

PROPOSED RULES

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

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

TITLE 1. ADMINISTRATION

PART 2. TEXAS ETHICS COMMISSION

CHAPTER 10. ETHICS TRAINING PROGRAMS

1 TAC §10.1

The Texas Ethics Commission (the TEC) proposes an amendment and re-adoption of Texas Ethics Commission Rules in Chapter 10 regarding Ethics Training Programs. Specifically, the TEC proposes an amendment to rule §10.1 regarding Training Programs.

State law requires state agencies to "review and consider for re-adoption 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 authorized to adopt rules to administer Chapter 572 of the Government Code. Tex. Gov't Code §§ 571.061, .062.

The TEC is continuing its comprehensive review with a review of the TEC's rules regarding its ethics training programs, which are codified in Chapter 10.

The proposed amendments to Chapter 10 readopt the existing two rules, with one change to make clear a vote of the commissioners is not required to plan or host a training seminar. The current rules provide a framework for TEC create a plan to provide training on TEC laws and rules to the public. While the rules still serve a valid purpose, the TEC sees no need to codify into rule policies and plans related to training programs beyond the general framework in the current rule. Staff will work with the chair to make sure that the TEC provides the trainings that were recommended by Sunset Advisory Commission and authorized by law.

James Tinley, General Counsel, has determined that for the first five-year period the proposed amended and readopted rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed amended and readopted rules.

The General Counsel has also determined that for each year of the first five years the proposed amended and readopted rules are in effect, the public benefit will be consistency and clarity in the Commission's rules regarding its training programs. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended and readopted rules.

The General Counsel has determined that during the first five years that the proposed amended and readopted rules are in effect, they will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed amended and readopted rules from any member of the public. A written statement should be emailed to publiccomment@ethics.state.tx.us, or mailed or delivered to J.R. Johnson, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed amended and readopted rules may do so at any Commission meeting during the agenda item relating to the proposed amended and readopted rules. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The amended and readopted rules are proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Chapter 572 of the Government Code.

The proposed amended and readopted rules affect Chapter 571 of the Government Code.

§10.1. Training Programs.

~~The~~ ~~[Upon approval of the commission, the]~~ executive director shall establish a program to provide training relating to the laws administered and enforced by the commission and related laws for:

- (1) members and members-elect of the legislature, to be held by January of each odd-numbered year;
- (2) state employees, in cooperation with state agencies; and
- (3) other persons and officials whose conduct is regulated by laws administered and enforced by the commission and related laws.

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 April 8, 2025.

TRD-202501110



CHAPTER 12. SWORN COMPLAINTS

The Texas Ethics Commission (the Commission) proposes amendments to Texas Ethics Commission Rules in Chapter 12. Specifically, the Commission proposes amendments to §12.21 regarding Response to Notice of Complaint, §12.22 regarding Written Questions, §12.23 regarding Production of Documents During Preliminary Review, and §12.93 regarding Default Proceedings. The Commission also proposed new rules §12.27 regarding Discovery Control Plans, Application, §12.28 regarding Level 1 Discovery Control Plan, §12.29 regarding Level 2 Discovery Control Plan, and §12.30 regarding Requests for Disclosure.

The Sunset Advisory Commission recommended several changes to the rules and procedures related to the sworn complaint process. The proposed amendments to Chapter 12 of the TEC rules implements those recommendations and makes other changes to streamline the sworn complaint process and better protect respondents' rights in the process.

The proposed rules would do the following:

Repeal provisions that allowed for sanctions for failing to respond to a sworn complaint;

Impose a discovery control plan that mirrors the Texas Rules of Civil Procedure to limit the scope and duration of discovery;

Provide a clear procedure for a respondent to set-aside a default order, mirroring the procedure of the State Office of Administrative Hearings;

Repeal rules that allowed for the tolling of sworn complaint deadlines when written questions were submitted to a respondent but for which a response had not been received or when subpoenas were sought by TEC staff.

Although the Sunset review of the TEC sworn complaint files revealed no abuse of the discovery process, Sunset recommended that the TEC adopt discovery control plans to eliminate the potential for abuse and ensure speedy resolution of cases. The proposed rules track the discovery control plans established in the Texas Rules of Civil Procedure and limits the amount and duration of the discovery period.

Deciding to self-impose limits on discovery in the sworn complaint process effectuates the recommendations of Sunset, should speed the resolution of cases, but also result in more preliminary review hearings. The proposed repeal of rules allowing for the tolling of deadlines also conforms TEC practice to a recent opinion of the Office of the Attorney General. Tex. Att'y Gen. Op. KP-0484.

James Tinley, General Counsel, has determined that for the first five-year period the proposed amended and new rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed amended and new rules.

The General Counsel has also determined that for each year of the first five years the proposed amended and new rules are

in effect, the public benefit will be consistency and clarity in the Commission's rules regarding late fines for 8-day pre-election reports. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended and new rules.

The General Counsel has determined that during the first five years that the proposed amended and new rules are in effect, they will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed amended and new rules from any member of the public. A written statement should be emailed to , or mailed or delivered to J.R. Johnson, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed amended and new rules may do so at any Commission meeting during the agenda item relating to the proposed amended and new rules. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

SUBCHAPTER C. INVESTIGATION AND DISCOVERY

1 TAC §§12.21 - 12.23

The amended rules are proposed under Texas Government Code §571.062, which authorizes the TEC to adopt rules to administer Chapter 571 of the Government Code. The TEC has additional authority to adopt rules regarding: (1) procedure in a formal hearing (§571.131), (2) technical and de minimis violations (§571.0631), and (3) procedures for preliminary review and preliminary review hearings (§571.1244).

The proposed rules affect Subchapter E of Chapter 571 of the Government Code.

§12.21. *Response to Notice of Complaint.*

[(a)] The response required by section 571.1242 of the Government Code must:

- (1) be in writing;
- (2) admit or deny the allegations set forth in the complaint; and
- (3) be signed by the respondent.

[(b) If a respondent does not submit a response within the time period prescribed by section 571.1242 of the Government Code, the commission may issue an order imposing a civil penalty for failure to file a response.]

[(c) If a respondent does not submit a response that satisfies the requirements of subsection (a) of this section, the commission may issue an order imposing a penalty for failure to file a complete response.]

§12.22. *Written Questions.*

[(a)] A complainant or respondent must respond to written questions not later than 15 business days after receiving the written questions.

[(b) If the commission staff submits written questions to a respondent, the 120-day deadline for the commission to propose an agreement to the respondent or dismiss the complaint (provided in section 571.1242(g) of the Government Code) is tolled beginning on the date the commission sends the written questions and resets on the date the commission receives the respondent's written response.]

§12.23. Production of Documents During Preliminary Review.

(a) - (c) (No change.)

[(d) If the commission staff applies to the commission for the issuance of a subpoena pursuant to section 571.137(a-1) of the Government Code, the 120-day deadline for the commission to propose an agreement to the respondent or dismiss the complaint (provided in section 571.1242(g) of the Government Code) is tolled beginning on the date the staff applies to the commission for the subpoena and resets on either:]

[(1) the date the commission rejects the staff's application for a subpoena;]

[(2) the date the person to whom the subpoena is directed complies with the subpoena; or]

[(3) the date the commission receives a final ruling on a person's failure or refusal to comply with a subpoena that is reported to a district court pursuant to section 571.137(e) of the Government Code.]

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

Filed with the Office of the Secretary of State on April 8, 2025.

TRD-202501111

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Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 463-5800



1 TAC §§12.27 - 12.30

The new rules are proposed under Texas Government Code §571.062, which authorizes the TEC to adopt rules to administer Chapter 571 of the Government Code. The TEC has additional authority to adopt rules regarding: (1) procedure in a formal hearing (§571.131), (2) technical and de minimis violations (§571.0631), and (3) procedures for preliminary review and preliminary review hearings (§571.1244).

The proposed rules affect Subchapter E of Chapter 571 of the Government Code.

§12.27. Discovery Control Plans, Application.

(a) As determined by the Executive Director from available information, a sworn complaint that appears to allege only technical or de minimis violations, as defined by §12.92 of this chapter (relating to Resolution of Technical or De Minimis Allegations), is governed by a Level 1 discovery control plan. All other sworn complaints are governed by a Level 2 discover control plan.

(b) Commission staff shall indicate in the written notice of a complaint provided to the respondent under Section 571.123, Government Code, whether the complaint is governed by a Level 1 or Level 2 discovery control plan.

(c) The respondent or commission staff may file a motion requesting that the Executive Director modify a discovery control plan from Level 1 to Level 2, or vice versa, if the facts discovered after the initial determination of the Executive Director warrant the modification.

(d) The Presiding Officer may issue an order modifying the discovery period or scope of discovery for a sworn complaint.

(e) The terms "interrogatory," "request for admission," "deposition," and "request for production" have the same meaning as applied in the Texas Rules of Civil Procedure, except that an interrogatory and a request for admission is also considered a written question for purposes of Section 571.1242(f) of the Government Code and §12.22(a) of this Chapter (relating to Written Questions).

§12.28. Level 1 Discovery Control Plan.

Discovery in a preliminary review under a Level 1 Discovery Control Plan is subject to the limitation provided elsewhere in this Chapter and to the following additional limitations:

(1) All discovery during a preliminary review must be conducted during the discovery period which begins when the initial response to the complaint is due and continues for 90 days.

(2) The discovery period reopens on the date the commission sets the matter for a formal hearing and continues for an additional 90 days.

(3) During a preliminary review, the respondent and commission staff may serve on any other party no more than 5 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. If set for a formal hearing, each party may serve 10 more interrogatories. Each discrete subpart of an interrogatory is considered a separate interrogatory.

(4) During a preliminary review, the respondent and commission staff may serve on any other party no more than 5 written requests for production. If set for a formal hearing, each party may serve 10 more written requests for production. Each discrete subpart of a request for production is considered a separate request for production.

(5) During a preliminary review, the respondent and commission staff may serve on any other party no more than 5 written requests for admissions. If set for a formal hearing, each party may serve 10 more requests for admissions. Each discrete subpart of a request for admission is considered a separate request for admission..

§12.29. Level 2 Discovery Control Plan.

Discovery in a preliminary review under a Level 2 Discovery Control Plan is subject to the limitation provided elsewhere in this Chapter and to the following additional limitations:

(1) All discovery during a preliminary review must be conducted during the discovery period which begins when the initial response to the complaint is due and continues for 120 days.

(2) The discovery period reopens on the date the commission sets the matter for a formal hearing and continues until the earlier of 30 days before a formal hearing or six months after the conclusion of the preliminary review hearing.

(3) During a preliminary review, the respondent and commission staff may serve on any other party no more than 10 written interrogatories, excluding interrogatories asking a party only to identify or authenticate specific documents. If set for a formal hearing, each party may serve 15 more interrogatories. Each discrete subpart of an interrogatory is considered a separate interrogatory.

(4) During a preliminary review, the respondent and commission staff may serve on any other party no more than 10 written

requests for production. If set for a formal hearing, each party may serve 15 more written requests for production. Each discrete subpart of a request for production is considered a separate request for production.

(5) During a preliminary review, the respondent and commission staff may serve on any other party no more than 10 written requests for admissions. If set for a formal hearing, each party may serve 15 more written requests for production. Each discrete subpart of a request for admission is considered a separate request for admission.

(6) If set for a formal hearing, the respondent or commission staff may request that the discovery control plan allow for the taking of depositions, consistent with and subject to the limits provided by Chapter 2001 of the Government Code.

§12.30. Requests for Disclosure.

(a) The discovery rules of the Texas Rules of Civil Procedure requiring initial disclosures without awaiting a discovery request do not apply to sworn complaint proceedings, except as may be ordered or allowed by the judge.

(b) A party may request disclosure of documents or information that the opposing party has in its possession, custody, or control, including, but not limited to, the following:

(1) the correct names of the parties to the contested case; the name, address, and telephone number of any potential parties;

(2) a general description of the legal theories and the factual bases of the responding party's claims or defenses, if not already set forth in the notice of complaint, response to a complaint, or document filed in the record of the proceeding.

(3) the name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case; the statement of any person with knowledge of relevant facts (witness statement) regardless of when the statement was made; and

(4) a copy, or description by category and location, of all documents, electronic information, and tangible items that the disclosing party has in its possession, custody or control and may use to support its claims or defenses, unless the use would be solely for impeachment. A request for disclosure made pursuant to this subsection is not considered a request for production.

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 April 8, 2025.

TRD-202501112

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Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 463-5800



SUBCHAPTER F. RESOLUTIONS

1 TAC §12.93

The amended rule is proposed under Texas Government Code §571.062, which authorizes the TEC to adopt rules to adminis-

ter Chapter 571 of the Government Code. The TEC has additional authority to adopt rules regarding: (1) procedure in a formal hearing (§571.131), (2) technical and de minimis violations (§571.0631), and (3) procedures for preliminary review and preliminary review hearings (§571.1244).

The proposed rule affects Subchapter E of Chapter 571 of the Government Code.

§12.93. Default Proceedings.

(a) If a respondent fails to respond to a complaint by the deadline set by Section 571.1242 or fails to appear for a formal hearing, the commission may, upon notice and hearing, proceed on a default basis.

(b) A default proceeding under this section requires adequate proof of the following:

(1) the notice of hearing to the respondent stated that the allegations listed in the notice could be deemed admitted and that the relief sought in the notice of hearing might be granted by default against the party that fails to appear at the hearing;

(2) the notice of hearing satisfies the requirements of sections 2001.051 and 2001.052 of the Government Code; and

(3) the notice of hearing was:

(A) received by the defaulting party; or

(B) sent by regular mail or by certified mail, restricted delivery, return receipt requested, to the party's last known address as shown by the commission's records.

(c) In the absence of adequate proof to support a default, the presiding officer shall continue the hearing and direct commission staff to provide adequate notice of hearing. If adequate notice is unable to be provided, the commission may dismiss the complaint.

(d) Upon receiving the required showing of proof to support a default, the commission may by vote deem admitted the allegations in the notice of hearing and issue a default decision.

(e) A respondent may file a motion to set aside a default decision under this section.

(1) A motion to set aside a default decision under this section shall set forth the grounds for reinstatement or rehearing and must be supported by affidavit of the movant or their attorney that:

(A) the respondent had no notice of the hearing;

(B) the respondent had no notice of the consequences for failure to appear; or

(C) although the respondent had notice, its failure to appear was not intentional or the result of conscious indifference, but due to reasonable mistake or accident that can be supported by adequate proof; and

(D) a statement of whether the motion is opposed.

(2) Whether or not the motion is opposed, the presiding officer may rule on the motion without setting a hearing or may set a hearing to consider the motion. If the presiding officer finds good cause for the respondent's failure to appear or file a response to a complaint, the presiding officer shall vacate the default and reset the case for a hearing. The presiding officer may also present the motion to set aside the default decision for a vote of the commission at the next meeting of the commission after the motion was filed. A motion to set aside a default decision is denied by operation of law if not ruled on by the presiding officer or by vote of the commission at the next regular meeting of the commission after the motion was filed.

(3) A motion to set aside a default decision must be filed not later than the 14th day after the respondent received the default decision.

(4) A default decision is final:

(A) if a motion to set aside the default decision is not filed on time, on the expiration of the period for filing a motion to set aside the default decision;

(B) if a motion to set aside the default decision is timely filed, on the date the commission denies the motion.

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 April 8, 2025.

TRD-202501113

Jim Tinley

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Texas Ethics Commission

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 463-5800



CHAPTER 18. GENERAL RULES CONCERNING REPORTS

1 TAC §§18.10, 18.21, 18.24

The Texas Ethics Commission (the Commission) proposes amendments to Texas Ethics Commission Rules in Chapter 18. Specifically, the Commission proposes amendments to §18.10 regarding Guidelines for Substantial Compliance for a Corrected/Amended 8-day Pre-election Report, §18.21 regarding Jurisdiction to Consider Waiver Request, and §18.24 regarding General Guidelines for Administrative Waiver or Reduction of Statutory Civil Penalties.

About one year ago, the TEC drastically simplified its rules regarding waivers or reductions of civil penalties for late reports. The simplified rules have allowed TEC staff to more efficiently process waiver and reduction requests and has allowed filers to better understand their rights and obligations related to the fine waiver process. However, the TEC can further refine the rules to foster swift and just outcomes for waiver requests.

Background

The TEC is required to determine from "any available evidence" whether a report that is required to be filed with the TEC was filed late and assess a civil penalty if the report is late. Tex. Elec. Code § 254.042. This is a mandatory duty that is separate from the sworn complaint process. The civil penalty is set by statute at \$500 for most late reports, however the statutory civil penalty is \$500 for the first day late and \$100 each day thereafter until filed (up to \$10,000) for an 8-day pre-election report or the first semiannual report following an 8-day pre-election report. A corrected 8-day pre-election report is considered filed as of the date of correction if the correction is substantial. The TEC is required to determine whether a substantial correction was made to every corrected 8-day report.

By law, a filer may request in writing that the TEC waive or reduce a civil penalty for a report. The TEC adopted rules to apply to waiver requests. The rules are a mechanical determination

based on the number of prior late reports by the filer and the amount at issue. A filer may appeal the determination under the rules to the full commission at a public meeting.

However, to be eligible to receive a waiver or reduction under the current rules, a filer must 1) make the request within 60 days of the deadline for the late report (unless good cause is shown for missing the deadline); 2) file all missing reports; and 3) pay any outstanding civil penalty that is not subject to a waiver or reduction request.

A reduced civil penalty not paid within 30 days reverts back to the original amounts.

Proposed Amendments

Extend the time to file a request for a waiver or reduction to 210 days.

It is common for candidates who lose their elections to close their P.O. boxes, stop checking campaign email, and cancel service to their campaign phone in a good-faith belief that their obligations as a candidate have ceased. However, an unsuccessful candidate needs to file at least one report after their election. In these cases, the filer may not receive notice of the late report because they have not updated their contact information with the TEC. Six months after the first missed semiannual report, the subsequent semiannual report will come due and the filer will once again be sent notice of a second late report. In several cases, for whatever reason, the filer became aware of the second late report and swiftly filed the missing reports. Under the current rules, that person was not be eligible for a waiver or reduction of the civil penalty for a \$10,000 fine for the first missed semiannual after the election. Extending the deadline to file for a waiver or reduction to 210 days will provide the person 30 days after the second late semi-annual to request a waiver or reduction. Extending the deadline will maintain some level of finality while also providing ample time to submit a waiver request.

Make 8-day correction "substantial compliance" determinations more generous.

By statute, if a person files a correction to an 8-day pre-election report even if the person swears the report was originally filed in good-faith, and that the report was corrected within 14 days of learning of the error and omission, the report is nevertheless considered filed late if the correction is substantial.

The law punishing corrections to 8-day reports is designed to prevent people from filing an incomplete report close to an election, only to correct it after the election and thereby avoid meaningful disclosure. However, in practice, many people who voluntarily correct reports originally filed in good faith receive substantial fines for having made the correction. In nearly all cases those fines are waived on appeal to the commission. The proposed amendments raise the monetary threshold before a correction will be considered substantial. If the dollar amounts of the corrections indicate that the correction is substantial under the proposed rule, then the Executive Director will determine whether there is reason to believe the report was originally filed in bad-faith, with the purpose of evading disclosure, or otherwise substantially defeated the purpose of disclosure and therefore was filed as of the date of correction. A review of the past approximately 50 corrections to late reports with substantial corrections under existing rules, raising the monetary threshold from \$3,000 to \$7,500 would reduce the number of reports considered filed late by 33 percent. The table below shows the effect of a raising the threshold dollar amount of a correction that would trigger

a report being considered late to \$5,000, \$7,500, \$10,000, or \$15,000.

The proposed rule change will allow for a swift determination and save filers the time, expense, and worry that they have a \$10,000 fine that can only be waived by the TEC commissioners.

James Tinley, General Counsel, has determined that for the first five-year period the proposed amended rules are in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed amended rules.

The General Counsel has also determined that for each year of the first five years the proposed amended rules are in effect, the public benefit will be consistency and clarity in the Commission's rules regarding late fines for 8-day pre-election reports. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed amended rules.

The General Counsel has determined that during the first five years that the proposed amended rules are in effect, they will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; create a new regulation; increase or decrease the number of individuals subject to the rules' applicability; or positively or adversely affect this state's economy.

The Commission invites comments on the proposed amended rules from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to J.R. Johnson, Executive Director, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed amended rules may do so at any Commission meeting during the agenda item relating to the proposed amended rules. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us.

The amended rules are proposed 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 proposed amended rules affect Title 15 of the Election Code and Chapter 571 of the Government Code.

§18.10. Guidelines for Substantial Compliance for a Corrected/Amended 8-day Pre-election Report.

(a) A corrected/amended 8-day pre-election report substantially complies with the applicable law and will not be assessed a late fine under §18.9 of this title (relating to Corrected/Amended Reports) if:

(1) The original report was filed in good faith and the corrected/amended report was filed not later than the 14th business day after the date the filer learned of the errors or omissions; and

(2) The only corrections/amendments needed were to correct the following types of errors or omissions:

(A) a technical, clerical, or *de minimis* error, including a typographical error, that is not misleading and does not substantially affect disclosure;

(B) an error in or omission of information that is solely required for the commission's administrative purposes, including a report type or filer identification number;

(C) an error that is minor in context and that, upon correction/amendment, does not result in changed monetary amounts or activity disclosed, including a descriptive change or a change to the period covered by the report;

(D) one or more errors in disclosing contributions that, in total:

(i) do not exceed \$7,500 [~~\$3,000~~]; or

(ii) do not exceed the lesser of 10% of the total contributions on the corrected/amended report or \$20,000 [~~\$10,000~~];

(E) one or more errors in disclosing expenditures that, in total:

(i) do not exceed \$7,500 [~~\$3,000~~]; or

(ii) do not exceed the lesser of 10% of the total expenditures on the corrected/amended report or \$20,000 [~~\$10,000~~];

(F) one or more errors in disclosing loans that, in total:

(i) do not exceed \$7,500 [~~\$3,000~~]; or

(ii) do not exceed the lesser of 10% of the amount originally disclosed or \$20,000 [~~\$10,000~~]; or

(G) an error in the amount of total contributions maintained that:

(i) does not exceed \$7,500 [~~\$3,000~~]; or

(ii) does not exceed the lesser of 10% of the amount originally disclosed or \$20,000 [~~\$10,000~~].

(H) The only correction/amendment by a candidate or officeholder was to add to or delete from the outstanding loans total an amount of loans made from personal funds;

(I) The only correction/amendment by a political committee was to add the name of each candidate supported or opposed by the committee, when each name was originally disclosed on the appropriate schedule for disclosing political expenditures;

(J) The only correction/amendment was to disclose the actual amount of a contribution or expenditure, when:

(i) the amount originally disclosed was an overestimation;

(ii) the difference between the originally disclosed amount and the actual amount did not vary by more than the greater of \$7,500 or 10%; and

(iii) the original report clearly included an explanation of the estimated amount disclosed and the filer's intention to file a correction/amendment as soon as the actual amount was known; or

(K) The only correction/amendment was to delete a duplicate entry.

(b) If a corrected/amended 8-day pre-election report does not meet the substantial complies criteria under subsection (a) of this section the executive director shall determine whether there is reason to believe the report was originally filed in bad-faith, with the purpose of evading disclosure, or otherwise substantially defeated the purpose of disclosure and therefore was filed as of the date of correction [The executive director shall determine whether an 8-day pre-election report as originally filed substantially complies with applicable law by applying the criteria provided in this section].

(c) A filer may seek a waiver or reduction of a civil penalty assessed under this subsection as provided for by this chapter.

(d) [(e)] In this section, "8-day pre-election report" means a report due eight days before an election filed in accordance with the requirements of §20.213(d), 20.325(e), or 20.425(d) of this title (relating to a candidate, a specific-purpose committee, or a general-purpose committee, respectively) and §254.064(c), 254.124(c), or 254.154(c) of the Election Code (relating to a candidate, a specific-purpose committee, or a general-purpose committee, respectively).

§18.21. *Jurisdiction to Consider Waiver Request.*

(a) A filer may ask the commission to waive or reduce a civil penalty determined by §§ 305.033(b) or 572.033(b) of the Government Code, or §254.042(b) of the Election Code by submitting a written request to the Commission.

(b) The commission will not consider a request under subsection (a) of this section unless the filer, not later than 210 [60] days after the report or statement was due:

(1) submits the request in the manner prescribed by subsection (a) of this section;

(2) files all reports owed to the commission; and

(3) pays all outstanding civil penalties owed to the commission that are not subject to a pending request for waiver or appeal.

(c) Upon a showing of good cause, the executive director may extend the deadline in subsection (b) of this section.

§18.24. *General Guidelines for Administrative Waiver or Reduction of Statutory Civil Penalties.*

(a) For purposes of determining whether a filer is eligible for a waiver or reduction of a civil penalty under §18.25 or §18.26 of this title (relating to Administrative Waiver or Reduction of Certain Statutory Civil Penalties and Administrative Waiver or Reduction of Statutory Civil Penalties in Excess of \$500 respectively), a "prior late offense" is any report for which a civil penalty for late filing was assessed, regardless of whether the civil penalty was waived or reduced. The term does not include:

(1) reports for which no late notices were sent and the filer did not file a request that the civil penalty be waived or reduced for the prior late report; and

(2) reports determined by the executive director to be not required.

[(b) A civil penalty that is reduced under §18.25 or §18.26 of this title will revert to the full amount originally assessed if the reduced civil penalty is not paid within thirty (30) calendar days from the date of the letter informing the filer of the reduction.]

(b) [(e)] A filer may appeal a determination made under §18.25 or §18.26 of this title by submitting a request for appeal in writing to the commission within thirty (30) calendar days from the date of the letter informing the filer of the decision.

(1) The request for appeal should state the filer's reasons for requesting an appeal, provide any additional information needed to support the request, and state whether the filer would like the opportunity to appear before the commission and offer testimony regarding the appeal.

(2) The Executive Director may review the appeal and reconsider the determination made under §18.25 or §18.26 of this title or set the appeal for a hearing before the commission.

(3) After hearing a request for appeal, the commission may affirm the determination made under §18.25 or §18.26 of this title or make a new determination based on facts presented in the appeal.

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 April 8, 2025.

TRD-202501115

Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 463-5800



CHAPTER 20. REPORTING POLITICAL CONTRIBUTIONS AND EXPENDITURES

SUBCHAPTER A. GENERAL RULES

1 TAC §20.1

The Texas Ethics Commission (TEC) proposes amendments to Texas Ethics Commission rules in Subchapter A of Chapter 20. Specifically, the TEC proposes new rule §20.1(17), regarding the definition of "principal purpose".

A political committee is defined by state law as "two or more persons acting in concert *with a principal purpose* of accepting political contributions or making political expenditures." Tex. Elec. Code § 251.001(12) (emphasis added). The TEC defined the term "principal purpose" for the purpose of defining whether a group is a political committee. Tex. Elec. Code § 251.001(12). The existing rule states that a group has a principal purpose of accepting political contributions or making political expenditures if 25 percent of its incoming funds are political contributions or 25 percent of its expenditures are political expenditures. Setting a bright-line activity threshold at 25 percent of a group's activity has proved unworkable and is contrary to how a similar federal law is interpreted for defining political committee status.

The new rule avoids a bright-line approach based on a percentage of spending. Instead, it embraces the Federal Election Code (FEC) method of determining whether a group is a political committee by taking a holistic view of the group's activity to be adjudicated on a case-by-case basis. This approach has been upheld as constitutional by the Fourth Circuit. *Real Truth About Abortion, Inc. v. FEC*, 681 F.3d 544, 557-58 (4th Cir. 2012); see also *Citizens for Responsibility & Ethics in Washington v. FEC*, 209 F. Supp. 3d 77, 82 (D.D.C. 2016). Embracing the FEC approach will also allow the TEC and regulated community to more easily apply the precedent set by FEC adjudications and federal court decisions to determine whether a group is a political committee. See Tex. Ethics Comm'n Op. No. 614 (2024).

This proposed amendment incorporates comments from Attorney Andrew Cates on a previously published proposed rule amendment. Mr. Cates suggested that the "principal purpose rule" should state that a group is not a political committee if it can demonstrate that not more than 49 percent of its overall expenditures are political expenditures.

This proposed rule amendment incorporates Mr. Cates' comments.

James Tinley, General Counsel, has determined that for the first five-year period the proposed new rule is in effect, there will be no fiscal implications for state or local government as a result of enforcing or administering the proposed new rule.

The General Counsel has also determined that for each year of the first five years the proposed new rule is in effect, the public benefit will be clarity in the definition of "principal purpose" for use by political committees. There will not be an effect on small businesses, microbusinesses or rural communities. There is no anticipated economic cost to persons who are required to comply with the proposed new rule.

The General Counsel has determined that during the first five years that the proposed new rule is in effect, it will not: create or eliminate a government program; require the creation of new employee positions or the elimination of existing employee positions; require an increase in future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; expand, limit, or repeal an existing regulation; or increase or decrease the number of individuals subject to the rule's applicability.

The Commission invites comments on the proposed new rule from any member of the public. A written statement should be emailed to public_comment@ethics.state.tx.us, or mailed or delivered to J.R. Johnson, Texas Ethics Commission, P.O. Box 12070, Austin, Texas 78711-2070. A person who wants to offer spoken comments to the Commission concerning the proposed new rule may do so at any Commission meeting during the agenda item relating to the proposed new rule. Information concerning the date, time, and location of Commission meetings is available by telephoning (512) 463-5800 or on the Commission's website at www.ethics.state.tx.us

The amendment is proposed under Texas Government Code §571.062, which authorizes the Commission to adopt rules to administer Title 15 of the Election Code.

The proposed new rule affects Chapter 255 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) - (16) (No change.)

(17) 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. [A group has as a principal purpose accepting political contributions if the proportion of the political contributions to the total contributions to the group is more than 25 percent within a calendar year. A contributor intends to make a political contribution if the solicitations that prompted the contribution or the statements made by the contributor about the contribution would lead to no other reasonable conclusion than that the contribution was intended to be a political contribution.]

(C) The following shall be included for purposes of calculating the proportion of the group's political expenditures to all other spending: [The group may maintain specific evidence of contributions related only to political contributions or only to nonpolitical contributions. For example, the group may ask the contributor to make an indication when the contribution is made that the contribution is only a nonpolitical contribution.]

~~(D)~~ [A group has as a principal purpose making political expenditures, including direct expenditures, if the group expends more than 25 percent of its annual expenses to make political expenditures within a calendar year.]

(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 nonpolitical 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 [outside] 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)~~ ~~[(E)]~~ The group may maintain specific evidence of administrative expenses related only to political expenditures or only to nonpolitical expenditures. Specifically identified administrative expenses shall not be included in the proportion established by subparagraph (C)(iii) [~~(D)~~(iii)] but allocated by the actual amount of the expense.

~~(E)~~ ~~[(F)]~~ In this section, the term "political expenditures" includes direct campaign expenditures.

(18) - (23) (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 April 8, 2025.

TRD-202501128

Jim Tinley

General Counsel

Texas Ethics Commission

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 463-5800



TITLE 10. COMMUNITY DEVELOPMENT

PART 1. TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS

CHAPTER 23. SINGLE FAMILY HOME PROGRAM

SUBCHAPTER E. TENANT-BASED RENTAL ASSISTANCE PROGRAM

10 TAC §23.50

The Texas Department of Housing and Community Affairs (the Department) proposes amendments to 10 TAC Chapter 23, Single Family Home Program, §23.50 Tenant-Based Rental Assistance (TBRA) General Requirements. The rule amendments clarify that a 60-month limitation on assistance does not apply to persons with disabilities that meet certain criteria.

FISCAL NOTE. Mr. Bobby Wilkinson, Executive Director, has determined that, for each year of the first five years the amendment to the rule is in effect, enforcing or administering the amendment does not have any foreseeable implications related to costs or revenues of the state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT. Mr. Wilkinson also has determined that, for the first five years the amendment would be in effect:

1. The proposed amendment to the rule will not create or eliminate a government program;
2. The proposed amendment to the rule will not require a change in the number of employees of the Department;
3. The proposed amendment to the rule will not require additional future legislative appropriations;
4. The proposed amendment to the rule will result in neither an increase nor a decrease in fees paid to the Department;
5. The proposed amendment to the rule will not create a new regulation;
6. The proposed amendment to the rule will not repeal an existing regulation;
7. The proposed amendment to the rule will not increase or decrease the number of individuals subject to the rule's applicability; and
8. The proposed amendment to the rule will neither positively nor negatively affect this state's economy.

PUBLIC BENEFIT/COST NOTE. Mr. Wilkinson also has determined that, for each year of the first five years the amendment to the rule is in effect, the public benefit anticipated as a result of the action will be conformance to statutory requirements. There will not be any economic cost to any individual required to comply with the amendment.

ADVERSE IMPACT ON SMALL OR MICRO-BUSINESSES OR RURAL COMMUNITIES. The Department has determined that there will be no economic effect on small or micro-businesses or rural communities.

REQUEST FOR PUBLIC COMMENT. All comments or questions in response to this action may be submitted in writing from April 25, 2025, to May 26, 2025. Written comments may be submitted to the Texas Department of Housing and Community Affairs, Single Family and Homeless Programs, P.O. Box 13941, Austin, Texas 78711-3941, or email HOME@tdhca.texas.gov. ALL COMMENTS MUST BE RECEIVED BY 5:00 pm Central Daylight Time, May 26, 2025.

STATUTORY AUTHORITY. The proposed amendment is made pursuant to Tex. Gov't Code §2306.053, which authorizes the Department to adopt rules.

Except as described herein the proposed amendment affects no other code, article, or statute.

§23.50. Tenant-Based Rental Assistance (TBRA) General Requirements.

(a) Households assisted under the general set-aside must participate in a self-sufficiency program, as described in the Administrator's policies and procedures.

(b) The amount of assistance will be determined using the HUD Housing Choice Voucher method.

(c) Late fees are not an eligible HOME cost. Late fees incurred for the subsidy portion of rent must be paid by the Administrator from a non-HOME funding source.

(d) A Household certifying to zero income must also complete a questionnaire that includes a series of questions regarding how basic hygiene, dietary, transportation, and other living needs are met.

(e) The minimum Household contribution toward gross monthly rent must be ten percent of the Household's adjusted monthly income. The maximum Household contribution toward gross monthly rent at initial occupancy is limited to 40 percent of the Household's gross monthly income.

(f) Activity funds are limited to:

(1) Rental subsidy: Each rental subsidy term is limited to no more than 24 months. Total lifetime assistance to a Household may not exceed 36 months cumulatively, except that a maximum of 24 additional months of assistance, for a total of 60 months cumulatively may be approved if:

(A) the Household has applied for a Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program, and is placed on a waiting list during their TBRA participation tenure; and

(B) the Household has not been removed from the waiting list for the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Sup-

portive Housing for the Elderly Program due to failure to respond to required notices or other ineligibility factors; or

(C) the Administrator submits documentation evidencing that:

(i) no Public Housing Authority within a 50 mile radius of the Household's address during their participation in TBRA has opened their waitlist during the term of the Household's participation in TBRA, or has excluded the Household's application for placement on the waiting list for any reason other than eligibility or failure to respond to required notices, such as a randomized drawing of applications that may be placed on the waitlist; and

(ii) no waiting list was opened during the term of the Household's participation in TBRA for any HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program located within a 50 mile radius of the Household's address during their participation in TBRA; or

(iii) the Household is not eligible for placement on a waiting list for any HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program located within a 50 mile radius of the Household's address during their participation in TBRA; and

(D) the Household has not been denied participation in the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program while they were being assisted with HOME TBRA; and

(E) the Household did not refuse to participate in the Section 8 Housing Choice Voucher, HUD Section 811 Supportive Housing for Persons with Disabilities, HUD Section 811 Project Rental Assistance Demonstration, or HUD Section 202 Supportive Housing for the Elderly Program when a voucher was made available.

(2) the Executive Director or designee may grant an exception to the limitations set forth in this section related to the maximum term of assistance, if:

(A) funds are available and programmed for this activity;

(B) the Household meets the requirements of paragraph (1) of this subsection;

(C) all adult members of the Household are Persons with Disabilities;

(D) Household income from employment does not exceed the current Substantial Gainful Activity Level as defined by the Social Security Administration and greater than 50% of Household Income is composed of benefits paid to the Household from Social Security or any other benefit payment received due to a member's status as a Person with a Disability;

(E) the Household's gross monthly income does not exceed 50% AMFI; and

(F) the circumstances considered for an exception are not expected to change during the term of assistance.

(3) [(2)] Security deposit: no more than the amount equal to two month's rent for the unit.

(4) [(3)] Utility deposit in conjunction with a TBRA rental subsidy.

(g) The payment standard is determined at the Date of Assistance. The payment standard utilized by the Administrator must be:

(1) The U.S. Department of Housing and Urban Development (HUD) published Small Area Fair Market Rent (SAFMR) for any area in which a SAFMR is available. In areas where an SAFMR is not published by HUD, the payment standard must be the HUD-published Fair Market Rent (FMR) for the county. HUD-published SAFMRs and FMRs will become effective for the HOME Program on January 1 of each year following publication;

(2) For a HOME-assisted unit, the current applicable HOME rent; or

(3) The Administrator may submit a written request to the Department for approval of a different payment standard. The request must be evidenced by a market study or documentation that the PHA serving the market area has adopted a different payment standard. An Administrator may request a Reasonable Accommodation as defined in §1.204 of this Title for a specific Household if the Household, because of a disability, requires the features of a specific unit, and units with such features are not available in the Service Area at the payment standard.

(h) Administrator must not approve a unit if the owner is by consanguinity, affinity, or adoption the parent, child, grandparent, grandchild, sister, or brother of any member of the assisted Household, unless the Administrator determines that approving the unit would provide Reasonable Accommodation for a Household member who is a Person with Disabilities. This restriction against Administrator approval of a unit only applies at the time the Household initially receives assistance under a Contract or Agreement, but does not apply to Administrator approval of a recertification with continued tenant-based assistance in the same unit.

(i) Administrators must maintain Written Policies and Procedures established for the HOME Program in accordance with §10.802 of this Title, except that where the terms Owner, Property, or Development are used Administrator or Program will be substituted, as applicable. Additionally, the procedures in subsection (j) of this section (relating to the Violence Against Women Act (if in conflict with the provisions in §10.802 of this Title) will govern).

(j) Administrators serving a Household under a Reservation Agreement may not issue a Certificate of Eligibility to the Household prior to reserving funds for the Activity without prior written consent of the Department.

(k) Administrators are required to comply with regulations and procedures outlined in the Violence Against Women Act (VAWA), and provide tenant protections as established in the Act.

(l) An Administrator of Tenant-Based Rental Assistance must provide all Applicants (at the time of admittance or denial) and Households (before termination from the Tenant-Based Rental Assistance program or from the dwelling assisted by the Tenant-Based Rental Assistance Coupon Contract) the Department's "Notice of Occupancy Rights under the Violence Against Women Act", (based on HUD form 5380) and also provide to Households "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (HUD form 5382) prior to execution of a Rental Coupon Contract and before termination of assistance from the Tenant-Based Rental Assistance program or from the dwelling assisted by the Tenant-Based Rental Assistance coupon contract.

(2) Administrator must notify the Department within three days when tenant submits a Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and/or alternate documentation to Administrator and must submit a plan to Department for continuation or termination of assistance to affected Household members.

(3) Notwithstanding any restrictions on admission, occupancy, or terminations of occupancy or assistance, or any Federal, State or local law to the contrary, Administrator may "bifurcate" a rental coupon contract, or otherwise remove a Household member from a rental coupon contract, without regard to whether a Household member is a signatory, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a recipient of TBRA and who engages in criminal acts of physical violence against family members or others. This action may be taken without terminating assistance to, or otherwise penalizing the person subject to the violence.

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 April 10, 2025.

TRD-202501193

Bobby Wilkinson

Executive Director

Texas Department of Housing and Community Affairs

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 475-3959



TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER G. APPLY TEXAS ADVISORY COMMITTEE

19 TAC §1.131

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter G, §1.131, concerning the Apply Texas Advisory Committee. Specifically, this amendment will continue the Apply Texas Advisory Committee four more years.

The Apply Texas Advisory Committee provides the Coordinating Board with advice and recommendations regarding the common admission applications and the Apply Texas System. The amendment is proposed under Texas Education Code, §51.762, which creates the Apply Texas advisory committee, and Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.131, Duration, is amended to change the Apply Texas Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

Daniel Perez, Interim Assistant Commission for College and Career Advising, has determined that for each of the first five years

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

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

Daniel Perez, Interim Assistant Commission for College and Career Advising, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the extension of the Apply Texas Advisory Committee by four years. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Daniel Perez, Interim Assistant Commission for College and Career Advising, P.O. Box 12788, Austin, Texas 78711-2788, or via email at CRI@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 51.762, and Texas Government Code, chapter 2110, which create the Apply Texas advisory committee and provide the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Education Code, Sections 51.762 - 51.764, and Texas Administrative Code, Chapter 1, Subchapter G.

§1.131. Duration.

The committee shall be abolished no later than October 31, 2029 [2025], in accordance with the Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501196

Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: May 25, 2025
For further information, please call: (512) 427-6299



SUBCHAPTER H. CERTIFICATION ADVISORY COUNCIL

19 TAC §1.138

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter H, §1.138, concerning the Certification Advisory Council. Specifically, this amendment will continue the Certification Advisory Council four more years.

The Certification Advisory Council provides the Coordinating Board with advice and recommendations regarding Certificates of Authority. The amendment is proposed under Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.138, Duration, is amended to change the Certification Advisory Council abolishment date from October 31, 2025, to no later than October 31, 2029.

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

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

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

Government Growth Impact Statement

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

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

Comments on the proposal may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Administrative Code, Chapter 1, Subchapter H.

§1.138. Duration.

The council shall be abolished no later than October 31, 2029 [2025], in accordance with the Texas Government Code, Chapter 2110, unless it is reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501198
Nichole Bunker-Henderson
General Counsel
Texas Higher Education Coordinating Board
Earliest possible date of adoption: May 25, 2025
For further information, please call: (512) 427-6182



SUBCHAPTER I. FAMILY PRACTICE RESIDENCY ADVISORY COMMITTEE

19 TAC §1.145

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter I, §1.145, concerning the Family Practice Residency Advisory Committee. Specifically, this amendment will continue the Family Practice Residency Advisory Committee four more years.

The Family Practice Residency Advisory Committee provides the Coordinating Board with advice and recommendations regarding the Family Practice Residency Program. The amendment is proposed under Texas Government Code, §2110.008, which requires the Coordinating Board by rule to provide for a different abolishment date for advisory committees to continue in existence.

Rule 1.145, Duration, is amended to change the Family Practice Residency Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

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

increases in revenue to the state or to local governments as a result of enforcing or administering the rule.

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

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the extension of the Family Practice Residency Advisory Committee by four years. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Government Code, Section 2110.008, which provides the Coordinating Board with the authority to provide for a different abolishment date for advisory committees to continue in existence.

The proposed amendment affects Texas Administrative Code, Chapter 1, Subchapter I.

§1.145. Duration.

The committee shall be abolished no later than October 31, ~~2029~~ [2025], in accordance with the Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501200

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER J. FINANCIAL AID ADVISORY COMMITTEE

19 TAC §1.152

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter J, §1.152, concerning the Financial Aid Advisory Committee. Specifically, this amendment will extend the committee's duration by four years, through 2029.

The Financial Aid Advisory Committee provides the Coordinating Board with advice and recommendations regarding the development, implementation, and evaluation of state financial aid programs for college students. The Coordinating Board is authorized by Texas Education Code, §61.0776, and Texas Government Code, Chapter 2110, to establish rules relating to the Financial Aid Advisory Committee.

Rule 1.152, Duration, is amended to change the Financial Aid Advisory Committee abolishment date from October 31, 2025, to no later than October 31, 2029.

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

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

Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the continued contribution of the agency's Financial Aid Advisory Committee. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles W. Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will

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

The amendment is proposed under Texas Education Code, Section 61.0776, which provides the Coordinating Board with the authority to establish and operate the Financial Aid Advisory Committee.

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

§1.152. Duration.

The committee shall be abolished no later than October 31, 2029 [2025], in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501202

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER X. PROGRAM OF STUDY ADVISORY COMMITTEE

19 TAC §§1.270 - 1.277

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter X, §§1.270 - 1.277, concerning the Program of Study Advisory Committee. Specifically, the new sections will establish the Program of Study Advisory Committee and its associated Task Groups in compliance with Texas Education Code, §61.8235.

The Coordinating Board proposes the establishment of the Program of Study Advisory Committee to advise the Coordinating Board on developing programs of study curricula for career and technical education offered in a public two-year institution. The proposed new rules provide clarity and guidance around committee membership, meeting cadence, and charges.

The new sections outline the authority and purpose of the new subchapter, define words and terms used in the subchapter, describe tasks assigned to the Program of Study Advisory Committee, detail the composition of the Program of Study Advisory Committee, provide specifics about meetings of the Program of Study Advisory Committee, detail the composition and tasks assigned to Program of Study Task Groups, establish the duration of this subchapter, and provide an effective date for the rules.

Rule 1.270, Authority and Purpose, states the purpose of the new rules, which is to create a Program of Study Advisory Committee to advise the Coordinating Board on developing Program of Study curricula for career and technical education offered in public two-year institutions under authority provided by Texas Government Code, §2110.0012, and Texas Education Code, §61.8235.

Rule 1.271, Definitions, provides definitions for words and terms within the Program of Study Advisory Committee rules. The definitions provide clarity for words and terms that are key to the understanding the Program of Study Advisory Committee.

Rule 1.272, Tasks Assigned to the Committee, describes the specific tasks assigned to the Program of Study Advisory Committee to support the development of Programs of Study for each approved career cluster.

Rule 1.273, Program of Study Advisory Committee Composition, Officers, and Terms, details the composition of the Program of Study Advisory Committee's membership and representation from various stakeholders, including secondary education, post-secondary education, business and industry, the Texas Workforce Commission, the Texas Education Agency, and the Texas Department of Licensure and Regulation or similar credentialing body. The section stipulates that the Program of Study Advisory Committee be composed of no more than twenty members, provides that the membership will select co-chairs, and specifies the length of term for the chairs and members.

Rule 1.274, Meetings of the Program of Study Advisory Committee, states that meetings of the Program of Study Advisory Committee will be held at least twice a year and that a quorum is equivalent to a simple majority of members being present.

Rule 1.275, Program of Study Task Groups Composition and Duties, describes Program of Study Task Groups as groups of representatives of public two-year institutions, secondary education, business, industry, and career and technical education experts. The section assigns the duties of recommending Program of Study curricula to the Program of Study Advisory Committee and prescribes that the task groups will operate within the procedures and timelines established by the Program of Study Advisory Committee.

Rule 1.276, Duration, notes that the Program of Study Advisory Committee will be abolished on January 1, 2031, and that it may be reestablished by the Coordinating Board.

Rule 1.277, Effective Date, indicates that the subchapter is effective as of September 1, 2025.

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

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

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be establishment of rules that replace repealed Chapter 26, Programs of Study. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

Comments on the proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new sections are proposed under Texas Government Code, §2110.0012, and Texas Education Code, §61.8235, which provide the Coordinating Board with the authority to establish a programs of study advisory committee.

The purposed new sections affect Texas Education Code, §§61.059(p), 61.09021, and 61.8235, and Texas Administrative Code, Title 19, Part 1, Chapter 1, Subchapter X.

§1.270. Authority and Purpose.

(a) Authority. Statutory authority for this subchapter is provided in Texas Government Code, §2110.0012, and Texas Education Code, §61.8235.

(b) Purpose. The Program of Study Advisory Committee is created to advise the Texas Higher Education Coordinating Board on development of Program of Study curricula for career and technical education in public two-year institutions.

§1.271. Definitions.

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

- (1) Board--The governing body of the agency known as the Texas Higher Education Coordinating Board.
- (2) Career Cluster--Commissioner-approved organizing unit that is the basis for the development of programs of study.
- (3) Commissioner--The Texas Commissioner of Higher Education.
- (4) Coordinating Board--The agency known as the Texas Higher Education Coordinating Board, including agency staff.
- (5) Credential--As defined in §2.3(17) of this title (relating to Definitions), a grouping of subject matter courses or demonstrated mastery of specified content which entitles a student to documentary evidence of completion. This term encompasses certificate programs, degree programs, and other kinds of formal recognitions such as short-term workforce credentials or a combination thereof.
- (6) Program of Study Advisory Committee--The advisory committee with responsibility for advising the Commissioner and Board on Program of Study Curricula, including their establishment and revision. The Program of Study Advisory Committee may convene a Program of Study Task Group to assist in the development of a Program of Study Curriculum.

(7) Program of Study Curriculum--The block of courses which progress in content specificity by beginning with all aspects of a career cluster, including career and technical education standards, that address relevant academic and technical content and that incorporate entry and exit points.

(8) Task Group--A task group convened by the Program of Study Advisory Committee to examine a career cluster to determine programs of study within the cluster.

(9) Public Two-Year Institution--Any community, technical or state college as defined in Texas Education Code, §61.003(16).

§1.272. Tasks Assigned to the Committee.

(a) The Program of Study Advisory Committee shall advise the Commissioner and Board on the development of Programs of Study for each approved career cluster.

(b) The Program of Study Advisory Committee is assigned the following tasks:

(1) Oversee the identification and development of Programs of Study, including reviewing relevant workforce and educational data, coordinating the schedule of career cluster reviews, and convening of task groups to develop curricula for Programs of Study;

(2) Review recommendations from Task Groups;

(3) Recommend Programs of Study Curricula to the Board for approval;

(4) Review and provide recommendations to the Commissioner to facilitate course credit transfer and align programs with business and industry needs while ensuring consistency statewide;

(5) Develop and coordinate a Program of Study Curriculum review schedule, including prioritizing development of curricula in high-enrollment and high demand occupational fields;

(6) Review each Program of Study on a recurring schedule, not to exceed once every five years;

(7) Convene and review the work of Task Groups, in accordance with the curriculum review schedule; and

(8) Study curricular changes at public two-year institutions and student course enrollment patterns within and across public two-year institutions.

(c) At least annually, the Program of Study Advisory Committee will report to the Board on the status of Program of Study career cluster task groups, the development and approval of curricula for Programs of Study, and other information related to the development of Programs of Study.

§1.273. Program of Study Advisory Committee Composition, Officers, and Terms.

(a) The Program of Study Advisory Committee may be composed of no more than twenty (20) members. The committee shall be composed of at least one representative of secondary education, one representative of postsecondary education, one representative of business and industry, and one representative from each of the Texas Workforce Commission, the Texas Education Agency, and the Texas Department of Licensure and Regulation or other credentialing body. Other career and technical education experts may fill the remaining member positions.

(b) The Commissioner has final authority to appoint Program of Study Advisory Committee members.

(c) Members of the committee shall select co-chairs, who will be responsible for conducting meetings and conveying committee recommendations to the Board.

(d) Members shall serve staggered terms of up to five years. The terms of the co-chairs will be three years dating from their election.

§1.274. Meetings of the Program of Study Advisory Committee.

The Program of Study Advisory Committee shall meet at least twice year. A quorum of the Program of Study Advisory Committee requires the presence of a simple majority of members.

§1.275. Program of Study Task Groups Composition and Duties.

(a) Program of Study Task Groups are composed of representatives of public two-year institutions that offer a credential program for which a program of study curriculum is proposed and may also include secondary education, business and industry, and other career and technical education experts.

(1) Coordinating Board staff will recommend individuals who are nominated by their institution to the Program of Study Advisory Committee.

(2) The Program of Study Advisory Committee may invite nominees to participate in a Task Group.

(b) A Task Group will operate in accordance with the procedures and timelines established by the Program of Study Advisory Committee and provide regular updates on progress.

(c) A Task Group will recommend Program of Study curricula to the Program of Study Advisory Committee.

§1.276. Duration.

The Program of Study Advisory Committee shall be abolished on September 1, 2029, in accordance with Texas Government Code, Chapter 2110. It may be reestablished by the Board.

§1.277. Effective Date.

This subchapter is effective September 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 April 11, 2025.

TRD-202501204

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER L. APPROVAL PROCESS FOR A CAREER AND TECHNICAL EDUCATION CERTIFICATE

19 TAC §§2.263, 2.268, 2.269

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter L, §2.263, and new §2.268

and §2.269, regarding Approval Process for a Career and Technical Education Certificate. Specifically, the amendments and new sections will preserve legislative intent and necessary language previously found in Chapter 9, Subchapters B and F, repealed in July and January 2025, respectively.

Rule 2.263, Criteria for Approval, provides clarity to institutions on the content and process requirements that an institution must meet in seeking approval for a certificate. Subsection (d) is amended to add an exception to the contact hour threshold for certain medical programs.

New subsection (h) provides specific categories of courses that may not be included in a certificate program. The amendments reflect language from Chapter 9, Subchapter F, repealed by the Coordinating Board in January 2025 that is still applicable to criteria for approval.

Rule 2.268, Special Requirements for Commercial Driver's License Training Programs, provides language from Chapter 9, Subchapter B, repealed by the Coordinating Board in July 2025 that needs to be retained in rule in order to implement statutory requirements related to mandatory training on human trafficking.

Rule 2.269, Effective Date of Rules, provides language concerning the effective date of rules. The text for this rule is unchanged from its previous version as §2.268 that is repealed in a separate rulemaking.

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

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

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the sections will be clarification of the Texas Administrative Code that needs to be retained following the repeal of Chapter 9, Subchapters B and F, in July 2025 and January 2025, respectively. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

Comments on the proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments and new sections are proposed under Texas Education Code (TEC), §61.0512, which provides the Coordinating Board with the authority to approve new certificate programs at institutions of higher education. TEC, §130.001 and §130.008, grant the Coordinating Board the responsibility to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. TEC, §130.0105, requires the Coordinating Board to adopt rules requiring each public junior college offering a commercial driver's license training program to include as a part of that program education and training on the recognition and prevention of human trafficking. The Coordinating Board has the responsibility to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under TEC, §135.04, and the Josey School of Vocational Education under TEC, §96.63.

The proposed amendments and new sections affect Texas Education Code, §130A.101.

§2.263. Criteria for Approval.

(a) - (c) (No change.)

(d) A course or program that meets or exceeds 780 contact hours in length shall result in the award of appropriate semester credit hours and be applicable to a career and technical education certificate or an applied associate degree program. An exception shall be made for Emergency Medical/Paramedic continuing education programs, which may reach 800 contact hours.

(e) - (g) (No change.)

(h) A proposed certificate may not include the following:

(1) An avocational course that is usually engaged in by a person in addition to the person's regular work or profession for recreation or in relation to a hobby. The term includes a community interest course;

(2) A basic employability course that covers topics such as conducting a job search, developing a resume, completing an application for employment, and interviewing skills;

(3) A non-college-level basic learning skills course that covers learning strategies such as note-taking and test preparation; or

(4) A college-level learning framework course that is solely or primarily focused on skill acquisition related to the learning process and is not a career and technical education course.

§2.268. Special Requirements for Commercial Driver's License Training Programs.

(a) Each public junior college offering a commercial driver's license training program must include training on the recognition and prevention of human trafficking as a part of the educational program.

(b) Each public junior college must include the recognition and prevention of human trafficking content established by the office of the attorney general.

§2.269. Effective Date of Rules.

(a) Any certificate subject to approval under this subchapter offered for the first time on or after September 1, 2024, is subject to this rule.

(b) Section 2.266, Approval Required for a Proposed Revision to a Certificate Program, is effective on September 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 April 11, 2025.

TRD-202501205

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



19 TAC §2.268

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter L, §2.268, regarding Effective Date of Rules. Specifically, this repeal will remove existing rules that will be replaced with new rules in a separate rulemaking.

Rule 2.268, Effective Date of Rules, will be repealed and new §2.269, Effective Date of Rules, will be proposed in a separate rulemaking. The text of the proposed new rule will be the same as the repealed text.

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

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

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the repeal of existing rules that will be replaced with new rules in a separate rulemaking. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

Comments on the proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code (TEC), §61.0512, which provides the Coordinating Board with the authority to approve new certificate programs at institutions of higher education. TEC, §130.001 and §130.008, grant the Coordinating Board the responsibility to adopt policies and establish general rules necessary to carry out statutory duties with respect to a public junior college certificate or degree program. The Coordinating Board has the responsibility to adopt policies and establish general rules necessary to carry out statutory duties related to a certificate or degree program with respect to Texas State Technical College under TEC, §135.04, and the Josey School of Vocational Education under TEC, §96.63.

The proposed repeal affects Texas Education Code, §130A.101.

§2.268. *Effective Date of Rules.*

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501206

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



**CHAPTER 7. DEGREE GRANTING
COLLEGES AND UNIVERSITIES OTHER THAN
TEXAS PUBLIC INSTITUTIONS
SUBCHAPTER B. APPROVAL FOR PARTIC-
IPATION IN THE STATE AUTHORIZATION
RECIPROCITY AGREEMENT (SARA) FOR
PRIVATE OR INDEPENDENT INSTITUTIONS
OF HIGHER EDUCATION AND PRIVATE POST-
SECONDARY EDUCATIONAL INSTITUTIONS**

19 TAC §7.52, §7.57

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 7, Subchapter B, §7.52 and §7.57, concerning Approval for Participation in the State Authorization Reciprocity Agreement (SARA) for Private or Independent Institutions of Higher Education and Private Postsecondary Educational Institutions. Specifically, this amendment will clarify the requirements for out-of-state students placed at practicum or clin-

ical sites. This amendment limits the number of out-of-state students placed simultaneously at practicum or clinical sites to ten (10) students per academic program as specified in the SARA Policy Manual, paragraph 5.11. The amendment also clarifies that practicum and clinical sites include an entire facility, not offices, departments, etc. This revision does not reflect a substantive change to Coordinating Board rules, but is intended to provide greater clarity around existing limitations aligned to out-of-state institutions' SARA participation.

Texas Education Code, §61.05121 and §61.0512(1), authorize the Coordinating Board to administer state participation in State Authorization Reciprocity Agreements and to ensure the efficient and effective use of higher education resources.

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

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

Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the sections will be the increased transparency to SARA participants about the availability of clinical space for out-of-state students. There is also a public benefit of ensuring there are sufficient clinical placements for in-state students, as required by law. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Elizabeth Mayer, P.O. Box 12788, Austin, Texas 78711-2788, or via email at AHAComments@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendments are proposed under Texas Education Code, Section 61.05121, which authorizes the Coordinating Board to adopt rules relating to state participation in SARA.

The proposed amendment affects Texas Education Code, Section 61.05121.

§7.52. *Definitions.*

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

(1) Accredited--Holding institutional accreditation by name as a U.S.-based institution from an accreditor recognized by the U.S. Department of Education.

(2) Board or Coordinating Board--The Texas Higher Education Coordinating Board.

(3) Clinical or Practicum Site--An entire facility or location, such as a hospital, business, or school campus is considered the clinical or practicum site. Individual departments, offices, clinics, classrooms, or other sub-divisions of the facility are not considered the clinical or practicum site.

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

(5) ~~[(4)]~~ C-RAC Guidelines--Refers to the Interregional Guidelines for the Evaluation of Distance Education Programs (Online Learning) for best practices in postsecondary distance education developed by leading practitioners of distance education and adopted by the Council of Regional Accrediting Commissions (C-RAC).

(6) ~~[(5)]~~ Distance Education--Instruction offered by any means where the student and faculty member are in separate physical locations. It includes, but is not limited to, online, interactive video or correspondence courses or programs.

(7) ~~[(6)]~~ Home State--A member state where the institution holds its legal domicile. To operate under SARA an institution must have a single home state.

(8) ~~[(7)]~~ Host State--A member state in which an institution operates under the terms of this agreement, other than the home state.

(9) Individual Academic Program--A specific course of study that leads to a distinct degree or certification, characterized by a unique set of required courses, electives, and academic requirements tailored to a particular field or discipline.

(10) ~~[(8)]~~ Institution--A degree-granting postsecondary entity.

(11) ~~[(9)]~~ Member State--Any state, district or territory that has joined SARA.

(12) ~~[(10)]~~ NC SARA--National Council for State Authorization Reciprocity Agreements.

(13) ~~[(11)]~~ SARA--State Authorization Reciprocity Agreement is an agreement among its member states, districts and U.S. territories that establishes comparable national standards for interstate offering of postsecondary distance education courses and programs.

(14) ~~[(12)]~~ SREB--Southern Regional Education Board.

§7.57. *Out-of-state SARA Participants.*

(a) The board shall serve as point of contact for all other State Authorization Reciprocity Agreement (SARA) [~~SARA~~] states.

(b) If a public, private or independent out-of-state SARA participant provides courses in Texas and is in apparent violation of the SARA agreement or with Texas Education Code or Administration Code, the board shall take appropriate action to terminate the institution's operation within Texas.

(c) SARA participants shall be limited to no more than ten (10) students from an individual academic program placed simultaneously at one clinical or practicum site.

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 April 11, 2025.

TRD-202501207

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



CHAPTER 9. PROGRAM DEVELOPMENT IN PUBLIC TWO-YEAR COLLEGES SUBCHAPTER B. GENERAL PROVISIONS

19 TAC §§9.21 - 9.27, 9.30 - 9.32

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter B, §§9.21- 9.27 and §§9.30- 9.32, concerning General Provisions. Specifically, this repeal will remove sections superseded by rules adopted by the Coordinating Board in July 2024 which are now in Chapter 2 of this title.

The Coordinating Board proposes the repeal of Chapter 9, Subchapter B, as a part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter B, to update the Texas Administrative Code by removing sections from the Texas Administrative Code that are superseded by rules adopted by the Coordinating Board in July 2024.

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

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

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the repeal of rules that are superseded by new rules adopted by the Coordinating Board in July 2024. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

Comments on the proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Sections 51.308, 51.403(e), 51.911, 61.051, 61.053, 61.059, 61.060-61.063, 61.084, 130.001(b)(3)-(4), 130.003, 130.005, 130.0051, 130.008, 130.009, and 130.0105, which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for various functions relating to program development and the general operation of a public two-year college.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter B, Sections 9.21- 9.27 and 9.30-9.32.

- §9.21. *Purpose.*
- §9.22. *Authority.*
- §9.23. *Student Performance.*
- §9.24. *Religious Holy Days.*
- §9.25. *Training for Governing Boards.*
- §9.26. *Driver Education Courses.*
- §9.27. *Related-Instruction for Apprenticeship Programs.*
- §9.30. *Name Change.*
- §9.31. *Uniform Dates for Adding/Dropping Courses Pertaining to Refunds.*
- §9.32. *Required Curriculum for Commercial Driver's License Training Program.*

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 April 11, 2025.

TRD-202501208
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Earliest possible date of adoption: May 25, 2025
 For further information, please call: (512) 427-6209



SUBCHAPTER C. PURPOSE, ROLE, AND MISSION

19 TAC §§9.51 - 9.54

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter C, §§9.51 - 9.54, concerning the purpose, role, and mission of public two-year colleges. Specifically, this repeal aligns administrative code with statute.

The Coordinating Board proposes the repeal of Chapter 9, Subchapter C, as part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter C, because there is no statutory authority or bill requiring Coordinating Board oversight of public two-year college role and mission statements.

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

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

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

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Elizabeth Mayer, Assistant Commissioner for Academic and Health Affairs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Elizabeth.Mayer@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Sections 130.0011 and 130.003(e), which identify the role, mission, and purpose of public junior colleges, and 130.001, which provides the Coordinating Board with the authority to adopt policies, enact regulations, and establish rules for carrying out the duties with respect to public junior colleges.

The proposed repeal affects Texas Education Code, Sections 130.0011, 130.003(e), and 130.001.

§9.51. *Purpose.*

§9.52. *Authority.*

§9.53. *Role, Mission, and Purpose of Public Community/Junior and Technical Colleges.*

§9.54. *Publication of Purpose, Role, and Mission Statements.*

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 April 11, 2025.

TRD-202501209

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER H. PARTNERSHIPS BETWEEN SECONDARY SCHOOLS AND PUBLIC TWO-YEAR COLLEGES

19 TAC §§9.141 - 9.144, 9.146, 9.147

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter H, §§9.141- 9.144, 9.146, and 9.147, concerning Partnerships Between Secondary Schools and Public Two-Year Colleges. Specifically, this repeal will remove sections superseded by rules adopted by the Coordinating Board in July 2024 which are now in Chapter 2 of this title.

The Coordinating Board proposes the repeal of Chapter 9, Subchapter H, as a part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 9, Subchapter H, to update the Texas Administrative Code by removing section from the Texas Administrative Code that are superseded by rules approved by the Coordinating Board in July 2024.

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

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

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the repeal of rules that are superseded by new rules adopted by the Coordinating Board in July 2024. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas 78711-2788, or via email at Tina.Jackson@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Sections 29.182, 29.184, 61.076(a), 61.851 - 61.855, 130.001(b)(3)-(4), 130.008, 130.090, and 135.06(d), which authorize the Coordinating Board to adopt policies, enact regulations, and establish rules for public two-year colleges to enter into agreements with secondary schools to offer courses which grant credit toward the student's high school academic requirements and/or college-level credit.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 9, Subchapter H, §§9.141- 9.144, 9.146, and 9.147.

§9.141. *Purpose.*

§9.142. *Authority.*

§9.143. *Types of Partnerships.*

§9.144. *Partnership Agreements.*

§9.146. *Remedial and Developmental Instruction for High School Students.*

§9.147. *College Preparatory Courses for High School Students.*

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 April 11, 2025.

TRD-202501210

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



CHAPTER 13. FINANCIAL PLANNING SUBCHAPTER A. DEFINITIONS

19 TAC §13.1

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter A, §13.1, concerning Definitions. Specifically, this amendment will add a definition for

"class day" and correspondingly modify the definition for "census date" to add greater specificity.

The Coordinating Board is authorized to adopt rules relating to tuition and fees by Texas Education Code, §54.075, and relating to the reporting of hours for the purpose of formula funding by Texas Education Code, §§130A.005, 54.014, 61.059(r), and 61.0595.

Rule 13.1, Definitions, is amended by modifying the definition of "census date" and adding a definition for "class day." The definition of "census date" is tied to "class day" to allow for emergent circumstances (e.g. natural disaster) that otherwise could affect the institution's ability to capture enrollment accurately. If, for example, an institution's classes are substantially disrupted or cancelled on a day leading up to the census date, that day would not meet the definition of "class day," and the census date would be shifted accordingly to the next class day. The definition of "census date" is further amended to eliminate references to the Coordinating Board Management (CBM) manual; rather, the same criteria for determining the census date in a given term are included in the rule directly via the figure in §13.1(5).

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

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

Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved clarity regarding institutions' census dates, which are related to collection of tuition and fees and formula funding, as well as greater flexibility for institutions in responding to emergent situations that could affect these functions. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid

Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules relating to tuition, and Sections 130A.005, 54.014, 61.059(r), and 61.0595, which provide the Coordinating Board with the authority to adopt rules relating to the reporting of hours for the purpose of formula funding.

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

§13.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise or the relevant subchapter specifies a different definition.

(1) Auxiliary Enterprise--Activities providing a service to students, faculty, or staff for a fee directly related to, although not necessarily equal to, the cost of the service.

(2) Available University Fund (AUF)--A fund established in Article 7, §18, of the Texas Constitution to receive all interest and earnings of the Permanent University Fund and used to pay the debt service on PUF-backed bonds.

(3) Base Year--The semesters comprising the year of contact hours used for applying the formula funding distribution to the colleges and universities (usually the summer and fall of even years and the spring of odd years).

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

(5) Census Date--For the purpose of this chapter, the class day upon which an institution captures enrollment to [The date upon which an institution may] report a student in attendance for the purposes of formula funding, as specified in Figure 1 [the Coordinating Board Management (CBM) manual for the year in which the funding is reported].

Figure: 19 TAC §13.1(5)

(6) Class Day--A day upon which an institution of higher education holds regularly scheduled classes. A day upon which an institution does not conduct classes due to closure of the institution or based on issuance of a disaster proclamation under Texas Government Code, chapter 418, may be excluded for the purpose of calculating class days.

(7) ~~[(6)]~~ Contact Hour--A time unit of instruction used by community, technical, and state colleges consisting of 60 minutes, of which 50 minutes must be direct instruction.

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

(9) ~~[(8)]~~ Coordinating Board Staff or Board Staff--Agency staff acting under the direction of the Board and the Commissioner.

(10) ~~[(9)]~~ Current Operating Funds--Unrestricted (appropriated) funds, designated funds, restricted funds, and auxiliary enterprise funds.

(11) ~~[(10)]~~ Developmental Coursework--Non-degree-credit courses designed to address a student's deficiencies.

(12) ~~[(11)]~~ Developmental Education--Courses, laboratories, or other efforts to bring student skills in reading, writing, and mathematics to entering college level. English as a Second

Language (ESL) courses may be considered developmental education, but only when they are used to bring student skill levels in reading or writing to entering college level. The term as used in this chapter does not include courses in study skills or thinking skills.

(13) [(42)] Formula Funding--The mathematical method used to allocate appropriated sources of funds among institutions of higher education.

(14) [(43)] Functional categories (as defined by National Association of College and University Business Officers)--Instruction, research, public service, academic support, student service, institutional support, operation and maintenance of plant, scholarships and fellowships, depreciation, auxiliary enterprises, and hospital.

(15) [(44)] General Academic Teaching Institution--Any college, university, or institution so classified in Texas Education Code, §61.003(3), or created and so classified by law.

(16) [(45)] General Revenue (GR)--State tax revenue.

(17) [(46)] Governmental Accounting Standards Board (GASB)--An entity created by the Financial Accounting Foundation to set accounting standards for governmental entities including public institutions of higher education.

(18) [(47)] Higher Education Fund (HEF)--A fund established in Article 7, §17, of the Texas Constitution to fund capital improvements and capital equipment for institutions not included in the Permanent University Fund.

(19) [(48)] Independent institution of higher education--A private or independent college or university as defined in Texas Education Code, §61.003(15), that is:

(A) organized under the Texas Non-Profit Corporation Act;

(B) exempt from taxation under Article VIII, §2, of the Texas Constitution and §501(c)(3) of the Internal Revenue Code; and

(C) accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

(20) [(49)] Institution of Higher Education or Institution--Any public technical institute, public junior college, public senior college or university, medical or dental unit, public state college, or other agency of higher education as defined in Texas Education Code, §61.003.

(21) [(20)] Institutional Expenditures--All costs of activities separately organized and operated in connection with instructional departments primarily for the purpose of giving professional training to students as a necessary part of the educational work of the related departments.

(22) [(21)] Institutional Funds--Fees, gifts, grants, contracts, and patient revenue, not appropriated by the legislature.

(23) [(22)] Local Funds--Tuition, certain fees, and other educational and general revenue appropriated by the legislature.

(24) [(23)] National Association of College and University Business Officers (NACUBO)--Provides guidance in business operations of higher education institutions.

(25) [(24)] Permanent University Fund (PUF)--A fund established in Article 7, §11, of the Texas Constitution to fund capital improvements and capital equipment at certain institutions of higher education.

(26) [(25)] Public Junior College--A public institution of higher education as defined in Texas Education Code, §61.003(2).

(27) [(26)] Public State College--Any public state college as defined in Texas Education Code, §61.003(16).

(28) [(27)] Public Technical Institute--Any public technical institute as defined in Texas Education Code, §61.003(7), excluding Lamar Institute of Technology.

(29) [(28)] Public Two-year College--Any public junior college, public community college, public technical institute, or public state college.

(30) [(29)] Semester Credit Hour (SCH)--A unit of measure of instruction consisting of 60 minutes, of which 50 minutes must be direct instruction, over a 15-week period in a semester system or a 10-week period in a quarter system.

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 April 14, 2025.

TRD-202501251

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER F. FORMULA FUNDING FOR REPEATED AND EXCESS HOURS OF UNDERGRADUATE STUDENTS

19 TAC §13.101

The Texas Higher Education Coordinating Board (Coordinating Board) proposes amendments to Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter F, §13.101, concerning Authority.

Separately from and concurrently with these amendments, the Coordinating Board proposes to repeal §13.108, Tuition Rate for Students, and relocate the substance to a different location within Chapter 13. The below amendments to subchapter F are necessary to conform with that revision. The Coordinating Board is authorized by Texas Education Code, §54.014, to adopt rules relating to tuition for repeated or excessive undergraduate hours.

First, this amendment will retitle subchapter F to remove the reference to tuition charges. Specifically, the amendment will remove the phrase "and Tuition Charges" to reflect the removal of §13.108, which pertains to tuition charges, from subchapter F. The new title of the subchapter will then be "Formula Funding for Repeated and Excess Hours of Undergraduate Students."

In addition, the amendment will revise §13.101, Authority. Section 13.101 lists a number of statutes that relate to the underlying subject matter of subchapter F. The first sentence of §13.101 is a reference to Texas Education Code, §54.014, pertaining to the authority of institutions to charge a higher rate of tuition for repeated or excess hours. With the repeal of §13.108, this provision is no longer applicable to subchapter F and thus will be removed by this amendment.

Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has determined that for each of the first five years the sections are in effect there would be no fiscal im-

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

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

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

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The amendment is proposed under Texas Education Code, Section 54.014, which provides the Coordinating Board with the authority to adopt rules relating to tuition for repeated or excessive undergraduate hours.

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

§13.101. Authority.

[Texas Education Code, §54.014, provides that each institution may charge a higher rate of tuition to students with repeated or excess hours.] Texas Education Code, §61.0595, limits formula funding for excess hours. Texas Education Code, §61.059(r), establishes that contact hours or semester credit hours related to a course that a student is taking for the third time may not be reported for the purpose of formula funding. Texas Education Code, §61.059(b), grants the Coordinating Board the authority to devise, establish, and periodically review and revise formula recommendations for institutions of higher education. Texas Education Code, §130A, establishes the Public Junior College State Finance Program. Texas Education Code, §51.340, limits the number of remedial or developmental education semester credit hours for which formula funding may be received.

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 April 11, 2025.

TRD-202501211

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



19 TAC §13.108

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter F, §13.108, concerning Tuition Rate for Students. Specifically, this repeal will allow for the rule's relocation to Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §54.014, to adopt rules relating to tuition for repeated or excessive undergraduate hours.

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

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

Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved access to the rule by moving it to a more appropriate location. There are no anticipated economic costs to persons who are required to comply with the section as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid

Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 54.014, which provides the Coordinating Board with the authority to adopt rules relating to tuition for repeated or excessive undergraduate hours.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

§13.108. Tuition Rate for Students.

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 April 11, 2025.

TRD-202501212

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER G. TUITION AND FEES

19 TAC §§13.120, 13.121, 13.123 - 13.128

The Texas Higher Education Coordinating Board (Coordinating Board) proposes new rules in Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter G, §§13.120, 13.121, and 13.123 - 13.128, concerning Tuition and Fees. Specifically, this new section will consolidate existing rules relating to tuition and fees, add greater specificity to rules relating to the collection of tuition and fees, and codify the current practice relating to the calculation of the Reserve Officers' Training Corps (ROTC) program fee.

The purpose of this new subchapter is to establish procedures relating to the determination of various tuition rates; the collection, refunding, and reporting of tuition; and the administration of other tuition-related matters. The Coordinating Board is authorized by Texas Education Code, §54.075, to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

Rule 13.120, Authority and Purpose, establishes the general statutory authority (more specific references are made in subsequent sections, as needed) for the provisions of the subchapter and outlines the subchapter's purpose.

Rule 13.121, Definitions, establishes definitions for words and terms used throughout the subchapter. These definitions do not substantively deviate from their use elsewhere in Coordinating Board rules.

Rule 13.123, Collection of Tuition and Mandatory Fees, provides guidance to institutions regarding requirements for the collection of tuition and mandatory fees from students. The rule is the reconstituted rule §21.4 with significant, substantive revisions.

Subsection (a) sets out the expectation that tuition and fees are paid in full by the census date, as required by Texas Education Code, §54.007, unless a student meets specific exceptions. Current §21.4 references formula funding, but §54.007 makes

no reference to formula funding, so the reference has been removed.

Subsection (b) is not in the current §21.4. It captures the statutory allowance in Texas Education Code, 54.007(b-2), mirroring statute to acknowledge that there are times when a student might not have been paid in full by the census date. This allows for the fact that there are reasons why a student account might not be at a zero balance by the census date, while still being valid for formula funding reporting if that balance is cleared by the 20th class day.

Subsection (c) references the formula funding requirement, from General Appropriations Act, 88th Legislature, Rider 15 (III-288), to collect tuition and fees by the 20th class day. Much of the rule language mirrors the rider. The provisions of subsection (b) do not apply to subsection (c). Effectively, remaining balances that are allowable at the census date based on subsection (b) must be resolved by the 20th class day.

Subsection (d) is based upon Texas Education Code, §54.0071(d), regarding the Coordinating Board prescribing procedures for the administration of that section.

Subsection (e) is the reconstituted §21.4(a)(4) with no substantive changes, except that "contact hours" is replaced with "semester credit hours, or the equivalent." Subsections (f) and (g) are the reconstituted §21.4(a)(5) and (6), respectively, with no substantive changes.

Rule 13.124, Reporting of Tuition and Fees, details institutional reporting requirements to the Coordinating Board relating to tuition and fee data. Substantively, the section is the reconstituted §13.142, but the provisions of that section have been rewritten for clarity. The effect of the rule is unchanged.

Rule 13.125, Tuition Rate for Excess Hours of Undergraduate Students, specifies the manner in which institutions may charge a higher tuition rate to undergraduate students who have exceeded the excess credit hour limit established in Texas Education Code, §54.014(a), as well as the exceptions to this allowance. The rule is the reconstituted §13.108(a) and (c); the only substantive change was to align with statute by clarifying that institutions that charge a higher tuition rate under the section may adopt a hardship policy but are not obligated to do so.

Rule 13.126, Tuition Rate for Repeated Hours of Undergraduate Students, specifies the manner in which institutions may charge a higher tuition rate to undergraduate students for repeated courses, as described in Texas Education Code, §54.014(f), as well as the exceptions to this allowance. The rule is the reconstituted §13.108(b), (c), and (d), with only nonsubstantive revisions to provide greater detail regarding statutory authority, improve readability, and update citations. Texas Education Code, §54.014, authorizes the Coordinating Board to adopt rules relating to tuition rates for excess or repeated hours of undergraduate students.

Rule 13.127, Notice to Students Regarding Designated Tuition Set Aside for Financial Assistance, outlines institutional requirements to notify students regarding tuition set aside for financial aid purposes. The rule is the reconstituted Chapter 21, Subchapter QQ, with nonsubstantive revisions to consolidate the subchapter into a single section. References to the "Commissioner" are replaced with "Coordinating Board" to align with practice. Texas Education Code, 56.014, authorizes the Coordinating Board to adopt rules relating to institutions' required notice regarding tuition set aside for financial assistance.

Rule 13.128, Reserve Officers' Training Corps (ROTC) Program Fee Calculation, outlines the methodology by which the Coordinating Board calculates, pursuant to Texas Education Code, §51.9112, a standard program fee for ROTC courses at institutions of higher education, as well as the circumstances under which an institution may exceed the fee. Subsection (d) details how the calculation is conducted, codifying current practice. There would be no change in how the ROTC program fee is determined as a result of the adoption of this rule. Texas Education Code, §51.9112, authorizes the Coordinating Board to adopt rules relating to the calculation of the ROTC program fee.

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

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

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

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The new section is proposed under Texas Education Code, Sections 51.9112, 54.014, 54.075, and 56.014, which provide the Coordinating Board with the authority to adopt rules relating to the ROTC program fee, tuition rates for excess or repeated undergraduate hours, tuition rates generally, and institutional notice regarding tuition set aside for financial assistance, respectively.

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

§13.120. Authority and Purpose.

(a) Authority. Unless otherwise noted in a section, authority for these provisions is provided by Texas Education Code, chapter 54, subchapter B, Tuition Rates.

(b) The purpose of this subchapter is to establish procedures relating to the determination of various tuition rates; the collection, re-funding, and reporting of tuition; and the administration of other tuition-related matters.

§13.121. Definitions.

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

(1) Mandatory or Required Fee--A fee authorized by statute or the governing board of an institution that the institution charges to all students as a condition of enrollment. For institutions other than public community colleges, such fees would be required to be paid by the census date or other date as mandated by the state for formula funding purposes.

(2) Tuition--Statutory, designated, and/or board-authorized tuition.

(A) Statutory Tuition--A tuition charge authorized under Texas Education Code, §54.051, in an amount determined by the Texas Legislature for a resident or nonresident student. This includes the charge for state-funded continuing education courses.

(B) Designated Tuition--A tuition charge authorized under Texas Education Code, §54.0513, that institutions other than public community colleges may impose on any graduate or undergraduate, resident or nonresident student, in an amount that the governing board of the institution considers necessary for the effective operation of the institution.

(C) Board-authorized Tuition--A tuition charge that a general academic teaching institution or a medical and dental unit may impose on any graduate resident or nonresident student in an amount as specified in Texas Education Code, §54.008.

§13.123. Collection of Tuition and Mandatory Fees.

(a) On or before the respective census date for the semester or term, as defined in §13.1 of this chapter (relating to Definitions), each institution of higher education, as defined by §13.1 of this chapter, shall collect in full from each student the amounts set as tuition and mandatory fees established by state law or the respective governing boards, unless:

(1) the student's payment due date has been postponed due to pending disbursements of financial aid as described and provided by in Texas Education Code, §54.0071;

(2) the student's payment due date has been postponed based on the student's election to pay tuition and mandatory fees by installment as provided in Texas Education Code, §54.007; or

(3) the institution has determined that the student meets the eligibility requirements that allow the student to earn credit at no cost to the student, such as occurs in chapter 13, subchapter Q of this title (relating to Financial Aid for Swift Transfer (FAST) Program).

(b) An institution of higher education may collect on a due date subsequent to the census date unpaid tuition and mandatory fee balances resulting from:

(1) an adjustment to a student's enrollment status or an administrative action; or

(2) unpaid residual balances of tuition and mandatory fees constituting less than five percent of the total amount of tuition

and mandatory fees charged to the student by the institution for that semester or term.

(c) An institution of higher education shall collect from each student who is to be counted for state formula funding appropriations, the tuition and mandatory fees established by state law or by its governing board on or before the end of the 20th class day for each regular semester and the 15th class day for each summer session.

(1) An institution of higher education may fulfill its obligation under this section by complying with subsection (a) of this section.

(2) An institution may consider a valid contract with the United States Government for instruction of eligible military personnel or a valid contract with private business or public service-type organization or institution, such as a hospital, as a collection for the purpose of this section after final payment and adjustment of the amount paid under the contract.

(d) Each institution shall adopt a policy regarding the postponement of a student's payment due date due to pending disbursement of financial aid as described in Texas Education Code, §54.0071 and §54.007(f). The institution shall reference its tuition payment policy in any billing statement provided to students regarding the collection of tuition and mandatory fees.

(e) The institution must require that a returned check be covered by a transfer from a self-supporting auxiliary enterprise fund or other non-state fund source (e.g., food service, bookstore) within ten days of the date the institution receives the returned check in order for semester credit hours, or their equivalent, to be submitted for state funding.

(f) The institution may not reimburse an auxiliary enterprise or other non-state fund source with state-provided funds.

(g) Each institution shall retain a record of individual student tuition or tuition and fee payment and returned checks for verification by the State Auditor.

§13.124. Reporting of Tuition and Fees.

(a) Authority. Texas Education Code, §54.075, authorizes the Board to adopt rules to carry out the purposes of Texas Education Code, chapter 54, subchapter B.

(b) Each institution of higher education, as defined in §13.1 of this chapter (relating to Definitions), shall report annually to the Coordinating Board the types and amounts of tuition and fees charged to students during the previous academic year. Each institution shall separate these data by semester.

§13.125. Tuition Rate for Excess Hours of Undergraduate Students.

(a) Authority. Authority for this section is Texas Education Code, §54.014, Tuition for Repeated or Excessive Undergraduate Hours.

(b) Excess Hours. An institution of higher education, as defined in §13.1 of this chapter (relating to Definitions) may charge a higher tuition rate, not to exceed the rate charged to nonresident undergraduate students, to a student whose hours can no longer be submitted for formula funding under §13.103 of this chapter (relating to Limitation on Formula Funding for Excess Hours), unless those hours are exempted under §13.104 of this chapter (relating to Exemptions for Excess Hours).

(c) If an institution charges a higher tuition rate under this section, it may adopt a policy under which a student is exempted from the payment of that higher tuition rate if payment of the higher tuition rate would result in an economic hardship for the student.

§13.126. Tuition Rate for Repeated Hours of Undergraduate Students.

(a) Authority. Authority for this section is Texas Education Code, §54.014, Tuition for Repeated or Excessive Undergraduate Hours.

(b) Repeated Hours. Unless the hours are exempted under §13.106 of this chapter (relating to Exemptions for Repeated Hours for Attempted Courses), an institution may charge a higher tuition rate, not to exceed the rate charged to nonresident undergraduate students, to a student who enrolls in a course he or she has already completed, regardless of whether the hours may be submitted for formula funding.

(c) If an institution charges a higher tuition rate under this section, it shall adopt a policy under which a student is exempted from the payment of that higher tuition rate if payment of the higher tuition rate would result in an economic hardship for the student.

(d) An institution shall exempt a student from payment of higher tuition for any course repeated in the final semester or term before graduation if the course(s) is taken for the purpose of receiving a grade that will satisfy a degree requirement. This exemption applies for only one semester. The exemption does not affect an institution's ability to charge a higher tuition rate for courses that cannot be reported for funding for other reasons such as the excess credit hour limit, or an institution's ability to waive higher tuition rates for economic hardship.

§13.127. Notice to Students Regarding Designated Tuition Set Aside for Financial Assistance.

(a) Authority. Authority for this section is provided in the Texas Education Code, §56.014, Notice to Students Regarding Tuition Set Aside for Financial Assistance.

(b) Each institution of higher education that is required to set aside a portion of a student's designated tuition to provide financial assistance shall provide to each student who pays designated tuition a notice that includes:

(1) the amount of designated tuition that is set aside for financial aid programs, based on the number of semester credit hours (or equivalent) for which the students originally enrolled; and

(2) the generalized formula the institution employs for calculating tuition set-asides.

(c) For the purpose of subsection (b)(2) of this section, no update to the notice is required as a result of a change in the number of credit hours after the student originally enrolls.

(d) The institution shall include the notice with one of the following:

(1) the student's tuition bill or billing statement, if the institution provides the student with a printed bill or statement for the payment of tuition;

(2) the student's tuition receipt, if the institution provides the student with a printed receipt for the payment of tuition; or

(3) a statement prominently displayed in an e-mail, if the institution does not provide the student with a printed tuition bill, statement, or receipt.

§13.128. Reserve Officers' Training Corps (ROTC) Program Fee Calculation.

(a) Authority. Authority for this section is Texas Education Code, §51.9112, Reserve Officers' Training Corps (ROTC) Program: Fees and Course Credit.

(b) The Coordinating Board shall determine a standard fee for a course offered through a Reserve Officers' Training Corps (ROTC)

program using the methodology described in subsection (d) of this section.

(c) An institution of higher education may not charge a student enrolled in an ROTC course any amount for the course in excess of the standard fee, unless the institution offers course credit toward the student's degree for a course in which the student enrolls for the purposes of an ROTC program. In that case, the institution may charge the student tuition for that course after subtracting any reimbursement or other amount the institution receives from the applicable military service or other source for offering the course.

(d) Methodology. Each year, the Coordinating Board will determine the standard ROTC fee for the forthcoming fiscal year using the procedure detailed in this subsection.

(1) The Coordinating Board identifies (by querying the CBM0CS database for military science courses) all institutions of higher education with ROTC programs.

(2) Using the General Academic Institution Expenditure Study, the Coordinating Board identifies the total non-salary expenditures and semester credit hours associated with upper- and lower-level undergraduate courses in the Liberal Arts discipline for the institutions identified in paragraph (1) of this subsection.

(3) The data described by paragraph (2) of this subsection for the previous three fiscal years are used to forecast values for the current and forthcoming fiscal year using the FORECAST function in Microsoft Excel or a comparable forecasting function. Current fiscal year values are forecasted because actual values are not available at the time of calculation.

(4) The Coordinating Board divides the forecasted expenditures for the forthcoming fiscal year by the forecasted semester credit hours for the forthcoming fiscal year, yielding a forecasted average expenditure per semester credit hour for the forthcoming fiscal year.

(5) The forecasted average expenditure per semester credit hour for the forthcoming fiscal year described by paragraph (4) of this subsection is the standard ROTC program fee for the forthcoming fiscal year. This standard fee is determined annually by the Coordinating Board pursuant to Texas Education Code, §51.9112, and published on the Coordinating Board website.

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 April 14, 2025.

TRD-202501252

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER H. REPORTING OF TUITION AND FEES

19 TAC §§13.140 - 13.143

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 13, Subchapter H, §§13.140 - 13.143, concerning Reporting of Tuition and Fees. Specifically, this repeal

will allow for the provisions of this subchapter to be relocated to Chapter 13, Subchapter G, Tuition and Fees. Texas Education Code, §54.075, authorizes the Coordinating Board to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

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

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

Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be the improved rule clarity by consolidating tuition-related rules into a single subchapter. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 13.

§13.140. *Purpose.*

§13.141. *Authority.*

§13.142. *Definitions.*

§13.143. *Reporting.*

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

Filed with the Office of the Secretary of State on April 11, 2025.

TRD-202501213

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



CHAPTER 21. STUDENT SERVICES SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §21.4, §21.7

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter A, §21.4 and §21.7, concerning General Provisions. Specifically, this repeal will allow all tuition-related rules to be consolidated into Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §54.075 to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

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

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

Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as a result of administering the section will be improved rule clarity by consolidating all tuition-related rules into a single location. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

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

Comments on the proposal may be submitted to Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 54.075, which provides the Coordinating Board with the authority to adopt rules to carry out the purposes of Texas Education Code, Chapter 54, Subchapter B, Tuition Rates.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 21.

§21.4. *Collection of Tuition.*

§21.7. *Tuition and Fee Definitions.*

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 April 11, 2025.

TRD-202501214

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER QQ. PROVISIONS FOR NOTICE TO STUDENTS REGARDING TUITION SET ASIDE FOR FINANCIAL ASSISTANCE

19 TAC §§21.2230 - 21.2232

The Texas Higher Education Coordinating Board (Coordinating Board) proposes repeal of Texas Administrative Code, Title 19, Part 1, Chapter 21, Subchapter QQ, §§21.2230 - 21.2232, concerning Provisions for Notice to Students Regarding Tuition Set Aside for Financial Assistance. Specifically, this repeal will allow all tuition-related rules to be consolidated into Chapter 13, Subchapter G, Tuition and Fees. The Coordinating Board is authorized by Texas Education Code, §56.014 to adopt rules to effectuate the provisions of that section.

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

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

Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, has also determined that for each year of the first five years the sections are in effect, the public benefit anticipated as a result of administering the section will be the improved rule clarity by consolidating all tuition-related rules into a single location. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

Comments on the proposal may be submitted to Dr. Charles Contéro-Puls, Assistant Commissioner for Student Financial Aid Programs, P.O. Box 12788, Austin, Texas 78711-2788, or via email at SFAPPolicy@highered.texas.gov. Comments will be accepted for 30 days following publication of the proposal in the *Texas Register*.

The repeal is proposed under Texas Education Code, Section 56.014, which provides the Coordinating Board with the authority to adopt rules to effectuate the provisions of that section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 21.

§21.2230. *Authority and Purpose.*

§21.2231. *Definitions.*

§21.2232. *Notice to Students.*

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 April 11, 2025.

TRD-202501215

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



CHAPTER 26. PROGRAMS OF STUDY

The Texas Higher Education Coordinating Board (Coordinating Board) proposes the repeal of Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter A, §§26.101 - 26.107, Agriculture, Food and Natural Resources Programs of Study Advisory Committee; Subchapter B, §§26.121 - 26.127, Architecture and Construction Programs of Study Advisory Committee; Subchapter C, §§26.141 - 26.147, Arts, Audio/Visual

Technology and Communications Programs of Study Advisory Committee; Subchapter D, §§26.161 - 26.167, Business Management and Administration Programs of Study Advisory Committee; Subchapter E, §§26.181 - 26.187, Education and Training Programs of Study Advisory Committee; Subchapter F, §§26.201 - 26.207, Finance Programs of Study Advisory Committee; Subchapter G, §§26.221 - 26.227, Government and Public Administration Programs of Study Advisory Committee; Subchapter H, §§26.241 - 26.247, Health Science Programs of Study Advisory Committee; Subchapter I, §§26.261 - 26.267, Hospitality and Tourism Programs of Study Advisory Committee; Subchapter J, §§26.281 - 26.287, Human Services Programs of Study Advisory Committee; Subchapter K, §§26.301 - 26.307, Information Technology Programs of Study Advisory Committee; Subchapter L, §§26.321 - 26.327, Law, Public Safety, Corrections, and Security Programs of Study Advisory Committee; Subchapter M, §§26.341 - 26.347, Manufacturing Programs of Study Advisory Committee; Subchapter N, §§26.361 - 26.367, Marketing Programs of Study Advisory Committee; Subchapter O, §§26.381 - 26.387, Science, Technology, Engineering and Mathematics Programs of Study Advisory Committee; and Subchapter P, §§26.401 - 26.407, Transportation, Distribution, and Logistics Programs of Study Advisory Committee. Specifically, the repeal of Chapter 26 will eliminate unnecessary rules governing programs of study advisory committees which were set to be abolished no later than January 1, 2020.

The Coordinating Board proposes the repeal of Chapter 26 as part of an effort to update agency rules. It is necessary to repeal the rules in Chapter 26, Subchapters A - P, because the programs of study advisory committees are non-operational, and the rules that govern these programs of study advisory committees should be repealed.

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

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

Tina Jackson, Assistant Commissioner for Workforce Education, has also determined that for each year of the first five years the section is in effect, the public benefit anticipated as the result of adopting this rule is to repeal unnecessary rules that govern programs of study advisory committees which were set to be abolished no later than January 1, 2020. There are no anticipated economic costs to persons who are required to comply with the sections as proposed.

Government Growth Impact Statement

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

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

Comments on the proposed repeal may be submitted to Tina Jackson, Assistant Commissioner for Workforce Education, P.O. Box 12788, Austin, Texas, 78711 or via email at RuleComments@highered.texas.gov. Comments will be accepted for thirty days following publication of the proposal in the *Texas Register*.

SUBCHAPTER A. AGRICULTURE, FOOD AND NATURAL RESOURCES PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.101 - 26.107

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter A, §§26.101 - 26.107.

- §26.101. *Authority and Specific Purposes of the Agriculture, Food and Natural Resources Programs of Study Advisory Committee.*
- §26.102. *Definitions.*
- §26.103. *Committee Membership Officers.*
- §26.104. *Duration.*
- §26.105. *Meetings.*
- §26.106. *Tasks Assigned to the Committee.*
- §26.107. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.
 TRD-202501216
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Earliest possible date of adoption: May 25, 2025
 For further information, please call: (512) 427-6209



SUBCHAPTER B. ARCHITECTURE AND CONSTRUCTION PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.121 - 26.127

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter B, §§26.121 - 26.127.

- §26.121. *Authority and Specific Purposes of the Architecture and Construction Programs of Study Advisory Committee.*
- §26.122. *Definitions.*
- §26.123. *Committee Membership and Officers.*
- §26.124. *Duration.*
- §26.125. *Meetings.*
- §26.126. *Tasks Assigned to the Committee.*
- §26.127. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.
 TRD-202501217
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Earliest possible date of adoption: May 25, 2025
 For further information, please call: (512) 427-6209



SUBCHAPTER C. ARTS, AUDIO/VISUAL TECHNOLOGY AND COMMUNICATIONS PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.141 - 26.147

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter C, §§26.141 - 26.147.

- §26.141. *Authority and Specific Purposes of the Arts, Audio/Visual Technology and Communications Programs of Study Advisory Committee.*
- §26.142. *Definitions.*
- §26.143. *Committee Membership and Officers.*
- §26.144. *Duration.*
- §26.145. *Meetings.*
- §26.146. *Tasks Assigned to the Committee.*
- §26.147. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.
 TRD-202501218
 Nichole Bunker-Henderson
 General Counsel
 Texas Higher Education Coordinating Board
 Earliest possible date of adoption: May 25, 2025
 For further information, please call: (512) 427-6209

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SUBCHAPTER D. BUSINESS MANAGEMENT
AND ADMINISTRATION PROGRAMS OF
STUDY ADVISORY COMMITTEE

19 TAC §§26.161 - 26.167

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter D, §§26.161 - 26.167.

§26.161. *Authority and Specific Purposes of the Business Management and Administration Programs of Study Advisory Committee.*

§26.162. *Definitions.*

§26.163. *Committee Membership and Officers.*

§26.164. *Duration.*

§26.165. *Meetings.*

§26.166. *Tasks Assigned to the Committee.*

§26.167. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501219

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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

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SUBCHAPTER E. EDUCATION AND
TRAINING PROGRAMS OF STUDY ADVISORY
COMMITTEE

19 TAC §§26.181 - 26.187

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter E, §§26.181 - 26.187.

§26.181. *Authority and Specific Purposes of the Education and Training Programs of Study Advisory Committee.*

§26.182. *Definitions.*

§26.183. *Committee Membership and Officers.*

§26.184. *Duration.*

§26.185. *Meetings.*

§26.186. *Tasks Assigned to the Committee.*

§26.187. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501220

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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

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SUBCHAPTER F. FINANCE PROGRAMS OF
STUDY ADVISORY COMMITTEE

19 TAC §§26.201 - 26.207

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter F, §§26.201 - 26.207.

§26.201. *Authority and Specific Purposes of the Finance Programs of Study Advisory Committee.*

§26.202. *Definitions.*

§26.203. *Committee Membership and Officers.*

§26.204. *Duration.*

§26.205. *Meetings.*

§26.206. *Tasks Assigned to the Committee.*

§26.207. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501221

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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

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SUBCHAPTER G. GOVERNMENT AND
PUBLIC ADMINISTRATION PROGRAMS OF
STUDY ADVISORY COMMITTEE

19 TAC §§26.221 - 26.227

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter G, §§26.221 - 26.227.

§26.221. *Authority and Specific Purposes of the Government and Public Administration Programs of Study Advisory Committee.*

§26.222. *Definitions.*

§26.223. *Committee Membership and Officers.*

§26.224. *Duration.*

§26.225. *Meetings.*

§26.226. *Tasks Assigned to the Committee.*
§26.227. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501222

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER H. HEALTH SCIENCE PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.241 - 26.247

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter H, §§26.241 - 26.247.

§26.241. *Authority and Specific Purposes of the Health Science Programs of Study Advisory Committee.*

§26.242. *Definitions.*

§26.243. *Committee Membership and Officers.*

§26.244. *Duration.*

§26.245. *Meetings.*

§26.246. *Tasks Assigned to the Committee.*

§26.247. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501223

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER I. HOSPITALITY AND TOURISM PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.261 - 26.267

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter I, §§26.261 - 26.267.

§26.261. *Authority and Specific Purposes of the Hospitality and Tourism Programs of Study Advisory Committee.*

§26.262. *Definitions.*

§26.263. *Committee Membership and Officers.*

§26.264. *Duration.*

§26.265. *Meetings.*

§26.266. *Tasks Assigned to the Committee.*

§26.267. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501224

Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER J. HUMAN SERVICES PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.281 - 26.287

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter J, §§26.281 - 26.287.

§26.281. *Authority and Specific Purposes of the Human Services Programs of Study Advisory Committee.*

§26.282. *Definitions.*

§26.283. *Committee Membership and Officers.*

§26.284. *Duration.*

§26.285. *Meetings.*

§26.286. *Tasks Assigned to the Committee.*

§26.287. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501225

Nichole Bunker-Henderson

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Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER K. INFORMATION
TECHNOLOGY PROGRAMS OF STUDY
ADVISORY COMMITTEE

19 TAC §§26.301 - 26.307

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter K, §§26.301 - 26.307.

§26.301. *Authority and Specific Purposes of the Information Technology Programs of Study Advisory Committee.*

§26.302. *Definitions.*

§26.303. *Committee Membership and Officers.*

§26.304. *Duration.*

§26.305. *Meetings.*

§26.306. *Tasks Assigned to the Committee.*

§26.307. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501226

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER L. LAW, PUBLIC SAFETY,
CORRECTIONS, AND SECURITY PROGRAMS
OF STUDY ADVISORY COMMITTEE

19 TAC §§26.321 - 26.327

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter L, §§26.321 - 26.327.

§26.321. *Authority and Specific Purposes of the Law, Public Safety, Corrections, and Security Programs of Study Advisory Committee.*

§26.322. *Definitions.*

§26.323. *Committee Membership and Officers.*

§26.324. *Duration.*

§26.325. *Meetings.*

§26.326. *Tasks Assigned to the Committee.*

§26.327. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501227

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER M. MANUFACTURING
PROGRAMS OF STUDY ADVISORY
COMMITTEE

19 TAC §§26.341 - 26.347

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter M, §§26.341 - 26.347.

§26.341. *Authority and Specific Purposes of the Manufacturing Programs of Study Advisory Committee.*

§26.342. *Definitions.*

§26.343. *Committee Membership and Officers.*

§26.344. *Duration.*

§26.345. *Meetings.*

§26.346. *Tasks Assigned to the Committee.*

§26.347. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501228

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER N. MARKETING PROGRAMS
OF STUDY ADVISORY COMMITTEE

19 TAC §§26.361 - 26.367

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter N, §§26.361 - 26.367.

§26.361. *Authority and Specific Purposes of the Marketing Programs of Study Advisory Committee.*

§26.362. *Definitions.*

§26.363. *Committee Membership and Officers.*

§26.364. *Duration.*

§26.365. *Meetings.*

§26.366. *Tasks Assigned to the Committee.*

§26.367. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501229

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER O. SCIENCE, TECHNOLOGY, ENGINEERING AND MATHEMATICS PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.381 - 26.387

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter O, §§26.381 - 26.387.

§26.381. *Authority and Specific Purposes of the Science, Technology, Engineering and Mathematics Programs of Study Advisory Committee.*

§26.382. *Definitions.*

§26.383. *Committee Membership and Officers.*

§26.384. *Duration.*

§26.385. *Meetings.*

§26.386. *Tasks Assigned to the Committee.*

§26.387. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501230

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



SUBCHAPTER P. TRANSPORTATION, DISTRIBUTION, AND LOGISTICS PROGRAMS OF STUDY ADVISORY COMMITTEE

19 TAC §§26.401 - 26.407

The repeal is proposed under Texas Education Code, Section 61.8235(g), which provides the Coordinating Board with the authority to adopt and publish rules in accordance with the administration of this section.

The proposed repeal affects Texas Administrative Code, Title 19, Part 1, Chapter 26, Subchapter P, §§26.401 - 26.407.

§26.401. *Authority and Specific Purposes of the Transportation, Distribution, and Logistics Programs of Study Advisory Committee.*

§26.402. *Definitions.*

§26.403. *Committee Membership and Officers.*

§26.404. *Duration.*

§26.405. *Meetings.*

§26.406. *Tasks Assigned to the Committee.*

§26.407. *Report to the Board; Evaluation of Committee Costs and Effectiveness.*

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 April 11, 2025.

TRD-202501231

Nichole Bunker-Henderson

General Counsel

Texas Higher Education Coordinating Board

Earliest possible date of adoption: May 25, 2025

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



PART 2. TEXAS EDUCATION AGENCY

CHAPTER 151. COMMISSIONER'S RULES CONCERNING PASSING STANDARDS FOR EDUCATOR CERTIFICATION EXAMINATIONS

19 TAC §151.1001

The Texas Education Agency (TEA) proposes an amendment to §151.1001, concerning passing standards for educator certification examinations. The proposed amendment would specify the satisfactory scores for the examinations for Deafblind EC-12 and Special Education Specialist EC-12.

BACKGROUND INFORMATION AND JUSTIFICATION: Texas Education Code, §21.048(a), requires the commissioner to establish the satisfactory levels of performance required on educator certification examinations and requires a satisfactory level of performance on each core subject covered by an examination. The proposed passing standards were established by subject-matter expert stakeholder committee groups.

Section 151.1001 specifies the passing standards for all pedagogical and content certification examinations as approved by the commissioner. The proposed amendment to Figure: 19 TAC §151.1001(b)(12) would introduce passing standards for the Deafblind EC-12 and Special Education Specialist EC-12 Texas Examinations of Educator Standards examinations.

The average passing standard is expressed as an average raw cut score of all active forms of a test or the minimum proficiency level. It is critical to note that the actual raw cut scores may vary

slightly from form to form to balance the overall difficulty of the test yet maintain consistency in scoring.

FISCAL IMPACT: Jessica McLoughlin, associate commissioner of educator preparation, certification and enforcement, has determined that for the first five-year period the proposal is in effect, there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

LOCAL EMPLOYMENT IMPACT: The proposal has no effect on local economy; therefore, no local employment impact statement is required under Texas Government Code, §2001.022.

SMALL BUSINESS, MICROBUSINESS, AND RURAL COMMUNITY IMPACT: The proposal has no direct adverse economic impact for small businesses, microbusinesses, or rural communities; therefore, no regulatory flexibility analysis, specified in Texas Government Code, §2006.002, is required.

COST INCREASE TO REGULATED PERSONS: The proposal does not impose a cost on regulated persons, another state agency, a special district, or a local government and, therefore, is not subject to Texas Government Code, §2001.0045.

TAKINGS IMPACT ASSESSMENT: The proposal does not impose a burden on private real property and, therefore, does not constitute a taking under Texas Government Code, §2007.043.

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand an existing regulation by including passing standards for new examinations.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not 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: Ms. McLoughlin has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to provide clarity to educators and others regarding the required passing standards for Texas certification examinations. There is no anticipated economic cost to persons who are required to comply with the proposal.

DATA AND REPORTING IMPACT: The proposal would have no data and reporting impact.

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

PUBLIC COMMENTS: The public comment period on the proposal begins April 25, 2025, and ends May 27, 2025. A request for a public hearing on the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on April 25, 2025. A form for submitting public comments is available on the TEA website

at [https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_\(TAC\)/Proposed_Commissioner_of_Education_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/Commissioner_Rules_(TAC)/Proposed_Commissioner_of_Education_Rules/).

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code, §21.048(a), which requires the commissioner of education to determine the level of performance considered to be satisfactory on educator certification examinations and further authorizes the commissioner to require a satisfactory level of performance on each core subject covered by an examination.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §21.048(a).

§151.1001. *Passing Standards.*

(a) As required by the Texas Education Code, §21.048(a), the commissioner of education shall determine the satisfactory level of performance for each educator certification examination and require a satisfactory level of performance on each core subject covered by an examination. The figures in this section identify the passing standards established by the commissioner for educator certification examinations.

(b) The figures in this subsection identify the passing standards established by the commissioner for classroom teacher examinations.

(1) The figure in this paragraph identifies the passing standards for early childhood through Grade 6 examinations.
Figure: 19 TAC §151.1001(b)(1) (No change.)

(2) The figure in this paragraph identifies the passing standards for Grades 4-8 examinations.
Figure: 19 TAC §151.1001(b)(2) (No change.)

(3) The figure in this paragraph identifies the passing standards for secondary mathematics and science examinations.
Figure: 19 TAC §151.1001(b)(3) (No change.)

(4) The figure in this paragraph identifies the passing standards for secondary English language arts and social studies examinations.
Figure: 19 TAC §151.1001(b)(4) (No change.)

(5) The figure in this paragraph identifies the passing standards for speech and journalism examinations.
Figure: 19 TAC §151.1001(b)(5) (No change.)

(6) The figure in this paragraph identifies the passing standards for fine arts examinations.
Figure: 19 TAC §151.1001(b)(6) (No change.)

(7) The figure in this paragraph identifies the passing standards for health and physical education examinations.
Figure: 19 TAC §151.1001(b)(7) (No change.)

(8) The figure in this paragraph identifies the passing standards for computer science and technology applications examinations.
Figure: 19 TAC §151.1001(b)(8) (No change.)

(9) The figure in this paragraph identifies the passing standards for career and technical education examinations.
Figure: 19 TAC §151.1001(b)(9) (No change.)

(10) The figure in this paragraph identifies the passing standards for bilingual examinations.
Figure: 19 TAC §151.1001(b)(10) (No change.)

(11) The figure in this paragraph identifies the passing standards for languages other than English (LOTE) examinations.
Figure: 19 TAC §151.1001(b)(11) (No change.)

(12) The figure in this paragraph identifies the passing standards for special education examinations.

Figure: 19 TAC §151.1001(b)(12)

[Figure: 19 TAC §151.1001(b)(12)]

(13) The figure in this paragraph identifies the passing standards for supplemental examinations.

Figure: 19 TAC §151.1001(b)(13) (No change.)

(14) The figure in this paragraph identifies the passing standards for pedagogy and professional responsibilities examinations.

Figure: 19 TAC §151.1001(b)(14) (No change.)

(15) The figure in this paragraph identifies the passing standards for content certification examinations.

Figure: 19 TAC §151.1001(b)(15) (No change.)

(c) The figure in this subsection identifies the passing standards established by the commissioner for student services examinations.

Figure: 19 TAC §151.1001(c) (No change.)

(d) The figure in this subsection identifies the passing standards established by the commissioner for administrator examinations.

Figure: 19 TAC §151.1001(d) (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 April 14, 2025.

TRD-202501253

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 475-1497



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 28. DNA, CODIS, FORENSIC ANALYSIS, AND CRIME LABORATORIES

SUBCHAPTER N. TEXAS CRIME LABORATORY RECORDS PORTAL

37 TAC §§28.211 - 28.215

The Texas Department of Public Safety (the department) proposes new §§28.211 - 28.215, concerning Texas Crime Laboratory Records Portal. These new rules implement Senate Bill 991, 88th Leg., R.S. (2023), which establishes an electronic discovery portal hosted by the department that makes crime laboratory records equally available to prosecutors and defense counsel.

Suzy Whittenton, Chief Financial Officer, has determined that for each year of the first five-year period these rules are in effect there may be fiscal implications for state or local government. Ms. Whittenton has also determined that the proposed rules may result in an adverse economic effect on small businesses, but not on micro-businesses or rural communities.

The total estimated number of Texas accredited forensic laboratories is 40. Five to ten of these laboratories are small businesses while the remaining are state, county, and city laboratories. These laboratories will have costs associated with initial set up of the portal and recurring annual expenses. Expenses for these laboratories will be related to added labor, goods, and services, including the acquisition of scanning equipment, servers, increased digital storage, and website hosting services. The estimated fiscal impact for the first fiscal year is \$3,000-\$50,000 for initial setup and then recurring annual costs estimated to range from \$1,000-\$21,000 for digital storage, website administration, and labor. For crime laboratories that have adequate storage and existing services, the cost to participate may be negligible.

The department considered alternative methods to mitigate these effects under a regulatory flexibility analysis, but none were suitable because crime laboratories in Texas are statutorily required to participate in the portal. For example, the department considered exempting smaller laboratories in Texas which performed an insufficient number of forensic analyses in criminal actions in Texas to warrant participation in the portal, but the statutory scheme only provided this authority to the department for crime laboratories located outside of Texas. In addition, the department considered gradually phasing in the requirement for crime laboratories to participate in the portal using a pilot style program, but this was not consistent with the statutory framework. Therefore, no alternatives consistent with the statutory requirements or with the health, safety, environmental, and economic welfare of the state were identified.

There is no anticipated economic cost to individuals who are required to comply with these rules as proposed. There is no anticipated negative impact on local employment.

Ms. Whittenton has determined that for each year of the first five-year period the rules are in effect the public benefit anticipated as a result of these rules will be more efficient and consistent access to crime laboratory records.

The department has determined this proposal is not a "major environmental rule" as defined by Texas Government Code §2001.0225. "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. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

The department has determined that Chapter 2007 of the Texas Government Code does not apply to this proposal. Accordingly, the department is not required to complete a takings impact assessment regarding this proposal.

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does create a government program; will require the creation of new employee positions; will require an increase in future legislative appropriations to the agency; and will not require an increase or decrease in fees paid to the agency. The proposed rulemaking does create a new regulation. The proposed rulemaking does not expand, limit, or repeal an existing regulation. The proposed rulemaking does not increase or decrease the number of individuals subject to its applicability. During the first five years the proposed rules are in effect, the proposed

rules should not impact positively or negatively the state's economy.

Comments on the proposal may be submitted to Justin Parker, Crime Laboratory Division, Texas Department of Public Safety, 402 W. IH-30, Garland, Texas 75043, or by email to CLRConnect@dps.texas.gov. Comments must be received no later than thirty (30) days from the date of publication of this proposal.

This proposal is made pursuant to Texas Government Code, §411.004(3), which authorizes the Public Safety Commission to adopt rules considered necessary for carrying out the department's work; §411.162, which authorizes the department by rule to establish and maintain a central computerized portal that facilitates the process for requesting crime laboratory records among crime laboratories, attorneys representing the state, and parties authorized to access the records pursuant to Article 39.14, Code of Criminal Procedure; §411.163, which authorizes the department by rule to require mandatory participation in the transfer of crime laboratory records using the crime laboratory portal and provide exemptions; §411.164, which authorizes the department by rule to require the attorney representing the state to provide access and use of the crime laboratory portal to the defense; and Senate Bill 991, 88th Leg., R.S. (2023).

This proposal is made pursuant to Texas Government Code, §§411.004(3), 411.162, 411.163, and 411.164.

§28.211. Definitions and Purpose.

(a) In this subchapter, the terms "accredited field of forensic science" and "forensic examination or test not subject to accreditation" have the meanings provided by Texas Code of Criminal Procedure, Article 38.01; and the terms "crime laboratory," "criminal action," and "forensic analysis" have the meanings provided by Texas Code of Criminal Procedure, Article 38.35.

(b) The Texas Crime Laboratory Records Portal (the portal) administered by the department, as required by Texas Government Code, §411.162, is a central computerized portal that facilitates the sharing of crime laboratory records between crime laboratories, attorneys representing the state, and defense counsel. The purpose of the portal is to ensure that attorneys representing the state and defense counsel have equal access to relevant forensic analysis records.

§28.212. Mandatory Participation and Exemption.

(a) All crime laboratories that operate disciplines in an accredited field of forensic science and conduct forensic analysis for use in a criminal action in Texas must participate in the portal by transferring crime laboratory records as soon as practicable through the portal for at least those accredited fields of forensic science. A crime laboratory may also choose to participate in the portal for any forensic examination or test not subject to accreditation but for which the crime laboratory performs casework.

(b) A crime laboratory that only performs forensic examinations or tests not subject to accreditation is not required to participate in the portal but may choose to participate.

(c) A crime laboratory located outside of Texas but accredited by the Texas Forensic Science Commission that performs an average of fewer than 300 cases annually in Texas during the immediately preceding five-year period may submit a request to be designated exempt from mandatory participation in the portal.

(1) A crime laboratory's request to be designated exempt from mandatory participation must be made to the DPS Crime Laboratory Records Program Manager (manager) at CLRConnect@dps.texas.gov.

(2) The manager must respond to the request for exemption within 60 days of receipt of the request.

(3) A crime laboratory that is denied an exemption request may appeal that decision to the DPS Crime Laboratory Division Chief by mailing an appeal request with relevant information, including the exemption request and the response, to: Crime Laboratory Division Chief, Texas Department of Public Safety, Attn: CLR Connect Exemption Appeal, 5805 N. Lamar Blvd. (MSC 0460), Austin, Texas, 78752.

(d) Exemptions are effective for two years. Subsequent exemption requests are not guaranteed and must be requested no fewer than 60 days before the exemption expires.

(e) The department must provide a list on the portal webpage of each crime laboratory that has been designated exempt from mandatory portal participation with the exemption effective date.

(f) A crime laboratory, regardless of an exemption designation, must continue to comply with all discovery obligations as set forth by Texas Code of Criminal Procedure, Article 39.14.

§28.213. Records Available Through the Portal.

All case-specific records related to a criminal action's forensic analysis that have reached a crime laboratory's designated completion step must be made available through the portal as soon as practicable and obtainable by any authorized user with sufficient rights to access that case. A case-specific record is a record pertaining solely to a single case or cases linked to a specific criminal action.

§28.214. Records Available Through the Portal or Public Website.

(a) A crime laboratory must make non-case-specific records available either through the portal or on the crime laboratory's public website. A non-case-specific record is a record relevant beyond a single case or cases linked to a specific criminal action, including information on instruments, techniques, laboratory personnel, or general methodologies. Crime laboratories that make records available on a public website must include information related to the location of those records on the portal.

(b) The portal must include a process for requesting non-case-specific records not otherwise available through the portal or made publicly available on a crime laboratory's website.

§28.215. Prosecutor Responsibility to Provide Defense Counsel Access to the Portal.

Attorneys representing the state must designate at least one administrator to maintain up-to-date portal access to defense counsel and others assigned to the case consistent with Texas Code of Criminal Procedure, Article 39.14 (d), (e), and (f).

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 April 11, 2025.

TRD-202501232

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General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: May 25, 2025

For further information, please call: (512) 424-5848

