during the 2026-2027 academic year to offer the route under the requirements for 2028-2029 approval (§228.15(b)(2)).*
2. Required PREP Training Content Integration	**§228.31(d-e)** **§228.41(c)** **§228.57(f)(1-2)**	• **Evidence of faculty certification:** The program must provide evidence that their instructors have been certified to deliver PREP required content. The program should provide the names of the instructors, their assigned courses, and proof of certification. • **Attestations related to training content implementation:** Programs must attest that they will offer the required PREP training content to candidates by the 2027-2028 academic year. • Initial plan for integration of the required content for the 2027-2028 academic year.

Figure: 19 TAC §228.15(b)(2)

Residency Route Evidence Sources (2028-2029)

Applicants seeking to offer the Residency Route in 2028-2029 must demonstrate evidence of all TAC Chapter 228 requirements listed below. Programs previously to offer the teacher residency route will only submit evidence of the following requirement areas: 2. Required PREP training content, 5. Host teacher, and 12. Recruitment and Admissions.

If the TAC Requirement Includes...	TAC References	Evidence that may be required in the application
1. Coursework and Training Requirement	**§228.33(a-e)** **§228.41(a)** **§228.43(a)-(e)**	• Scope and Sequence of Residency Program • Methods Course Syllabus • Content Pedagogy Syllabi
2. Required PREP Training Content Integration	**§228.31(d)** **§228.41(c)** **§228.57(f)(1-4)**	• Evidence of instructor training certification • Plan demonstrating how the EPP identifies and assigns personnel qualified to deliver required content • Evidence of integration of the required training content into coursework • Additional evidence of required content integration as needed
3. Practice-Based Experience in a Classroom Setting	**§228.65(a)** **§228.65(b)(2)**	• Scope and Sequence of Residency Program • Educator Preparation Program (EPP) Handbook: o Guidance for gradual release and co-teaching o Process for documentation of clinical experience hours o Process for documentation of reduction of hours requirement if/when applicable • Evidence of host teacher training related to best practices in co-teaching
4. Instructional Setting	**§228.65(b)(1) and (3)** **§228.43(a)-(e)**	• EPP Handbook o Description on instructional setting selection process o Description of expectations for candidate completion of field-based experiences (FBEs) • Form used for determining that a candidate should have multiple placements • Log or tracking tool of candidate FBE completion
5. Host Teacher	**§228.91(a), (b), (d), (e), and (f)** **§228.95(a) and (b)**	• Host teacher profile or job description • EPP Handbook o Description of host teacher criteria, selection process, and training o Evidence of collaborative selection of all mentoring educators that include representatives from EPP and the campus or district • Evidence that host teachers meet training requirements related to *Texas Mentorship Training* • Host teacher support and monitoring artifacts:

		example check in, example of observation of host teacher or debrief notes
6. Co-Teaching	**§228.65(b)(2)**	• EPP Handbook o Description of co-teaching practices
7. Field Supervisors	**§228.101(a) §228.101(b)(1), (4), and (12)**	• EPP Handbook: o Description of field supervisor requirements, selection, and training • Sample resume of a field supervisor • Field supervisor training calendar • Field supervisor training artifacts: sample agenda and/or training materials to show evidence of alignment to co-teaching and coaching • Evidence of completion of state-required training • Artifacts showing collaboration between field supervisor, host teacher and campus supervisor: meeting calendars, check-in agendas, shared documents

8. Teacher Resident Coaching	**§228.101(b)(7)**	• EPP Handbook
		  o Teacher resident coaching and informal observations protocols
		  o Observation and feedback process description, including for identifying and supporting targeted skills
		• Sample coaching tools
		• Samples of written candidate feedback that includes candidate follow-up support plans

9. Formal Observations	**§228.105(a-e) §228.103(a-b)**	• EPP Handbook o Description of formal observation practices (observation pre- and post-practices, length of observation) • EPP's formal observation tool • EPP's calendar of formal observations

10. Evaluation of Teacher Candidate Readiness	**§228.31(c)
	§228.65(c)-(g)**
		• EPP Handbook
		  o Description of progression of performance gates
		  o Description of response to candidate performance on each gate and intervention supports
		  o Description of candidate recommendation process
		• Submission of all performance gates for review of quality criteria
		• Sample intervention plan template
		• Candidate recommendation for certification form/document, reflecting shared decision making with district partner.

11. Governance	**§228.25(d)**	• EPP Handbook o Shared governance practices • Sample governance meeting agenda • Sample governance meeting minutes • Current Memorandums of Understanding (MOUs) from partner districts

12. Recruitment and Admissions	**§227.10(a)(9) and (b)**	• EPP Handbook
		  o Description of research-based best practices for recruitment and admission
		  o Description of screening process with multiple measures (for example: experience-based indicators, portfolio reviews with rubric, institutional fit and engagement measures such as assessment of goals and motivation, academic measures, etc.)
		• Evidence of recruitment practices to meet partner's needs
		  o Evidence of collaboration to identify school system partner's needs
		  o Evidence of aligned counseling and support for applicants and candidates

Figure: 19 TAC §228.15(c)(1)

PREP Preservice Alternative Route Requirements for Programs Seeking Approval (2027-2028 Only)

Requirement	TAC References	Description of Required Evidence
1. Required PREP Training Content Integration	**§228.31(d-e)** **§228.41(c)** **§228.57(f)(1-2)**	• **Evidence of faculty certification:** The program must provide evidence that their instructors have been certified to deliver PREP required content. The program should provide the names of the instructors, their assigned courses, and proof of certification. • **Attestations related to training content implementation:** Programs must attest that they will offer the required PREP training content to candidates by the 2027-2028 academic year. • Initial plan for integration of the required content for the 2027-2028 academic year
2. Governance	**§228.25(e)**	**Attestations related to partnership and governance:** Programs must attest that they will comply with updated governance requirements for the PREP Preservice Alternative Certification route in TAC, §228.25(e). They also must attest to at least one formal school system partnership beginning by 2027-2028.
3. Pre-Internship Clinical Teaching Experience	**§228.68, §228.101(b), §228.107, and §228.109**	**Attestations related to clinical experience:** Programs must attest that they will comply with all PREP Preservice Alternative Certification route requirements related to the pre-internship clinical teaching experience and the internship experience including those in TAC, §228.68, §228.101(b), §228.107, and §228.109.
4. Readiness narrative to offer PREP Preservice Alternative Certification Route	*Narrative components align to subsections:* **§228.68, §228.73, §228.25(e), and §228.101**	Programs must provide narrative evidence that demonstrates foundational readiness to offer the PREP Preservice Alternative Certification route, which may include: • Summary of program model, including approach to mentoring support and co-teaching. • Timeline for development of the model • Overview of field supervision and candidate assessment of proficiency during the pre-internship clinical experience • Plan for communication and collaboration with school system partners • Description of how the program plans to ensure faculty can meet the training and certification to deliver PREP training content and to ensure integration of the training content in coursework. • If applicable, integration of Grow Your Own school system partnership

Figure: 19 TAC §228.15(c)(2)

PREP Preservice Alternative Route Evidence Sources (2028-2029)

Applicants seeking to offer the Preservice Alternative Route in 2028-2029 must demonstrate evidence of all TAC Chapter 228 requirements listed below.

If the TAC Requirement Includes…	TAC References	Evidence that may be required in the application
1. Coursework and Training Requirement	**§228.33(a-e)** **§228.41(a)**	• Scope and Sequence of Preservice Alternative Certification Program that includes: o Curriculum map o Timeline of gradual increase of instructional responsibility
2. Required Content Integration	**§228.31(d)** **§228.41(c)** **§228.57(f)(1-4)**	• Evidence of instructor training certification • Plan demonstrating how the EPP identifies and assigns personnel qualified to deliver required content • Evidence of integration of the required training content into coursework • Additional evidence of required content integration as needed
3. Pre-Internship Clinical Teaching Experience	**§228.68(a), (c), (g) and (f)**	• Scope and Sequence of Preservice Alternative Certification Program, including clear outline of pre-internship clinical teaching experience • Educator Preparation Program (EPP) Handbook: o Guidance for pre-internship clinical teaching, including gradual release to lead teaching requirement o Process for documentation of pre-internship clinical teaching hours • Grow Your Own exception documentation, as applicable
4. Instructional Setting	**§228.68(a-h)** **§228.73(c) and (d)(1)** **§228.63(a-e)**	• EPP Handbook o Description of selection process for pre-internship o Guidelines for pre-internship placement, including process for placement when aligned subject or grade level is unavailable o Guidelines for internship placement o Evidence of partnership collaboration in placement

5. Cooperating Teacher and Intern Mentor Teacher	**§228.91(a)-(f) §228.93(a) and (b) §228.97(a) and (b)**	• Cooperating teacher and intern mentor teacher profile or job description • EPP Handbook o Description of pre-internship cooperating teacher criteria, selection process, and training. o Description of intern mentor teacher criteria, selection process, and training. o Evidence of collaborative selection of all mentoring educators that include representatives from EPP and the campus or district • Evidence that cooperating teachers and intern mentor teachers meet training requirements related to *Texas Mentorship Training* • Cooperating and intern mentor teacher support and monitoring artifacts: example check in, example of observation of cooperating/intern mentor teacher or debrief notes
6. Co-Teaching and Engagement with Professional Responsibilities	**§228.68(a) and (b)**	• EPP Handbook o Description of co-teaching practices o Clear criteria for lead teaching requirement, with number of lessons and hours specified o Clear criteria for engagement with professional responsibilities, with number of hours specified
7. Field Supervisors	**§228.101(a) §228.101(b)(1), (4), (9), (11), and (13)**	• EPP Handbook: o Description of field supervisor requirements, selection, and training • Sample resume of a field supervisor • Field supervisor training calendar • Field supervisor training artifacts: sample agenda and/or training materials to show evidence of alignment to co-teaching and coaching • Artifacts showing collaboration between field supervisor and cooperating teacher during the pre-internship (meeting calendars, check-in agendas, shared documents) • Artifacts showing collaboration between field supervisor, intern mentor teacher and campus supervisor during the internship
8. Coaching During Pre-Internship and Internship	**§228.101(b)(8)**	• EPP Handbook o Coaching and informal observation protocols and sample calendars/schedules o Observation and feedback process description, including for identifying and supporting targeted skills • Sample coaching tools

		• Samples of written candidate feedback that includes candidate follow-up support plans
9. Formal Observations during Pre-Internship and Internship	**§228.105(a)-(e) §228.109(e) and (f)**	• EPP Handbook o Description of formal observation practices (observation pre- and post-practices, length of observation) • EPP's formal observation tool • EPP's calendar of formal observations

10. Evaluation of Readiness for Internship and Readiness for Standard Certification	**§228.68(a)(3), (b), (c) and (d) §228.73(l)**	• EPP Handbook
		  o Description of evaluation of acceptable progress in pre-internship, including clear, measurable criteria and crosswalk to preservice competencies
		  o Evidence of training for field supervisors and cooperating teachers on evaluation of progress
		  o Description of how the EPP supports candidate in response to evaluations of progress in pre-internship
		  o Description of process for determining acceptable progress upon completion of pre-internship
		• Sample intervention plan template (intervention during pre-internship)
		• Sample support plan template (candidates requiring plan during internship)
		• Candidate recommendation for standard certification form/document
		• Evidence of shared decision making with school system partner for candidate intervention, growth plans, and recommendations
		• Process for sharing support plan when pre-internship district is different than internship district

11. Governance	**§228.25(e)**	• EPP Handbook o Shared governance practices • Sample governance meeting agenda • Sample governance meeting minutes • Current Memorandums of Understanding (MOUs) from partner districts
12. Recruitment and Admissions	**§227.10(a)(9) and §228.25(e)**	• EPP Handbook o Description of screening process with multiple measures • Evidence of recruitment practices aligned to partners' needs

Figure: 19 TAC §228.15(d)(1)

PREP Traditional Route Requirements for Programs Seeking Approval (2027-2028 Only)

Requirement	TAC References	Description
1. Prior approval to offer standard certification through clinical teaching	**§228.11** **§228.15**	• For 27-28 approval, the program must have been previously approved to offer standard teaching certification via clinical teaching requirements through TAC, §228.11 (relating to initial approval) or TAC, §228.15 (relating to additional approvals).
2. Required PREP Training Content Integration	**§228.31(d-e)** **§228.41(c)** **§228.57(f)(1-2)**	• **Evidence of faculty certification:** The program must provide evidence that their instructors have been certified to deliver PREP required content. The program should provide the names of the instructors, their assigned courses, and proof of certification. • **Attestations related to training content implementation:** Programs must attest that they will offer the required PREP training content to candidates by the 2027-2028 academic year. • Initial plan for integration of the required content for the 2027-2028 academic year.
3. Governance	**§228.25(e)**	**Attestations related to partnership and governance:** Programs must attest that they will comply with updated governance requirements for the PREP Traditional route in TAC, §228.25(e). They also must attest to at least one formal school system partnership beginning by 2027-2028.

Figure: 19 TAC §228.15(d)(2)

PREP Traditional Route Evidence Sources (2028-2029)

Applicants seeking to offer the PREP Traditional Route in 2028-2029 must demonstrate evidence of all TAC Chapter 228 requirements listed below.

If the TAC Requirement Includes...	TAC References	Evidence that may be required in the application
1. Required Content Integration	**§228.31(d-e) §228.41(c) §228.57(f)(1-2)**	• Evidence of instructor training certification • Plan demonstrating how the EPP identifies and assigns personnel qualified to deliver required content • Evidence of integration of the required training content into coursework • Additional evidence of required content integration as needed
2. Practice-Based Experience in a Classroom Setting	**§228.67(d)**	• Educator Preparation Program (EPP) Handbook: o Guidance for co-teaching, gradual release of instructional responsibility and leading instruction
3. Instructional Setting	**§228.67(a)-(c)**	• EPP Handbook o Description of instructional setting selection process
4. Cooperating Teacher	**§228.91(a-b), (d-f) §228.93(a-b)**	• Cooperating teacher profile or job description • EPP Handbook o Description of cooperating teacher criteria, selection process, and training o Evidence of collaborative selection of all mentoring educators that include representatives from EPP and the campus or district • Evidence that cooperating teachers meet training requirements related to *Texas Mentorship Training* • Cooperating and intern mentor teacher support and monitoring artifacts: example check in, example of observation of cooperating/intern mentor teacher or debrief notes
5. Governance	**§228.25(e)**	• EPP Handbook o Shared governance practices • Sample governance meeting agenda • Sample governance meeting minutes • Current Memorandums of Understanding (MOUs) from partner districts
6. Recruitment and Admissions	**§227.10(a)(9) and §228.25(e)**	• EPP Handbook o Description of screening process with multiple measures • Evidence of recruitment practices aligned to partners' needs

Figure: 22 TAC §885.1(b)

Fees	Total Fee	Base	Texas.gov	OPP	eStrategy
APPLICATION FEES					
Social Workers					
LBSW or LMSW Application	$ 109.00	$ 100.00	$ 4.00	$ 5.00	
LCSW Application (LMSW-AP applications no longer accepted)	$ 120.00	$ 111.00	$ 4.00	$ 5.00	
Upgrade from LBSW to LMSW	$ 24.00	$ 20.00	$ 4.00		
Upgrade from LMSW to LCSW	$ 24.00	$ 20.00	$ 4.00		
Independent Practice Recognition	$ 20.00	$ 20.00			
Supervisor Status Application	$ 54.00	$ 50.00	$ 4.00		
Temporary License Application	$ 30.00	$ 30.00			
Marriage and Family Therapists					
Initial LMFT Associate Application	$ 159.00	$ 150.00	$ 4.00	$ 5.00	
Upgrade from LMFT Associate to LMFT	$ 90.00	$ 86.00	$ 4.00		
Initial LMFT Application	$ 161.00	$ 150.00	$ 6.00	$ 5.00	
Supervisor Status Application	$ 54.00	$ 50.00	$ 4.00		
Temporary License Application	$ 103.00	$ 100.00	$ 3.00		
Professional Counselors					
LPC Associate/LPC/Provisional License Application	$ 165.00	$ 154.00	$ 6.00	$ 5.00	
Supervisor Status Application	$ 54.00	$ 50.00	$ 4.00		
Art Therapy Designation	$ 20.00	$ 20.00			
Psychologists/Psychological Associates/School Psychologist					
LPA Application	$ 144.00	$ 135.00	$ 4.00	$ 5.00	
LP Application (including reciprocity applications)	$ 425.00	$ 410.00	$ 10.00	$ 5.00	
School Psychologist Application	$ 252.00	$ 239.00	$ 8.00	$ 5.00	
Temporary License Application	$ 103.00	$ 100.00	$ 3.00		
RENEWAL FEES					

Social Workers					
LBSW/LMSW Renewal	$ 108.00	$ 102.00	$ 4.00	$ 2.00	
LMSW-AP/LCSW Renewal	$ 108.00	$ 102.00	$ 4.00	$ 2.00	
Additional Renewal Fee for Independent Recognition	$ 20.00	$ 20.00			
Additional Renewal Fee for Supervisor Status	$ 50.00	$ 50.00			
Marriage and Family Therapists					
LMFT Renewal	$ 141.00	$ 135.00	$ 4.00	$ 2.00	
Additional Renewal Fee for Supervisor Status	$ 50.00	$ 50.00			
Professional Counselors					
LPC Renewal	$ 141.00	$ 135.00	$ 4.00	$ 2.00	
Additional Renewal Fee for Supervisor Status	$ 50.00	$ 50.00			
Psychologists/Psychological Associates/School Psychologist					
LPA Renewal	$ 238.00	$ 230.00	$ 6.00	$ 2.00	
LP Renewal	$ 295.00	$ 285.00	$ 8.00	$ 2.00	
School Psychologist Renewal	$ 141.00	$ 135.00	$ 4.00	$ 2.00	
Over 70 Renewal – Applicable only to licensees who turned 70 by 8/31/2020	$ 26.00	$ 20.00	$ 4.00	$ 2.00	
Additional Renewal Fee for HSP Designation	$ 40.00	$ 40.00			
EXAMINATION FEES					
Social Workers					
Jurisprudence Exam	$ 39.00				$ 39.00
Marriage and Family Therapists					
Jurisprudence Exam	$ 39.00				$ 39.00
Professional Counselor					
Jurisprudence Exam	$ 39.00				$ 39.00
Psychologists/Psychological Associates/School Psychologist					
Jurisprudence Exam	$ 39.00				$ 39.00

MISCELLANEOUS FEES					
Duplicate Renewal Permit	$ 10.00	$ 8.00	$ 2.00		
Written State to State Verification of Licensure	$ 50.00	$ 48.00	$ 2.00		
Returned Check Fee	$ 25.00				
Criminal History Evaluation	$ 150.00	$ 150.00			
Reinstatement of License	$ 510.00	$ 500.00	$ 10.00		
Request for Inactive Status	$ 106.00	$ 100.00	$ 4.00	$ 2.00	
Inactive Status Renewal (biennial)	$ 106.00	$ 100.00	$ 4.00	$ 2.00	
Update Doctoral Degree on License	$ 54.00	$ 50.00	$ 4.00		
Request 11x14 Wall License	$ 50.00	$ 48.00	$ 2.00		
Request to Reactivate License from Inactive Status	equal to current renewal fee				
Late fee for license expired 90 days or less	equal to 1.5 times base renewal fee (plus applicable Texas.gov and OPP fees)				
Late fee for license expired more than 90 days, but less than one year	Equal to 2 times the base renewal fee (plus applicable Texas.gov and OPP fees)				

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of the Attorney General

Texas Health and Safety Code and Texas Water Code
Settlement Notice

The State of Texas gives notice of the following proposed resolution of an environmental enforcement action under the Texas Health and Safety Code and the Texas Water Code. Before the State may enter into a voluntary settlement agreement, pursuant to section 7.110 of the Texas Water Code, the State shall permit the public to comment in writing. The Attorney General will consider any written comments and may withdraw or withhold consent to the proposed agreement if the comments disclose facts or considerations indicating that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the law.

Case Title and Court: *Harris County, Texas and the State of Texas v. WM Pipe Inc.;* Cause No. 2024-42229; in the 127th District Court of Harris County, Texas

Background: WM Pipe, Inc. ("WM Pipe) owns and operates a surface coating (painting) facility in Houston, Texas ("Facility") which also carries out storage and maintenance of pipe and abrasive cleaning. Various investigations carried out by Harris County between 2016 and 2022 resulted in the documentation of numerous violations, including permit violations, discharge violations, monitoring and reporting violations, and operational violations. Harris County filed its Original Petition in July 2024 citing WM Pipe for violations of the Texas Water Code, Texas Clean Air Act, Texas Solid Waste Disposal Act, and Regulations of Harris County, Texas for Stormwater Quality Management. The State, Harris County, and WM Pipe have reached a mediation agreement to resolve the pending claims against WM Pipe.

Proposed Settlement: The State, Harris County, and WM Pipe, propose an Agreed Final Judgment that awards the State and Harris County the following monetary judgments against WM Pipe: $40,000.00 in civil penalties, to be split equally between the State and Harris County. In addition, the State and Harris County will each be awarded $5,000.00 in attorney fees.

For a complete description of the proposed settlement, the Agreed Final Judgment should be reviewed in its entirety. Requests for copies of the proposed judgment and settlement, and written comments on the same, should be directed to Ross Potter, Assistant Attorney General, Office of the Texas Attorney General, P.O. Box 12548, MC-066, Austin, Texas 78711-2548, (512) 975-5460, facsimile (512) 320-0911, email: Ross.Potter@oag.texas.gov. Written comments must be received within 30 days of publication of this notice to be considered.

TRD-202601079
Justin Gordon
General Counsel
Office of the Attorney General
Filed: March 3, 2026

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Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, 303.005, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 03/09/26 - 03/15/26 is 18.00% for consumer[1] credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 03/09/26 - 03/15/26 is 18.00% for commercial[2] credit.

The monthly ceiling as prescribed by §303.005[3] and §303.009 for the period of 03/01/26 - 03/31/26 is 18.00%.

[1] Credit for personal, family, or household use.

[2] Credit for business, commercial, investment, or other similar purpose.

[3] Only for variable rate commercial transactions, as provided by §303.004(a)

TRD-202601089
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: March 3, 2026

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Credit Union Department

Applications to Amend Articles of Incorporation

Notice is given that the following applications have been filed with the Credit Union Department (Department) and are under consideration.

An application was received from Associated Credit Union of Texas, League City, Texas. The credit union is proposing a name change to Openland Credit Union.

An application was received from Fort Worth Community Credit Union, Bedford, Texas. The credit union is proposing a name change to Worth Credit Union.

Comments or a request for a meeting by any interested party relating to an application must be submitted in writing within 30 days from the date of this publication. Any written comments must provide all the information that the interested party wishes the Department to consider in evaluating the application. All information received will be weighed during consideration of the merits of an application. Comments or a request for a meeting should be addressed to the Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699.

TRD-202601061
Robert W. Etheridge
Commissioner
Credit Union Department
Filed: March 2, 2026

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Notice of Final Action Taken

In accordance with the provisions of 7 TAC §91.103, the Credit Union Department provides notice of the final action taken on the following applications:

Field of Membership- Approved (OSB)

Premier America CU #1 - See *Texas Register* dated on November 28, 2025.

Premier America CU #2 - See *Texas Register* dated on November 28, 2025.

TRD-202601060
Robert W. Etheridge
Commissioner
Credit Union Department
Filed: March 2, 2026

♦ ♦ ♦

Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **April 13, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **April 13, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: AR Builders LLC; DOCKET NUMBER: 2025-1703-WQ-E; IDENTIFIER: RN112281878; LOCATION: Houston, Harris County; TYPE OF FACILITY: construction site; PENALTY: $5,000; ENFORCEMENT COORDINATOR: Cynthia Sidoa, (713) 767-3525; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(2) COMPANY: AUDASIT INC.; DOCKET NUMBER: 2024-1870-WQ-E; IDENTIFIER: RN111838066; LOCATION: Winnie, Chambers County; TYPE OF FACILITY: animal aquaculture facility; PENALTY: $63,854; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(3) COMPANY: BWC Texas Terminals LLC; DOCKET NUMBER: 2024-0061-IWD-E; IDENTIFIER: RN102181948; LOCATION: Texas City, Galveston County; TYPE OF FACILITY: bulk liquid storage terminal; PENALTY: $12,375; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(4) COMPANY: Beechwood Water Supply Corporation; DOCKET NUMBER: 2025-1307-PWS-E; IDENTIFIER: RN101199404; LOCATION: Hemphill, Sabine County; TYPE OF FACILITY: public water supply; PENALTY: $1,460; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: Bell County Water Control and Improvement District 2; DOCKET NUMBER: 2025-1495-PWS-E; IDENTIFIER: RN101425106; LOCATION: Little River Academy, Bell County; TYPE OF FACILITY: public water supply; PENALTY: $1,237; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(6) COMPANY: Bluehall Incorporated, Indorama Ventures Oxides International LLC, Indorama Ventures Oxides LLC, Indorama Ventures Propylene Oxides LLC, and TPC Group LLC; DOCKET NUMBER: 2021-1200-IWD-E; IDENTIFIER: RN100219252; LOCATION: Port Neches, Jefferson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $205,104; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $82,042; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(7) COMPANY: Burlington Resources Oil & Gas Company LP; DOCKET NUMBER: 2025-1346-AIR-E; IDENTIFIER: RN107228967; LOCATION: Pawnee, Bee County; TYPE OF FACILITY: oil and gas production facility; PENALTY: $3,326; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(8) COMPANY: C. COOPER CUSTOM HOMES, INC.; DOCKET NUMBER: 2024-1958-WQ-E; IDENTIFIER: RN111643029; LOCATION: Flint, Smith County; TYPE OF FACILITY: construction site; PENALTY: $7,500; ENFORCEMENT COORDINATOR: Kolby Farren, (512) 239-2098; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(9) COMPANY: City of Tulia; DOCKET NUMBER: 2025-1443-PWS-E; IDENTIFIER: RN108492307; LOCATION: Tulia, Swisher County; TYPE OF FACILITY: public water supply; PENALTY: $2,375; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(10) COMPANY: City of Karnes City; DOCKET NUMBER: 2025-1306-PWS-E; IDENTIFIER: RN101236842; LOCATION:

Karnes, Karnes County; TYPE OF FACILITY: public water supply; PENALTY: $4,515; ENFORCEMENT COORDINATOR: Katherine Mckinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: City of Milford; DOCKET NUMBER: 2025-1534-PWS-E; IDENTIFIER: RN101384287; LOCATION: Milford, Ellis County; TYPE OF FACILITY: public water supply; PENALTY: $1,125; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: City of Normangee; DOCKET NUMBER: 2023-1526-MWD-E; IDENTIFIER: RN101916385; LOCATION: Normangee, Leon County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $32,062; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $25,650; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: City of Petrolia; DOCKET NUMBER: 2025-0832-PWS-E; IDENTIFIER: RN102677937; LOCATION: Petrolia, Clay County; TYPE OF FACILITY: public water supply; PENALTY: $3,420; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,420; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: City of Rochester; DOCKET NUMBER: 2025-1183-PWS-E; IDENTIFIER: RN101192243; LOCATION: Rochester, Haskell County; TYPE OF FACILITY: public water supply; PENALTY: $1,040; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(15) COMPANY: City of Stamford; DOCKET NUMBER: 2024-0515-MWD-E; IDENTIFIER: RN101920189; LOCATION: Stamford, Jones County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $13,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $13000; ENFORCEMENT COORDINATOR: Derek Osborn, (512) 239-0353; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: Conroe Independent School District; DOCKET NUMBER: 2025-1862-MWD-E; IDENTIFIER: RN102319746; LOCATION: Conroe, Montgomery County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $3,188; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: ET Gathering & Processing LLC; DOCKET NUMBER: 2025-1301-AIR-E; IDENTIFIER: RN109188631; LOCATION: Barstow, Ward County; TYPE OF FACILITY: oil and gas compressor station; PENALTY: $11,250; ENFORCEMENT COORDINATOR: Yuliya Dunaway, (210) 403-4077; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(18) COMPANY: ETC Texas Pipeline, Ltd.; DOCKET NUMBER: 2024-0947-AIR-E; IDENTIFIER: RN111538815; LOCATION: La Grange, Fayette County; TYPE OF FACILITY: natural gas processing plant; PENALTY: $7,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $3,000; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: Enterprise Products Operating LLC; DOCKET NUMBER: 2022-1175-AIR-E; IDENTIFIER: RN102323268; LOCATION: Mont Belvieu, Chambers County; TYPE OF FACILITY: isobutane dehydrogenation unit; PENALTY: $245,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $122,812; ENFORCEMENT COORDINATOR: Desmond Martin, (512) 239-2814; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(20) COMPANY: Enterprise Products Operating LLC; DOCKET NUMBER: 2024-1868-IWD-E; IDENTIFIER: RN102528197; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: industrial organic chemicals manufacturing and storage facility; PENALTY: $10,650; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $4,260; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(21) COMPANY: GAITAN, CLAUDIO G; DOCKET NUMBER: 2023-0395-WOC-E; IDENTIFIER: RN111570727; LOCATION: Hamilton, Hamilton County; TYPE OF FACILITY: landscape irrigation business; PENALTY: $1,239; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: Gatco Treatment Systems, LP; DOCKET NUMBER: 2024-0511-AIR-E; IDENTIFIER: RN107732547; LOCATION: Waller, Waller County; TYPE OF FACILITY: concrete batch plant; PENALTY: $3,375; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(23) COMPANY: Gladieux Metals Recycling, LLC; DOCKET NUMBER: 2025-0595-IWD-E; IDENTIFIER: RN100210129; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: hazardous waste management facility; PENALTY: $27,125; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: Harris County Municipal Utility District 319; DOCKET NUMBER: 2025-1427-PWS-E; IDENTIFIER: RN108583311; LOCATION: Cypress, Harris County; TYPE OF FACILITY: public water supply; PENALTY: $350; ENFORCEMENT COORDINATOR: Savannah Jackson, (512) 239-4306; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(25) COMPANY: Heidelberg Materials Southwest LLC; DOCKET NUMBER: 2025-1728-IWD-E; IDENTIFIER: RN102340239; LOCATION: Chico, Wise County; TYPE OF FACILITY: quarry; PENALTY: $8,739; ENFORCEMENT COORDINATOR: Amy Lane, (512) 239-2614; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(26) COMPANY: Indorama Ventures Oxides LLC; DOCKET NUMBER: 2021-0909-AIR-E; IDENTIFIER: RN100219252; LOCATION: Port Neches, Jefferson County; TYPE OF FACILITY: chemical plant; PENALTY: $212,835; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $106,417; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(27) COMPANY: JCT Investors, LLC; DOCKET NUMBER: 2025-0348-WQ-E; IDENTIFIER: RN111560777; LOCATION: Longview,

Harrison County; TYPE OF FACILITY: construction site; PENALTY: $5,000; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(28) COMPANY: Lion Elastomers LLC; DOCKET NUMBER: 2024-0357-AIR-E; IDENTIFIER: RN100224799; LOCATION: Port Neches, Jefferson County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $335,000; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $167,500; ENFORCEMENT COORDINATOR: Elizabeth Vanderwerken, (512) 239-5900; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(29) COMPANY: MAXWELL SPECIAL UTILITY DISTRICT; DOCKET NUMBER: 2025-1229-PWS-E; IDENTIFIER: RN101456424; LOCATION: San Marcos, Caldwell County; TYPE OF FACILITY: public water supply; PENALTY: $2,675; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(30) COMPANY: Marek and Marek Truck Wash, Inc.; DOCKET NUMBER: 2025-1819-WQ-E; IDENTIFIER: RN112307855; LOCATION: El Campo, Wharton County; TYPE OF FACILITY: operator; PENALTY: $6,875; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(31) COMPANY: Mooney International Corp.; DOCKET NUMBER: 2025-0328-WQ-E; IDENTIFIER: RN100214758; LOCATION: Kerrville, Kerr County; TYPE OF FACILITY: aircraft manufacturing business; PENALTY: $22,500; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(32) COMPANY: Norbord Texas (Jefferson) Inc.; DOCKET NUMBER: 2024-1067-AIR-E; IDENTIFIER: RN102771078; LOCATION: Jefferson, Marion County; TYPE OF FACILITY: oriented strand board manufacturing facility; PENALTY: $3,250; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 3 - ABILENE.

(33) COMPANY: PLAINSMAN COMPANY LLC; DOCKET NUMBER: 2025-1806-AIR-E; IDENTIFIER: RN100223130; LOCATION: Lubbock, Lubbock County; TYPE OF FACILITY: cottonseed oil processing plant; PENALTY: $12,000; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(34) COMPANY: RAUTBORT, DARWIN; DOCKET NUMBER: 2025-1626-MSW-E; IDENTIFIER: RN111905907; LOCATION: Brownfield, Terry County; TYPE OF FACILITY: unauthorized municipal solid waste disposal site; PENALTY: $6,750; ENFORCEMENT COORDINATOR: Bryce Huck, (512) 239-4655; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(35) COMPANY: RCP Investments LLC; DOCKET NUMBER: 2024-1377-AIR-E; IDENTIFIER: RN111966313; LOCATION: Rio Vista, Johnson County; TYPE OF FACILITY: surface coating and outdoor dry abrasive blasting facility; PENALTY: $2,500; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 3 - ABILENE.

(36) COMPANY: RFP Maintenance, Inc.; DOCKET NUMBER: 2025-1327-PWS-E; IDENTIFIER: RN110734340; LOCATION: Bridge City, Orange County; TYPE OF FACILITY: public water supply; PENALTY: $3,130; ENFORCEMENT COORDINATOR: Katherine Argueta, (512) 239-4131; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(37) COMPANY: Rankin Road West Municipal Utility District; DOCKET NUMBER: 2024-1508-MWD-E; IDENTIFIER: RN102341070; LOCATION: Houston, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $12,937; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $10,350; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(38) COMPANY: Restorationcity; DOCKET NUMBER: 2025-1288-PWS-E; IDENTIFIER: RN101261592; LOCATION: Hungerford, Wharton County; TYPE OF FACILITY: public water supply; PENALTY: $2,580; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(39) COMPANY: Smyrna Ready Mix Concrete, LLC; DOCKET NUMBER: 2025-0909-PST-E; IDENTIFIER: RN100711480; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: industrial manufacturing plant; PENALTY: $6,250; ENFORCEMENT COORDINATOR: Rachel Murray, (903) 535-5149; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(40) COMPANY: Sun City Rock, Inc.; DOCKET NUMBER: 2025-1368-WQ-E; IDENTIFIER: RN106994114; LOCATION: El Paso, El Paso County; TYPE OF FACILITY: aggregate production operation; PENALTY: $5,000; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(41) COMPANY: Targa Pipeline Mid-Continent WestTex LLC; DOCKET NUMBER: 2024-0532-AIR-E; IDENTIFIER: RN110829843; LOCATION: Garden City, Reagan County; TYPE OF FACILITY: oil and gas production plant; PENALTY: $4,750; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(42) COMPANY: The Dow Chemical Company; DOCKET NUMBER: 2025-0137-AIR-E; IDENTIFIER: RN100225945; LOCATION: Freeport, Brazoria County; TYPE OF FACILITY: industrial chemical and manufacturing plant; PENALTY: $5,625; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $2,250; ENFORCEMENT COORDINATOR: John Burkett, (512) 239-4169; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(43) COMPANY: United States Gypsum Company; DOCKET NUMBER: 2022-0514-AIR-E; IDENTIFIER: RN100212281; LOCATION: Galena Park, Harris County; TYPE OF FACILITY: wallboard manufacturing plant; PENALTY: $27,433; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $10,973; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

TRD-202601073

Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: March 3, 2026

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Enforcement Orders

An agreed order was adopted regarding FLEXICORE OF TEXAS, LTD., Docket No. 2020-1128-WQ-E on February 25, 2026 assessing $43,750 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taylor Pack Ellis, Staff Attorney at (512) 239 3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711 3087.

An agreed order was adopted regarding 7-ELEVEN, INC. dba 7-Eleven Store 40804, dba 7-Eleven Store 40805, dba 7- Eleven Store 40806, dba 7-Eleven Store 40802, dba 7-Eleven Store 40811, dba 7-Eleven Store 41699, and dba 7-Eleven 33964, Docket No. 2021-0845-PST-E on February 25, 2026 assessing $42,677 in administrative penalties with $8,535 deferred. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding OREAL, Inc., Docket No. 2021-1433-MLM-E on February 25, 2026 assessing $31,568 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Harley Hobson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Brady dba Brady Crk Plt and dba City of Brady Landfill, Docket No. 2022-0131-MLM-E on February 25, 2026 assessing $162,123 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Karolyn Kent, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Lindsay, Docket No. 2022-0230-MWD-E on February 25, 2026 assessing $110,437 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding BELLE OAKS WATER AND SEWER CO., INC., Docket No. 2023-1440-MWD-E on February 25, 2026 assessing $25,585 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Monica Larina, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Enterprise Products Operating LLC, Docket No. 2023-1689-AIR-E on February 25, 2026 assessing $17,100 in administrative penalties with $3,420 deferred. Information concerning any aspect of this order may be obtained by contacting Christina Ferrara, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Meadows Place, Docket No. 2024-0104-MWD-E on February 25, 2026 assessing $30,950 in administrative penalties with $6,190 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding City of Comanche, Docket No. 2024-0319-PWS-E on February 25, 2026 assessing $10,190 in administrative penalties with $7,350 deferred. Information concerning any aspect of this order may be obtained by contacting Mason DeMasi, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Texas Land Cleaning and Tree Recycling LLC and Savannah Doleva, Docket No. 2024-0922-MSW-E on February 25, 2026 assessing $17,405 in administrative penalties with $3,481 deferred. Information concerning any aspect of this order may be obtained by contacting Eresha DeSilva, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Westpark Properties, LLC dba Westpark Apartments, Docket No. 2024-1585-MLM-E on February 25, 2026 assessing $51,173 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Taner Hengst, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Jefferson Railport Terminal I (Texas) LLC, Docket No. 2024-1703-AIR-E on February 25, 2026 assessing $20,700 in administrative penalties with $4,140 deferred. Information concerning any aspect of this order may be obtained by contacting John Burkett, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Lyondell Chemical Company, Docket No. 2025-0086-AIR-E on February 25, 2026 assessing $15,000 in administrative penalties with $3,000 deferred. Information concerning any aspect of this order may be obtained by contacting Krystina Sepulveda, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding S.L.C. Water Supply Corporation, Docket No. 2025-0127-PWS-E on February 25, 2026 assessing $14,662 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the City of Junction, Docket No. 2025-0302-PWS-E on February 25, 2026 assessing $3,675 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Obianuju Iyasele, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding the Town of Indian Lake, Docket No. 2025-0523-PWS-E on February 25, 2026 assessing $3,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Savannah Jackson, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Starrville Water Supply Corporation, Docket No. 2025-0673-PWS-E on February 25, 2026 assessing $1,375 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Tessa Bond, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Aqua Texas, Inc., Docket No. 2025-0739-MWD-E on February 25, 2026 assessing $16,000 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting Madison Stringer, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding COUNTRY TERRACE WATER COMPANY, INC., Docket No. 2025-0982-MWD-E on February 25, 2026 assessing $13,919 in administrative penalties with $2,783 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Orion Engineered Carbons LLC, Docket No. 2025-0988-IWD-E on February 25, 2026 assessing $16,362 in administrative penalties with $3,272 deferred. Information concerning any aspect of this order may be obtained by contacting Samantha Smith, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

An agreed order was adopted regarding Beechwood Water Supply Corporation, Docket No. 2025-1473-MWD-E on February 25, 2026 assessing $39,375 in administrative penalties with $7,875 deferred. Information concerning any aspect of this order may be obtained by contacting Amy Lane, Enforcement Coordinator at (512) 239-2545, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202600931
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: February 25, 2026

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Notice of District Petition - D-01272026-030

Notice issued February 27, 2026

TCEQ Internal Control No. D-01272026-030: Balu Mahi Investments, LLC, a Texas limited liability company, (Petitioner) filed a petition for creation of Bailey Crossing Municipal Utility District No. 1 of Collin County (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) are no lienholders on the property to be included in the proposed; (3) the proposed District will contain approximately 49.926 acres located within Collin County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) construct, maintain, and operate a waterworks system, including the purchase and sale of water, for domestic and commercial purposes; (2) construct, maintain, and operate a wastewater collection, treatment, and disposal system, for domestic and commercial purposes; (3) construct, install, maintain, purchase, and operate a drainage and roadway facilities and improvements; and (4) construct, install, maintain, purchase, and operate facilities, systems, plants, and enterprises as shall be consonant with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately $15,070,000.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202601104
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: March 4, 2026

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Notice of District Petition - D-01292026-033

Notice issued February 27, 2026

TCEQ Internal Control No. D-01292026-033: Gregory L. Miller, Trustee of the Gregory Lloyd Miller Trust, Gregory L. Miller, Trustee of the Gregory Lloyd Miller GST Exempt Trust, Michael J. Miller, Trustee of the Michael John Miller Trust, GEN-SKIP, LLC, a Louisiana limited liability company, and DJG Real Estate, LLC, a Texas limited liability company, (Petitioners) filed a petition for creation of Harris County Municipal Utility District No. 590 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 98.36 acres located within Harris County, Texas; and (4) none of

the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and sanitary wastewater system for industrial and commercial purposes; (2) construct, acquire, improve, extend, maintain and operate works, improvements, facilities, plants, equipment and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate and amend local storm waters or other harmful excesses of waters; and, (4) purchase, construct, acquire, improve, maintain and opere of such additional facilities, systems, plants and enterprises, road facilities, and park and recreational facilities, as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately $32,250,000 ($21,300,000 for water, wastewater, and drainage plus $5,350,000 for recreation plus $5,600,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202601105
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: March 4, 2026

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Notice of District Petition - D-02132026-016

Notice issued March 3, 2026

TCEQ Internal Control No. D-02132026-016: Clayton Properties Group, Inc., (Petitioner) filed a petition for creation of Travis County Municipal Utility District No. 41 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed; (3) the proposed District will contain approximately 82.807 acres located within Travis County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will design, construct, acquire, improve, extend, finance, and issue bonds to: (1) maintain, operate, and convey an adequate and efficient water works and sanitary sewer system for domestic and commercial purposes; (2) maintain, operate, and convey works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the District, and to control, abate, and amend local storm waters or other harmful excesses of waters; (3) maintain, operate, and convey park and recreational facilities; (4) convey road and improvements in aid of roads; and (5) maintain, operate, and convey such other additional facilities, systems, plants, and enterprises as may be consistent with any or all of the purposes for which the District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately $35,300,000.

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202601106
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: March 4, 2026

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Notice of Opportunity to Comment on an Agreed Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Order (AO) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AO, the commission shall allow the public an opportunity to submit written comments on the proposed AO. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **April 13, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on April 13, 2026**. The designated attorney is available to discuss the AO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: Christopher Lynn Floyd; DOCKET NUMBER: 2024-0109-MSW-E; TCEQ ID NUMBER: RN111740346; LOCATION: 6741 Goodland Loop, San Angelo, Tom Green County; TYPE OF FACILITY: unauthorized municipal solid waste site; PENALTY: $3,937; STAFF ATTORNEY: Jun Zhang, Litigation, MC 175, (512) 239-6517; REGIONAL OFFICE: San Angelo Regional Office, 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

TRD-202601037
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: March 2, 2026

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Notice of Opportunity to Comment on Default Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Orders (DOs). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **April 13, 2026**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of each proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on April 13, 2026**. The commission's attorneys are available to discuss the DOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Complex Ready Mix L.L.C.; DOCKET NUMBER: 2023-1734-WQ-E; TCEQ ID NUMBER: RN111127635; LOCATION: 21986 Farm-To-Market Road 1314 in Porter, Montgomery County; TYPE OF FACILITY: concrete batch plant; PENALTY: $31,514; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(2) COMPANY: Efrain Torres; DOCKET NUMBER: 2022-1148-MSW-E; TCEQ ID NUMBER: RN111311049; LOCATION: 9474 Wingfield Drive in Lumberton, Hardin County; TYPE OF FACILITY: real property that contains and/or involves the management of municipal solid waste; PENALTY: $3,750; STAFF ATTORNEY: Laney Foeller, Litigation, MC 175, (512) 239-6226; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

(3) COMPANY: RA-TE, INC.; DOCKET NUMBER: 2022-0404-MWD-E; TCEQ ID NUMBER: RN101702108; LOCATION: approximately 2,200 feet southwest of the intersection of Kidd Road and Smith Road near Beaumont, Jefferson County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $13,226; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631 REGIONAL

OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202601038
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: March 2, 2026

♦ ♦ ♦

General Land Office

Notice and Opportunity to Comment on Requests for Consistency Agreement/Concurrence Under the Texas Coastal Management Program

On January 10, 1997, the State of Texas received federal approval of the Coastal Management Program (CMP) (62 *Federal Register* pp. 1439 - 1440). Under federal law, federal agency activities and actions affecting the Texas coastal zone must be consistent with the CMP goals and policies identified in 31 TAC Chapter 26. Requests for federal consistency review were deemed administratively complete for the following project(s) during the period of February 23, 2026 to February 27, 2026. As required by federal law, the public is given an opportunity to comment on the consistency of proposed activities in the coastal zone undertaken or authorized by federal agencies. Pursuant to 31 TAC §§30.20(f), 30.30(h), and 30.40(e), the public comment period extends 30 days from the date published on the Texas General Land Office web site. The notice was published on the web site on Friday, March 6, 2026. The public comment period for this project will close at 5:00 p.m. on Sunday, April 5, 2026.

Federal License and Permit Activities:

Applicant: Vopak Terminal Deer Park

Location: The project would affect waters of the United States and navigable waters of the United States associated with Buffalo Bayou located at 2759 Independence Parkway South, Deer Park, Harris County, Texas.

Latitude and Longitude: 29.7464723, -95.0970876

Project Description: The purpose of the project is to extend the maintenance dredging time frames to remove 150,000 cubic yards (CY) from 9.1 acres of the Houston Ship Channel to allow for safer navigation. The applicant proposes to amend the previously authorized hydraulic, mechanical and silt blading dredged depths of -48.5 feet Mean Lower Low Water (MLLW) for Docks 1-5, and -14.5 feet MLLW for Barge Docks 1, 2, 4, and 6. The maintenance dredging is estimated to remove 150,000 CY of material every three years. The maintenance dredged material will be placed in the previously authorized Dredge Material Placement Areas (DMPAs): Lost Lake, Peggy Lake, Alexander Island, Beltway 8, and Texas Deepwater Partners (formerly Glanville). The additional DMPAs are all Federally authorized and constructed upland contained dredged material placement areas, East and West Jones, and Avera. The amendment consists of a 10-year extension of time for the mechanical and hydraulic dredging and a 5-year extension of time for the silt blade dredging. The applicant has provided the following explanation why compensatory mitigation should not be required: No compensatory mitigation is proposed since there will be no permanent impacts to aquatic resources.

Type of Application: U.S. Army Corps of Engineers permit application # SWG-2007-00247. This application will be reviewed pursuant Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act. Note: The consistency review for this project may be conducted by Texas Commission on Environmental Quality as part of its certification under §401 of the Clean Water Act.

CMP Project No: 26-1092-F1

Further information on the applications listed above, including a copy of the consistency certifications or consistency determinations for inspection, may be obtained from the Texas General Land Office Public Information Officer at 1700 N. Congress Avenue, Austin, Texas 78701, or via email at pialegal@glo.texas.gov. Comments should be sent to the Texas General Land Office Coastal Management Program Coordinator at the above address or via email at federal.consistency@glo.texas.gov.

TRD-202601078
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Filed: March 3, 2026

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Notice of Funds Availability - Texas Coastal Management Program

The General Land Office (GLO) and the Coastal Coordination Advisory Committee (CCAC) file this Notice of Funds Availability to announce upcoming federal grant funds provided by the National Oceanic and Atmospheric Administration (NOAA) and state grant funds provided by the Gulf of Mexico Energy Security Act (GOMESA) to the Texas Coastal Management Program (CMP). The purpose of the CMP is to improve the management of the state's coastal resources and ensure the long-term ecological and economic productivity of the coast.

A federal award from NOAA to the CMP, approximating $2 million, is expected in October 2027 and state GOMESA funds are expected in April 2027. The GLO, the agency responsible for administering the CMP with the advisement of the CCAC, will pass through the funding to eligible entities to support projects that implement and/or advance the CMP goals and policies. Projects must be located within the coastal zone boundary established by the Texas Legislature in 1995.

The following entities are eligible to receive grants under the CMP.

- Incorporated cities within the coastal zone boundary

- County governments within the coastal zone boundary

- Texas state agencies

- Texas public colleges/universities

- Subdivisions of the state with jurisdiction within the coastal zone boundary (e.g., navigation districts, port authorities, river authorities, and soil and water conservation districts)

- Councils of governments and other regional governmental entities within the coastal zone boundary

- The Galveston Bay Estuary Program

- The Coastal Bend Bays and Estuaries Program

- Nonprofit Organizations that are registered as a 501(c)(3) or 501(c)(4) and have an office located in Texas.

The GLO and the CCAC will accept applications for NOAA-funded and GOMESA-funded projects through a competitive application process. Projects must address at least one of the CMP funding priorities listed in the CMP Cycle 32 Guidance document.

The GLO will hold three in-person and one virtual grant workshops to provide information on the funding priorities, outline application requirements, and give potential applicants the opportunity to discuss

specific project ideas with GLO staff. Applicants are not required to attend a workshop, but attendance is strongly encouraged. Identical information will be presented at all four workshops.

Workshop 1 - South Padre Island

Tuesday, March 31, 2026

9:00 a.m. - 11:00 a.m.

South Padre Island Birding and Nature Center

6801 Padre Boulevard

South Padre Island, Texas 78597

Workshop 2 - Port Aransas

Wednesday, April 1, 2026

9:00 a.m. - 11:00 a.m.

The Patton Center

855 E Cotter Ave

Port Aransas, Texas 78373

Workshop 3 - Galveston/Houston Area

Thursday, April 2, 2026

9:00 a.m. - 11:00 a.m.

Nessler Civic Center

2010 5th Ave N

Texas City, Texas 77590

Workshop 4 - Virtual

Wednesday, April 7, 2026

9:00 a.m. - 11:00 a.m.

Registration is required to attend the workshops. Registration for all workshops will close on Friday, March 20, 2026, at 5:00 p.m. Workshop registration links are shown below.

South Padre Island: https://events.ticketleap.com/tickets/texas-coastal-management-program/south-padre-island-cmp-grant-workshop2026

Port Aransas: https://events.ticketleap.com/tickets/texas-coastal-management-program/port-aransas-cmp-grant-workshop

Galveston/Houston Area: https://events.ticketleap.com/tickets/texas-coastal-management-program/leaguecity-cmp-grant-workshop

Virtual: https://events.ticketleap.com/tickets/texas-coastal-management-program/virtual-cmp-grant-workshop

The requirements to receive federal or state grant funds are outlined in the CMP Cycle 32 Guidance document. This document along with the online application portal, financial guidance, and other useful information can be found here: https://www.glo.texas.gov/coastal/protecting-coast/funding-opportunities

Applications for NOAA-funded and GOMESA-funded projects are due by 5:00 p.m. on June 3, 2026. To be considered for funding, applications must be submitted electronically in the online application portal. The Cycle 32 application for NOAA and GOMESA funding is similar to a Letter of Intent. If a project is selected to move forward to development, the applicant will receive a conditional Intent to Fund notification in **August 2026**. The applicant will then be responsible for providing all required supporting documentation, including a draft workplan and budget narrative, by **November 11, 2026.** If the applicant and CMP staff successfully develop a project scope, the applicant will receive a Final Funding Confirmation notice in early 2027.

TRD-202601031
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
General Land Office
Filed: February 27, 2026

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Texas Health and Human Services Commission

Public Hearing Notice: Texas Health and Human Services Commission (HHSC) State Supported Living Centers Long Range Planning Report

April 15, 2026

9:00 a.m.

Meeting Site:

Texas Health and Human Services Commission (HHSC)

John H. Winters Building

Public Hearing Room 125, First Floor

701 West 51st Street

Austin, Texas 78751

This meeting will be webcast. Members of the public may attend the meeting in person at the address above or access a live stream of the meeting at https://texashhsmeetings.org/HHSWebcast. Select the tab for the Winters Public Hearing Room Live on the date and time for this meeting. A draft version of the State Supported Living Centers Long-Range Planning Report is available for viewing at the following link https://tinyurl.com/SSLClrp. Please e-mail Webcasting@hhsc.state.tx.us if you have any problems with the webcasting function.

Agenda

1. Welcome and call to order
2. State Supported Living Centers Long Range Planning Draft Report
3. Public Comment
4. Adjourn

Public Comment: HHSC welcomes public comments pertaining to the drafted long-range planning report for State Supported Living Centers. Members of the public who would like to provide public comment may choose from the following options:

1. **Oral comments provided virtually:** Members of the public must pre-register to provide oral comments virtually during the meeting by completing a Public Comment Registration form at https://texashhsmeetings.org/SSLC_Apr2026 no later than 5:00 p.m. Friday, April 10, 2026. Please mark the correct box on the Public Comment Registration form and provide your name, either the organization you are representing or that you are speaking as a private citizen, and your direct phone number. If you have completed the Public Comment Registration form, you will receive an email the day before the meeting with instructions for providing virtual public comment. Public comment is limited to three minutes. Each speaker providing oral public comments virtually must ensure their face is visible and their voice audible to the other participants while they are speaking. Each speaker must state their name and on whose behalf they are speaking (if anyone). If you pre-register to speak and wish to provide a handout before the meeting, please submit an electronic copy in accessible

PDF format that will be distributed to the appropriate HHSC staff. Handouts are limited to two pages (paper size: 8.5" by 11", one side only). Handouts must be emailed to SSLCPlanning@hhsc.state.tx.us immediately after pre-registering, but no later than 5:00 p.m. Friday, April 10, 2026, and include the name of the person who will be commenting. Do not include health or other confidential information in your comments or handouts. Staff will not read handouts aloud during the meeting, but handouts will be provided to the appropriate HHSC staff.

2. **Written comments:** A member of the public who wishes to provide written public comments must email the comments to SSLCPlanning@hhsc.state.tx.us no later than 5:00 p.m. Friday, April 10, 2026. Please include your name and the organization you are representing or that you are speaking as a private citizen. Written comments are limited to two pages (paper size: 8.5" by 11", one side only). Do not include health or other confidential information in your comments. Staff will not read written comments aloud during the meeting, but comments will be provided to the appropriate HHSC staff.

3. **Oral comments provided in-person at the meeting location:** Members of the public may provide oral public comment during the meeting in person at the meeting location either by pre-registering using the form above or without pre-registering by completing a form at the entrance to the meeting room. Do not include health or other confidential information in your comments.

Note: These procedures may be revised at the discretion of HHSC

Contact: Questions regarding agenda items, content, or public hearing arrangements should be directed to Lisa Colin, Strategic Planning & Communications Program Specialist, Health and Human Services Commission, at SSLCPlanning@hhsc.state.tx.us.

This public forum is open to the public. No reservations are required, and there is no cost to attend this public forum.

People with disabilities who wish to attend the public hearing and require auxiliary aids or services should contact Lisa Colin at SSLCPlanning@hhsc.state.tx.us at least 72 hours before the public hearing so appropriate arrangements can be made.

TRD-202601034
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: February 27, 2026

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State Hospital Long Range Planning Report - PUBLIC HEARING NOTICE

April 29, 2026

9:00 a.m.

Meeting Site:

Texas Health and Human Services Commission (HHSC)

John H. Winters Building

Public Hearing Room 125W, First Floor

701 West 51st Street

Austin, Texas 78751

This meeting will be webcast. Members of the public may attend the meeting in person at the address above or access a live stream of the meeting at https://texashhsmeetings.org/HHSWebcast. Select the tab for the Winters Public Hearing Room Live on the date and time for this meeting. A draft version of the State Hospital Long-Range Planning Report is available for viewing at the following link https://www.tinyurl.com/StateHospitalLRP. Please e-mail Webcasting@hhsc.state.tx.us if you have any problems with the webcasting function.

Agenda

1. Welcome and call to order

2. State Hospital Long-Range Planning Report. The state hospital long-range planning report is required to include:

A. projected future bed requirements for state hospitals;

B. the methodology used to develop the projection of future bed requirements;

C. projected maintenance costs for institutional facilities;

D. recommended strategies to maximize the use of institutional facilities; and

E. how each state hospital will:

1. serve and support the communities and consumers in its service area; and

2. fulfill statewide needs for specialized services.

The initiatives outlined in this report will guide the Texas State Hospitals for the next six years. This report is developed under the authority of Texas Health and Safety Code Section 533.032.

3. Public comment

4. Adjourn

Public Comment: HHSC welcomes public comments pertaining to the drafted long-range planning report for State Hospital Members of the public who would like to provide public comment may choose from the following options:

1. **Oral comments provided virtually**: Members of the public must pre-register to provide oral comments virtually during the meeting by completing a Public Comment Registration form at https://texashhsmeetings.org/SH_PC_Apr2026 no later than 5:00 p.m. Wednesday, April 22, 2026. Please mark the correct box on the Public Comment Registration form and provide your name, either the organization you are representing or that you are speaking as a private citizen, and your direct phone number. If you have completed the Public Comment Registration form, you will receive an email the day before the meeting with instructions for providing virtual public comment. Public comment is limited to three minutes. Each speaker providing oral public comments virtually must ensure their face is visible and their voice audible to the other participants while they are speaking. Each speaker must state their name and on whose behalf they are speaking (if anyone). If you pre-register to speak and wish to provide a handout before the meeting, please submit an electronic copy in accessible PDF format that will be distributed to the appropriate HHSC staff. Handouts are limited to two pages (paper size: 8.5" by 11", one side only). Handouts must be emailed to Ask_SH_Leadership@hhs.texas.gov immediately after pre-registering, but no later than 5:00 p.m. Wednesday, April 22, 2026, and include the name of the person who will be commenting. Do not include health or other confidential information in your comments or handouts. Staff will not read handouts aloud during the meeting, but handouts will be provided to the appropriate HHSC staff.

2. **Written comments**: A member of the public who wishes to provide written public comments must email the comments to Ask_SH_Leadership@hhs.texas.gov no later than 5:00 p.m. Wednesday, April 22,

2026. Please include your name and the organization you are representing or that you are speaking as a private citizen. Written comments are limited to two pages (paper size: 8.5" by 11", one side only). Do not include health or other confidential information in your comments. Staff will not read written comments aloud during the meeting, but comments will be provided to the appropriate HHSC staff.

3. **Oral comments provided in-person at the meeting location**: Members of the public may provide oral public comment during the meeting in person at the meeting location either by pre-registering using the form above or without pre-registering by completing a form at the entrance to the meeting room. Do not include health or other confidential information in your comments.

Additional Information for Written Comments

Written comments, requests to review comments or both may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax or email.

U.S. Mail

Texas Health and Human Services Commission

Health and Specialty Care System / Texas State Hospitals

Attention: Yakir Harosh, Mail Code 2023

Austin State Hospital, Building 552

4110 Guadalupe Street, Austin, Texas 78751

Overnight Mail, Special Delivery Mail or Hand Delivery

Texas Health and Human Services Commission

Health and Specialty Care System / Texas State Hospitals

Attention: Yakir Harosh, Mail Code 2023

Austin State Hospital, Building 552

4110 Guadalupe Street, Austin, Texas 78751

Note: These procedures may be revised at the discretion of HHSC

Contact: Questions regarding agenda items, content, or public hearing arrangements and requests to add additional people to the meeting invitation should be directed to Yakir Harosh, State Hospital Project Manager, Health and Human Services Commission, at Ask_SH_Leadership@hhs.texas.gov.

This public forum is open to the public. No reservations are required, and there is no cost to attend this public forum.

People with disabilities who wish to attend the public hearing and require auxiliary aids or services should contact Yakir Harosh at yakir.harosh@hhs.texas.gov at least 72 hours before the public hearing so appropriate arrangements can be made.

TRD-202600933
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Filed: February 25, 2026

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Department of State Health Services

Licensing Actions for Radioactive Materials

During the first half of February 2026, the Department of State Health Services (Department) has taken actions regarding Licenses for the possession and use of radioactive materials as listed in the tables (in alphabetical order by location). The subheading "Location" indicates the city in which the radioactive material may be possessed and/or used. The location listing "Throughout TX [Texas]" indicates that the radioactive material may be used on a temporary basis at locations throughout the state.

In issuing new licenses and amending and renewing existing licenses, the Department's Radiation Section has determined that the applicant has complied with the licensing requirements in Title 25 Texas Administrative Code (TAC), Chapter 289, for the noted action. In granting termination of licenses, the Department has determined that the licensee has complied with the applicable decommissioning requirements of 25 TAC, Chapter 289. In granting exemptions to the licensing requirements of Chapter 289, the Department has determined that the exemption is not prohibited by law and will not result in a significant risk to public health and safety and the environment.

A person affected by the actions published in this notice may request a hearing within 30 days of the publication date. A "person affected" is defined as a person who demonstrates that the person has suffered or will suffer actual injury or economic damage and, if the person is not a local government, is (a) a resident of a county, or a county adjacent to the county, in which radioactive material is or will be located, or (b) doing business or has a legal interest in land in the county or adjacent county. 25 TAC §289.205(b)(15); Health and Safety Code §401.003(15). Requests must be made in writing and should contain the words "hearing request," the name and address of the person affected by the agency action, the name and license number of the entity that is the subject of the hearing request, a brief statement of how the person is affected by the action what the requestor seeks as the outcome of the hearing, and the name and address of the attorney if the requestor is represented by an attorney. Send hearing requests by mail to: Hearing Request, Radioactive Material Licensing, MC 2835, PO Box 149347, Austin, Texas 78714-9347, or by fax to: (512) 206-3760, or by e-mail to: RAMlicensing@dshs.texas.gov.

NEW LICENSES ISSUED

Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
CEDAR PARK	INSTROTEK INC	L07305	CEDAR PARK	00	02/10/26
SHERMAN	TEXOMA CARDIOVASCULAR ASSOCIATES LLP	L07303	SHERMAN	00	02/10/26

NEW LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
THROUGHOUT TX	CALLAN MARINE LTD	L07308	GALVESTON	00	02/13/26
THROUGHOUT TX	SHIELD NDT LLC	L07306	MAURICEVILLE	00	02/13/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
AMARILLO	AMARILLO COLLEGE	L06477	AMARILLO	07	02/10/26
AUSTIN	ATLAS SAND COMPANY LLC	L07149	AUSTIN	07	02/06/26
AUSTIN	ASCENSION SETON MEDICAL CENTER DEPARTMENT OF RADIOLOGY	L00268	AUSTIN	181	02/02/26
BAYTOWN	CHEVRON PHILLIPS CHEMICAL COMPANY LP	L00962	BAYTOWN	62	02/03/26
DALLAS	RLS (USA) INC	L05529	DALLAS	66	02/06/26
DALLAS	RLS (USA) INC	L05529	DALLAS	67	02/11/26
DEER PARK	EQUISTAR CHEMICALS LP	L00204	DEER PARK	82	02/06/26
FLORESVILLE	WILSON COUNTY MEMORIAL HOSPITAL DISTRICT DBA CONNALLY MEMORIAL MEDICAL CENTER	L03471	FLORESVILLE	23	02/12/26
FORT WORTH	ONCOLOGY HEMATOLOGY CONSULTANTS PA DBA THE CENTER FOR CANCER AND BLOOD DISORDERS	L05919	FORT WORTH	42	02/09/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
GRANBURY	GRANBURY HOSPITAL CORPORATION DBA LAKE GRANBURY MEDICAL CENTER	L02903	GRANBURY	40	02/11/26
HOUSTON	THE CENTER FOR COLLABORATIV E RESEARCH INC	L06284	HOUSTON	07	02/04/26
HOUSTON	ST LUKES HOSPITAL AT THE VINTAGE	L06612	HOUSTON	09	02/03/26
HOUSTON	RLS (USA) INC	L05517	HOUSTON	38	02/05/26
HOUSTON	CARDINAL HEALTH 414 LLC DBA CARDINAL HEALTH NUCLEAR PHARMACY SERVICES	L05536	HOUSTON	69	02/12/26
LA PORTE	THE CHEMOURS COMPANY FC LLC	L06683	LA PORTE	010	02/02/26
LUBBOCK	LUBBOCK HEART HOSPITAL LLC	L05742	LUBBOCK	16	02/13/26
LUBBOCK	LUBBOCK COUNTY HOSPITAL DISTRICT OF LUBBOCK COUNTY TEXAS	L04719	LUBBOCK	185	02/02/26
NACOGDOCHES	TH HEALTHCARE LTD DBA NACOGDOCHES MEDICAL CENTER	L02853	NACOGDOCHES	63	02/06/26
PASADENA	CHEVRON PHILLIPS CHEMICAL COMPANY LP	L00230	PASADENA	101	02/09/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
PLANO	BHUPINDER SINGH MD PA DBA HEART AND VASCULAR CARE	L07066	PLANO	04	02/06/26
PLANO	TEXAS HEART HOSPITAL OF THE SOUTHWEST LLC DBA BAYLOR SCOTT & WHITE THE HEART HOSPITAL-PLANO	L06004	PLANO	39	02/06/26
RICHARDSON	METHODIST HOSPITALS OF DALLAS DBA METHODIST RICHARDSON MEDICAL CENTER	L06474	RICHARDSON	16	02/05/26
SAN ANTONIO	BHS PHYSICIANS NETWORK INC DBA HEART & VASCULAR INSTITUTE OF TEXAS	L06750	SAN ANTONIO	32	02/12/26
SAN ANTONIO	RLS (USA) INC	L04764	SAN ANTONIO	63	02/06/26
SAN ANTONIO	CHRISTUS SANTA ROSA HEALTH CARE CORPORATION	L02237	SAN ANTONIO	185	02/09/26
SUNNYVALE	TEXAS REGIONAL MEDICAL CENTER LLC DBA BAYLOR SCOTT & WHITE MEDICAL CENTER SUNNYVALE	L06692	SUNNYVALE	12	02/13/26
TEXARKANA	CHRISTUS HEALTH ARK-LA-TEX DBA CHRISTUS ST MICHAEL HEALTH SYSTEMS	L04805	TEXARKANA	49	02/02/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
THE WOODLANDS	METHODIST HEALTH CENTERS DBA HOUSTON METHODIST THE WOODLANDS HOSPITAL	L07044	THE WOODLANDS	05	02/10/26
THROUGHOUT TX	RWLS LLC	L06307	ANDREWS	046	02/02/26
THROUGHOUT TX	ASCENSION TEXAS CARDIOVASCULAR	L06598	AUSTIN	18	02/12/26
THROUGHOUT TX	AMMCO SOLUTIONS GROUP LLC	L07307	BEAUMONT	000	02/13/26
THROUGHOUT TX	DMS HEALTH TECHNOLOGIES INC	L05594	CARROLLTON	37	02/02/26
THROUGHOUT TX	BONDED INSPECTIONS INC	L00693	DALLAS	101	02/13/26
THROUGHOUT TX	ALLIANCE HEALTHCARE SERVICES INC	L07295	EL PASO	01	02/02/26
THROUGHOUT TX	TEXAS ONCOLOGY PA	L05606	FORT WORTH	36	02/06/26
THROUGHOUT TX	URANIUM ENERGY CORPORATION	L06127	GOLIAD TEXAS	13	02/02/26
THROUGHOUT TX	SENTINEL INTEGRITY SOLUTIONS INC	L06735	HOUSTON	18	02/12/26
THROUGHOUT TX	NATIONAL OILWELL VARCO LP	L00287	HOUSTON	172	02/03/26
THROUGHOUT TX	KLEINFELDER INC	L06960	IRVING	22	02/06/26
THROUGHOUT TX	DIAMOND TECHNICAL SERVICES INC	L07206	LA PORTE	05	02/05/26

AMENDMENTS TO EXISTING LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
THROUGHOUT TX	MCBRIDE NDT INSPECTION SERVICES INC DBA AMERICAN PIPING INSPECTION INC DBA QUANTIVE GROUP LLC DBA VERISPEX LLC DBA SPECTIVE TECHNICAL SERVICES LLC	L06835	LONGVIEW	28	02/12/26
THROUGHOUT TX	GUARDIAN NDT LLC	L07204	ODESSA	04	02/10/26
THROUGHOUT TX	STRONGHOLD INSPECTION LTD	L06695	PASADENA	010	02/02/26
THROUGHOUT TX	STRONGHOLD INSPECTION LTD	L06918	PASADENA	19	02/05/26
THROUGHOUT TX	INTEGRATED TESTING AND ENGINEERING COMPANY OF SAN ANTONIO LP	L05150	SAN ANTONIO	23	02/04/26
VICTORIA	HARDIN TUBULAR SALES INCORPORATED	L05224	VICTORA	08	02/06/26
WESLACO	SOUTH HEART CLINIC PLLC	L06301	WESLACO	10	02/09/26

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
DEER PARK	THE LUBRIZOL CORPORATION	L06744	DEER PARK	09	02/12/26
HARLINGEN	VALLEY COOP OIL MILL	L02908	HARLINGEN	14	02/05/26
HOUSTON	SPECTRACELL LABORATORIES INC	L04617	HOUSTON	27	02/03/26
LAKE JACKSON	THE COMMUNITY HOSPITAL OF BRAZOSPORT	L03027	LAKE JACKSON	035	02/05/26

RENEWAL OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
	DBA CHI ST LUKES HEALTH - BRAZOSPORT				
THROUGHOUT TX	EARTH ENGINEERING INC	L05206	HOUSTON	08	02/04/26
THROUGHOUT TX	RTX WIRELINE LLC	L06707	MIDLAND	04	02/03/26
THROUGHOUT TX	EVOLUTION WELL SERVICES OPERATING LLC	L06748	THE WOODLANDS	11	02/05/26

TERMINATIONS OF LICENSES ISSUED					
Location of Use/Possession of Material	Name of Licensed Entity	License Number	City of Licensed Entity	Amend-ment Number	Date of Action
HOUSTON	INTEVENTIONAL CARDIOLOGY ASSOCIATES	L05294	HOUSTON	16	02/10/26
THROUGHOUT TX	METALFORMS LLC	L06764	BEAUMONT	02	02/13/26

TRD-202601077
Molly Fudell
Deputy General Counsel
Department of State Health Services
Filed: March 3, 2026

♦ ♦ ♦

Amendment to the Texas Schedules of Controlled Substances

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the figure is not included in the print version of the Texas Register. The figure is available in the on-line version of the March 13, 2026, issue of the Texas Register.)

[graphic]

TRD-202601019
Cynthia Hernandez
General Counsel
Department of State Health Services
Filed: February 27, 2026

♦ ♦ ♦

Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2739 "KING OF CASH"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2739 is "KING OF CASH". The play style is "find symbol".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2739 shall be $2.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2739.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: 2 SYMBOL, 3 SYMBOL, 4 SYMBOL, 5 SYMBOL, 6 SYMBOL, 7 SYMBOL, 8 SYMBOL, 9 SYMBOL, 10 SYMBOL, JACK SYMBOL, QUEEN SYMBOL, KING SYMBOL, ACE SYMBOL, $2.00, $5.00, $10.00, $15.00, $20.00, $50.00, $100, $500, $1,000 and $30,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2739 - 1.2D

PLAY SYMBOL	CAPTION
2 SYMBOL	TWO
3 SYMBOL	THR
4 SYMBOL	FOR
5 SYMBOL	FIV
6 SYMBOL	SIX
7 SYMBOL	SVN
8 SYMBOL	EGT
9 SYMBOL	NIN
10 SYMBOL	TEN
JACK SYMBOL	JCK
QUEEN SYMBOL	QUE
KING SYMBOL	WIN$
ACE SYMBOL	X5
$2.00	TWO$
$5.00	FIV$
$10.00	TEN$
$15.00	FFN$
$20.00	TWY$
$50.00	FFTY$
$100	ONHN
$500	FVHN
$1,000	ONTH
$30,000	30TH

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2739), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 125 within each Pack. The format will be: 2739-0000001-001.

H. Pack - A Pack of the "KING OF CASH" Scratch Ticket Game contains 125 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of two (2). One Ticket will be folded over to expose a front and back of one Ticket on each Pack. Please note the Packs will be in an A, B, C and D configuration.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery and Charitable Bingo Division of the Texas Department of Licensing and Regulation ("Texas Lottery") pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "KING OF CASH" Scratch Ticket Game No. 2739.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "KING OF CASH" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose twenty (20) Play Symbols. PLAY INSTRUCTIONS: If a player reveals a "KING" Play Symbol, the player wins the prize for that symbol. If the player reveals an "ACE" Play Symbol, the player wins 5 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly twenty (20) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;

2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;

3. Each of the Play Symbols must be present in its entirety and be fully legible;

4. Each of the Play Symbols must be printed in black ink except for dual image games;

5. The Scratch Ticket shall be intact;

6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;

7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;

8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;

9. The Scratch Ticket must not be counterfeit in whole or in part;

10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly twenty (20) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the twenty (20) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the twenty (20) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. FIND: A non-winning Prize Symbol will never match a winning Prize Symbol.

D. FIND: A Ticket may have up to two (2) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

E. FIND: The "ACE" (X5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

F. FIND: There will be no matching non-winning Play Symbols on a Ticket.

G. FIND: The "KING" (WIN$) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

H. FIND: No prize amount in a non-winning spot will correspond with the Play Symbol (i.e., 2 and $2).

2.3 Procedure for Claiming Prizes.

A. To claim a "KING OF CASH" Scratch Ticket Game prize of $2.00, $5.00, $10.00, $15.00, $20.00, $50.00, $100 or $500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a $50.00, $100 or $500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "KING OF CASH" Scratch Ticket Game prize of $1,000 or $30,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of $600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "KING OF CASH" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is $1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under $600 from the "KING OF CASH" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of $600 or more from the "KING OF CASH" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 9,000,000 Scratch Tickets in Scratch Ticket Game No. 2739. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2739 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
$2.00	936,000	9.62
$5.00	576,000	15.63
$10.00	144,000	62.50
$15.00	72,000	125.00
$20.00	90,000	100.00
$50.00	26,250	342.86
$100	3,450	2,608.70
$500	1,650	5,454.55
$1,000	15	600,000.00
$30,000	5	1,800,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 4.87. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2739 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302(j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2739, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202601101

Deanne Rienstra
General Counsel Lottery and Charitable Bingo
Texas Department of Licensing and Regulation
Filed: March 4, 2026

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North Central Texas Council of Governments

Notice of Cancellation

Request for Proposals

World Cup Wayfinding Signage

The North Central Texas Council of Governments has determined the World Cup Wayfinding Signage Requests for Proposals scheduled for release and originally published in the *Texas Register* on March 6, 2026, is no longer necessary and is cancelling in its entirety. The solicitation documents were never released or made available to potential proposals. No proposals or bids were received or considered.

TRD-202601102

Todd Little
Executive Director
North Central Texas Council of Governments
Filed: March 4, 2026

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Texas Parks and Wildlife Department

Notice of a Public Comment Hearing on an Application for a Sand and Gravel Permit

JC Nolan Pipeline Co., LLC has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Texas Parks and Wildlife Code, Chapter 86, to remove or disturb approximately 369 cubic yards of sedimentary material within the North Bosque River in Erath County. The purpose is to protect and restore depth of cover to three (3) pipelines within the channel utilizing articulated concrete block matting and rip-rap. The coordinates for the disturbance area are latitude 32.098195°, longitude -98.154408°. This notice is being published and mailed pursuant to 31 TAC §69.105(d).

TPWD will hold a public comment hearing regarding the application at 11:00 a.m. on Friday, April 10, 2026 at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. A remote participation option will be available upon request. Potential attendees should contact Sue Reilly at (512) 389-8622 or at sue.reilly@tpwd.texas.gov for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

Written comments may be submitted directly to TPWD and must be received no later than 30 days after the date of publication of this notice in the *Texas Register*. A written request for a contested case hearing from an applicant or a person with a justiciable interest may also be submitted and must be received by TPWD prior to the close of the public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to: TPWD Sand and Gravel Program by mail: Attn: Sue Reilly, Texas Parks and Wildlife Department, Inland Fisheries Division, 4200 Smith School Road, Austin, Texas 78744; or via e-mail: sand.gravel@tpwd.texas.gov.

TRD-202601081
James Murphy
General Counsel
Texas Parks and Wildlife Department
Filed: March 3, 2026

♦ ♦ ♦

Notice of a Public Comment Hearing on an Application for a Sand and Gravel Permit

The City of New Braunfels has applied to the Texas Parks and Wildlife Department (TPWD) for a General Permit pursuant to Parks and Wildlife Code, Chapter 86 to remove or disturb 65 cubic yards of sedimentary material within Landa Lake in Comal County. The purpose is to remove accumulated sediment material from the Landa Park Wading Pool. The location is 50 feet from the intersection of Landa Park Dr. and Gazebo Circle, latitude/longitude 29.712607, -98.136995. This notice is being published and mailed pursuant to 31 TAC §69.105(d).

TPWD will hold a public comment hearing regarding the application at 10:00 a.m. on Friday, April 10, 2026 at TPWD headquarters, located at 4200 Smith School Road, Austin, Texas 78744. A remote participation option will be available upon request. Potential attendees should contact Beth Bendik at (512) 389-8521 or at beth.bendik@tpwd.texas.gov for information on how to participate in the hearing remotely. The hearing is not a contested case hearing under the Texas Administrative Procedure Act. Oral and written public comment will be accepted during the hearing.

Written comments may be submitted directly to TPWD and must be received no later than 30 days after the date of publication of this notice in the *Texas Register*. A written request for a contested case hearing from an applicant or a person with a justiciable interest may also be submitted and must be received by TPWD prior to the close of the public comment period. Timely hearing requests shall be referred to the State Office of Administrative Hearings. Submit written comments, questions, requests to review the application, or requests for a contested case hearing to: TPWD Sand and Gravel Program by mail: Attn: Beth Bendik, Texas Parks and Wildlife Department, Inland Fisheries Division, 4200 Smith School Road, Austin, Texas 78744; or via e-mail: sand.gravel@tpwd.texas.gov.

TRD-202601082
James Murphy
General Counsel
Texas Parks and Wildlife Department
Filed: March 3, 2026

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Public Utility Commission of Texas

Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on February 24, 2026, for recovery of universal service funding under Public Utility Regulatory Act (PURA) §56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Border to Border Communications, Inc. to Recover Funds from the Texas Universal Service Fund Under 16 TAC §26.406 For Calendar Year 2025, Docket Number 59418.

The Application: Border to Border seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Border to Border for 2025. Border to Border requests that the Commission allow recovery of funds from the TUSF in the amount of $1,207,163 for 2025 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. A deadline for intervention in this proceeding will be established. All comments should reference Docket Number 59418.

TRD-202600932
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: February 25, 2026

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Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on February 26, 2026, for recovery of universal service funding under Public Utility Regulatory Act (PURA) §56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Electra Telephone Company, Inc. To Recover Funds from The Texas Universal Service Fund Under 16 TAC §26.406 For Calendar Year 2025, Docket Number 59429.

The Application: Electra Telephone seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Electric Telephone for 2025. Electra Telephone requests that the Commission allow recovery of funds from the TUSF in the amount of $576,589 for 2025 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. A deadline for intervention in this proceeding will be established. All comments should reference Docket Number 59429.

TRD-202601032
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: February 27, 2026

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Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on February 26, 2026, for recovery of universal service funding under Public Utility Regulatory Act (PURA) §56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Tatum Telephone Company to Recover Funds from the Texas Universal Service Fund Under 16 TAC §26.406 For Calendar Year 2025, Docket Number 59428.

The Application: Tatum Telephone seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Tatum Telephone for 2025. Tatum Telephone requests that the Commission allow recovery of funds from the TUSF in the amount of $54,416 for calendar year 2025 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. A deadline for intervention in this proceeding will be established. All comments should reference Docket Number 59428.

TRD-202601033
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: February 27, 2026

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Notice of Application for Recovery of Universal Service Funding

Notice is given to the public of an application filed with the Public Utility Commission of Texas (Commission) on March 2, 2026, for recovery of universal service funding under Public Utility Regulatory Act (PURA) §56.025 and 16 Texas Administrative Code (TAC) §26.406.

Docket Style and Number: Application of Blossom Telephone Company, Inc. to Recover Funds from the Texas Universal Service Fund Under PURA §56.025 and 16 TAC §26.406 for Calendar Year 2025, Docket Number 59457.

The Application: Blossom Telephone seeks recovery of funds from the Texas Universal Service Fund (TUSF) due to Federal Communications Commission actions resulting in a reduction in the Federal Universal Service Fund (FUSF) revenues available to Blossom Telephone for 2025. Blossom Telephone requests that the Commission allow recovery of funds from the TUSF in the amount of $426,607 for 2025 to replace the projected reduction in FUSF revenue.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or by phone at (512) 936-7120 or toll-free at (888) 782-8477. Hearing and speech-impaired individuals with text telephone (TTY) may contact the commission through Relay Texas by dialing 7-1-1. A deadline for intervention in this proceeding will be established. All comments should reference Docket Number 59457.

TRD-202601100
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: March 4, 2026

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Supreme Court of Texas

Final Approval of Amendments to Rule 166a of the Texas Rules of Civil Procedure

Supreme Court of Texas

Misc. Docket No. 26-9012

Final Approval of Amendments to
Rule 166a of the Texas Rules of Civil Procedure

ORDERED that:

1. On December 30, 2025—in accordance with the Act of June 2, 2025, 89th Leg., R.S., ch. 1130 (S.B. 293) and the Act of August 26, 2025, 89th Leg., 2d C.S., ch. 7 (H.B. 16)—the Court invited public comments on proposed amendments to Texas Rule of Civil Procedure 166a.

2. Following the comment period, the Court made revisions to the amendments. This order incorporates those revisions and contains the final version of the amendments, effective March 1, 2026.

3. The amendments apply only to a motion for summary judgment filed on or after March 1, 2026.

4. This order includes the amendments in both clean and redline form. The redline version demonstrates the revisions made since December 30, 2025.

5. The Clerk is directed to:

   a. file a copy of this order with the Secretary of State;

   b. send a copy of this order to the Governor, the Lieutenant Governor, and each elected member of the Legislature; and

   c. submit a copy of this order for publication in the *Texas Register*.

6. The State Bar of Texas is directed to:

   a. cause a copy of this order to be sent to each registered member of the State Bar of Texas by email; and

b. cause a copy of this order to be mailed to each registered member of the State Bar of Texas by publication in the *Texas Bar Journal*.

Dated: February 27, 2026.

James D. Blacklock, Chief Justice

Debra H. Lehrmann, Justice

John P. Devine, Justice

J. Brett Busby, Justice

Jane N. Bland, Justice

Rebeca A. Huddle, Justice

Evan A. Young, Justice

James P. Sullivan, Justice

Kyle D. Hawkins, Justice

RULE 166a. SUMMARY JUDGMENT

(a) *Definitions.*

(1) A "traditional" motion for summary judgment is a motion ~~claiming there is~~that seeks to establish that no genuine issue ~~as to any~~of material fact ~~of~~exists as to a claim or defense ~~on which~~and that the movant ~~would have the burden of proof at trial~~is entitled to judgment as a matter of law.

(2) A "no-evidence" motion for summary judgment is a motion ~~claiming~~ that seeks to establish that there is no evidence of ~~one or more~~an essential element~~s~~ of a claim or defense on which ~~an adverse party~~the nonmovant would have the burden of proof at trial.

(b) *Motion.*

(1) In General. A party may move for summary judgment on a claim or defense. ~~The~~A motion may combine both traditional and no-evidence motions.

(2) Contents.

(A) Title. A motion for summary judgment must be titled "Traditional Motion for Summary Judgment," "No-Evidence Motion for Summary Judgment," or "Combined Motion for Traditional and No-Evidence Summary Judgment." An absent or incorrect title is not grounds for denying the motion.

(B) Hearing Request. If a movant requests an oral hearing on the motion, the request must appear ~~on~~in the ~~cover~~title of the motion.

(C) Traditional Motion. A traditional motion must state the specific grounds in support of the motion. and produce any evidence in support.

(D) No-Evidence Motion. A no-evidence motion must state the elements of the claim or defense as to which there is no evidence.

(3) Time to File.

(A) Traditional Motion. Unless a deadline for filing is set by court order, a party may file a traditional motion at any time after the ~~adverse party~~nonmovant has appeared or answered.

(B) No-Evidence Motion. A party may file a no-evidence motion after adequate time for discovery.

(c) *Clerk and Court Duties Upon Filing.* Upon the motion's filing, the clerk must immediately call the motion to the court's attention. The court must ~~promptly~~ set the motion for an oral hearing or submission without an oral hearing ~~or a hearing~~ according to the deadlines in this rule. The clerk must send notice to the parties of the submission or hearing date.

(d) *Response.*

(1) Time to File. Except on leave of court or agreement of the parties, the nonmovant must file a~~ny~~ response within 21 days after the motion is filed.

(2) Contents. The ~~response~~nonmovant must ~~include~~produce any evidence in support of the response ~~and objections to the evidence supporting the motion~~. If the non-movant requests a~~n oral~~ hearing on the motion, the request must appear ~~on~~in the ~~cover~~title of the response. ~~The court may reset the motion for a hearing if no hearing has been set.~~

(3) When Evidence Unavailable. If the nonmovant needs additional time to secure evidence in support of the response, the nonmovant must file an affidavit or declaration specifying the reasons why the nonmovant cannot present facts essential to justify its opposition. The court may extend the time to file the response, deny the motion without prejudice to permit additional discovery, or issue ~~any~~ another appropriate order.

(e) *Reply.*

(1) Time to File. The movant may file a reply. Except on leave of court or agreement of the parties, the movant must file the reply within 7 days after the response is filed.

(2) Contents. A reply must not raise new or independent summary judgment grounds~~, other than to~~but may address a~~n~~ new or amended pleading filed ~~in response to~~after the motion ~~for summary judgment~~if a ground initially asserted in the motion negates an element that is common to a claim or defense asserted in the new or amended pleading.

(f) *Withdrawal.* Any withdrawal of the motion must be filed and must identify the date the motion was filed.

(g) *Hearing or ~~Written~~ Submission.*

(1) Timing. A hearing or submission date must not be set within 35 days after the motion's filing. Unless the motion is withdrawn, the court must set the motion for a hearing or ~~written~~ submission within:

(A) 60 days after the motion's filing; or

(B) 90 days after the motion's filing:

(i) if the court's docket so requires;

(ii) on a showing of good cause; or

(iii) if the movant agrees.

(2) Reset Permitted. The court may reset a hearing or submission date within the time frames specified in this rule.

(3) Proposed Order. The parties must each submit a proposed order before the hearing or ~~written~~ submission date.

(4) No Oral Testimony. No oral testimony will be received at a hearing on a summary judgment motion.

(5) Docket. The court must record in the docket the date the motion was heard or submitted.

(h) *Standards.*

(1) Grounds. No judgment will be granted except on the grounds stated under (b)(2)(C) and (b)(2)(D).

(2) Traditional Motion. The court must grant a traditional motion for summary judgment if the movant shows that, except as to the amount of damages, there is no genuine issue as to any material fact and the movant is entitled to judgment as a matter of law on the issues expressly set out in the motion.

(3) No-Evidence Motion. The court must grant a no-evidence motion unless the respondent produces summary judgment evidence raising a genuine issue of material fact.

(4) Requested Relief Not Granted. If the court does not grant the relief requested by the motion, the court may ascertain what material fact issues exist, issue an order specifying the facts that are established as a matter of law, and direct any other appropriate proceedings.

(i) *Ruling*. The court must sign a written ruling on the motion, file it with the clerk, and provide the ruling to the parties within 90 days after the hearing or ~~written~~ submission date.

(j) *Evidence Produced.*

(1) Types of Evidence. Evidence may include:

(A) deposition transcripts;

(B) an opposing party's pleadings, interrogatory answers, admissions, and other discovery responses;

(C) affidavits and declarations;

(D) stipulations; and

(E) other authenticated evidence.

(2) Evidence Produced by Reference. Evidence may be produced by making a specific reference to it and where it may be found in the court's file.

~~(j)~~(3) Use of Discovery Not Otherwise on File. Discovery not on file may be used as summary judgment evidence if copies of the material, appendices containing the evidence, or a notice containing specific references to the discovery or specific references to other instruments are filed with a statement of intent to use the specified discovery as summary judgment evidence:

~~(1)~~(A) at the time the motion is filed, if the evidence is to be used to support the summary judgment; or

~~(2)~~(B) at the time the response is filed, if the evidence is to be used to oppose the summary judgment.

~~(k) *All Requested Relief Not Granted.* If the court does not grant all the relief requested by the motion, the court may ascertain what material fact issues exist, issue an order specifying the facts that are established as a matter of law, and direct any other appropriate proceedings.~~

~~(l)~~(4) Form of Affidavit or Declaration; Further Testimony. An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify to the matters stated. A document referred to in an affidavit or declaration must be attached and either sworn or certified. The court may permit an affidavit or declaration to be supplemented or opposed by deposition or by another affidavit or declaration. Defects in the form of an affidavit or declaration or its attachments will not be grounds for reversal unless specifically pointed out by objection by an opposing party with opportunity, but refusal, to amend.

~~(m)~~(5) Affidavit or Declaration Submitted in Bad Faith. If satisfied that an affidavit or declaration is submitted in bad faith or solely for delay, the court—after notice and a reasonable time to respond—may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subject to other appropriate sanctions.

(6) Late-Filed Evidence. The court may consider late-filed evidence if the court indicates its consideration in the record.

Notes and Comments

Comment to 1990 change: This amendment provides a mechanism for using previously non-filed discovery in summary judgment practice. Such proofs must all be filed in advance of the hearing in accordance with Rule 166a. Paragraphs (d) through (g) are renumbered (e) through (h).

Comment to 1997 change: This comment is intended to inform the construction and application of the rule. Paragraph (i) authorizes a motion for summary judgment based on the assertion that, after adequate opportunity for discovery, there is no evidence to support one or more specified elements of an adverse party's claim or defense. A discovery period set by pretrial order should be adequate opportunity for discovery unless there is a showing to the contrary, and ordinarily a motion under paragraph (i) would be permitted after the period but not before. The motion must be specific in challenging the evidentiary support for an element of a claim or defense; paragraph (i) does not authorize conclusory motions or general no-evidence challenges to an opponent's case. Paragraph (i) does not apply to ordinary motions for summary judgment under paragraphs (a) or (b), in which the movant must prove it is entitled to judgment by establishing each element of its own claim or defense as a matter of law or by negating an element of the respondent's claim or defense as a

matter of law. To defeat a motion made under paragraph (i), the respondent is not required to marshal its proof; its response need only point out evidence that raises a fact issue on the challenged elements. The existing rules continue to govern the general requirements of summary judgment practice. A motion under paragraph (i) is subject to sanctions provided by existing law (Tex Civ. Prac. & Rem. Code §§ 9.001-10.006) and rule (Tex R. Civ. P. 13). The denial of a motion under paragraph (i) is no more reviewable by appeal or mandamus than the denial of a motion under paragraph (c).

Comment to 2026 change: Rule 166a is rewritten to implement section 23.303 of the Texas Government Code and to modernize the rule. Other than the deadline changes, Rule 166a's rewrite is not intended to substantively change the law.

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TRD-202601080
Blake Hawthorne
Clerk of the Court
Supreme Court of Texas
Filed: March 3, 2026


TEXAS

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 51 (2026) is cited as follows: 51 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: https://www.sos.texas.gov. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC*) is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State's website at http://www.sos.state.tx.us/tac.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION
Part 4. Office of the Secretary of State
Chapter 91. Texas Register
1 TAC §91.1…….....950 *(P)*

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