
TEXAS REGISTER

Volume 51 Number 23

June 5, 2026

Pages 3751 – 3842



IN THIS ISSUE

GOVERNOR

Appointments3755

PROPOSED RULES

TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

ORGANIZATION AND ADMINISTRATION

22 TAC §131.23757

LICENSING FOR ENGINEERS

22 TAC §133.303760

22 TAC §133.313761

22 TAC §133.373763

LICENSING, REGISTRATION, AND CERTIFICATION FOR SURVEYORS

22 TAC §134.21, §134.253764

22 TAC §134.303767

22 TAC §134.373768

TEXAS OPTOMETRY BOARD

EXAMINATIONS

22 TAC §271.83769

22 TAC §271.123770

ADMINISTRATION

22 TAC §272.43771

GENERAL RULES

22 TAC §273.13772

22 TAC §273.103773

DEPARTMENT OF STATE HEALTH SERVICES

MINIMUM GUIDELINES FOR HUMAN DONOR MILK BANKS

25 TAC §227.13774

CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS

GRANTS FOR CANCER PREVENTION AND RESEARCH

25 TAC §703.233775

TEXAS WORKFORCE COMMISSION

CHILD CARE SERVICES

40 TAC §§809.2, 809.4, 809.53785

40 TAC §§809.18, 809.19, 809.213788

40 TAC §809.223789

40 TAC §§809.41 - 809.43, 809.45, 809.47, 809.49, 809.51, 809.52, 809.54, 809.563789

40 TAC §§809.72, 809.73, 809.783792

40 TAC §§809.92, 809.95, 809.963793

40 TAC §§809.130 - 809.134, 809.136, 809.1373795

WITHDRAWN RULES

TEXAS STATE BOARD OF PHARMACY

PHARMACIES

22 TAC §291.133801

TEXAS BOARD OF PARDONS AND PAROLES

EXECUTIVE CLEMENCY

37 TAC §143.243801

37 TAC §143.33, §143.343801

ADOPTED RULES

TEXAS EDUCATION AGENCY

CURRICULUM REQUIREMENTS

19 TAC §74.10233803

PLANNING AND ACCOUNTABILITY

19 TAC §97.10813804

EMPLOYEES RETIREMENT SYSTEM OF TEXAS

FLEXIBLE BENEFITS

34 TAC §85.53808

DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHILD PROTECTIVE SERVICES

40 TAC §700.13353809

TEXAS WORKFORCE COMMISSION

CHILD CARE SERVICES

40 TAC §§809.111 - 809.1173810

TEXAS DEPARTMENT OF TRANSPORTATION

ENVIRONMENTAL REVIEW OF TRANSPORTATION PROJECTS

43 TAC §§2.201 - 2.2063813

43 TAC §2.2073813

HARRIS COUNTY TAX ASSESSOR-COLLECTOR

REGULATION OF MOTOR VEHICLE TITLE SERVICES

43 TAC §95.13813

RULE REVIEW

Proposed Rule Reviews

Office of Consumer Credit Commissioner3821

Teacher Retirement System of Texas3821

Adopted Rule Reviews	
Texas Commission on Jail Standards.....	3821
TABLES AND GRAPHICS	
.....	3823
IN ADDITION	
Office of Consumer Credit Commissioner	
Notice of Rate Ceilings.....	3827
Notice of Rate Ceilings.....	3827
Texas Commission on Environmental Quality	
Agreed Orders.....	3827
Enforcement Orders.....	3830
Notice of District Petition - D-05012026-08.....	3830
Notice of District Petition - D-05072026-012.....	3830
Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions.....	3831
Notice of Water Quality Application - WQ0016100001.....	3832
Texas Ethics Commission	
List of Delinquent Filers.....	3832
List of Delinquent Filers.....	3832
General Land Office	
Coastal Boundary Survey - Bay Harbor, West Galveston Bay, Galveston County, Texas.....	3833
Texas Health and Human Services Commission	
Criminal History Requirements for Child Care Operations.....	3833
Public Notice: Medicaid Estate Recovery Program (MERP).....	3833
Texas Department of Insurance	
Company Licensing.....	3834
Texas Department of Licensing and Regulation	
Scratch Ticket Game Number 2749 "ULTIMATE CASH".....	3834
North Central Texas Council of Governments	
Notice of Cancellation Request for Proposals Rider 7 PM2.5 Modeling Consultant.....	3841
Notice of Contract Award for Training Sessions for Bicycle and Pedestrian Design Guides and Safe Routes to School Planning.....	3841
Notice of Contract Award for World Cup Rideshare Lot Operational Services.....	3842

THE GOVERNOR

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

Appointments

Appointments for May 21, 2026

Appointed to the Chronic Kidney Disease Task Force for a term to expire at the pleasure of the Governor, Christine Burgess Morris, M.D. of Leander, Texas (replacing Navid Saigal of San Antonio who resigned).

Appointed to the Chronic Kidney Disease Task Force for a term to expire at the pleasure of the Governor, Ajay K. Israni, M.D. of Friendswood, Texas (replacing Francis H. Wright, Jr. M.D. of Marfa who resigned).

Appointed to the Chronic Kidney Disease Task Force for a term to expire at the pleasure of the Governor, Matthew T. "Matt" Smith, M.D. of Frisco, Texas (replacing Leslie A. Weisberg, M.D. of Dallas who resigned).

Appointed to the Chronic Kidney Disease Task Force for a term to expire at the pleasure of the Governor, Donald E. "Don" Wesson, M.D. of Dallas, Texas (replacing Mary E. Albin of Mansfield).

Appointed to the Pediatric Acute-Onset Neuropsychiatric Syndrome Advisory Council for a term to expire August 31, 2027, Amber Felps Cardenas of Burnet, Texas (replacing Sarah Rosen Garrett of Spice-wood who resigned).

Appointments for May 22, 2026

Appointed to the Upper Colorado River Authority for a term to expire February 1, 2031, Nancy C. Blackwell of Ballinger, Texas.

Appointed to the Upper Colorado River Authority for a term to expire February 1, 2031, Fred B. Hernandez, Jr. of San Angelo, Texas.

Appointed to the Upper Colorado River Authority for a term to expire February 1, 2031, Mason B. Vaughn of San Angelo, Texas.

Appointed to the Texas Pharmaceutical Initiative Governing Board for a term to expire February 1, 2031, Jay S. Bueche of New Braunfels, Texas (replacing Golinda Erowele, Pharm.D. of Missouri City who resigned).

Appointments for May 26, 2026

Appointed to the Family Violence Criminal Homicide Prevention Task Force for a term to expire at the pleasure of the Governor, Andrew W. Friedrichs of Austin, Texas (replacing Hillary A. England of Plugerville).

Appointed to the Family Violence Criminal Homicide Prevention Task Force for a term to expire at the pleasure of the Governor, Shari J. Brown Nightingale of Katy, Texas (replacing Mariah L. Gardner of Converse).

Designating as presiding officer of the Family Violence Criminal Homicide Prevention Task Force for a term to expire at the pleasure of the Governor, Andrew W. Friedrichs of Austin, Texas.

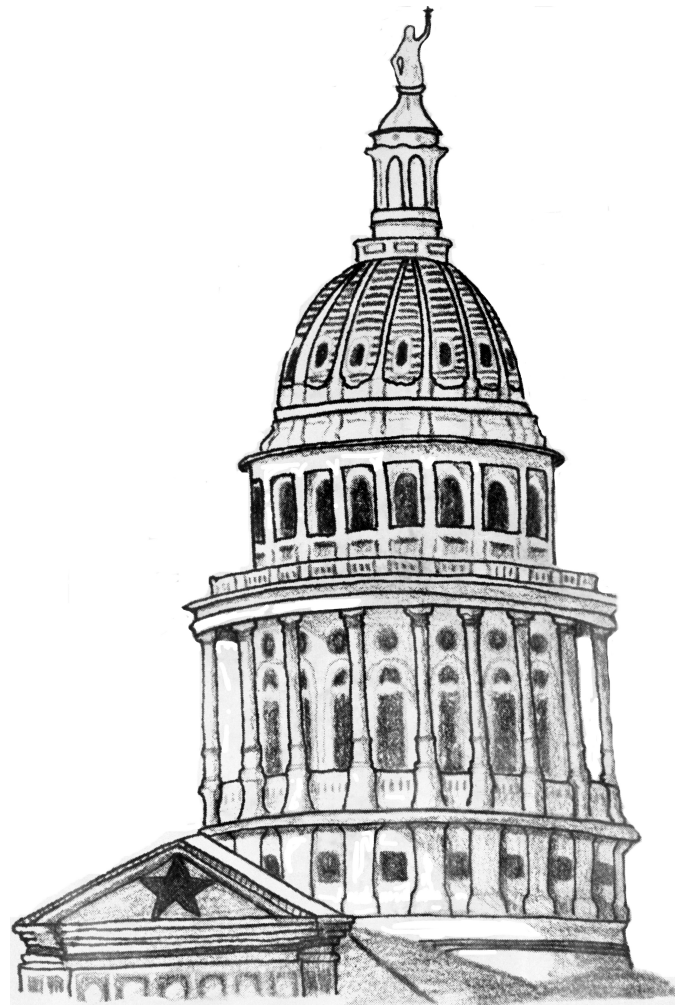
Appointments for May 27, 2026

Appointed to the Commercial Oyster Mariculture Advisory Board for a term to expire February 1, 2030, Jacklyn A. "Amy" Belaire, Ph.D. of Rockport, Texas (replacing Brian K. "Keith" Mieras of Rockport who resigned).

Greg Abbott, Governor

TRD-202602209





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 22. EXAMINING BOARDS

PART 6. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CHAPTER 131. ORGANIZATION AND ADMINISTRATION

SUBCHAPTER A. SCOPE AND DEFINITIONS

22 TAC §131.2

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 131, Subchapter A, regarding scope and definitions, specifically §131.2 Definitions.

BACKGROUND AND SUMMARY

The proposed rule amendment is to update and clarify certain definitions as follows:

-Senate Bill 1259 (89th Regular Session 2025) amended Texas Occupations Code 1001 to add surveying to the Advisory Opinion Process. Prior to this change, advisory opinions could only be issued on engineering topics. The board rules contained a definition for "Engineering Advisory Opinion Request" (EAOR). The board is proposing to change this definition to the generic term "Advisory Opinion Request" (AOR) to allow for both professions to be included.

-Remove the definition of NAFTA as this is no longer the name of the free trade agreement as of 2020, and TBPELS no longer has any licensure agreements based on NAFTA.

-Updates to formal names of educational accrediting bodies.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Lance Kinney, Ph.D., P.E., Executive Director for the Board, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Mr. Kinney has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Kinney has determined that the proposed rule will not affect the local economy, so the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be clarification and accuracy of board rule.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Kinney has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because no new requirements are part of the proposed rule.

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Since the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed rule does not create or eliminate a government program.
2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rule does not require an increase or decrease in fees paid to the agency.
5. The proposed rule does not create a new regulation.

6. The proposed rule does not increase the number of individuals subject to the rule's applicability.

7. The proposed rule does not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rule is not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Board asserts the proposed rule is not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, by email to or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

The proposed rule is proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

CROSS REFERENCE TO STATUTE

The proposed amended rule implements Chapter 1071 of the Texas Occupations Code. No other statute, code, or article is affected by the proposed rule.

§131.2. Definitions.

In applying the Texas Engineering Practice Act, the Professional Land Surveying Practices Act, and the board rules, the following definitions shall prevail unless the word or phrase is defined in the text for a particular usage. Singular and masculine terms shall be construed to include plural and feminine terms and vice versa.

(1) **ABET**--ABET, Inc., formerly the Accreditation Board for Engineering and Technology.

(2) **Acts**--The Texas Engineering Practice Act, Texas Occupations Code Chapter 1001, and the Professional Land Surveying Practices Act, Texas Occupations Code Chapter 1071.

(3) **Advisory Opinion**--A statement of policy issued by the board that provides guidance to the public and regulated community regarding the board's interpretation and application of Chapters [Chapter] 1001 or 1071, Texas Occupations Code, and/or board rules related to the practice of engineering or surveying.

(4) **Agency or Board**--Texas Board of Professional Engineers and Land Surveyors.

(5) **ANSAC/ABET**--Applied and Natural Science Accreditation Commission of ABET. Previously the Applied Science Accreditation Commission (ASAC) of ABET.

(6) **AOR number**--An advisory opinion request file number assigned to a pending advisory opinion in accordance with this chapter.

(7) ~~[(6)]~~ **Applicant**--A person applying for a license or registration to practice professional engineering or land surveying or a firm applying for a certificate of registration to offer or provide professional engineering or land surveying services.

(8) ~~[(7)]~~ **Application**--The forms, information, and fees necessary to obtain a license, registration, or certification issued by the Board.

(9) ~~[(8)]~~ **Complainant**--Any party who has filed a complaint with the board against a person or entity subject to the jurisdiction of the board.

(10) ~~[(9)]~~ **Construction estimate**--As used in §1071.004, a depiction of a possible easement route for planning purposes.

(11) ~~[(10)]~~ **Contested case**--A proceeding, including but not restricted to rate making and licensing, in which the legal rights, duties, or privileges of a party are to be determined by an agency after an opportunity for adjudicative hearing pursuant to the Administrative Procedure Act, Chapter 2001, Texas Government Code.

(12) ~~[(11)]~~ **Direct supervision**--The control over and detailed professional knowledge of the work prepared under the engineer or land surveyor's supervision. Direct Supervision entails that the engineer or land surveyor personally makes decisions or personally reviews and approves proposed decisions prior to their implementation and has control over the decisions either through physical presence or the use of communications devices. Direct Supervision entails that a land surveyor be able to give instructions for research of adequate thoroughness to support collection of relevant data, the placement of all monuments, and the preparation and delivery of all surveying documents.

(13) ~~[(12)]~~ **EAC/ABET**--Engineering Accreditation Commission of ABET.

~~[(13)] EAOR number--An engineering advisory opinion request file number assigned by the executive director to a pending advisory opinion in accordance with this chapter.]~~

(14) **Electronic Seal**--For the purposes of this Chapter, an electronic seal is a digital representation of a licensee or registrant's seal including, but not limited to, a digital scan of a physical seal.

(15) **Electronic Signature**--For the purposes of this Chapter, an electronic signature is a digital representation of a licensee or registrant's signature including, but not limited to, a digital scan of a physical signature.

(16) **Engineering**--The profession in which a knowledge of the mathematical, physical, engineering, and natural sciences gained by education, experience, and practice is applied with judgment to develop ways to utilize, economically, the materials and forces of nature for the benefit of mankind.

(17) **Engineering Act**--The Texas Engineering Practice Act, Texas Occupations Code Chapter 1001.

(18) **ETAC/ABET**--Engineering Technology Accreditation Commission of ABET.

(19) **Firm**--Any business entity that engages or offers to engage in the practice of professional engineering or land surveying in this state. The term includes but is not limited to companies, corpora-

tions, partnerships, or joint stock associations, and for engineering also includes sole practitioners and sole proprietorships.

(20) Good Standing--(License or Registration)--A license or registration that is current, eligible for renewal, and has no outstanding fees or payments.

(21) Gross negligence--Any deliberate conduct, or pattern of conduct, whether by act or omission that demonstrates a disregard or indifference to the rights, health, safety, welfare, and property of the public or clients. Gross negligence may result in financial loss, injury or damage to life or property, but such results need not occur for the establishment of such conduct.

(22) International NCEES Record--An official complication of professional credentials issued by NCEES as part of an international application process. The record includes academic credentials, exam or assessment information, employment information, professional references, and other information pertinent to licensure.

(23) License--The legal authority permitting the holder to actively practice engineering or land surveying. Also, a certificate issued by the board showing such authority.

(24) License Holder--Any person whose license or registration to practice engineering or land surveying is current.

(25) Misconduct--The violation of any provision of the Texas Engineering Practice Act, the Professional Land Surveying Act, or board rules.

(26) Mobility Agreement / Mutual Recognition Agreement--an agreement signed and adopted by the Board and another licensing jurisdiction or recognized licensing organization that sets out requirements and procedures for licensure between the two bodies.

(27) Model Law Engineer (MLE)--a designation on an NCEES Record indicating that an engineer has met the NCEES standard for licensure, including an EAC/ABET accredited engineering degree, a minimum of four years of creditable and acceptable engineering experience, passage of both the FE and PE examinations, and no disciplinary action.

{(28) NAFTA--North American Free Trade Agreement. NAFTA is related to the practice and licensure of engineering through mutual recognition of registered/licensed engineers by jurisdictions of Canada, Texas, and the United Mexican States.}

(28) [(29)] NCEES--National Council of Examiners for Engineering and Surveying.

(29) [(30)] NCEES Record--An official verified compilation of professional credentials issued by NCEES, designed to simplify the licensure process for engineers and surveyors who want to practice in multiple states or territories. The record includes academic transcripts, exam results, employment history, professional references, and other information pertinent to licensure.

(30) [(31)] Person--Any individual, firm, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than a governmental agency.

(31) [(32)] Professional engineering--Professional service which may include consultation, investigation, evaluation, planning, designing, or direct supervision of construction, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects wherein the public welfare, or the safeguarding of life, health, and property is concerned or involved, when such professional service requires the application of engineering principles and the interpretation of engineering data.

(32) [(33)] Professional Engineering Services--Services which meet the definition of the practice of engineering as defined in the Act, §1001.003, and which are required by statute or rule to be performed by or under the direct supervision of a licensed engineer. A service shall be conclusively considered a professional engineering service if it is delineated in that section; other services requiring a professional engineer by contract, or services where the adequate performance of that service requires an engineering education, training, or experience in the application of special knowledge or judgment of the mathematical, physical or engineering sciences to that service are also considered a professional engineering service.

(33) [(34)] Professional Surveying--The practice of land, boundary, or property surveying or other similar professional practices.

(34) [(35)] Recognized institution of higher education--An institution of higher education as defined in §61.003, Education Code; or in the United States, an institution recognized by one of the six regional accrediting associations, specifically, the New England Commission of Higher Education [Association of Schools and Colleges], the Higher Learning Commission [North Central Association Commission on Accreditation and School Improvement], the Northwest Commission on Colleges and Universities [Association of Schools and Colleges], the Southern Association of Colleges and Schools, the Western Association of Schools and Colleges, or the Middle States Association of Colleges & Schools; or, outside the United States, an institution recognized by the Ministry of Education or the officially recognized government education agency of that country; or a program accredited by ABET.

(35) [(36)] Registration--The legal authority permitting the holder to actively practice engineering or land surveying. Also, a certificate issued by the board showing such authority.

(36) [(37)] Respondent--The person or party that is the subject of a complaint filed with the board.

(37) [(38)] Responsible charge--Synonymous with the term "direct supervision"; used interchangeably with "direct supervision".

(38) [(39)] Responsible supervision--An earlier term synonymous with the term "direct supervision;" the term is still valid and may be used interchangeably with "direct supervision" when necessary.

(39) [(40)] Seal--An embossed, stamped, or electronic design authorized by the Board that authenticates, confirms, or attests that a person is authorized to offer and practice engineering or land surveying services to the public in the State of Texas and has legal consequence when applied.

(40) [(41)] Sole Practitioner--A firm that consists of an individual license holder with no other employees.

(41) [(42)] Supervision of Engineering Construction--As used in §1001.407 of the Act, includes the periodic observation of materials and completed work to determine general compliance with plans, specifications and design and planning concepts. Supervision of engineering construction does not include the construction means and methods; responsibility for the superintendence of construction processes, site conditions, operations, equipment, personnel; or the maintenance of a safe place to work or any safety in, on or about the site.

(42) [(43)] Surveying Act--the Professional Land Surveying Practices Act, Texas Occupations Code Chapter 1071.

(43) [(44)] Surveying Report--Survey drawing, written description, and/or separate narrative depicting the results of a land survey performed and conducted pursuant to this Act.

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 May 22, 2026.

TRD-202602146

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 440-3080



CHAPTER 133. LICENSING FOR ENGINEERS SUBCHAPTER C. PROFESSIONAL ENGINEER LICENSE APPLICATION REQUIREMENTS

22 TAC §133.30

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes a new rule in 22 Texas Administrative Code, Chapter 133, Subchapter C, regarding professional engineer license requirements, specifically §133.30 Application Language.

BACKGROUND AND SUMMARY

The proposed new rule is part of a rule clarification package intended to align rules with current agency practices, specifically related to application language requirements and international licensure issues.

SECTION-BY-SECTION SUMMARY

The proposal relocates current rule §133.37 to new rule §133.30 and makes clarifying amendments. Current rule §133.37 is located in the Subchapter D related to Education. The new §133.30 is located in Subchapter C related to Application Requirements. Therefore, the rule will require all application documentation to be in English or have an English translation.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Lance Kinney, Ph.D., P.E., Executive Director for the Board, has determined that for each year of the first five years the proposed new rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Mr. Kinney has determined that for each year of the first five years the proposed new rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Kinney has determined that the proposed new rule will not affect the local economy, so the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed new rule is in effect, the public benefit will be clarification and accuracy of board rules.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Kinney has determined that for each year of the first five-year period the proposed new rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because no new requirements are part of the proposed rules.

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed new rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rules do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed new rule does not create or eliminate a government program.
2. Implementation of the proposed new rule does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed new rule does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed new rule does not require an increase or decrease in fees paid to the agency.
5. The proposed new rule does not create a new regulation.
6. The proposed new rule does not increase the number of individuals subject to the rule's applicability.
7. The proposed new rule does not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed new rule and the proposed new rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed new rule does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed new rule is not brought with the specific intent to protect the environment or re-

duce risks to human health from environmental exposure; thus, the Board asserts the proposed new rule is not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, by email to rules@pels.texas.gov or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

The proposed new rule is proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

CROSS REFERENCE TO STATUTE

The proposed new rule implements Chapter 1001 of the Texas Occupations Code. No other statute, code, or article is affected by the proposed rules.

§133.30. Application Language.

All application forms and supporting documents shall be written in the English language. Any official documents issued by a third party, such as educational transcripts, written in language other than English shall be accompanied by a certified English translation.

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 May 22, 2026.

TRD-202602147

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 440-3080



SUBCHAPTER D. EDUCATION

22 TAC §133.31

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 133, Subchapter D, regarding education, specifically §133.31 Educational Requirements for Applicants.

BACKGROUND AND SUMMARY

The proposed rule amendments are part of a rule clarification package intended to align rules with current agency practices, specifically related to application language requirements and international licensure issues.

SECTION-BY-SECTION SUMMARY

The proposed rule amends §133.31 to remove degrees from Mexico from the list of degrees approved as equivalent to ABET

accredited degrees. Mexico originally was included as part of the North American Free Trade Agreement (NAFTA). However, the agency no longer has an agreement with Mexico regarding licensure in practice. Applicants from Mexico can continue to use the current standard application process.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Lance Kinney, Ph.D., P.E., Executive Director for the Board, has determined that for each year of the first five years the proposed rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rule.

Mr. Kinney has determined that for each year of the first five years the proposed rule is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rule.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Kinney has determined that the proposed rule does not affect the local economy, so the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be clarification and accuracy of board rule.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Kinney has determined that for each year of the first five-year period the proposed rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because no new requirements are part of the proposed rule.

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule. Since the agency has determined that the proposed rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rule does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed rule does not create or eliminate a government program.

2. Implementation of the proposed rule does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rule does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rule does not require an increase or decrease in fees paid to the agency.
5. The proposed rule does not create a new regulation.
6. The proposed rule does not increase the number of individuals subject to the rule's applicability.
7. The proposed rule does not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed rule and the proposed rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rule is not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Board asserts the proposed rule is not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, by email to rules@pels.texas.gov or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

The proposed rule is proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

CROSS REFERENCE TO STATUTE

The proposed amended rule implement Chapter 1071 of the Texas Occupations Code. No other statute, code, or article is affected by the proposed rule.

§133.31. Educational Requirements for Applicants.

(a) Applicants for a license shall have graduated from at least one of the following degree programs or degree program combinations listed in this section:

(1) Approved engineering curriculums under §1001.302(a)(1)(A) of the Act. The following degrees are acceptable to the board for meeting the educational requirements of §1001.302(a)(1)(A) of the Act:

(A) a degree from an engineering program accredited or otherwise approved by:

(i) EAC/ABET; or

~~(ii) Consejo de Acreditacion de la Enseñanza de la Ingeniería, Mexico (Council of Accreditation for Engineering Education, C.A.); or~~

~~(ii) [(iii)] The Washington Accord.~~

(B) A graduate degree in engineering, provided that:

(i) the graduate degree is obtained from a college having an engineering program approved by one of the organizations listed in subparagraph (A) of this paragraph where either the graduate or undergraduate degree in the same discipline is accredited; and

(ii) the combination of the degrees is acceptable to the board as equivalent in EAC/ABET approved curricula content, and the combination of degrees contain sufficient design curricula to provide minimal competency in the use of engineering algorithms and procedures.

(C) a completed degree that has not been accredited or approved by either of the organizations identified in subparagraph (A) of this paragraph but has been evaluated in accordance with §133.33 of this chapter, (relating to Proof of Educational Qualifications-Non-Accredited/Non-Approved Programs), and determined to meet the ABET general and program criteria requirements for an EAC/ABET-accredited or -approved program or to meet the NCEES Engineering Education Standard.

(2) Other programs under §1001.302(a)(1)(B) of the Act. The following degrees are acceptable to the board for meeting the educational requirements of §1001.302(a)(1)(B) of the Act:

(A) a bachelor degree from an engineering technology program that is accredited by the ETAC/ABET;

(B) A bachelors or graduate degree in engineering, engineering technology, mathematical, physical, or related science that has not been accredited or approved by any of the organizations identified in paragraphs (1)(A) or (2)(A) of this subsection but has been obtained from a recognized institution of higher education as defined in Chapter 131 of this title. Such degree programs must include, as a minimum, the courses listed in clauses (i) and (ii) of this subparagraph or these courses must be taken in addition to the bachelor or graduate degree program:

(i) eight semester hours (12 quarter hours) of mathematics beyond trigonometry, including differential and integral calculus; and

(ii) 20 semester hours (30 quarter hours) of related engineering sciences including subjects such as mechanics, thermodynamics, electrical and electronic circuits, and others selected from material sciences, transport phenomena, computer science and comparable subjects depending on the discipline or branch of engineering. Course work should incorporate hands-on laboratory work as described in the EAC/ABET criteria, and shall contain a sufficient design program to provide minimal competency in the use of engineering algorithms and procedures.

(3) Degree programs submitted to the board by the conferring institutions and determined by the board as meeting or exceeding the criteria of either of the accrediting organizations referred to in this section.

(A) The following programs have been reviewed by the board and determined to be eligible for licensure under §1001.302(a)(1)(A) of the Act:

(i) The engineering programs at the University of Texas at Tyler for those who graduated in 1999.

(ii) Biosystems engineering program at the University of Texas A&M at College Station for those who graduated between 1999 and 2003.

(B) The following programs have been reviewed by the board and determined to be eligible for licensure under §1001.302(a)(1)(B) of the Act and eligible for taking the examination on the fundamentals of engineering, effective the date listed:

(i) Tarleton State University, Accepted Programs: Hydrology (1992) and Engineering Physics (2001);

(ii) West Texas State A&M, Accepted Program: Mechanical Engineering (2003).

(b) Degree programs that have not been accredited or approved by any of the organizations identified in subsection (a)(1)(A) or (2)(A) of this section are not acceptable for fulfilling the educational requirements of the Act if they do not meet the definition of a recognized institution of higher education [learning] as defined in Chapter 131 of this title and:

(1) give credit for life experience outside of internships or other programs related to the degree program as determined by the board; or

(2) consist primarily of engineering, mathematical, physical, or engineering sciences courses that [are correspondence courses that] are self-taught outside a formal online or classroom setting as determined by the board.

(c) An applicant holding a verified Canadian P.Eng. or ing. License shall be considered to have academic qualifications substantially equivalent to an ABET-EAC accredited engineering 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 May 22, 2026.

TRD-202602152

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 440-3080



22 TAC §133.37

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes to repeal 22 Texas Administrative Code, Chapter 133, Subchapter D, regarding education for professional engineers, specifically §133.37 English Translation.

BACKGROUND AND SUMMARY

The proposed rule repeal is part of a rule clarification package intended to align rules with current agency practices, specifically related to application language requirements and international licensure issues.

SECTION-BY-SECTION SUMMARY

The proposal repeals current rule §133.37. The rule language will be moved to new rule §133.30 with clarifying amendments. Moving the rule language from the subchapter on education to the subchapter on application requirements expands the scope of the language requirement from transcripts to the whole application package, thereby requiring all application documentation to be in English or have an English translation.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Lance Kinney, Ph.D., P.E., Executive Director for the Board, has determined that for each year of the first five years the rule repeal is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Mr. Kinney has determined that for each year of the first five years the proposed rule repeal is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Kinney has determined that the proposed rule repeal will not affect the local economy, so the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rule repeal is in effect, the public benefit will be clarification and accuracy of board rules.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Kinney has determined that for each year of the first five-year period the proposed rule repeal is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because no new requirements are part of the proposed rules.

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule repeal. Since the agency has determined that the proposed rule repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rule repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed rule repeal does not create or eliminate a government program.
2. Implementation of the proposed rule repeal does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rule repeal does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rule repeal does not require an increase or decrease in fees paid to the agency.
5. The proposed rule repeal does not create a new regulation.
6. The proposed rule repeal does not increase the number of individuals subject to the rule's applicability.
7. The proposed rule repeal does not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed rule repeal and the proposed rule repeal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule repeal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rule repeal is not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Board asserts the proposed new rule is not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, by email to rules@pels.texas.gov or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

The rule repeal is proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

CROSS REFERENCE TO STATUTE

The proposed rule repeal implements Chapter 1001 of the Texas Occupations Code. No other statute, code, or article is affected by the proposed rule repeal.

§133.37. *English Translation.*

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 May 22, 2026.

TRD-202602149

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 440-3080



CHAPTER 134. LICENSING, REGISTRATION, AND CERTIFICATION FOR SURVEYORS SUBCHAPTER C. LAND SURVEYOR APPLICATION REQUIREMENTS

22 TAC §134.21, §134.25

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 134, Subchapter C, regarding professional land surveyor application requirements, specifically §134.21 Application for Standard Registration and §134.25 Application from Out-of-State Registration Holders.

BACKGROUND AND SUMMARY

The proposed rule amendments are part of a rule clarification package intended to align rules with current agency practices, specifically related to application language requirements.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §134.21 to remove a requirement for applicants to demonstrate proficiency in the English language via the Test of English as a Foreign Language (TOEFL). Applicants do not generally use the TOEFL. Instead, all application documents are required to be submitted in English per §134.37 (which is being moved to rule §134.30).

The proposed rules amend §134.25 to remove a requirement for applicants to demonstrate proficiency in the English language via the Test of English as a Foreign Language (TOEFL). Applicants do not generally use the TOEFL. Instead, all application documents are required to be submitted in English per §134.37 (which is being moved to rule §134.30).

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Lance Kinney, Ph.D., P.E., Executive Director for the Board, has determined that for each year of the first five years the proposed rules are in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Mr. Kinney has determined that for each year of the first five years the proposed rules are in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification and accuracy of board rules.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because no new requirements are part of the proposed rules.

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rules do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed rules do not create or eliminate a government program.
2. Implementation of the proposed rules do not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rules do not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rules do not require an increase or decrease in fees paid to the agency.
5. The proposed rules do not create a new regulation.
6. The proposed rules do not increase the number of individuals subject to the rule's applicability.
7. The proposed rules do not positively or adversely affect this state's economy.
8. The proposed rule does not expand, limit, or repeal an existing regulation.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed rules and the proposed rules do not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rules do not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Board asserts the proposed rules are not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, by email to rules@pels.texas.gov or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

The proposed rules are proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

CROSS REFERENCE TO STATUTE

The proposed amended rules implement Chapter 1071 of the Texas Occupations Code. No other statute, code, or article is affected by the proposed rules.

§134.21. Application for Standard Registration.

(a) To be eligible for registration as a registered professional land surveyor (RPLS), an individual must submit a completed application.

(b) All applicants must hold a current Texas Surveyor-In-Training (SIT) certification and pass the examination on the fundamentals of surveying before submitting an application for registration as an RPLS.

~~[(e) Applicants must speak and write the English language. Proficiency in English may be evidenced by an accredited degree taught exclusively in English, or passage of the Test of English as a Foreign Language (TOEFL) with a written score of at least 550, a computer based score of at least 200, or an internet-based score of at least 95, or other evidence such as significant academic or work experience in English, that is acceptable to the executive director.]~~

(c) ~~[(d)]~~ Applicants for a registration shall submit:

(1) an application in a format prescribed by the board including:

(A) his or her full, legal name without abbreviations, nicknames, or other variations of the full legal name. If applicable, the applicant shall submit proof of a legal name change including but not limited to a marriage certificate, passport, current Driver's License issued by the State of Texas, court documents, or nationalization documents to substantiate other documentation submitted in the application; and

(B) his or her social security number, as required under the Texas Family Code, §231.302;

(2) current application fee as established by the board. Application fees shall be waived for qualifying military service members, military veterans, and military spouses in accordance with Texas Occupations Code Chapter 55;

(3) proof of educational credentials pursuant to Subchapter D of this chapter (relating to Education);

(4) a supplementary experience record that includes at least two years of surveying experience as required under §134.41 of this chapter (relating to Supplementary Experience Record);

(5) a minimum of three reference statements conforming to Subchapter F of this chapter (relating to Reference Documentation);

(6) documentation of a passing score on examination(s), which may include official verifications from the National Council of Examiners for Engineering and Surveying (NCEES) or other jurisdictions as required under §134.61(g) of this chapter (relating to Surveying Examinations), if applicable;

(7) verification of a current license from another jurisdiction, if applicable;

~~[(8) TOEFL scores, if applicable;]~~

~~(8) [(9)]~~ information regarding any judgments of convictions, deferred judgments or pre-trial diversions for a misdemeanor or felony provided in a form prescribed by the board together with copies of any court orders or other legal documentation concerning the criminal charges and the resolution of those charges; and

~~(9) [(10)]~~ for applications submitted on or after September 1, 2020, documentation of submittal of fingerprints for criminal history record check as required by Texas Occupations Code §1001.272.

~~(d) [(e)]~~ At the time the application is filed, an applicant may request in writing that any transcripts, reference statements, evaluations, experience records or other similar documentation previously submitted to the board be included in a current application; however, new or updated information may be required.

~~(e) [(f)]~~ The NCEES record may be accepted as verification of an original transcript, licenses held, examinations taken, experience record and reference documentation to meet the conditions of subsection ~~(d)(3) - (7)~~ of this section.

~~(f) [(g)]~~ Once an application is accepted for review, the fee shall not be returned, and the application and all submissions shall become a permanent part of the board records.

~~(g) [(h)]~~ An applicant who is a citizen of another country shall show sufficient documentation to the board to verify the immigration status for the determination of his or her eligibility for a professional license in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

~~(h) [(i)]~~ Once an application under this section is accepted for review, the board will follow the procedures in §134.83 of this chapter (relating to Processing, Review, and Evaluation of Applications) to review and approve or deny the application. The board may request additional information or require additional documentation to ensure eligibility as needed. Pursuant to Texas Occupations Code §1001.453, the board may review the license holder's status and take action if the license was obtained by fraud or error or if the license holder may pose a threat to the public's health, safety, or welfare.

§134.25. Application from Out-of-State Registration Holders.

(a) An applicant who holds a license or registration as a professional land surveyor from another state or U.S. jurisdiction having registration or licensing requirements substantially equivalent to the requirements of Texas may apply for a standard license.

(b) The Board shall determine whether the licensing or registration standards of the governmental authority under which the recip-

rocal applicant is licensed or registered are substantially equivalent to those standards required in the State of Texas.

(c) The Board shall require the reciprocal applicant to take and pass an examination not to exceed four (4) hours as required for applicants under §1071.259 of the Surveying Act.

(d) To be eligible for registration as a registered professional land surveyor (RPLS), one must submit a completed application.

~~[(e) Applicants must speak and write the English language. Proficiency in English may be evidenced by possession of an accredited degree taught exclusively in English, or passage of the Test of English as a Foreign Language (TOEFL) with a written score of at least 550, a computer based score of at least 200 or an internet based score of at least 95 or other evidence such as significant academic or work experience in English acceptable to the executive director.]~~

~~(e) [(f)]~~ Applicants for a registration shall submit:

(1) an application in a format prescribed by the board and shall:

~~(A)~~ list his or her full, legal and complete name without abbreviations, nicknames, or other variations of the full legal name. If applicable, the applicant shall submit proof of a legal name change including but not limited to a marriage certificate, passport, current Driver's License issued by the State of Texas, court documents, or nationalization documents to substantiate other documentation submitted in the application; and

~~(B)~~ list social security number, as required under the Texas Family Code, §231.302;

(2) current application fee as established by the board. Application fees shall be waived for qualifying military service members, military veterans, and military spouses in accordance with Texas Occupations Code Chapter 55;

(3) proof of educational credentials pursuant to Subchapter D of this chapter (relating to Education);

(4) supplementary experience record as required under §134.41 of this chapter (relating to Supplementary Experience Record);

(5) reference statements as required under Subchapter F of this chapter (relating to Reference Documentation); and

(6) documentation of passing scores on examination(s), which may include official verifications from the National Council of Examiners for Engineering and Surveying (NCEES) or other jurisdictions as required under §134.61(g) of this chapter (relating to Surveying Examinations);

(7) verification of a current license from another jurisdiction;

~~[(8) TOEFL scores, if applicable;]~~

~~(8) [(9)]~~ information regarding any criminal history including any judgments, deferred judgments or pre-trial diversions for a misdemeanor or felony provided in a form prescribed by the board together with copies of any court orders or other legal documentation concerning the criminal charges and the resolution of those charges; and

~~(9) [(10)]~~ for applications submitted on or after September 1, 2020, documentation of submittal of fingerprints for criminal history record check as required by Texas Occupations Code §1001.272.

~~(f) [(g)]~~ The NCEES record may be accepted as verification of an original transcript, licenses held, examinations taken, experience

record and reference documentation to meet the conditions of subsection (d)(3) - (7) of this section.

(g) [(h)] Once an application is accepted for review, the fee shall not be returned, and the application and all submissions shall become a permanent part of the board records.

(h) [(i)] An applicant who is a citizen of another country shall show sufficient documentation to the board to verify the immigration status for the determination of his or her eligibility for a professional license in accordance with the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(i) [(j)] Once an application under this section is accepted for review, the board will follow the procedures in §134.83 of this chapter (relating to Processing, Review, and Evaluation of Applications) to review and approve or deny the application. The board may request additional information or require additional documentation to ensure eligibility as needed. Pursuant to Texas Occupations Code §1001.453 the board may review the license holder's status and take action if the license was obtained by fraud or error or if the license holder may pose a threat to the public's health, safety, or welfare.

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 May 22, 2026.

TRD-202602153

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 440-3080



22 TAC §134.30

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes a new rule in 22 Texas Administrative Code, Chapter 134, Subchapter C, regarding land surveyor application requirements, specifically §134.30 Application Language.

BACKGROUND AND SUMMARY

The proposed new rule is part of a rule clarification package intended to align rules with current agency practices, specifically related to application language requirements and international licensure issues.

SECTION-BY-SECTION SUMMARY

The proposal relocates current rule §134.37 to new rule §134.30 and makes clarifying amendments. Current rule §134.37 is located in the Subchapter D related to Education. The new §134.30 is located in Subchapter C related to Application Requirements. Therefore, the rule will require all application documentation to be in English or have an English translation.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Lance Kinney, Ph.D., P.E., Executive Director for the Board, has determined that for each year of the first five years the proposed new rule is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Mr. Kinney has determined that for each year of the first five years the proposed new rule is in effect, there is no estimated

increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Kinney has determined that the proposed new rule will not affect the local economy, so the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed new rule is in effect, the public benefit will be clarification and accuracy of board rules.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Kinney has determined that for each year of the first five-year period the proposed new rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because no new requirements are part of the proposed rules.

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed new rule will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rules do not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed new rule does not create or eliminate a government program.
2. Implementation of the proposed new rule does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed new rule do not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed new rule does not require an increase or decrease in fees paid to the agency.
5. The proposed new rule does not create a new regulation.
6. The proposed new rule does not increase the number of individuals subject to the rule's applicability.
7. The proposed new rule does not positively or adversely affect this state's economy.

8. The proposed rule does not expand, limit, or repeal an existing regulation.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed new rule and the proposed new rule does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed new rule does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed new rule is not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Board asserts the proposed new rule is not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, by email to rules@pels.texas.gov or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

The proposed new rule is proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

CROSS REFERENCE TO STATUTE

The proposed new rules implement Chapter 1071 of the Texas Occupations Code. No other statute, code, or article is affected by the proposed rules.

§134.30. Application Language.

All application forms and supporting documents shall be written in the English language. Any official documents issued by a third party, such as educational transcripts, written in language other than English shall be accompanied by a certified English translation.

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 May 22, 2026.

TRD-202602148

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 440-3080



SUBCHAPTER D. EDUCATION

22 TAC §134.37

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes to repeal 22 Texas Administrative Code, Chapter 134, Subchapter D, regarding education for land surveyors, specifically §134.37 English Translation.

BACKGROUND AND SUMMARY

The proposed rule repeal is part of a rule clarification package intended to align rules with current agency practices, specifically related to application language requirements and international licensure issues.

SECTION-BY-SECTION SUMMARY

The proposal repeals current rule §134.37. The rule language will be moved to new rule §134.30 with clarifying amendments. Moving the rule language from the subchapter on education to the subchapter on application requirements expands the scope of the language requirement from transcripts to the whole application package, thereby requiring all application documentation to be in English or have an English translation.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Mr. Lance Kinney, Ph.D., P.E., Executive Director for the Board, has determined that for each year of the first five years the rule repeal is in effect, there are no estimated additional costs or reductions in costs to state or local government as a result of enforcing or administering the proposed rules.

Mr. Kinney has determined that for each year of the first five years the proposed rule repeal is in effect, there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

Mr. Kinney has determined that the proposed rule repeal will not affect the local economy, so the agency is not required to prepare a local employment impact statement under Government Code §2001.022.

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rule repeal is in effect, the public benefit will be clarification and accuracy of board rules.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Kinney has determined that for each year of the first five-year period the proposed rule repeal is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rules because no new requirements are part of the proposed rules.

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rule repeal. Since the agency has determined that the proposed rule repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

The proposed rule repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

1. The proposed rule repeal does not create or eliminate a government program.
2. Implementation of the proposed rule repeal does not require the creation of new employee positions or the elimination of existing employee positions.
3. Implementation of the proposed rule repeal does not require an increase or decrease in future legislative appropriations to the agency.
4. The proposed rule repeal does not require an increase or decrease in fees paid to the agency.
5. The proposed rule repeal does not create a new regulation.
6. The proposed rule repeal does not increase the number of individuals subject to the rule's applicability.
7. The proposed rule repeal does not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Board has determined that no private real property interests are affected by the proposed rule repeal and the proposed rule repeal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, the proposed rule repeal does not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rule repeal is not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure; thus, the Board asserts the proposed new rule is not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, by email to rules@pels.texas.gov or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

The rule repeal is proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its

own proceedings, and the regulation of the practices of engineering and land surveying in this state.

CROSS REFERENCE TO STATUTE

The proposed rule repeal implements Chapter 1071 of the Texas Occupations Code. No other statute, code, or article is affected by the proposed rules.

§134.37. English Translation.

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 May 22, 2026.

TRD-202602150

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 440-3080



PART 14. TEXAS OPTOMETRY BOARD

CHAPTER 271. EXAMINATIONS

22 TAC §271.8

The Texas Optometry Board proposes to repeal 22 TAC Part 14 Chapter 271 Examinations - §271.8 - Converting Optometric License to Therapeutic Optometric License.

In 2025, the Texas Legislature created the Texas Regulatory Efficiency Office (TREO) to review state agency rules and procedures to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers. In conjunction with the TREO review, the Board is proposing the repeal of §271.8.

Section 271.8 currently provides a mechanism for optometrists to transition their optometrist license to a therapeutic optometrist license. This mechanism was established in 1992 after statute was changed during the 1991 legislative session to provide for a therapeutic license in Texas. In 2026, there are approximately 100 licensees who have the optometrist designation - they are older optometrists and most will be retiring in the next decade.

If any of the 100 optometrists decided to upgrade the license to therapeutic, the Board would work with them to ensure competency is met. Given the number of licensees and the ability of the Board to verify competency, the rule is unnecessary and should be repealed.

Government Growth Impact Statement. For the first five-year period the repeal is in effect, the Board estimates that the repeal will have no effect on government growth. The repeal does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year

period following the repeal, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the repeal does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the repeal. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the repeal will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the repeal is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the repeal, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed repeal rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

§271.8. *Converting Optometric License to Therapeutic Optometric License.*

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 May 19, 2026.

TRD-202602104

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 305-8502



22 TAC §271.12

The Texas Optometry Board proposes amendments to 22 TAC Part 14 Chapter 271 Examinations - §271.12 - License Designation.

In 2025, the Texas Legislature created the Texas Regulatory Efficiency Office (TREO) to review state agency rules and procedures to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers. In conjunction with the TREO review, the Board proposes to amend §271.12 - License Designation to remove sections of the rule that only restate statute.

Subsection (c) restates Texas Occupations Code §351.261 - Display of License or Certificate. Subsection (d) restates Texas Occupations Code §351.263 - Lost or Destroyed License. By eliminating the sections of the rules that restate statute, the agency is reducing the regulatory burden and increasing transparency for licensees.

Government Growth Impact Statement. For the first five-year period the amendment is in effect, the Board estimates that the amendment will have no effect on government growth. The amendment does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the amendment, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the amendment does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the amendment will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the amendment. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the amendment will have no impact on local employment or a local economy. Thus, the Board is not required

to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the amendment is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the amendment, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed amendment does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed amendment to the rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this rule pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the amendments.

§271.12. *License Designation.*

(a) - (b) (No change.)

~~{(c) The license to practice must be displayed in a conspicuous place in the principal office where the optometrist practices such that the patient can view the license.}~~

~~{(d) In the event the original certificate is lost or destroyed, the Board may issue a duplicate certificate; the person entitled thereto must make written application to the Board for a duplicate, under affidavit setting forth that such certificate was lost or destroyed, and the circumstances under which loss or destruction occurred. Should the original subsequently be found, it must be forwarded immediately to the Board and not used by the person to whom issued originally or by any other person. A fee as set forth in §273.4 of this title (relating to Fees (not Refundable)) must be submitted to the Board along with the affidavit for the duplicate issue.}~~

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 May 19, 2026.

TRD-202602105

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 305-8502



CHAPTER 272. ADMINISTRATION

22 TAC §272.4

The Texas Optometry Board proposes to repeal 22 TAC Part 14 Chapter 272 Administration - §272.4 - Public Participation in Meetings.

In 2025, the Texas Legislature created the Texas Regulatory Efficiency Office (TREO) to review state agency rules and procedures to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers. In conjunction with the TREO review, the Board is proposing the repeal of §272.4.

This rule is derived from Texas Occupations Code 351.202 which requires the Board to "develop and implement policies that provide the public with a reasonable opportunity to appear before the board and to speak on any issue under the board's jurisdiction."

In conjunction with the repeal of this rule, the Board will adopt a policy regarding public participation at meetings. The policy will be available on the Board's public facing website for public review.

Government Growth Impact Statement. For the first five-year period the repeal is in effect, the Board estimates that the repeal will have no effect on government growth. The repeal does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the repeal, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the repeal does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the repeal. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the repeal will have no impact on local employment or a local economy. Thus, the Board is not required to prepare

a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the repeal is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the repeal, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed repeal rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

§272.4. Public Participation in Meetings.

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 May 19, 2026.

TRD-202602106

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 305-8502



CHAPTER 273. GENERAL RULES

22 TAC §273.1

The Texas Optometry Board proposes to repeal 22 TAC Part 14 Chapter 273 General Rules - §273.1 - Surrender of License.

In 2025, the Texas Legislature created the Texas Regulatory Efficiency Office (TREO) to review state agency rules and procedures to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers. In conjunction with the TREO review, the Board is proposing the repeal of §273.1.

Section 273.1 was adopted in 1984 - the Board's purpose was to ensure that optometrists who do not renew a license would not be in possession of a valid license and therefore could not practice optometry. By requiring the return of the license and/or an affidavit stating the optometrist would not practice, the Board was protecting the health and welfare of the general public.

However, online searches of the Board's licensees now provide a way for member of the public to verify that a person has a valid therapeutic license. As such, this rule is an unnecessary step for licensees and an unnecessary burden for staff to maintain the affidavits. The Board has other disciplinary tools for those licensees who practice without a license.

Government Growth Impact Statement. For the first five-year period the repeal is in effect, the Board estimates that the repeal will have no effect on government growth. The repeal does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year period following the repeal, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the repeal does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the repeal. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the repeal will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the repeal is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the repeal, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is

required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed repeal rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

§273.1. Surrender of License.

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 May 19, 2026.

TRD-202602107

Janice McCoy

Executive Director

Texas Optometry Board

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 305-8502



22 TAC §273.10

The Texas Optometry Board proposes to repeal 22 TAC Part 14 Chapter 273 General Rules - §273.10 - Nonrenewal for Failure to Pay Child Support.

In 2025, the Texas Legislature created the Texas Regulatory Efficiency Office (TREO) to review state agency rules and procedures to reduce regulatory burdens; eliminate waste, fraud, and unnecessary rules; and increase transparency for Texas taxpayers. In conjunction with the TREO review, the Board is proposing the repeal of §273.10.

This rule is derived from the Family Code §232.0135 which directs the Board to hold license renewals for non-payment of child support. This rule is unnecessary as it simply restates the statute related to child support payments. The Board has full authority to withhold a license renewal based on the statute.

Government Growth Impact Statement. For the first five-year period the repeal is in effect, the Board estimates that the repeal will have no effect on government growth. The repeal does not create or eliminate a government program; does not require the creation or elimination of employee positions; does not require the increase or decrease in future legislative appropriations to this agency; does not require an increase or decrease in fees paid to the agency; does not create a new regulation; does not expand an existing regulation; does not increase or decrease the number of individuals subject to the rule's applicability; and does not positively or adversely affect the state's economy.

Small Business, Micro-Business, and Rural Community Impact Statement. Ms. McCoy has determined for the first five-year

period following the repeal, there will be no adverse effect on small businesses, micro-businesses, or rural communities and the repeal does not positively or adversely impact the state's economy.

Regulatory Flexibility Analysis for Small and Micro-Businesses and Rural Communities. Ms. McCoy has determined that the repeal will have no adverse economic effect on small businesses, micro-businesses, or rural communities and does not positively or adversely impact the state's economy. Thus, the Board is not required to prepare a regulatory flexibility analysis pursuant to §2006.002 of the Government Code.

Takings Impact Assessment. Ms. McCoy has determined that there are no private real property interests affected by the repeal. Thus, the Board is not required to prepare a takings impact assessment pursuant to §2007.043 of the Government Code.

Local Employment Impact Statement. Ms. McCoy has determined that the repeal will have no impact on local employment or a local economy. Thus, the Board is not required to prepare a local employment impact statement pursuant to §2001.024 of the Government Code.

Public Benefit. Ms. McCoy has determined for the first five-year period the repeal is in effect there is no impact on the public.

Fiscal Note. Janice McCoy, Executive Director of the Board, has determined that for the first five-year period following the repeal, there will be no additional estimated cost, reduction in costs, or loss or increase in revenue to local governments.

Additionally, Ms. McCoy has determined that enforcing or administering the rules do not have foreseeable implications relating to the costs or revenues of state or local government.

Requirement for Rules Increasing Costs to Regulated Persons. The proposed repeal does not impose any new or additional costs to regulated persons, state agencies, special districts, or local governments; therefore, pursuant to §2001.0045 of the Government Code, no repeal or amendment of another rule is required to offset any increased costs. Additionally, no repeal or amendment of another rule is required because the proposed rules are necessary to protect the health, safety, and welfare of the residents of this state and because regulatory costs imposed by the Board on licensees is not expected to increase.

PUBLIC COMMENTS: Comments on the proposed repeal rules may be submitted electronically to: janice.mccoy@tob.texas.gov or in writing to Janice McCoy, Executive Director, Texas Optometry Board, 1801 N. Congress, Suite 9.300, Austin, Texas 78701. The deadline for furnishing comments is thirty days after publication in the *Texas Register*.

Statutory Authority. The Board proposes this repeal pursuant to the authority found in §351.151 of the Occupations Code which vests the Board with the authority to adopt rules necessary to perform its duties and implement Chapter 351 of the Occupations Code.

No other sections are affected by the repeal.

§273.10. Nonrenewal for Failure to Pay Child Support.

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 May 19, 2026.

TRD-202602108



TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 227. MINIMUM GUIDELINES FOR HUMAN DONOR MILK BANKS

25 TAC §227.1

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Department of State Health Services (DSHS), proposes an amendment to §227.1, concerning Minimum Guidelines for Human Donor Milk Banks.

BACKGROUND AND PURPOSE

The proposal is necessary to comply with Texas Health and Safety Code (HSC) §161.071, which requires DSHS to establish minimum guidelines for the procurement, processing, distribution, or use of human milk by donor milk banks. DSHS uses Human Milk Banking Association of North America (HMBANA) standards to determine minimum Texas donor human milk bank guidelines. The proposed rule amendment updates outdated HMBANA guidelines.

SECTION-BY-SECTION SUMMARY

The proposed amendment to §227.1 updates the publication used to establish standards for milk banking, updates how guidelines are publicly accessed, and adds language that human donor milk banks must ensure donated milk is safe and properly labeled in accordance with HMBANA guidelines.

FISCAL NOTE

Christy Havel Burton, Chief Financial Officer, determined for each year of the first five years the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

DSHS determined during the first five years the rule will be in effect:

- (1) the proposed rule will not create or eliminate a government program;
- (2) implementation of the proposed rule will not affect the number of DSHS employee positions;
- (3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;
- (4) the proposed rule will not affect fees paid to DSHS;
- (5) the proposed rule will not create a new regulation;
- (6) the proposed rule will not expand, limit, or repeal existing regulation;

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

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

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

Christy Havel Burton also determined there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule does not impose any additional costs on small businesses, micro-businesses, or rural communities required to comply with the rule.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons and the rule is necessary to implement legislation that does not specifically state §2001.0045 applies to the rule.

PUBLIC BENEFIT AND COSTS

Manda Hall, M.D., Deputy Commissioner, Community Health Improvement Division, determined for each year of the first five years the rule is in effect, the public benefits by having access to up-to-date information and resources establishing the minimum guidelines for human donor milk banks.

Christy Havel Burton also determined for the first five years the rule is in effect, there are no anticipated economic costs to persons required to comply with the proposed rule because the rule amendment does not establish a cost to meet the guidelines.

TAKINGS IMPACT ASSESSMENT

DSHS determined the proposal does not restrict or limit an owner's right to the owner's property that would otherwise exist in the absence of government action and, therefore, does not constitute a taking under Texas Government Code §2007.043.

PUBLIC COMMENT

Written comments on the proposal, including information related to the cost, benefit, or effect of the proposed rule, as well as any applicable data, research, or analysis, may be submitted to Rules Coordination Office, P.O. Box 13247, Mail Code 4102, Austin, Texas 78711-3247, or street address 4601 West Guadalupe Street, Austin, Texas 78751; or emailed to HHSRulesCoordinationOffice@hhs.texas.gov.

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R027" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151 and Texas Health and Safety Code (HSC) §1001.075, which authorize the executive commissioner of HHSC to adopt rules and policies for the operation and provision

of health and human services by DSHS and for the administration of HSC Chapter 1001.

The amendment implements Texas Government Code §524.0151, and HSC §161.071 and Chapter 1001.

§227.1. Minimum Guidelines.

The Texas Department of State Health Services (DSHS) has reviewed and [(department)] adopts by reference the standards found in the publication, "HMBANA Standards for Donor Human Milk Banking: An Overview, January 2024," [entitled "Guidelines for the Establishment and Operation of a Donor Human Milk Bank", Ninth Edition, 2000, as amended,] written by the Human Milk Banking Association of North America (HMBANA), Inc., as minimum guidelines.

(1) Guidelines [A copy of the guidelines] are available for download on the HMBANA.org website [file at the Texas Department of Health, Bureau of Food and Drug Safety, 1100 West 49th Street, Austin, Texas 78756, and may be viewed during normal working hours].

(2) DSHS does not license human donor milk banks in Texas. Human donor milk banks are responsible and must ensure donated milk is safe and properly labeled in accordance with HMBANA guidelines [The guidelines may be viewed on the Texas Department of Health's Bureau of Food and Drug Safety website at www.tdh.state.tx.us/bfds].

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 May 19, 2026.

TRD-202602124

Cynthia Hernandez

General Counsel

Department of State Health Services

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 239-8263



PART 11. CANCER PREVENTION AND RESEARCH INSTITUTE OF TEXAS

CHAPTER 703. GRANTS FOR CANCER PREVENTION AND RESEARCH

25 TAC §703.23

The Cancer Prevention & Research Institute of Texas ("CPRIT" or the "Institute") proposes amendments to Title 25, Part 11, Chapter 703, §703.23, concerning Disbursement of Grant Award Funds.

BACKGROUND INFORMATION AND JUSTIFICATION

CPRIT may withhold the last ten percent (10%) of the total Grant Award funds from a Grant Recipient that receives Grant Award funds via advance payment. Pursuant to §703.23(a), the Grant Recipient must successfully complete all close out reports required by the Institute to receive the withheld funds. This functions to ensure the Grant Recipient's required compliance with all Grant Award close out documents.

Grant Recipients under the Product Development Research Program have sought and received advance Grant Award funds. As a result, CPRIT does not disburse the last ten percent (10%)

of Grant Award funds for most Product Development Research Grant Recipients until the Grant Recipients have submitted close out documents.

Some Product Development Research Grant Recipients that initially received Grant Award funds paid in advance voluntarily elected to receive Grant Award funds via reimbursement-based disbursement during their Grant Contract term. Rule §703.23 does not provide clear guidance regarding the Institute's ability to withhold the final ten percent (10%) of Grant Award funds when the Grant Recipient has received advanced payment of Grant Award funds in the past but has later shifted to receiving payment of Grant Award funds on a reimbursement basis. The proposed rule change to §703.23 clarifies that all Product Development Research Grant Recipients are subject to the ten percent (10%) holdback regardless of whether they receive Grant Award funds in advance or on a reimbursement basis. All other Grant Recipients may be subject to the ten percent (10%) holdback if the Institute determines it is necessary and provides notice no later than the first day of the final Financial Status Report period for the Grant Award.

The proposed rule change permits the Grant Recipient subject to the ten percent (10%) holdback to submit a written request to CPRIT's Chief Executive Officer to reduce or eliminate the amount of Grant Award funds otherwise withheld by the Institute. A Grant Recipient's request must include a reasonable justification of the circumstances supporting a reduced holdback. Because this rule revision codifies the most common practice and applies it to all circumstances easily, it will avoid ambiguity and complexity in the application of the rule with little to no change to current practices.

SECTION-BY-SECTION SUMMARY

Proposed §703.23(a) ensures the consistent use of defined terms and removes text related to the withholding of final Grant Award funds. The Institute proposes moving the requirement to §703.23(c) and providing more explanation of how and when the Institute will withhold final Grant Award fund payment.

Proposed §703.23(c) explains when the Institute will withhold the final ten percent (10%) of Grant Funds from a Grant Recipient, when the Institute will release final Grant Award funds to a Grant Recipient, how a Grant Recipient may request the Institute withhold less than ten percent (10%), and that the Chief Executive Officer makes the final determination and notifies the Oversight Committee.

FISCAL NOTE

Mr. John Ellis, General Counsel for CPRIT, has determined that for each year of the first five years that the proposed amendments will be in effect, there will be no fiscal implications for state or local governments as a result of enforcing or administering the proposed rules. In addition, CPRIT does not anticipate that enforcing or administering the proposed rules will result in any reductions in costs or in any additional costs to the Institute, the state, or local governments. CPRIT also does not anticipate that there will be any loss or increase in revenue to the Institute, the state, or local governments as a result of enforcing or administering the proposed rules.

PUBLIC BENEFIT

Mr. Ellis has determined that for each year of the first five years that the proposed amendments will be in effect, the public benefit expected as a result of adopting the proposed rule amendments will be timelier payment to Grant Recipients and more

transparency when there is a delay in CPRIT's review and payment of an FSR.

ECONOMIC COSTS TO PERSONS AND IMPACT ON LOCAL ECONOMY

There are no anticipated economic costs to persons required to comply with the proposed amendments. There is no effect on local economy for the first five years that the proposed amendments will be in effect; therefore, no local employment impact statement is required under Texas Government Code §§2001.022 and 2001.024(a)(6).

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

The proposed rule amendments will have no direct adverse economic impact on small businesses, micro-businesses, or rural communities. Accordingly, the preparation of an economic impact statement and a regulatory flexibility analysis, as specified in Texas Government Code §2006.002, is not required.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas Government Code §2001.0221, CPRIT provides the following government growth impact statement for the proposed rules. For each year of the first five years that the proposed amendments will be in effect, CPRIT has determined the following:

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

REQUEST FOR PUBLIC COMMENTS

Comments or questions on the proposed amendments may be submitted in writing and directed to Mr. John Ellis, General Counsel, Cancer Prevention and Research Institute of Texas, P.O. Box 12097, Austin, Texas 78711, or by e-mail to jellis@cprit.texas.gov. Comments will be accepted no later than July 6, 2026. Comments should be organized in a manner consistent with the organization of the proposed amendments.

STATUTORY AUTHORITY

The proposed rule amendments are authorized by Texas Health & Safety Code § 102.108, which provides the Institute with broad rule-making authority to administer the Chapter.

CROSS REFERENCE TO STATUTE

The proposed rule amendments implement Chapter 102 of the Texas Health & Safety Code. No other statute, code, or article is affected by the proposed rules.

§703.23. Disbursement of Grant Award Funds.

(a) The Institute disburses Grant Award funds by reimbursing the Grant Recipient for allowable costs already expended; however, the nature and circumstances of the Grant Mechanism or a particular Grant Award may justify advance payment of funds by the Institute pursuant to the Grant Contract.

(1) The Chief Executive Officer shall seek authorization from the Oversight Committee to disburse Grant Award funds by advance payment.

(A) A simple majority of Oversight Committee Members present and voting must approve the Chief Executive Officer's advance payment recommendation for the Grant Award.

(B) Unless specifically stated at the time of the Oversight Committee's vote, the Oversight Committee's approval to disburse Grant Award funds by advance payment is effective for the term of the Grant Award.

(2) Unless otherwise specified in the Grant Contract, the amount of Grant Award funds advanced in any particular Tranche may not exceed the budget amount for the corresponding Project Year.

(3) The Grant Recipient receiving advance payment of Grant Award funds must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the Grant Award funds and disbursement by the Grant Recipient.

(4) The Grant Recipient must comply with all financial reporting requirements regarding use of Grant Award funds, including timely submission of quarterly Financial Status Reports.

(5) The Grant Recipient must expend at least 90% of the Grant Award funds in a Tranche before Institute will advance additional Grant Award [grant] funds or reimburse additional costs. To the extent possible, the Institute will work with the Grant Recipient to coordinate the advancement of Grant Award fund Tranches in such a way as to avoid affecting work in progress or project planning.

(6) Nothing herein creates an entitlement to advance payment of Grant Award funds; the Institute may determine in its sole discretion that circumstances justify limiting the amount of Grant Award funds eligible for advance payment, may restrict the period for the advance payment of Grant Award funds, or may revert to payment on a reimbursement-basis. [Unless specifically stated in the Grant Contract, the Institute will disburse the last ten percent (10%) of the total Grant Award funds using the reimbursement method of funding, and will withhold payment until the Grant Recipient has closed its Grant Contract and the Institute has approved the Grant Recipient's final reports pursuant to §703.14 of this chapter relating to Termination, Extension, Close Out of Grant Contracts, and De-Obligation of Grant Award funds.]

[(A) A Grant Recipient receiving advance payment may request in writing that the Institute withhold less than ten percent (10%) of the total Grant Award funds. The Grant Recipient must submit the request and reasonable justification to the Institute no sooner than the start of the final year and no later than the start of the final financial status reporting period of the grant project.]

[(B) The Chief Executive Officer may approve or deny the request. If approved, the Chief Executive Officer will provide written notification to the Oversight Committee. The Chief Executive Officer's decision to approve or deny a request is final.]

(b) The Institute will disburse Grant Award funds for actual cash expenditures reported on the Grant Recipient's quarterly Financial Status Report.

(1) Only expenses that are allowable and supported by adequate documentation are eligible to be paid with Grant Award funds.

(2) A Grant Recipient must pay their vendors and subcontractors prior to requesting reimbursement from CPRIT.

(c) The Institute may withhold disbursing Grant Award funds if the Grant Recipient has not submitted required reports, including quarterly Financial Status Reports, Grant Progress Reports, Matching Fund Reports, audits and other financial reports. Unless otherwise specified for the particular Grant Award, Institute approval of the required report(s) is necessary for disbursement of Grant Award funds.

(1) For all Grant Recipients under the Product Development Research Grant Program, the Institute will withhold ten percent (10%) of the total Grant Award funds until the Grant Recipient has closed its Grant Contract and the Institute has approved the Grant Recipient's close out documents pursuant to Chapter 703, §703.14 of this title (relating to Termination, Extension, Close Out of Grant Contracts, and De-Obligation of Grant Award funds).

(A) A Grant Recipient described in this paragraph may request in writing that the Institute withhold less than ten percent (10%) of the total Grant Award funds. The Grant Recipient must submit the request and reasonable justification in writing to the Institute no sooner than one year prior to the termination date of the Grant Contract and no later than the first day of the final Financial Status Report period of the Grant Contract.

(B) The Chief Executive Officer has sole discretion to approve or deny the request. If approved, the Chief Executive Officer will provide written notification to the Oversight Committee. The Chief Executive Officer's decision to approve or deny a request is final.

(2) For all other Grant Recipients, the Institute may, in the exercise of its sole discretion, withhold ten percent (10%) of the total Grant Award funds until the Grant Recipient has closed its Grant Contract and the Institute has approved the Grant Recipient's final close out documents pursuant to Chapter 703, §703.14 of this title. Unless the Institute's intention to exercise its authority under this paragraph is specifically mentioned in the Grant Contract, the Institute shall notify the Grant Recipient, in writing, of its intention to do so no later than the start of the final Financial Status Report period of the Grant Award.

(A) A Grant Recipient described in this paragraph may request in writing that the Institute withhold less than ten percent (10%) of the total Grant Award funds. The Grant Recipient must submit the request and reasonable justification to the Institute no sooner than one year prior to the termination date of the Grant Contract and no later than the first day of the final Financial Status Report period of the Grant Contract.

(B) The Chief Executive Officer has sole discretion to approve or deny the request. If approved, the Chief Executive Officer will provide written notification to the Oversight Committee. The Chief Executive Officer's decision to approve or deny a request is final.

(d) All Grant Award funds are disbursed pursuant to a fully executed Grant Contract. Grant Award funds shall not be disbursed prior to the effective date of the Grant Contract.

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

Filed with the Office of the Secretary of State on May 22, 2026.

TRD-202602157

Heidi McConnell

Deputy Executive Officer / Chief Operating Officer
Cancer Prevention and Research Institute of Texas

Earliest possible date of adoption: July 5, 2026

For further information, please call: (512) 463-3190



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 809. CHILD CARE SERVICES

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 809, relating to Child Care Services:

Subchapter A. General Provisions, §809.2

Subchapter B. General Management, §§809.18, 809.19, and 809.21

Subchapter C. Eligibility for Child Care Services, §§809.41 - 809.43, 809.45, 809.47, 809.49, 809.51, 809.52, 809.54, and 809.56

Subchapter D. Parent Rights and Responsibilities, §§809.72, 809.73, and 809.78

Subchapter E. Requirements to Provide Child Care, §809.92, §809.95, and §809.96

Subchapter G. Texas Rising Star Program, §§809.130 - 809.134 and §809.136

TWC proposes the following new sections to Chapter 809, relating to Child Care Services:

Subchapter A. General Provisions, §809.4 and §809.5

Subchapter G. Texas Rising Star Program, §809.137

TWC proposes the repeal of the following section of Chapter 809, relating to Child Care Services:

Subchapter B. General Management, §809.22

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 809 rule change is to comply with recent legislative statutory changes, improve operational efficiency, strengthen confidentiality of data policy, and align rules with operational practices with the implementation of Texas Child Care Connection (TX3C) case management system.

House Bill 2294 Paying the Maximum Payment Rate Regardless of Provider's Published Rate

House Bill (HB) 2294, 89th Texas Legislature, Regular Session, 2025, amended Texas Government Code, §2308.3151, to allow, but not require, a Local Workforce Development Board (Board) to pay Texas Rising Star providers at the Board's maximum payment rate regardless of the provider's published rate. HB 2294 requires, however, that a Board may do this only if paying the higher rate does not reduce the target performance measure for the average number of children serviced in the Board's workforce area.

To align Chapter 809 with the language in statute, the proposed amendments allow a Board to pay the Board's maximum rate for Texas Rising Star providers only if paying the higher rate does not prevent the Board from meeting the Commission's performance target for the average number of children served in the Board's local workforce development area (workforce area).

Calculating the Blended-Day Payment Rates

The proposed rules clarify the rates used to calculate the blended-day enrollment. Pursuant to §809.93(f)(3), the blended-day unit of service is for a child enrolled in a school program, prekindergarten, Head Start, or Early Head Start in which child care is primarily part-day, with full-time child care provided occasionally, such as when schools are on spring break.

Consistent with §809.21(a), requiring that Boards pay the lower of the Board's maximum rate or the provider's published rate, §809.21(c) is added to state that the payment for a blended-day enrollment is calculated as a weighted blend across the school year of the lower of the provider's published full-day rate or the maximum Board full-day rate, and the lower of the provider's part-day rate or the maximum Board part-day rate.

The Commission notes that this is not a change to the methodology for calculating the blended-day rate. The blended rate was developed to improve operational efficiency for creating one blended child authorization rather than requiring child care case workers to modify each child's authorization when the school calendar changes and children require full-time child care. The blended rate's operational efficiency reduces the child care case-worker workload for the approximately 50,000 school-age CCS children, whose schedules would need to be modified throughout the school year. If the blended rate was not in use, payments for CCS children would be based on the lower of the provider's published rate for full-day care and for part-day care. These are the same factors that TWC uses in calculating the blended rate. The methodology for calculating the blended-day rate described in the proposed rules has been in place since 2010. The intent of adding the methodology in the rule language is to provide transparency regarding the methodology.

Child Care Services Eligibility and Authorization Periods

Pursuant to 45 Code of Federal Regulations (CFR) §98.21(a), states must establish a minimum 12-month authorization period for eligible families receiving child care assistance. Texas currently implements this requirement through §809.42(b) of the Child Care Services rules, which requires Boards to ensure that eligibility for child care services is not redetermined sooner than 12 months following the initial determination or the most recent redetermination.

The US Department of Health and Human Services, Administration for Children and Families (ACF), has clarified that the intent of 45 CFR §98.21(a) is to ensure that children receive a full 12 months of child care services once the child begins receiving child care (which often occurs after the initial eligibility determination date).

Child Care & Early Learning (CC&EL) recently issued Workforce Development (WD) Letter 05-26, "12-Month Eligibility and Authorization of Child Care Services" to help Boards implement a process that ensures each eligible child is guaranteed a minimum of 12 months of child care services to align with ACF's clarifying instructions. The proposed amendments add the definition of "eligibility period," which includes a 12-month authorization to

receive child care services to clarify that the required 12-month authorization for child care services begins from the time a child begins receiving child care after being determined eligible.

The proposed rules further ensure that Boards meet the intent of 45 CFR §98.21 by clarifying eligibility and service periods throughout Chapter 809, and to include, as necessary, the guidance outlined in WD Letter 05-26, including adding definitions for the eligibility determination and redetermination periods.

Exceptions for Providers Recording Attendance

Section 809.95 prohibits providers, including provider staff, from recoding attendance on behalf of the parents through the TX3C attendance tracking system. With the implementation of TX3C, in limited instances, when the parent is not available to record attendance at drop-off or pick-up of the child (such as when the provider is transporting the child to or from school), the provider may record the appropriate check-in or check-out. The parent must still record at least one daily check-in or check-out for the child. However, in these limited circumstances, the parent is not required to perform both a check-in and a check-out. Additionally, parents may backdate attendance records by up to six days.

TWC has provided guidance to the Boards through WD Letter 08-23 describing these limited instances in which the provider may record attendance on behalf of the parents.

The proposed rules include language that mirrors the guidance in WD Letter 08-23 regarding exceptions to allow providers to record attendance.

Clarify 90-day Period for Temporary Cessation of Activities, Job Search, and Homelessness Eligibility

Section 809.51 requires that child care continue for at least three months if a parent experiences a temporary cessation of work or attendance in a training or education program.

Depending upon the months involved (such as if the months include 31 days), the three months rule language has led to an inconsistent number of days the parent may experience temporary cessation of activities and continued care following a non-temporary cessation of activities.

The proposed rules provide for a consistent "90 calendar day" period for a temporary cessation of activities, and continuation of care for a non-temporary cessation of activities. Similarly, the proposed rules clarify the 90 calendar day period for initial enrollment of a child experiencing homelessness in §809.52, and for child care during job search in §809.56.

Services to Children Experiencing Homelessness

Child Care Development Fund (CCDF) regulations at 45 CFR §98.46(a)(3) requires states to prioritize child care services for children experiencing homelessness. However, the regulations do not specify how states implement this prioritization of services. The CCDF State Plan allows states to choose how states prioritize child care services for children experiencing homelessness through one or all of these options:

- prioritize for enrollment in child care services;
- serve without placing on a waiting list;
- waive parent share of cost;
- pay higher rates for access to higher quality care; and
- use grants or contracts to reserve child care spots.

Additionally, 45 CFR §98.51 requires states to establish procedures to permit enrollment (after an initial eligibility determination) of children experiencing homelessness while required documentation is obtained. Section 809.52 requires a three-month initial eligibility period for children experiencing homelessness while parents are obtaining required documentation regarding age and citizenship status.

CCDF regulations at 45 CFR §98.2 and 40 TAC §809.2 define "Child experiencing homelessness" as child who is homeless as defined in McKinney-Vento Act (42 USC 11434a).

The McKinney-Vento Act defines "homeless children and youths" as individuals who lack a fixed, regular, and adequate nighttime residence; and includes:

--children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

--children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

--children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

--migratory children who qualify as homeless for the purposes of the McKinney Vento Act because the children are living in circumstances described previously.

Current Chapter 809 prioritizes enrollment for children experiencing homelessness through presumptive eligibility as described in §809.41(a)(3), which states that a child is eligible at the time of eligibility determination or redetermination if the child resides with a family within the Board's workforce area:

--whose income does not exceed 85 percent of the state median income (SMI) for a family of the same size; and

--whose assets do not exceed \$1,000,000 as certified by a family member; or

--that meets the definition of experiencing homelessness.

Additionally, current Child Care Services rules prioritize enrollment from a Board's waiting list (§809.43(a)(2)(D)) and waives the parent share of cost (§809.19(a)(3)(C)) for children experiencing homelessness. The Child Care Services rules also do not establish a comparable work requirement for homeless families.

The McKinney-Vento definition "sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason" is broad and could include families who reside with relatives, as is the case with many low-income families.

The proposed amendments remove the presumptive eligibility in §809.41 for children experiencing homelessness. The proposed amendments also establish parameters for establishing the parent share of cost following a 90-day initial enrollment period.

The proposed rules continue to implement the priority of services for children experiencing homelessness as required under CCDF regulations as follows:

--Continue to allow up to 90 days of initial eligibility while parents obtain necessary documentation to demonstrate eligibility under

§809.41 regarding age, citizenship, activity, and income requirements.

--Require homeless families to meet work, education, or job training activity requirements (§809.41(b)) on or before the end of the 90-day initial enrollment.

Streamline Language Regarding Children Receiving Services from a Recognized Prekindergarten Partnership

Section 809.22 contains the requirements for "Direct Referrals to Recognized Partnerships" and includes the definition of a recognized partnership to be a formal agreement partnership that exists between a child care provider and one of the following:

--a public school prekindergarten provider;

--a local education agency; or

--a Head Start/Early Head Start program.

This definition was developed prior to the creation of the Prekindergarten Partnership Program in statute at §302.0051 of the Texas Labor Code, which defines an eligible prekindergarten partnership program as a private provider under §29.171 of the Texas Education Code. To be eligible under §29.171, the provider must:

--be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the Texas Education Agency;

--be a Texas Rising Star Program provider with a three-star certification or higher;

--be a Texas School Ready! participant;

--have an existing partnership with a school district to provide a prekindergarten program not provided under this subchapter; or

--be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

The proposed amendments add the definition of a prekindergarten partnership program to §809.2 and reference providers meeting the requirements in Texas Education Code, §29.171. The proposed amendments also add children served through a recognized prekindergarten partnership to the priority list for the waiting list and repeals §809.22.

Additionally, under the new priority for prekindergarten partnerships, the proposed amendments also prioritize services for prekindergarten-age children receiving a Texas Educational Freedom Account to attend a private prekindergarten provider as described in Texas Education Code §16.404(h) when the provider is also a CCS provider offering wrap-around child care for eligible children. This change aligns priorities so that children qualifying for state-funded prekindergarten receive priority treatment regardless of whether their educational services are provided by a school district, charter school, or provided by a qualified private provider.

Clarifications Regarding Priority for Child Care Services for Children Receiving Protective Services

The proposed rules clarify the provisions relating to authorizing and funding child care services for children needing or receiving Texas Department of Family and Protective Services (DFPS) protective services. The proposed amendments remove the priority for child care services authorized and funded by DFPS in §809.43(a)(2)(A), because §809.43(a) refers to the second pri-

ority group for CCS services, which are TWC-funded and administered by Boards.

The proposed amendments add §809.43(b), regarding provisions on how to prioritize protective services child care, as further explained in §809.49.

As described in §809.49 regarding Protective Services Child Care, child care for children receiving or needing protective services is funded and authorized by DFPS and is not subject to the Board's waiting list. Additionally, §809.49(c) notes that Boards are required to provide child care (often referred to as Former-DFPS child care) under §809.54, Continuity of Care, for any DFPS child care paid for with CCDF funds that is terminated by DFPS prior to the end of the child's required eligibility period.

Confidentiality of Child Care Information

Under 45 CFR §98.15(b)(13), CCDF Lead Agencies must have policies in effect to govern the use and disclosure of confidential and personally identifiable information (PII) about children and families receiving CCDF assistance and child care providers receiving CCDF funds.

Section 809.71(8) specifies that parents have the right to "have the Board and the Board's child care contractor treat information used to determine eligibility for child care services as confidential." Currently, TWC's contracts with Boards as well as guidance directives include requirements to protect sensitive and personally identifiable information. However, Chapter 809 does not include language to specifically meet the requirements of 45 CFR §98.15(b)(13).

The proposed rules add provisions related to confidentiality of information. The proposed rules ensure consistent application of data privacy standards regarding the TWC's use of PII, and sensitive personal information (SPI). The proposed rules specifically state that any disclosure of child care information must be in strict compliance with federal regulations, state law, and TWC policies. This includes, but is not limited to:

--child and family information, including names, addresses, contact information, dates of birth, family composition, income levels, and any information related to eligibility for CCS; and

--provider information, such as child records and background check information related to licensed or registered child care providers and their business practices.

Child Abuse and Neglect Reporting for Staff Conducting Provider On-site Visits

Board, Board contractor, and Agency grantees and contractor staff are required to conduct on-site visits at a provider's facility for a variety of reasons. The Commission proposes to amend Chapter 809 to clarify that any staff conducting such site visits are required to comply with state statutory abuse and neglect reporting pursuant to Texas Family Code, §261.101. This requirement is in §809.136 relating to Texas Rising Star staff and will be relocated to a new §809.5 in Subchapter A.

Texas Rising Star Program Facility Changes

Chapter 809, Subchapter G, establishes the requirements for participating in Texas Rising Star. Current rule language regarding child care providers that undergo a facility change does not specify the requirements for a provider to retain a current or previous Texas Rising Star status or be granted a new status after the change. The Texas Rising Star Guidelines (Guidelines) include the parameters for facility changes for certified providers.

However, the Guidelines lack a clear process for determining whether an Entry Level-designated (ELD) provider or a provider in poor standing should retain the status of the predecessor program.

The proposed rules state that Texas Rising Star providers, including ELD providers, shall, with limited exceptions, retain the provider's star level, Entry Level designation, probationary, or suspension status if the facility has a change of ownership, change of facility type, a move, or expansion of locations.

The proposed rules also state that if a provider is terminated from the Texas Rising Star program due to the failure to achieve at least a Two-Star certification by the end of the 18-month suspension period, or whose Entry Level designation expires without achieving at least a Two-Star certification, and the provider subsequently applies for the Texas Rising Star program under a new ownership, the provider is eligible to participate in the Texas Rising Star program based on the status of the provider at the time of termination from the program.

Impacts of Child Care Regulation Licensing Compliance on Texas Rising Star Certification

Section 809.132 establishes the impacts that are placed on a child care provider based on the provider's licensing compliance. These impacts include suspension, star-level drops, and probationary status dependent on the licensing issue that has occurred or continues to occur. These impacts can result in a provider's loss of certification and ultimately, termination from Texas Rising Star participation when reviewed against the Certified Screening Form.

The intent of the proposed amendments to §809.132 is to focus on high-weighted deficiencies (eliminating the current parameter which also looks at medium-high weighted deficiencies) when considering the points incurred for Entry Level and certification compliance and providing a probationary period, rather than an immediate star-level drop for providers that incur one of four specified CCR licensing deficiencies related to background checks and abuse and neglect. CCR requires providers to immediately address these deficiencies; providing a probationary period allows the provider to demonstrate continued compliance with the standards. This change would eliminate one of the two current probationary statuses. TWC will retain a singular probationary status that is based on one of two factors, the first being a list of specific high-weighted CCR licensing standards (that used to result in a star level drop) and the other related to total points incurred based on high-weighted deficiencies. Child care providers will continue to be monitored for the number of high-weighted licensing deficiencies occurred within the most recent six months. The Certified Screening Form would be revised as drafted.

The Commission also proposes amendments to §809.132, regarding the process for reinstating child care providers that are in suspension status due to licensing deficiencies. Currently, providers are eligible to be reinstated after the six-month period; however, they must submit a request for assessment and achieve certification that may extend their suspension status. The proposed amendments state that providers in suspension status for licensing deficiencies be automatically reviewed at the end of the six months and reinstated to their previously assessed star level as long as the provider can pass the initial screening form. Additionally, the timeline for suspension is revised from 15 to 18 months. This change is made to accommodate legislative changes in House Bill 2789, 89th Texas Legislature, Regular

Session, 2025, that extended initial permits from six months to 12 months.

Removing the 20-Day Texas Rising Star Assessment Schedule Deadline

Section 809.133 establishes the protocols the Agency's Centralized Assessment Entity (CAE) follows when reviewing and conducting Texas Rising Star assessments. The assessment entity is required to notify a child care provider within 20 days of application of the provider's timeline for assessment. CAE requires more than 20 days to develop this timeline.

The proposed amendments to §809.133 remove the requirement for CAE to provide an estimated time frame for scheduling the initial assessment within 20 days of receiving the provider's application. TWC will establish an expectation that CAE will notify child care providers when their initial assessment will be scheduled, within 30 days of application. This information will be published in the Guidelines, rather than in Chapter 809.

Texas Rising Star Mentor Qualifications

Section 809.134(c) establishes the minimum qualifications for Texas Rising Star mentors. Current minimum education qualifications include having an associate degree or higher with a prescribed number of credit hours earned in early childhood education or related fields. The current rule includes a separate and unclear credit hour requirement for bachelor's degrees in family consumer science.

The proposed amendments to §809.134(c)(2) streamline and clarify the language. The amended language allows for degrees in a variety of areas as long as the individual has at least 18 credit hours relevant to early childhood education, child development, special education, child psychology, educational psychology, elementary education, or family consumer science.

Additionally, proposed amendments to §809.134 allow an individual without a bachelor's or an associate degree to be a mentor if the individual has a Child Development Associate (CDA) credential and commitment to achieve the mentor microcredential within two years of employment. Additionally, proposed amendments add a requirement that all mentors must attain mentor microcredentialing within two years of employment.

Rule Review

Texas Government Code §2001.039 requires a state agency to review and consider for re-adoption each of its rules every four years. In accordance with the statute, TWC proposes the review of Chapter 809, Child Care Services, and re-adoption of the rules as amended.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER A. GENERAL PROVISIONS

TWC proposes the following amendments to Subchapter A:

§809.2. Definitions

Section 809.2 is amended to add new definitions related to eligibility determination, redetermination, and eligibility periods. The definitions clarify when eligibility determinations and redeterminations start, the length of the eligibility period, and when the 12-month authorization period begins.

New §809.2(12) defines that the "eligibility determination or re-determination" is the date the family is notified of the initial determination or redetermination of eligibility for child care services. The definition clarifies that the redetermination date must not be prior to the last day of the eligibility period.

New §809.2(13) defines that the "eligibility period" consists of the eligibility determination or redetermination date, plus a 12-month authorization for child care services, which is 12 consecutive months an eligible child is authorized to receive child care services. The 12 months begin when the first eligible child in the family begins receiving care with the authorized provider.

The addition of new §809.2(13) also results in amending language throughout the rules from "12-month eligibility period" to align with the new "eligibility period" definition.

New §809.2(23) defines "recognized prekindergarten partnership" as a formal partnership that exists between a school district that offers a prekindergarten program under Texas Education Code, §29.153 and an eligible provider described in Texas Education Code, §29.171.

Texas Education Code, §29.171, defines an "eligible provider" as a private provider licensed by and in good standing with Child Care Regulation (CCR), and a provider in which CCR has not taken an action against under Texas Human Resources Code, §§42.071, 42.072, or 42.078 during the 24-month period preceding the date of a contract with a school district. The private provider must also:

- be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the Texas Education Agency;
- be a Texas Rising Star Program provider with a three-star certification or higher;
- be a Texas School Ready! participant;
- have an existing partnership with a school district to provide a prekindergarten program; or
- be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

The definition in new §809.2(23) also states that the formal partnership requires both parties to have entered into an agreement, such as a memorandum of understanding, and serves some number of children under age six who are dually enrolled in both programs.

Section 809.2 is also amended to remove the definition of "excessive unexplained absences" as the provisions stipulated in this definition are duplicated in the rules related to absences in §809.78.

§809.4. Confidentiality of Information

New §809.4 states that TWC, TWC contractors, Boards, Board contractors, and child care providers participating in the child care services program must ensure the confidentiality of child care information and prevent the disclosure of PII about children and families applying for or receiving child care services.

The rules state that any disclosure of child care information must be in strict compliance with federal regulations, state law, and TWC policies. This includes, but is not limited to, non-disclosure of:

- child and family information, including names, addresses, contact information, dates of birth, family composition, income lev-

els, and any information related to eligibility for child care services; and

—provider information, such as child records and background-check information related to licensed or registered child care providers and their business practices.

§809.5. Reporting Potential Abuse and Neglect at Child Care Provider Sites

New §809.5 requires Boards, Board contractors, and TWC's grantees and contractors to have procedures that ensure staff conducting onsite visits to providers report potential child abuse and neglect at the provider site as required by Texas Family Code, §261.101.

SUBCHAPTER B. GENERAL MANAGEMENT

TWC proposes the following amendments to Subchapter B:

§809.18. Maintenance of a Waiting List

Section 809.18 is amended to remove the exemption from the waiting list for children who are directly referred from a recognized prekindergarten or Head Start/Early Head Start partnership to receive services in the contracted partnership program described in repealed §809.22.

§809.19. Assessing the Parent Share of Cost

Section 809.19 is amended to clarify that the parent share of cost is assessed at the eligibility determination or redetermination and aligns with the new definition of eligibility determination or redetermination, which states that this period starts when the parent is notified or at eligibility determination or redetermination. The amendments also change the three-month period to 90 calendar days related to reassessment of the parent share of cost upon resumption of work, job training, or education activities.

§809.21. Determining the Amount of the Provider Payment

New §809.21(c) is added to clarify the rates used to calculate the blended-day enrollment. Consistent with §809.21(a) requiring that Boards pay the lower of the Board's maximum rate or the provider's published rate, §809.21(c) is added to state that the payment for a blended-day enrollment is calculated as a weighted blend across the school year of the lower of the provider's published full-day rate or the maximum Board full-day rate, and the lower of the provider's part-day rate or the maximum Board part-day rate.

New §809.21(d) adds the provision pursuant to Texas Government Code, §2308.3151, that a Board may establish a policy to pay Texas Rising Star Program providers, including Entry Level designated providers, at the Board's maximum payment rate for the providers' Texas Rising Star Program rating level regardless of the providers' published rate only if paying the higher rate does not prevent the Board from meeting the Commission's performance target for the average number of children served in the workforce area served by the Board.

The Commission notes that Boards choosing to exercise this option must apply it to all providers in the workforce area and cannot be applied to individual providers or group of providers. The Commission also notes that pursuant to 40 TAC §802.1(f), Boards choosing this option must do so in an open public meeting.

Additionally, the proposed amendment necessitates changes to the TX3C case management system, and the Agency anticipates

that the changes will be implemented by the effective date of the rules.

§809.22. Direct Referrals to Recognized Partnerships

Section 809.22 is repealed to remove provisions related to direct referrals to recognized partnerships.

SUBCHAPTER C. ELIGIBILITY FOR CHILD CARE SERVICES

TWC proposes the following amendments to Subchapter C:

§809.41. A Child's General Eligibility for Child Care Services

Section 809.41 is amended to remove the language that a child experiencing homelessness is presumptively eligible for child care services. This change clarifies that parents of children experiencing homelessness are required to participate in work, job training, or education activities within the 90-day period described in §809.52.

§809.42. Eligibility Verification, Determination, and Redetermination

Section 809.42 is amended to clarify the eligibility period for child care services in accordance with federal guidelines. The amended language clarifies that the Board's child care contractor must verify eligibility prior to eligibility determination or redetermination for child care services to align with the new definition related to eligibility determination or redetermination.

Amended §809.42 also requires Boards to ensure that eligible children receive a minimum 12-month authorization of child care services. The amended rule also specifies that for a family with one eligible child at the time of eligibility determination, if the child does not require care immediately, the parent may request a voluntary suspension until care is needed, and the 12-month authorization will begin on the first day care begins.

Section 809.42 is amended to also state that for a family with multiple eligible children at the time of eligibility determination, if all the children do not require care immediately, the parent may request a voluntary suspension until care is needed, and the 12-month authorization will begin on the date the first child begins care.

Amended §809.42 further clarifies that a family's eligibility period is the date of eligibility determination or redetermination plus the 12-month authorization period, and that a family's redetermination date is the day after the last day of the eligibility period.

§809.43. Priority for Child Care Services

Section 809.43(a)(2) is amended to add children enrolled in a prekindergarten partnership and children receiving a Texas Educational Freedom Account to attend a private prekindergarten provider as described in Texas Education Code §16.404(h) when the provider is also a CCS provider offering wrap-around child care for eligible children. These children are added to the second waiting list priority group, subject to the availability of funds.

Section 809.43(a)(2) is amended to remove the priority for child care services authorized and funded by DFPS. Section 809.43(a) describes the priorities for TWC-funded child care services. The priority of care for children needing and receiving protective services is described in §809.49, which requires Boards to enroll children authorized by DFPS and are not subject to the Board's waiting list. However, §809.43 is further amended to add §809.43(b), stating that a Board shall enroll children needing protective services as authorized by DFPS, and as further described in §809.49.

§809.45. Choices Child Care

Section 809.45 is amended to update language related to the "12-month eligibility period" to "eligibility period" to align with the new "eligibility period" definition in §809.2.

§809.47. Supplemental Nutrition Assistance Program Employment and Training Child Care

Section 809.47 is amended to updated language related to the "12-month eligibility period" to align with the new "eligibility period" definition in §809.2.

§809.49. Protective Services Child Care

Section 809.49 is amended to clarify that Boards must enroll children authorized by DFPS. Rule amendments also clarify that DFPS child care services funded through CCDF but discontinued by DFPS prior to the end of the required eligibility period must be continued by the Board (often referred to as Former-DFPS child care) using TWC-allocated funds as required by the Continuity of Care provisions of §809.54.

§809.51. Child Care during Temporary Interruptions in Work, Education, or Job Training

Section 809.51 is amended to update language related to the "12-month eligibility period" to align with the new "eligibility period" definition in §809.2. The amendments also change the three-month continued care period to "90 calendar days."

§809.52. Child Care for Children Experiencing Homelessness

Section 809.52 is amended to change the three-month initial enrollment period pending documentation and activity requirements to "90 calendar days."

Amended §809.52 is amended to clarify that parents of children experiencing homelessness meet the minimum participation requirements for At-Risk Child Care in order for child care to continue through the remainder of the eligibility period.

Section 809.52 is also amended to add that, for child care during the initial 90-day enrollment period, the Board will initially assess the parent share of cost at the highest amount based on the family size and number of children in care. The initially assessed amount will immediately be temporarily reduced to zero, including for dual-parent families in which one parent is employed but the family does not meet the minimum participation requirements for At-Risk Child Care as described in §809.50.

Amended §809.52 adds that if the parent begins to meet participation requirements, within or by the end of the 90-day enrollment period, the parent share of cost shall be reinstated at the initially assessed amount or the amount based on the actual family income, whichever is lower.

§809.54. Continuity of Care

Section 809.54 is amended to update language related to the "12-month eligibility period" to align with the new "eligibility period" definition in §809.2.

Section 809.54 is also amended to clarify that closed DFPS cases are the "Former-DFPS" protective services cases previously funded using CCDF through DFPS. Proposed rule language also clarifies that the "Former-DFPS" child care continues through the end of the eligibility period using funds provided to the Board by TWC.

§809.56. Child Care during Initial Job Search

Section 809.56 is amended to update language related to the "12-month eligibility period" to align with the new "eligibility period" definition in §809.2 and changes the initial job search period from three months to "90 calendar days."

SUBCHAPTER D. PARENT RIGHTS AND RESPONSIBILITIES

TWC proposes the following amendments to Subchapter D:

§809.72. Parent Eligibility Documentation Requirements

Section 809.72 is amended to update language related to the "12-month eligibility period" to align with the new "eligibility period" definition in §809.2.

§809.73. Parent Reporting Requirements

Section 809.73 is amended to update language related to the "12-month eligibility period" to align with the new "eligibility period" definition in §809.2.

§809.78. Attendance Standards and Notice and Reporting Requirements

Section 809.78 is amended to update language related to the "12-month eligibility period" to align with the new "eligibility period" definition and the new definition of "eligibility determination or redetermination" as they relate to when the parent signs a written acknowledgment indicating their understanding of the attendance standards and reporting requirements.

Section 809.78 is also amended to clarify that "missed attendance" includes when only a check-in or a check-out is recorded for a child. Both a check-in and a check-out must exist for a child to be counted as present.

SUBCHAPTER E. REQUIREMENTS TO PROVIDE CHILD CARE

TWC proposes the following amendments to Subchapter E:

§809.92. Provider Responsibilities and Reporting Requirements

Section 809.92(f) is amended to make a technical change to replace "copayment" with "parent share of cost" to align with language regarding parent share of cost throughout Chapter 809.

§809.95. Provider Automated Attendance Agreement

Section 809.95 is amended to reiterate the current requirement that providers are required to use the TWC-approved automated attendance system.

Section 809.95 is also amended to add language relating to instances in which a provider may perform the attendance or absence reporting function on behalf of the parent. The new language specifies that in instances when the parent is not available to record the drop-off or pick-up of the child (such as when the provider is transporting the child to or from school), the provider may record the appropriate check-in or check-out. The new language also requires that the parent must record at least one daily check-in or check-out for the child. However, in these limited circumstances, the parent does not have to perform both check-in and check-out.

§809.96. Contracted Slots Agreements

Section 809.96 is amended to clarify that a provider is eligible for a contracted slots agreement if the provider has a recognized prekindergarten partnership as defined in the amended §809.2.

Section 809.96 is also amended to remove the waiting list exception for children directly referred from a recognized partnership in the proposed repeal of §809.22.

SUBCHAPTER G. TEXAS RISING STAR PROGRAM

TWC proposes the following amendments to Subchapter G:

§809.130. Short Title and Purpose

Section 809.130 is amended to remove the reference to medium-high CCR deficiencies points threshold to achieve Texas Rising Star certification, with the focus to be on high-weighted CCR deficiencies as they relate to the impact on Texas Rising Star certification.

§809.131. Requirements for the Texas Rising Star Program

Section 809.131(a) is amended to remove references to medium-high CCR deficiencies points threshold related to eligibility for Entry Level designation.

Section 809.131(b) is also amended to clarify that to be eligible for the Entry Level designation, a provider is not under a "Notice of Freeze" with the Commission pursuant to Texas Labor Code, Chapter 213 (Enforcement of the Texas Unemployment Compensation Act), or Texas Labor Code, Chapter 61 (Payment of Wages). This change aligns Entry Level designation with the basic requirement related to freeze notices for Texas Rising Star eligibility in §809.131(a).

§809.132. Impacts on Texas Rising Star Certification

Section 809.132 is renamed "Impacts of Child Care Regulation Licensing Compliance on Texas Rising Star Certification" to specify that the impacts on the Texas Rising Star certification detailed in this section are related to CCR licensing compliance.

Section 809.132 is amended to remove the "star level drop" status based on a list of specific CCR licensing deficiencies. The intent of this change is to focus on high-weighted deficiencies when considering the points incurred for Entry Level and certification compliance and providing a probationary period, rather than an immediate star-level drop for providers that incur one of four specified CCR licensing deficiencies related to background checks and abuse and neglect. CCR requires providers to immediately address these deficiencies; providing a probationary period allows the provider to demonstrate continued compliance with the standards. This change eliminates one of the two current probationary statuses. TWC will retain a singular probationary status that is based on one of two factors, the first being a list of specific high-weighted Child Care Regulation licensing standards and the other related to total points incurred based on high-weighted deficiencies. Child care providers will continue to be monitored for the number of high-weighted licensing deficiencies occurred within the most recent six months.

Other amendments to §809.132 also involve the process for reinstating child care providers who are in suspension status due to licensing deficiencies. Currently, providers are eligible to be reinstated after the six-month period; however, they must submit a request for assessment and achieve certification that may extend their suspension status. The rule amendments state that providers in suspension status for licensing deficiencies be reviewed at the end of the six months and reinstated to their previously assessed star level as long as the provider can pass the initial screening form.

Additional amendments to §809.132 revise the timeline for suspension from 15 months to 18 months. This change is to align the rule with Human Resources Code, §42.051(b), as amended by House Bill 2789, 89th Texas Legislature, Regular Session, 2025, which extended initial licenses from six months to 12 months.

§809.133. Application and Assessments for Texas Rising Star Certification

Section 809.133 is amended to remove the requirement that the Centralized Assessor Entity give an estimated time frame for scheduling an initial assessment to providers within 20 days of receipt of the application.

§809.134. Minimum Qualifications for Texas Rising Star Staff

Section 809.134 is amended to add a CDA credential and commitment to achieve the Texas Rising Star mentor microcredential within two years of employment as an option for meeting the mentor education requirements. The amendments also remove the 12 credit hours in child development from the bachelor's degree option for meeting the education requirements for a mentor.

Section 809.134 is also amended to require that all mentors attain the Texas Rising Star microcredential within two years of employment.

§809.136. Roles and Responsibilities of Texas Rising Star Staff

Section 809.136 is amended to remove language requiring Texas Rising Star staff members to be mandated reporters when observing serious abuse and neglect incidents at child care providers. This requirement has been moved to the proposed new §809.5 related to all Board, contractor, and Agency grantee or contractor staff to report potential abuse and neglect.

§809.137. Texas Rising Star Facility Changes

New §809.137 describes the impact on a Texas Rising Star provider's status if the facility has a change of ownership, change of facility type, move, or expansion.

New §809.137(a) defines terms used in this section as they relate to facility changes. One of the terms defined, "business structure," refers to the legal and organizational form a business adopts. A change in business structure triggers legal and tax consequences that include liability, taxation, management, and registration requirements, as further outlined in the Texas Business Organizations Code. The Office of the Secretary of State publishes information about business structure on its Selecting a Business Structure web page at <https://www.sos.state.tx.us/corp/businessstructure.shtml>.

New §809.137(b) acknowledges that facility changes may impact how the child care provider participates in Texas Rising Star.

New §809.137(c) refers to new Figure: 40 TAC §809.137(c), which outlines the different types of facility changes and the impact of those changes on a provider's Texas Rising Star status. The five types of facility changes are: ownership, move, split, facility type, and expansion.

PART III. IMPACT STATEMENTS

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

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

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

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

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

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

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

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking, as discussed elsewhere in this preamble, is to comply with recent legislative statutory changes, improve operational efficiency, strengthen confidentiality of data policy, and align rules with operational practices with the implementation of the TX3C case management system.

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

Government Growth Impact Statement

TWC has determined that during the first five years the proposed rules will be in effect, they:

- will not create or eliminate a government program;
- will not require the creation or elimination of employee positions;
- will not require an increase or decrease in future legislative appropriations to TWC;
- will not require an increase or decrease in fees paid to TWC;
- will not create a new regulation;
- will not expand, limit, or eliminate an existing regulation;

--will not change the number of individuals subject to the rules; and

--will not positively or adversely affect the state's economy. TWC

Economic Impact Statement and Regulatory Flexibility Analysis

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

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

Reagan Miller, Director, Child Care & Early Learning, has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to comply with recent legislative statutory changes, improve operational efficiency, strengthen confidentiality of data policy, and align rules with operational practices with the implementation of the TX3C case management system.

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

PART IV. COORDINATION ACTIVITIES

On December 12, 2025, CC&EL solicited input from Board staff on the changes being considered for the proposed rules. TWC also met with a group of stakeholders, including child care providers, on March 2, 2026, to discuss the proposed rule changes and solicit their input. Additionally, TWC discussed and solicited input on the proposed rules during the March 24, 2026, meeting of the Quad Agency Child Care Initiative Commission.

PART V. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rules or any other interested person, information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than July 6, 2026.

PART VI. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than July 6, 2026.

SUBCHAPTER A. GENERAL PROVISIONS

40 TAC §§809.2, 809.4, 809.5

PART VII. STATUTORY AUTHORITY

The rules are proposed under Texas Government Code, §2308.3155(b), Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Rising Star Program and TWC services and activities.

The proposed rules implement HB 2294, 89th Texas Legislature, Regular Session, 2025, and relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§809.2. *Definitions.*

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

(1) Attending a job training or educational program--An individual is attending a job training or educational program if the individual:

(A) is considered by the program to be officially enrolled;

(B) meets all attendance requirements established by the program; and

(C) is making progress toward successful completion of the program as demonstrated through continued enrollment in the program upon eligibility redetermination as described in §809.42 of this chapter.

(2) Child--An individual who meets the general eligibility requirements contained in this chapter for receiving child care services.

(3) Child care contractor--The entity or entities under contract with the Board to manage child care services. This includes contractors involved in determining eligibility for child care services, contractors involved in the billing and provider payment process related to child care, as well as contractors involved in the funding of quality improvement activities as described in §809.16 of this chapter.

(4) Child care desert--An area described in Texas Labor Code, §302.0461, in which the number of children under age six with working parents is at least three times greater than the capacity of licensed child care providers in the area, based on data published annually by the Commission.

(5) Child Care Regulation (CCR)--Division in the Texas Health and Human Services Commission responsible for protecting the health, safety, and well-being of children who attend or reside in regulated child care facilities and homes.

(6) Child care services--Child care subsidies and quality improvement activities funded by the Commission.

(7) Child care subsidies--Commission-funded child care payments to an eligible child care provider for the direct care of an eligible child.

(8) Child care worker--for purposes of the waiting list priority described in §809.43 of this chapter, and pursuant to Texas Labor Code, §302.0064, a child care worker is an individual employed by and working in a child care facility licensed under Texas Human Resources Code, Chapter 42 for a minimum of 25 hours per week. The term does not include the owner or director of a child care facility unless the owner's or director's child is served in a program other than a program directly supervised by the owner or director. ~~[The child care worker definition is effective January 5, 2026.]~~

(9) Child experiencing homelessness--A child who is homeless, as defined in the McKinney-Vento Act (42 USC 11434(a)), Subtitle VII-B, §725.

(10) Child with disabilities--A child who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities include, but are not limited to, caring for oneself; performing manual tasks; walking; hearing; seeing, speaking, or breathing; learning; and working.

(11) Educational program--A program that leads to:

(A) a high school diploma;

(B) a Certificate of High School Equivalency; or

(C) an undergraduate degree from an institution of higher education.

(12) Eligibility determination or redetermination--The date the family is notified of the initial determination or redetermination of eligibility for child care services. The redetermination date shall not be prior to the last day of the eligibility period.

(13) Eligibility period--The eligibility period begins on the eligibility determination or redetermination date and includes a minimum of 12 consecutive months an eligible child is authorized to receive child care services, which starts when the first eligible child in the family begins receiving care with the authorized provider.

~~[(12) Excessive unexplained absences--More than 40 unexplained absences within a 12-month eligibility period as described in §809.78 of this chapter.]~~

(14) ~~[(13) Family~~--Two or more individuals related by blood, marriage, or decree of court, who are living in a single residence and are included in one or more of the following categories:

(A) Two individuals, married--including by common-law, and household dependents; or

(B) A parent and household dependents.

(15) ~~[(14) Household dependent~~--An individual living in the household who is:

(A) an adult considered a dependent of the parent for income tax purposes;

(B) a child of a teen parent; or

(C) a child or other minor living in the household who is the responsibility of the parent.

(16) ~~[(15) Improper payments~~--Any payment of Child Care Development Fund (CCDF) funds that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements governing the administration of CCDF grant funds and includes payments:

(A) to an ineligible recipient;

(B) for an ineligible service;

(C) for any duplicate payment; and

(D) for services not received.

(17) ~~[(16) Job training program~~--A program that provides training or instruction leading to:

(A) basic literacy;

(B) English proficiency;

(C) an occupational or professional certification or license; or

(D) the acquisition of technical skills, knowledge, and abilities specific to an occupation.

(18) ~~[(17) Listed family home~~--A family home, other than the eligible child's own residence, that is listed, but not licensed or registered with, CCR pursuant to Texas Human Resources Code, §42.052(c).

(19) ~~[(18) Military deployment~~--The temporary duty assignment away from the permanent military installation or place of residence for reserve components of the single military parent or the dual

military parents. This includes deployed parents in the regular military, military reserves, or National Guard.

(20) [(19)] Parent--An individual who is responsible for the care and supervision of a child and is identified as the child's natural parent, adoptive parent, stepparent, legal guardian, or person standing in loco parentis (as determined in accordance with Commission policies and procedures). Unless otherwise indicated, the term applies to a single parent or both parents.

(21) [(20)] Protective services--Services provided when a child:

(A) is at risk of abuse or neglect in the immediate or short-term future and the child's family cannot or will not protect the child without Texas Department of Family and Protective Services (DFPS) Child Protective Services (CPS) intervention;

(B) is in the managing conservatorship of DFPS and residing with a relative or a foster parent; or

(C) has been provided with protective services by DFPS within the prior six months and requires services to ensure the stability of the family.

(22) [(21)] Provider--A provider is defined as a:

(A) regulated child care provider;

(B) relative child care provider; or

(C) listed family home subject to the requirements in §809.91(e) of this chapter.

(23) Recognized prekindergarten partnership--A formal partnership that exists between a school district that offers a prekindergarten program under Texas Education Code, §29.153, and an eligible provider described in Texas Education Code, §29.171. A formal partnership requires both parties to have entered into an agreement, such as a memorandum of understanding, and serves some number of children under age six who are dually enrolled in both programs.

(24) [(22)] Regulated child care provider--A provider caring for an eligible child in a location other than the eligible child's own residence that is:

(A) licensed by CCR;

(B) registered with CCR; or

(C) operated and monitored by the United States military services.

(25) [(23)] Relative child care provider--An individual who is at least 18 years of age, and is, by marriage, blood relationship, or court decree, the child's:

(A) grandparent;

(B) great-grandparent;

(C) aunt;

(D) uncle; or

(E) sibling (if the sibling does not reside in the same household as the eligible child).

(26) [(24)] Residing with--Unless otherwise stipulated in this chapter, a child is considered to be residing with the parent when the child is living with, and physically present with, the parent during the time period for which child care services are being requested or received.

(27) [(25)] Teen parent--A teen parent (teen) is an individual 18 years of age or younger, or 19 years of age and attending high school or the equivalent, who has a child.

(28) [(26)] Texas Rising Star program--A quality-based rating system of child care providers participating in Commission-subsidized child care.

(29) [(27)] Texas Rising Star provider--A regulated child care provider meeting the Texas Rising Star program standards. Texas Rising Star providers are:

(A) designated as an Entry Level Provider;

(B) certified as a Two-Star Provider;

(C) certified as a Three-Star Provider; or

(D) certified as a Four-Star Provider.

(30) [(28)] Working--Working is defined as:

(A) activities for which one receives monetary compensation such as a salary, wages, tips, and commissions;

(B) participation in Choices or Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T) activities; or

(C) engaging in job search at the time of eligibility determination or redetermination as described in §809.56 of this chapter.

§809.4. Confidentiality of Information.

(a) The Agency, Agency contractors, Boards, Board contractors, and child care providers participating in the child care services program shall ensure the confidentiality of child care information and prevent the disclosure of personally identifiable information about children and families applying for or receiving child care services.

(b) Any disclosure of child care information must be in strict compliance with federal regulations, state law, and Agency policies. This includes, but is not limited to, non-disclosure of:

(1) child and family information, including names, addresses, contact information, dates of birth, family composition, income levels, and any information related to eligibility for child care services; and

(2) provider information, such as child records and background-check information related to licensed or registered child care providers and their business practices.

§809.5. Reporting Potential Abuse and Neglect at Child Care Provider Sites.

Boards, Board contractors, and Agency grantee and contractor staff must have procedures to ensure that staff conducting onsite visits to provider sites report potential child abuse and neglect at the provider site as required by Texas Family Code, §261.101.

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 May 19, 2026.

TRD-202602115

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 5, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER B. GENERAL MANAGEMENT

40 TAC §§809.18, 809.19, 809.21

The rules are proposed under Texas Government Code, §2308.3155(b), Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Rising Star Program and TWC services and activities.

The proposed rules implement HB 2294, 89th Texas Legislature, Regular Session, 2025, and relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§809.18. Maintenance of a Waiting List.

(a) A Board shall ensure that a list of parents and children waiting for child care services, because of the lack of funding or lack of providers, is maintained and available to the Commission upon request.

(b) A Board shall ensure that the child is potentially eligible for child care services prior to placing the child on the waiting list.

~~[(c) A Board shall exempt children from the waiting list who are directly referred from a recognized pre-K or HS/EHS partnership, as described in §809.22 of this subchapter, to a child care provider to receive services in the contracted partnership program subject to the availability of funding and the availability of subsidized slots at the partnership site.]~~

~~(c) [(d)] A Board shall contact the parent every three months and shall remove the child from the waiting list if the parent indicates that child care services are no longer required or does not respond to the Board regarding the continued need for child care services.~~

§809.19. Assessing the Parent Share of Cost.

(a) For child care funds allocated by the Commission pursuant to its allocation rules (generally, Chapter 800, Subchapter B of this title, and specifically §800.58 of this title), including local public transferred funds and local private donated funds, as provided in §809.17 of this subchapter, the following shall apply:

(1) The parent share of cost shall:

(A) be assessed to all parents, except in instances when an exemption under paragraph (3) of this subsection applies; and

(B) be established by the Commission and determined by a sliding fee scale based on the family's size and gross monthly income determined in §809.44 of this chapter and as represented by a percentage of the state median income (SMI) up to 85 percent SMI; and

(C) not exceed 7 percent of the family income, regardless of the number of children receiving child care services.

(2) A Board shall assess the parent share of cost in accordance with paragraph (1)(B) ~~[subsection (a)(1)(B)]~~ of this subsection ~~[section]~~ and in a manner that results in the parent share of cost:

(A) being assessed only at the following times:

(i) [initial] eligibility determination or redetermination;

~~[(ii) 12-month eligibility redetermination;]~~

~~(ii) [(iii)] upon the addition of a child in care;~~

~~(iii) [(iv)] upon a parent's report of a change in income, family size, or number of children in care that would result in a reduced parent share of cost assessment; and~~

~~(iv) [(v)] upon resumption of work, job training, or education activities following temporary changes described in §809.51(a) of this chapter, and upon resumption of work, job training, or education activities during the 90-day [three-month] continuation of care period described in §809.51(c) of this chapter; and~~

~~(B) not increasing above the amount assessed at [initial] eligibility determination or [at the 12-month eligibility] redeetermination, except upon the addition of a child in care as described in subparagraph (A)(ii) ~~[clause (A)(iii)]~~ of this paragraph.~~

(3) Parents who are one or more of the following are exempt from paying the parent share of cost:

(A) Parents who are participating in Choices or who are in Choices child care described in §809.45 of this chapter;

(B) Parents who are participating in SNAP E&T services or who are in SNAP E&T child care described in §809.47 of this chapter;

(C) Parents of a child receiving Child Care for Children Experiencing Homelessness as described in §809.52 of this chapter; or

(D) Parents who have children who are receiving protective services child care pursuant to §809.49 and §809.54(c) of this chapter, unless DFPS assesses the parent share of cost.

(4) Teen parents who are not covered under exemptions listed in paragraph (3) of this section shall be assessed a parent share of cost. The teen parent's share of cost is based solely on the teen parent's income and size of the teen's family as defined in §809.2 of this chapter.

(b) A Board shall establish a policy stating whether or not the Board will pay providers when parents fail to pay the parent share of cost. If the Board does not pay providers under the adopted policy, the Board may establish a policy requiring the parent pay the provider before the family can be redetermined eligible for future child care services.

(c) A Board shall establish a policy regarding termination of child care services within the [a 12-month] eligibility period when a parent fails to pay the parent share of cost. The Board's policy must include:

(1) a requirement to evaluate and document each family's financial situation for extenuating circumstances that may affect affordability of the assessed parent share of cost pursuant to paragraph (2) of this subsection, and a possible temporary reduction pursuant to subsection (d) of this section ~~[of this subsection]~~ before the Board or its child care contractor may terminate care under this section;

(2) a process to identify and assess the circumstances that may jeopardize a family's self-sufficiency under subsection (d) of this section; and

(3) maintenance of a list of all terminations due to failure to pay the parent share of cost.

(d) The Board or its child care contractor may review the assessed parent share of cost for a possible temporary reduction if there are extenuating circumstances that jeopardize a family's self-sufficiency. The Board or its child care contractor may temporarily reduce the assessed parent share of cost if warranted by these circumstances. Following the temporary reduction, the parent share of cost amount immediately prior to the reduction shall be reinstated.

(e) If the parent is not covered by an exemption as specified in subsection (a)(3) of this section, then the Board or its child care

contractor shall not waive the assessed parent share of cost under any circumstances.

(f) If the parent share of cost, based on family income and family size, is calculated to be zero, then the Board or its child care contractor shall not charge the parent a minimum share of cost amount.

(g) A Board may establish a policy to reduce the parent share of cost amount assessed pursuant to subsection (a)(1) upon the child's referral for part-time or blended care as described in §809.21 of this chapter. Such Board policy shall ensure that the parent no longer receives the reduction if the referral is changed to full-time care.

§809.21. *Determining the Amount of the Provider Payment.*

(a) Notwithstanding subsection (c) of this section, the [The] actual payment that the Board or the Board's child care contractor pays to the provider shall be the Board's maximum daily rate or the provider's published daily rate, whichever is lower, less the following amounts:

(1) The parent share of cost assessed and adjusted when the parent share of cost is reduced; and

(2) Any child care funds received by the parent from other public or private entities.

(b) A Board or its child care contractor shall ensure that the provider's published daily rates are calculated according to Commission guidance and include the provider's enrollment fees, supply fees, and activity fees.

(c) The payment for a blended-day enrollment as described in §809.93(f) of this chapter is calculated as a weighted blend using the part-day rate for the estimated number of school days, and the full-day rate for the estimated number of non-school days across the school year. The full-day and part-day rates are based on the provider's published rate, or the Board's maximum rate, whichever is lower.

(d) Pursuant to Texas Government Code, §2308.3151, a Board may establish a policy to pay Texas Rising Star Program providers, including Entry Level designated providers, at the Board's maximum payment rate, less the amounts specified in subsection (a) of this section, for the providers' Texas Rising Star Program rating level regardless of the providers' published rate only if paying the higher rate does not prevent the Board from meeting the Commission's performance target for the average number of children served in the workforce development area served 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 May 19, 2026.

TRD-202602116

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 5, 2026

For further information, please call: (737) 301-9662



40 TAC §809.22

The rule is repealed under Texas Government Code, §2308.3155(b), Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Rising Star Program and TWC services and activities.

The proposed repeal implements HB 2294, 89th Texas Legislature, Regular Session, 2025, and relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§809.22. *Direct Referrals to Recognized Partnerships.*

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 May 19, 2026.

TRD-202602117

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 5, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER C. ELIGIBILITY FOR CHILD CARE SERVICES

40 TAC §§809.41 - 809.43, 809.45, 809.47, 809.49, 809.51, 809.52, 809.54, 809.56

The rules are proposed under Texas Government Code, §2308.3155(b), Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Rising Star Program and TWC services and activities.

The proposed rules implement HB 2294, 89th Texas Legislature, Regular Session, 2025, and relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§809.41. *A Child's General Eligibility for Child Care Services.*

(a) Except for a child receiving or needing protective services as described in §809.49 of this chapter, for a child to be eligible to receive child care services, at the time of eligibility determination or redetermination, a Board shall ensure that the child:

(1) meets one of the following age requirements:

(A) be under 13 years of age; or

(B) be a child with disabilities under 19 years of age;

(2) is a United States citizen or legal immigrant as determined under applicable federal laws, regulations, and guidelines; and

(3) resides with:

(A) a family within the Board's workforce area:

(i) whose income does not exceed 85 percent of the state median income (SMI) for a family of the same size; and

(ii) whose assets do not exceed \$1,000,000 as certified by a family member.[; ør]

[(iii) that meets the definition of experiencing homelessness as defined in §809.2 of this chapter.]

(B) parents who require child care in order to work, including job search, or attend a job training or educational program; or

(C) a person standing in loco parentis for the child while the child's parent is on military deployment and the deployed military

parent's income does not exceed the limits set forth in subparagraph (A) of this paragraph.

(b) A Board shall ensure that child care services while the parent is enrolled full-time in a postsecondary undergraduate educational program is provided for, but does not exceed, a cumulative total of 60 months.

(c) A Board may establish a policy to allow parents attending a program that leads to an undergraduate degree from an institution of higher education to be exempt from residing with the child as defined in §809.2 of this chapter.

§809.42. Eligibility Verification, Determination, and Redetermination.

(a) A Board shall ensure that its child care contractor verifies all eligibility requirements for child care services prior to eligibility determination or redetermination for [authorizing] child care services.

(b) A Board shall ensure eligible children receive a minimum 12-month authorization of child care services as follows:

(1) For a family of one eligible child at the time of eligibility determination or redetermination, if the child does not require care immediately, the parent may request a voluntary suspension until care is needed, and the 12-month authorization will begin on the first day care begins; or

(2) For a family with multiple eligible children at the time of eligibility determination or redetermination, if all the children do not require care immediately, the parent may request a voluntary suspension until care is needed, and the 12-month authorization will begin on the date the first child begins care.

~~[(b) A Board shall ensure that eligibility for child care services shall be redetermined no sooner than 12 months following the initial determination or most recent redetermination.]~~

§809.43. Priority for Child Care Services.

(a) A Board shall ensure that child care services are prioritized among the following three priority groups:

(1) The first priority group is assured child care services and includes children of parents eligible for the following:

(A) Choices child care as referenced in §809.45 of this subchapter;

(B) Temporary Assistance for Needy Families (TANF) Applicant child care as referenced in §809.46 of this subchapter;

(C) SNAP E&T child care as referenced in §809.47 of this subchapter; and

(D) Transitional child care as referenced in §809.48 of this subchapter.

(2) The second priority group is served subject to the availability of funds and includes, in the order of priority, shall be:

~~[(A) children who need to receive protective services child care as referenced in §809.49 of this subchapter;]~~

(A) ~~[(B)]~~ children of a qualified veteran or qualified spouse as defined in §801.23 of this title;

(B) ~~[(C)]~~ children of a foster youth as defined in §801.23 of this title;

(C) ~~[(D)]~~ children experiencing homelessness as defined in §809.2 of this chapter and described in §809.52 of this subchapter;

~~(D) [(E)]~~ children of parents on military deployment as defined in §809.2 of this chapter whose parents are unable to enroll in military-funded child care assistance programs;

~~(E) [(F)]~~ children of teen parents as defined in §809.2 of this chapter; ~~[and]~~

~~(F) [(G)]~~ children with disabilities as defined in §809.2 of this chapter; ~~[-]~~

~~(G) [(H)]~~ children of a child care worker ~~[workers]~~ as defined in §809.2 of this chapter; ~~and[-]~~

~~(H) children enrolled in a prekindergarten partnership program, as defined in §809.2 of this chapter, or enrolled at a private prekindergarten provider and receiving a Texas Educational Freedom Account for prekindergarten, as described in 34 TAC §16.404(h).~~

(3) The third priority group includes any other priority adopted by the Board.

(b) A Board shall enroll children needing DFPS protective services, as described in §809.49 of this subchapter.

~~(c) [(b)]~~ A Board shall not establish a priority group under subsection (a)(3) of this section based on the parent's choice of an individual provider or provider type.

§809.45. Choices Child Care.

(a) A parent is eligible for Choices child care if the parent is participating in the Choices program as stipulated in Chapter 811 of this title.

(b) For a parent receiving Choices child care who ceases participation in the Choices program during the ~~[12-month]~~ eligibility period, Boards must ensure that Choices child care continues:

(1) for the 90-day [three-month] period pursuant to §809.51(b) of this subchapter; and

(2) for the remainder of the eligibility period, if the parent resumes participation in Choices or begins participation in work or attendance in a job training or education program during the 90-day [three-month] period described in §809.51(c) of this subchapter.

§809.47. Supplemental Nutrition Assistance Program Employment and Training Child Care.

(a) A parent is eligible to receive SNAP E&T child care services if the parent is participating in SNAP E&T services, in accordance with the provisions of 7 CFR Part 273.

(b) For a parent receiving SNAP E&T child care services who ceases participation in the E&T program during the ~~[12-month]~~ eligibility period, Boards must ensure that SNAP E&T child care continues:

(1) for the 90-day [three-month] period pursuant to §809.51(b) of this subchapter; and

(2) for the remainder of the eligibility period, if the parent resumes participation in the SNAP E&T program or begins participation in work or attendance in a job training or education program during the 90-day [three-month] period described in §809.51(c) of this subchapter.

§809.49. [Child Care for Children Receiving or Needing] Protective Services Child Care.

(a) Protective Services child care includes child care funded by DFPS for children receiving or needing protective services, as further described in subsection (b) of this section; it also includes former-DFPS child care funded by the Commission, as further described in subsection (c) of this section.

(b) ~~[(a)]~~ A Board shall ensure that determinations of eligibility for children needing protective services are performed by DFPS;[-]

(1) A Board shall enroll children authorized by DFPS and ~~[Child care will]~~ continue services as long as authorized and funded by DFPS.

(2) DFPS may authorize child care for a child under court supervision under the age of 19.

~~(c) [(3)]~~ Child care services funded by DFPS through CCDF and discontinued by DFPS prior to the end of the ~~[12-month]~~ eligibility period shall be subject to the Continuity of Care provisions in §809.54 of this subchapter.

~~(d) [(b)]~~ A Board shall ensure that requests made by DFPS for specific eligible providers are enforced for children in protective services, including children of foster parents, when the foster parent is the owner, director, assistant director, or other individual with an ownership interest in the provider.

§809.51. Child Care during Interruptions in Work, Education, or Job Training.

(a) A child meeting all of the applicable eligibility requirements for child care services in this subchapter on the date of the most recent eligibility determination or redetermination, ~~the child~~ shall be considered to be eligible and will receive services during the ~~[12-month]~~ eligibility period ~~[described in §809.42 of this subchapter,]~~ regardless of any:

(1) change in family income, if that family income does not exceed 85 percent of SMI for a family of the same size; or

(2) temporary change in the ongoing status of the child's parent as working or attending a job training or education program. A temporary change shall include, at a minimum, any:

(A) time-limited absence from work for an employed parent for periods of family leave (including parental leave) or sick leave;

(B) interruption in work for a seasonal worker who is not working between regular industry work seasons;

(C) student holiday or breaks within a semester, between the fall and spring semesters, or between the spring and fall semesters, for a parent participating in training or education;

(D) reduction in work, training, or education hours, as long as the parent is still working or attending a training or education program;

(E) other cessation of work or attendance in a training or education program that does not exceed 90 calendar days ~~[three months]~~;

(F) change in age, including turning 13 years old or a child with disabilities turning 19 years old during the eligibility period; and

(G) change in residency within the state.

(b) During the period of time between eligibility redeterminations, a Board shall discontinue child care services due to a parent's loss of work or cessation of attendance at a job training or educational program that does not constitute a temporary change in accordance with subsection (a)(2) of this section. However, Boards must ensure that care continues at the same level for a period of not less than 90 calendar days ~~[three months]~~ after such loss of work or cessation of attendance at a job training or educational program.

(c) If a parent resumes work or attendance at a job training or education program at any level and at any time during the period described in subsection (b) of this section, then the Board shall ensure that:

(1) care will continue to the end of the ~~[12-month]~~ eligibility period at the same or greater level, depending upon any increase in the activity hours of the parent;

(2) the parent share of cost will not be increased during the remainder of the ~~[12-month]~~ eligibility period, including for parents who are exempt from the parent share of cost pursuant to §809.19 of this chapter; and

(3) the Board's child care contractor verifies only:

(A) that the family income does not exceed 85 percent of SMI; and

(B) the resumption of work or attendance at a job training or education program.

(d) The Board may suspend child care services during interruptions in the parent's work, job training, or education status only at the concurrence of the parent.

§809.52. Child Care for Children Experiencing Homelessness.

(a) For a child experiencing homelessness, as defined in §809.2 of this chapter, a Board shall ensure that the child is initially enrolled for a period of 90 calendar days ~~[three months]~~.

(b) If, during the 90-day ~~[three-month]~~ initial enrollment period, the parent of a child experiencing homelessness:

(1) is unable to provide documentation verifying that the child is eligible under §809.41(a)(1) - (2) of this subchapter (regarding age and citizenship status), then care shall be discontinued following the 90-day ~~[three-month]~~ enrollment period; or

(2) provides documentation verifying eligibility under §809.41(a) of this subchapter and meeting minimum participation requirements for At-Risk Child Care as described in §809.50 of this subchapter, then care shall continue through the end of the ~~[12-month]~~ initial eligibility period (inclusive of the 90-day ~~[three-month]~~ initial enrollment period).

(c) For child care during the initial 90-day enrollment period, the following applies regarding the parent share of cost:

(1) A Board shall initially assess the parent share of cost at the highest amount based on the family size and number of children in care.

(2) The initially assessed amount will immediately be temporarily reduced to zero. This provision also applies to dual-parent families in which one parent is employed but the family does not meet the minimum participation requirements for At-Risk Child Care as described in §809.50 of this subchapter.

(3) If the parent begins to meet participation requirements under subsection (b)(2) of this section, within or by the end of the 90-day enrollment period, the parent share of cost shall be reinstated at the initially assessed amount or the amount based on the actual family income, whichever is lower.

§809.54. Continuity of Care.

(a) Enrolled children, including children whose eligibility for Transitional child care has expired, shall receive child care through the end of the applicable eligibility periods described in §809.42 of this subchapter.

(b) Except as provided by §809.75 of this chapter relating to child care during appeal, nothing in this chapter shall be interpreted in a manner as to result in a child being removed from care.

(c) In closed DFPS protective services [CPS] cases funded by CCDF (DFPS cases) where child care is no longer funded by DFPS, former-DFPS child care shall continue through the end of the applicable eligibility periods described in §809.42 of this subchapter using funds provided [allocated] to the Board by the Commission.

(d) A Board shall ensure that no enrolled children of military parents in military deployment have a disruption of child care services or eligibility during military deployment, including parents in military deployment at the end of the [12-month] eligibility [redetermination] period.

(e) A Board shall ensure that a child who is required by a court-ordered custody or visitation arrangement to leave a provider's care is permitted to continue receiving child care by the same provider, or another provider if agreed to by the parent in advance of the leave, upon return from the court-ordered custody or visitation arrangement.

§809.56. *Child Care during Initial Job Search.*

(a) A parent, including a parent in a dual-parent family, is eligible for child care services under this section if at initial eligibility determination the family does not meet the minimum participation requirements for At-Risk Child Care as described in §809.50 of this subchapter.

(b) A Board shall allow parents to self-attest that the:

(1) family meets the requirements of subsection (a) of this section; and

(2) family income does not exceed 85 percent of the state median income.

(c) The [12-month] eligibility period for child care under this section consists of an initial 90-day [three-month] job search period. If total activity participation of at least 25 hours for a single-parent family or a total combined 50 hours per week for dual-parent families, which must include a minimum of 12 hours in employment for a single-parent family and a total combined 25 hours in employment for a dual-parent family, are met within the initial 90 calendar days [three months], child care services [eligibility] will continue for the remainder of the [12-month] eligibility period, provided that the family income does not exceed 85 percent of the state median income. If the family does not meet minimum activity requirements under this subsection within 90 calendar days [three months], care must be terminated.

(d) For child care during the initial 90-day [three-month] job search period, the following [follow] applies regarding the parent share of cost:

(1) A Board shall initially assess the parent share of cost at the highest amount based on the family size and number of children in care.

(2) The initially assessed amount will immediately be temporarily reduced to zero. This provision also applies to dual-parent families in which one parent is employed but the family meets the requirements in subsection (a) of this section for child care during initial job search.

(3) If the parent begins to meet participation requirements of subsection (c) of this section within or by the end of the 90-day [three-month] job search period, the parent share of cost shall be reinstated at the initially assessed amount or the amount based on the actual family income, whichever is lower.

(e) Eligibility for child care under this section is limited to one initial 90-day [three-month] job search period per family within an eligibility period [a 12-month period].

(f) A Board shall ensure that the parent in child care for job search is registered with the state's labor exchange system and has access to appropriate services available through the one-stop delivery network described in §801.28 of this title.

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 May 19, 2026.

TRD-202602119

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 5, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER D. PARENT RIGHTS AND RESPONSIBILITIES

40 TAC §§809.72, 809.73, 809.78

The rules are proposed under Texas Government Code, §2308.3155(b), Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Rising Star Program and TWC services and activities.

The proposed rules implement HB 2294, 89th Texas Legislature, Regular Session, 2025, and relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§809.72. *Parent Eligibility Documentation Requirements.*

(a) Parents shall provide the Board's child care contractor with all information necessary to determine initial eligibility according to the Board's administrative policies and procedures before a child can be initially determined or redetermined eligible for child care services and care authorized, unless the child is experiencing homelessness pursuant to §809.52 of this chapter or receiving child care during initial job search pursuant to §809.56 of this chapter.

(b) A parent's failure to submit eligibility documentation shall result in initial denial of child care services or termination of services at the [12-month] eligibility determination or redetermination period.

§809.73. *Parent Reporting Requirements.*

(a) Boards shall ensure that during the [12-month] eligibility period [described in §809.41 of this chapter] parents are only required to report items that impact a family's eligibility or that enable the Board or Board contractor to contact the family or pay the provider.

(b) Pursuant to subsection (a) of this section, parents shall report to the child care contractor, within 14 calendar days of the occurrence, the following:

(1) Changes in family income or family size that would cause the family to exceed 85 percent of SMI for a family of the same size;

(2) Changes in work or attendance at a job training or educational program not considered to be temporary changes, as described in §809.51 of this chapter; and

(3) Any change in family residence, primary phone number, or e-mail (if available).

(c) Failure to report changes described in subsection (a) of this section may result in fact-finding for suspected fraud as described in Subchapter F of this chapter.

(d) A Board shall allow parents to report, and the child care contractor shall take appropriate action, regarding changes in:

(1) income and family size, which may result in a reduction in the parent share of cost pursuant to §809.19 of this chapter; and

(2) work, job training, or education program participation that may result in an increase in the level of child care services.

§809.78. *Attendance Standards and Notice and Reporting Requirements.*

(a) A Board shall ensure that parents are notified of the following:

(1) Parents shall ensure that the eligible child attends on a regular basis consistent with the child's authorization for enrollment and attendance standards described in paragraph (2) of this subsection. Failure to meet attendance standards described in paragraph (2) of this subsection may result in termination for the child due to excessive unexplained absences pursuant to subsection (d) of this section.

(2) Parents shall ensure that their children are checked in and out each day, in accordance with TWC parameters, including §809.95 of this chapter.

(3) ~~[(2)]~~ Meeting attendance standards for child care services consists of no more than 40 total unexplained absences in a ~~[12-month]~~ eligibility period.

(4) ~~[(3)]~~ Unexplained absences may include:

(A) any ~~[Any]~~ absence that is not due to a child's documented chronic illness or disability, or to a court-ordered custody or visitation agreement; or

(B) any ~~[Any]~~ missed attendance recording that cannot be explained, except if the attendance reporting system is not available through no fault of the parent or provider.

(5) ~~[(4)]~~ Notwithstanding paragraph (2) of this subsection, child care providers may end a child's enrollment with the provider if the child does not meet the provider's established policy regarding attendance.

(6) ~~[(5)]~~ Parents shall report attendance and absences and adhere to Agency procedures for reporting attendance and absences, including the use of the Agency's attendance reporting system.

(b) Boards shall ensure that parents sign a written acknowledgment indicating their understanding of the attendance standards and reporting requirements at eligibility determination or redetermination. ~~[each of the following stages:]~~

~~[(1) initial eligibility determination; and]~~

~~[(2) each eligibility redetermination, as required in §809.42 of this chapter.]~~

(c) Boards shall ensure that absences due to a child's documented chronic illness or disability or court-ordered visitation are not counted in the number of unexplained absences in subsection (a)(2) and (3) of this section.

(d) Boards shall ensure that before terminating care pursuant to subsection (a)(1) of this section, the child care contractor:

(1) provides written notice to the parent and the child care provider at reasonable times through established communication channels of the child's absences and the potential termination of services, at a minimum as soon as practicable after child reaches 15, and 30 general absences cumulatively within an ~~[a 12-month]~~ eligibility period; and

(2) documents that multiple attempts were made, as described in paragraph (1) of this subsection, to determine why the child is absent and to explain the importance of regular attendance.

(c) Where a child's enrollment has been ended by a provider in subsection (a)(4) of this section, Boards shall work with the parent to place the otherwise eligible child with another eligible provider.

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 May 19, 2026.

TRD-202602120

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 5, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER E. REQUIREMENTS TO PROVIDE CHILD CARE

40 TAC §§809.92, 809.95, 809.96

The rules are proposed under Texas Government Code, §2308.3155(b), Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Rising Star Program and TWC services and activities.

The proposed rules implement HB 2294, 89th Texas Legislature, Regular Session, 2025, and relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§809.92. *Provider Responsibilities and Reporting Requirements.*

(a) A Board shall ensure that providers are given written notice of and agree to their responsibilities, reporting requirements, and requirements for payment under this subchapter prior to enrolling a child.

(b) Providers shall:

(1) be responsible for collecting the parent share of cost as assessed under §809.19 of this chapter before child care services are delivered;

(2) be responsible for collecting other child care funds received by the parent as described in §809.21 of this chapter;

(3) report to the Board or the Board's child care contractor instances in which the parent fails to pay the parent share of cost; and

(4) follow attendance reporting and tracking procedures required by the Commission under §809.95 of this chapter, the Board, or, if applicable, the Board's child care contractor.

(c) Providers shall not charge more than the Board's payment rate as determined under §809.21 of this chapter to parents:

(1) who are exempt from the parent share of cost assessment under §809.19 of this chapter;

(2) whose parent share of cost is calculated to be zero pursuant to §809.19 of this chapter; or

(3) [parents] in Child Care during Initial Job Search under §809.56 of this chapter during the initial 90-day [three-month] period.

(d) A Board may develop a policy that allows providers to charge parents more than the assessed parent share of cost in instances where the provider's published rate exceeds the Board's payment rate (including the assessed parent share of cost) to all parents not included in subsection (c) of this section.

(e) For Boards that allow providers to charge additional amounts pursuant to subsection (d) of this section, the Board must ensure the provider reports to the Board each month:

(1) the specific families that were charged an additional amount above the assessed amount;

(2) the frequency with which each family was charged; and

(3) the amount of each additional charge.

(f) Boards that develop a policy under subsection (d) of this section must:

(1) provide the rationale for the Board's policy to allow providers to charge families additional amounts above the required parent share of cost [eopayment], including a demonstration of how the policy promotes affordability and access for families; and

(2) describe the Board's analysis of the interaction between the additional amounts charged to families with the required parent share of cost and the ability of current payment rates to provide access to care without additional fees.

(g) Providers shall not deny a child care referral based on the parent's income status, receipt of public assistance, or the child's protective service status.

(h) Providers shall not charge fees to a parent receiving child care subsidies that are not charged to a parent who is not receiving subsidies.

§809.95. *Provider Automated Attendance Agreement.*

Boards shall notify providers of the following:

(1) Providers shall use the Agency-approved automated attendance system;

(2) [(4)] The owner, director, assistant director, or other employees of child care providers shall not:

(A) possess, have on the premises, or otherwise have access to a parent's information to access the Agency's attendance system; or

(B) perform the attendance or absence reporting function on behalf of the parent except as provided in paragraph (3) of this section;

(3) In instances when the parent is not available to record the drop-off or pick-up of the child (such as when the provider is transporting the child to or from school), the provider may record the appropriate check-in or check-out. The parent must record at least one daily check-in or check-out for the child. However, the parent does not have to perform both check-in and check-out;

(4) [(2)] Providers shall report misuse of the Agency's automated attendance system to the Board or the Board's child care contractor;

(5) [(3)] Providers shall report to the child care contractor authorized days that do not match the referral in the Agency's automated attendance system within five days of receiving the authorization. Failure to report the discrepancy may result in withholding payment to the provider; and

(6) [(4)] Misuse of attendance reporting and violation of the requirements in this section are grounds for a potential fraud determination pursuant to Subchapter F of this chapter.

§809.96. *Contracted Slots Agreements.*

(a) In this section, the term "contracted slots agreement" is defined as a Board entering into a contract with a child care provider to reserve a specific number of places, or slots, for children participating in the child care subsidy program. This contract shall:

(1) define the number of slots to be reserved by age group (infant, toddler, preschool, or school-age); and

(2) meet the eligibility requirements as described in subsection (e) of this section.

(b) Boards may enter into a contracted slots agreement with providers that agree to provide subsidized child care services to eligible children residing in the Board's workforce area.

(c) A Board that enters into a contracted slots agreement shall include this strategy in the Board Plan, as described in §809.12 of this chapter.

(d) Each contract between a Board and a provider must identify the number of places (slots) to be reserved for children participating in the child care subsidy program.

(e) To be eligible for a contract, a child care provider must be a Texas Rising Star Three-Star or Four-Star provider and meet one of the following priorities:

(1) Be located in:

(A) a child care desert; or

(B) an underserved area that has been identified by a Board as having an inadequate supply of child care in accordance with the parameters described in the CCDF State Plan.

(2) Have a recognized prekindergarten partnership as defined in §809.2 of this chapter [~~with local school districts to provide pre-K services~~];

(3) Have a recognized partnership with EHS or HS;

(4) Increase the number of places reserved for infants and toddlers by high-quality child care providers;

(5) Increase the number of places reserved for children with disabilities; or

(6) Satisfy a priority identified in the Board's plan, as described in §809.12 of this chapter.

(f) A Board that enters into a contracted slots agreement may continue payment for reserved slots during times of transition between the time that one child leaves the program and another child is placed in the slot. The period of continued payment shall adhere to the Board's policy for contracted slots agreements and may not exceed one month following the month of the vacancy.

(g) [Except for children directly referred from recognized partnerships, as described in §809.22 of this chapter, to fill open reserved slots,] Boards shall contact families in order of the Board's waiting list:

(1) that requested care in the zip [ZIP] code where the provider with the open reserved slot is located; and

(2) whose child is in the age group for which a slot is available.

(h) In accordance with Agency [Commission] guidelines, Boards that enter into contracted slots agreements shall submit a report to the Agency [Commission] within six months of entering into a contract, determining the contract's effect on the:

(1) financial stability of providers participating in the contract;

(2) availability of high-quality child care options available to participants in the Agency's [Commission's] subsidy program;

(3) number of high-quality providers in any part of the workforce area with a high concentration of families that need child care;

(4) percentage of children participating in the Agency's [Commission's] subsidized child care program at each Texas Rising Star provider in the workforce area; and

(5) additional information as requested by the Agency [Commission].

(i) A Board shall resubmit the report every 12 months from the due date of the Board's initial report to the Commission.

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 May 19, 2026.

TRD-202602121

Les Trobman

General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 5, 2026

For further information, please call: (737) 301-9662



SUBCHAPTER G. TEXAS RISING STAR PROGRAM

40 TAC §§809.130 - 809.134, 809.136, 809.137

The rules are proposed under Texas Government Code, §2308.3155(b), Texas Labor Code §301.0015 and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of the Texas Rising Star Program and TWC services and activities.

The proposed rules implement HB 2294, 89th Texas Legislature, Regular Session, 2025, and relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, as well as Texas Government Code, Chapter 2308.

§809.130. Short Title and Purpose.

(a) The rules contained in this subchapter may be cited as the Texas Rising Star Program rules.

(b) The purpose of the Texas Rising Star Program rules is to interpret and implement Texas Government Code, §2308.3155, which requires the Commission to establish rules to administer the Texas Rising Star program, including guidelines for rating a child care provider for Texas Rising Star certification and designation of an Entry Level child care provider.

(c) The Texas Rising Star Program rules identify the organizational structure and categories of, and the scoring factors that shall be included in, the Texas Rising Star guidelines.

(d) The Texas Rising Star guidelines shall:

(1) describe measures for Texas Rising Star certification that contain, at a minimum, measures for child care providers regarding:

(A) director and staff qualifications and training;

(B) teacher-child interactions;

(C) program administration; and

(D) indoor/outdoor environments;

(2) specify measures that:

(A) must be met in order for a provider to be certified at each star level; and

(B) are observed and have points awarded through on-site assessments;

(3) specify the scoring methodology and scoring thresholds for each certified star level;

(4) describe the high [and medium-high] CCR deficiencies points threshold pursuant to §809.131 and §809.132 of this subchapter [chapter]; and

(5) the process for designating providers at the Entry Level.

(e) The Texas Rising Star guidelines:

(1) shall be reviewed and updated by the Commission at a minimum of every four years in conjunction with the rule review of this chapter, conducted pursuant to Texas Government Code, §2001.039, and the Texas Rising Star guidelines review shall:

(A) consider input from stakeholders; and

(B) include at least one public hearing held prior to submitting the stakeholder input to the Commission;

(2) shall be adopted by the Commission subject to the requirements of the Texas Open Meetings Act; and

(3) may be reviewed and amended as determined necessary by the Commission in accordance with the requirements of the Texas Open Meetings Act.

§809.131. Requirements for the Texas Rising Star Program.

(a) A regulated child care provider is eligible for initial certification under the Texas Rising Star program if the provider has a current agreement to serve Commission-subsidized children and:

(1) has a permanent (nonexpiring) license or registration from CCR;

(2) has at least 12 months of licensing history with CCR and does not exceed the points threshold for high [and medium-high] CCR deficiencies within the most recent six-month [6-month] period as established in the Texas Rising Star guidelines pursuant to §809.130(d)(4) of this subchapter, and is not on:

(A) corrective action with a Board pursuant to Subchapter F of this chapter;

(B) a "Notice of Freeze" with the Commission pursuant to Texas Labor Code, Chapter 213 (Enforcement of the Texas Unemployment Compensation Act) or Chapter 61 (Payment of Wages); or

(C) corrective or adverse action with CCR;

(3) meets the criteria for star-level certification in the Texas Rising Star guidelines pursuant to §809.130(d) of this subchapter; and

(4) has at minimum, a center director account registered in the Texas Early Childhood Professional Development System Workforce Registry; or

(5) is regulated by and in good standing with the United States Military.

(b) Regulated child care providers not meeting the Texas Rising Star certification requirements described in this subchapter and established in the Texas Rising Star guidelines shall be initially designated as Entry Level if the child care provider:

(1) is not on corrective or adverse action with CCR; ~~and~~

(2) is not under a "Notice of Freeze" with the Commission pursuant to Texas Labor Code, Chapter 213 (Enforcement of the Texas Unemployment Compensation Act), or Texas Labor Code, Chapter 61 (Payment of Wages); and

(3) ~~[(2)]~~ does not exceed the points threshold for high and medium-high CCR deficiencies within the most recent six-month ~~[6-month]~~ period as established in the Texas Rising Star guidelines pursuant to §809.130(d)(4) of this subchapter.

(c) A provider initially meeting the requirements in subsection (b) of this section is eligible for mentoring services through the Texas Rising Star program during the time periods described in subsections (d) - (f) of this section.

(d) A provider shall be initially designated as Entry Level for no more than 24 months unless approved for a waiver under subsection (f) of this section.

(e) An Entry Level provider will be reviewed for Texas Rising Star certification no later than the end of the 12th month of the 24-month period. Beginning on the 18th month, an Entry Level provider will be reviewed monthly for Texas Rising Star certification, and if it is determined that they will not be eligible by the end of their 24-month time frame ~~[timeframe]~~ based on the six-month ~~[6-month]~~ licensing review time period (as described in subsection (a)(2) of this section), the provider shall not receive referrals for new families as an Entry Level provider, unless the provider is located in a child care desert or serves an underserved population and is approved by the Agency to accept new family referrals.

(f) The Agency may approve a waiver to extend the time limit under subsection (d) of this section if the provider is:

(1) located in a child care desert or serves an underserved population as determined by the Agency;

(2) unable to meet the certification requirements due to a federal or state declared emergency/disaster; or

(3) unable to meet the certification requirements due to conditions that the Agency determines are outside the provider's control.

(g) Waivers approved under subsection (f) of this section shall not exceed a total of 36 months.

§809.132. Impacts of Child Care Regulation Licensing Compliance on Texas Rising Star Certification.

(a) A Texas Rising Star-certified provider shall be placed on suspension status if the provider:

(1) is placed on corrective action with a Board pursuant to Subchapter F of this chapter;

(2) is under a "Notice of Freeze" with the Commission pursuant to Texas Labor Code, Chapter 213 (Enforcement of the Texas Unemployment Compensation Act) or Chapter 61 (Payment of Wages);

(3) is placed on corrective or adverse action by CCR;

~~[(4) exceeds the probationary status points threshold as described in the Texas Rising Star guidelines pursuant to §809.130(d)(4);]~~

~~[(5)]~~ had more than four probationary impacts during its three-year certification period;

~~[(6)]~~ had a consecutive third probationary impact;

~~[(7)]~~ is cited for specified CCR minimum standards regarding weapons and ammunition; or

~~[(8)]~~ is not meeting at least the Two-Star level due to noncompliance with Texas Rising Star guidelines at the most recent assessment of certification.

(b) Texas Rising Star-certified providers shall be placed on a six-month Texas Rising Star probationary period if one of the following factors occurs when reviewing the most recent six-month CCR licensing history:

(1) any of the specified probationary licensing deficiencies listed in the Texas Rising Star guidelines have been cited by CCR; or

(2) whose total points for high weighted deficiencies received during the most recent six-month CCR licensing history exceed the prescribed points threshold as described in the Texas Rising Star guidelines pursuant to §809.130(d)(4) of this subchapter.

~~[(b) Texas Rising Star-certified providers with any of the specified "star level drop" licensing deficiencies listed in the Texas Rising Star guidelines during the most recent 6-month CCR licensing history shall be placed on a six-month Texas Rising Star probationary period. Furthermore:]~~

~~[(1) reduction of one star level for each deficiency cited, so a Four-Star certified provider is reduced to a Three-Star provider, a Three-Star provider is reduced to a Two-Star provider, and a Two-Star provider is placed on suspension status; and/or]~~

~~[(2) if CCR does not cite any additional specified star-level drop deficiencies during the 6-month probationary period the provider shall be reinstated at the former star level.]~~

(c) Texas Rising Star-certified providers on a six-month probationary period based on either of the factors of this section will incur a consecutive six-month probationary period (ending the first one) if additional deficiencies occur. Furthermore:

(1) if any specified probationary deficiencies or additional high weighted deficiencies resulting in the provider to exceed the prescribed points threshold as described in the Texas Rising Star guidelines pursuant to §809.130(d)(4) of this subchapter within the probationary period shall be placed on a second, consecutive probation and lose a star level, with a Two-Star certified provider being placed on suspension status;

(2) if no additional specified probationary deficiencies are cited by CCR during the probationary period or the provider falls below the prescribed points threshold as described in the Texas Rising Star

guidelines pursuant to §809.130(d)(4) of this subchapter by the end of the probationary period, the provider can be removed from probation status and shall be reinstated at the former star level, if applicable; and

(3) if any additional specified probationary deficiencies are cited by CCR during the second six-month probationary period or the provider continues to exceed the prescribed points threshold, as described in the Texas Rising Star guidelines pursuant to §809.130(d)(4) of this subchapter by the end of the second six-month probationary period, the provider shall be placed on suspension status.

~~[(e) Texas Rising Star-certified providers with any of the specified "probationary" licensing deficiencies listed in the Texas Rising Star guidelines during the most recent 6-month CCR licensing history shall be placed on a six-month Texas Rising Star probationary period. Furthermore:]~~

~~[(1) Texas Rising Star-certified providers on a six-month probationary period that are cited by CCR within the probationary period for any additional specified probationary deficiencies within the probationary period shall be placed on a second, consecutive probation and lose a star level, with a Two-Star certified provider being placed on suspension status;]~~

~~[(2) if CCR does not cite any additional specified probationary deficiencies during the probationary period, the provider can be removed from probation status and shall be reinstated at the former star level, if applicable; and]~~

~~[(3) if any additional specified probationary deficiencies are cited by CCR during the second six-month probationary period, the provider shall be placed on suspension status.]~~

(d) Certified providers in suspension status due to actions described in:

(1) subsection (a)(1) - (3) of this section shall be eligible for reinstatement to the provider's previous assessed star level once the provider meets the initial certification eligibility;

(2) subsection (a)(4) - (6) and (c)(3) of this section shall be eligible for reinstatement to the provider's previous assessed star level after six months following the suspension date, as long as the provider meets the initial certification eligibility; or

(3) subsection (a)(7) of this section shall be eligible for assessment as long as the provider meets the initial certification eligibility.

~~[(d) Texas Rising Star-certified providers whose total points for high or medium-high deficiencies received during the most recent 6-month CCR licensing history fall within the prescribed points threshold range as described in the Texas Rising Star guidelines pursuant to §809.130(d)(4), shall be placed on a six-month Texas Rising Star program probationary period. Furthermore:]~~

~~[(1) Texas Rising Star-certified providers on a six-month probationary period that are cited by CCR within the probationary period for any additional high or medium-high weighted deficiencies within the probationary period shall be placed on a second, consecutive probation and lose a star level, with a Two-Star certified provider being placed on suspension status;]~~

~~[(2) if CCR does not cite any additional high or medium-high weighted deficiencies during the probationary period, the provider can be removed from probation status and shall be reinstated at the former star level, if applicable; and]~~

~~[(3) if any additional high or medium-high weighted deficiencies are cited by CCR during the second six-month probationary period, the provider shall be placed on suspension status.]~~

~~[(e) Certified providers in suspension status shall be eligible for a reassessment after six months following the suspension date, as long as no deficiencies described in subsections (b) - (e) of this section are cited during the previous six months.]~~

~~(c) [(f)] Certified providers in suspension status shall achieve at least a Two-Star certification no later than 18 [15] months following the suspension date. Failure to achieve at least a Two-Star certification within the 18-month [15-month] period will result in the provider's ineligibility to provide child care services under this chapter.~~

~~(f) [(g)] Certified providers on suspension status:~~

~~(1) shall be eligible to provide child care services under this chapter as long as the provider meets at least the Entry Level criteria described in §809.131(b) of this subchapter [chapter];~~

~~(2) shall not be eligible for the enhanced payment rate and shall be paid at the Board's Entry Level rate; and~~

~~(3) shall not be able to receive referrals from a new family during the last six months of the 18-month [15-month] period, unless the provider is located in a child care desert or serves an underserved population and is approved by the Agency to accept new family referrals.~~

~~(g) [(h)] Certified providers in suspension status that fail to achieve at least a Two-Star certification by the end the 18-month [15-month] suspension period or that are terminated due to exceeding the points threshold as described in §809.131(b) of this subchapter:~~

~~(1) are not eligible to provide child care services under this chapter;~~

~~(2) are not eligible for the Entry Level designation time frame described in §809.131(e) of this subchapter [chapter];~~

~~(3) are not eligible for the extension waiver described in §809.131(f) of this subchapter [chapter]; and~~

~~(4) must subsequently meet at least a Two-Star certification eligibility and screening requirements to provide child care services under this subchapter.~~

§809.133. Application and Assessments for Texas Rising Star Certification.

(a) Texas Rising Star certification applicants must complete:

(1) an orientation on the Texas Rising Star guidelines, including an overview of the:

- (A) Texas Rising Star program application process;
- (B) Texas Rising Star program measures; and
- (C) Texas Rising Star program assessment process;

(2) the creation of a continuous quality improvement plan; and

(3) a Texas Rising Star program self-assessment tool.

(b) The Agency's designated Texas Rising Star assessment entity shall ensure that:

(1) written acknowledgment of receipt of the application and self-assessment is sent to the provider;

(2) [within 20 days of receipt of the application,] the provider is sent an estimated time frame for scheduling the initial assessment;

(3) an assessment is conducted for any provider that meets the eligibility requirements in §809.131 of this subchapter and requests certification under the Texas Rising Star program; and

(4) Texas Rising Star certification is granted for any provider that is assessed and verified as meeting the Texas Rising Star provider certification criteria set forth in the Texas Rising Star guidelines.

(c) The Agency's designated Texas Rising Star assessment entity shall ensure that Texas Rising Star certification assessments are conducted as follows:

(1) On-site assessment of 100 percent of the provider classrooms at the initial assessment for Texas Rising Star certification and at each scheduled recertification; and

(2) Recertification of all certified Texas Rising Star providers every three years.

(d) The Agency's designated Texas Rising Star assessment entity shall ensure that certified Texas Rising Star providers are monitored on an annual basis and that the monitoring includes:

(1) at least one unannounced on-site visit; and

(2) a review of the provider's licensing compliance as described in §809.132 of this subchapter [~~chapter~~].

(e) The Agency's designated Texas Rising Star assessment entity shall ensure compliance with the process and procedures in the Texas Rising Star guidelines for conducting assessments of nationally accredited child care facilities and child care facilities regulated by the United States Military.

(f) The Agency's designated Texas Rising Star assessment entity shall ensure compliance with the process and procedures in the Texas Rising Star guidelines for conducting assessments of certified Texas Rising Star providers that have a change of ownership, move, or expand locations.

(g) Boards shall ensure compliance with the process and procedures in the Texas Rising Star guidelines for implementing and supporting a continuous quality improvement framework.

§809.134. *Minimum Qualifications for Texas Rising Star Staff.*

(a) Boards and the Agency's designated Texas Rising Star assessment entity shall:

(1) conduct a background check on each Texas Rising Star staff member prior to hiring and again every five years; and

(2) ensure that each Texas Rising Star staff member completes the Texas Rising Star standards training, as described in the Texas Rising Star guidelines.

(b) Boards shall ensure that Texas Rising Star mentor staff members meet [~~meets~~] the minimum requirements in subsections (c) - (f) of this section.

(c) Texas Rising Star mentor staff shall meet the minimum education requirements as follows:

(1) Bachelor's degree from an accredited four-year college or university in early childhood education, child development, special education, child psychology, educational psychology, elementary education, or family consumer science;

(2) Bachelor's degree from an accredited four-year college or university with at least 18 credit hours in early childhood education, child development, special education, child psychology, educational psychology, elementary education, or family consumer science [with at least 12 credit hours in child development]; [~~or~~]

(3) Associate's degree in early childhood education, child development, special education, child psychology, educational psychology, elementary education, or family consumer science, and two

years of suitable experience in early childhood education as determined by the Board; or

(4) a Child Development Associate credential and commitment to achieve the mentor microcredential, as described in the Texas Rising Star guidelines, within two years of employment.

(d) The Agency may grant a waiver of no more than two years to obtain the minimum education requirements in subsection (c) of this section if a Board can demonstrate that no applicants in its workforce area meet the minimum education requirements.

(e) Texas Rising Star mentor staff shall meet the minimum work experience requirements of one year of full-time early childhood classroom experience in a child care, EHS, HS, or a pre-K through third-grade school program.

(f) All mentors must attain mentor microcredentialing, as described in the Texas Rising Star guidelines within two years of employment [Guidelines].

(g) The Agency's designated Texas Rising Star assessment entity shall ensure that Texas Rising Star assessor staff shall attain and maintain the Texas Rising Star Assessor Certification, as described in the Texas Rising Star guidelines [Guidelines].

§809.136. *Roles and Responsibilities of Texas Rising Star Staff.*

Boards and the Agency's designated Texas Rising Star assessment entity shall ensure that Texas Rising Star staff members comply with their assigned responsibilities, as applicable.

(1) A mentor is defined as a Board or Board contract staff member who helps providers obtain, maintain, or achieve higher star levels of certification.

(2) An assessor is defined as a staff member or contractor of the Agency's designated Texas Rising Star assessment entity who assesses and monitors providers that obtain, maintain, and achieve higher levels of quality.

(3) Texas Rising Star staff members are required to complete annual professional development and continuing education consistent with the Texas Rising Star annual minimum training hours requirement for a Texas Rising Star-certified child care center director.

~~[(4) Pursuant to Texas Family Code §261.101, Texas Rising Star staff members are mandated reporters when observing serious incidents as described in the Texas Rising Star guidelines.]~~

§809.137. *Texas Rising Star Facility Changes.*

(a) For the purposes of this section, the following definitions apply:

(1) Affiliated person--A relative, as defined in paragraph (9) of this subsection, or a person with substantial interest in both the facility being changed and the receiving facility.

(2) Business Structure--The legal form of a business entity that includes in part its liability, taxation, management, and registration requirements.

(3) External Change in Ownership--A change in ownership to a person who is not an affiliated person, and the new owner has no existing facilities in operation.

(4) Facility Expansion--The existing provider opens a new facility, or purchases an existing facility, while continuing to operate at their current location.

(5) Facility Move--The facility relocates to a new location regardless of previous location.

(6) Facility Split--The existing provider opens a new facility that is not or was not currently in operation, to serve a subset of the ages currently served. This change results in the composition of the ages served by the current Child Care Services facility changing.

(7) Facility Type--The facility is regulated under a different set of CCR minimum standards.

(8) Internal Change in Ownership--A change in ownership to an affiliated person.

(9) Relative--Any person related by marriage, blood relationship, or court decree. This may include parents, grandparents, spouses, siblings, or children.

(10) Substantial Interest--A person has a substantial interest in a facility if he or she owns 10 percent or more of the facility or receives funds from the facility unrelated to a facility change.

(b) Specific types of facility changes for child care operations may impact how the operation participates in Texas Rising Star.

(c) The Child Care Facility Change Rubric in the figure in this subsection describes the impacts that specific types of facility changes have on a facility's Texas Rising Star certification or designation status. Figure: 40 TAC §809.137(c)

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 May 19, 2026.

TRD-202602122

Les Trobman

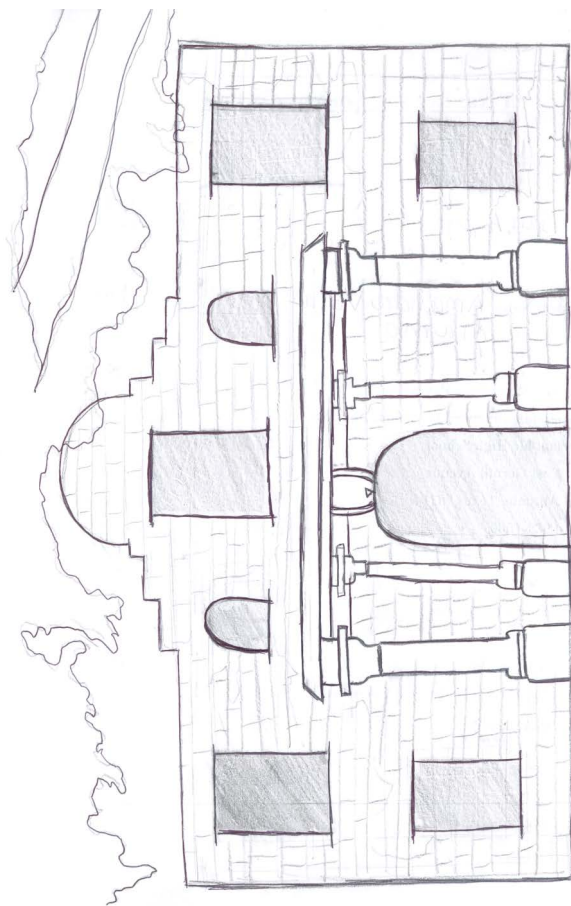
General Counsel

Texas Workforce Commission

Earliest possible date of adoption: July 5, 2026

For further information, please call: (737) 301-9662





WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 22. EXAMINING BOARDS

PART 15. TEXAS STATE BOARD OF PHARMACY

CHAPTER 291. PHARMACIES

SUBCHAPTER A. ALL CLASSES OF PHARMACIES

22 TAC §291.13

The Texas State Board of Pharmacy withdraws proposed new §291.13 which appeared in the March 27, 2026, issue of the *Texas Register* (51 TexReg 1963).

Filed with the Office of the Secretary of State on May 20, 2026.

TRD-202602143

Daniel Carroll, Pharm.D.

Executive Director

Texas State Board of Pharmacy

Effective date: May 20, 2026

For further information, please call: (512) 305-8033



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 5. TEXAS BOARD OF PARDONS AND PAROLES

CHAPTER 143. EXECUTIVE CLEMENCY

SUBCHAPTER B. CONDITIONAL PARDON

37 TAC §143.24

Proposed amended §143.24, published in the November 14, 2025, issue of the *Texas Register* (50 TexReg 7411), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on May 19, 2026.

TRD-202602111



SUBCHAPTER C. REPRIEVE

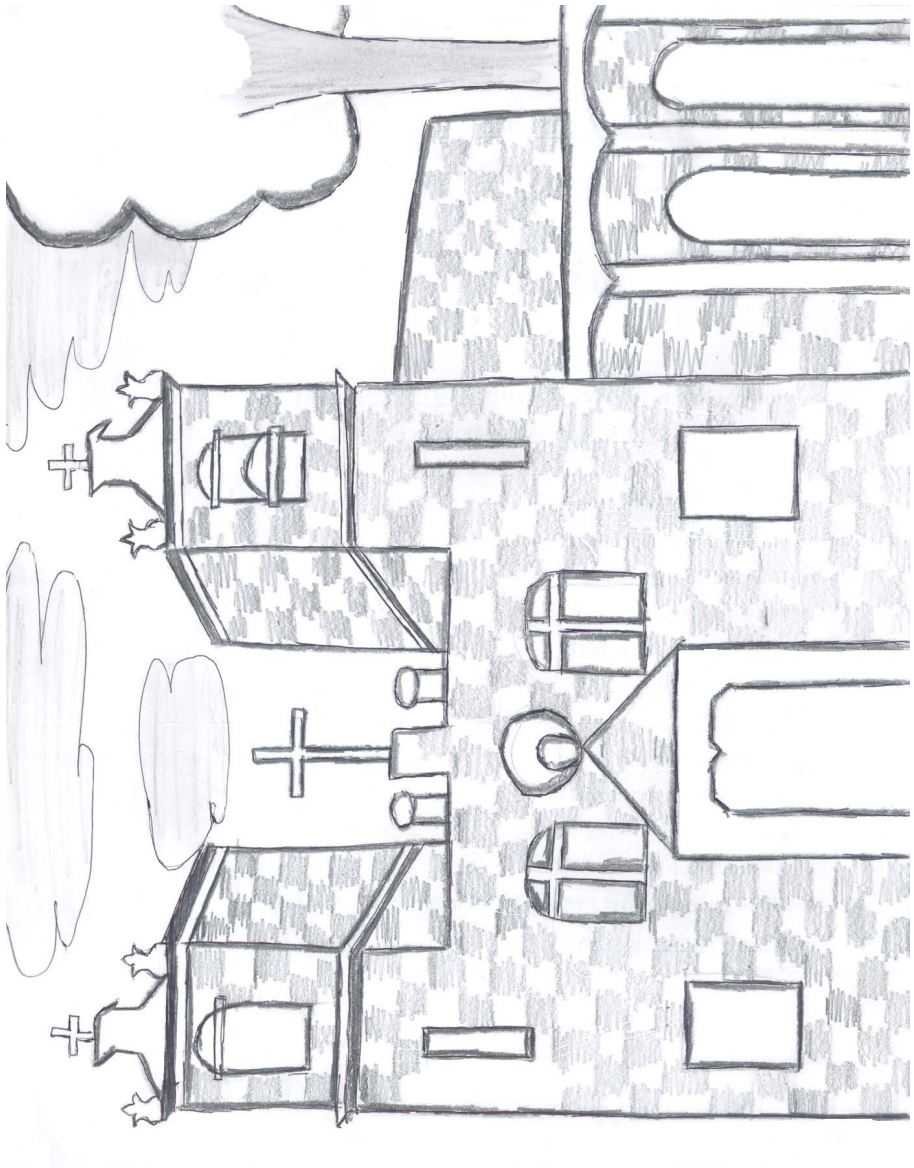
37 TAC §143.33, §143.34

The proposed repeal of §143.33 and §143.34, published in the November 14, 2025, issue of the *Texas Register* (50 TexReg 7411), is withdrawn. The agency failed to adopt the proposal within six months of publication. (See Government Code, §2001.027, and 1 TAC §91.38(d).)

Published by the Office of the Secretary of State on May 19, 2026.

TRD-202602113





ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER BB. COMMISSIONER'S RULES CONCERNING HIGH SCHOOL GRADUATION

19 TAC §74.1023

The Texas Education Agency (TEA) adopts an amendment to §74.1023, concerning the financial aid application requirement for high school graduation. The amendment is adopted without changes to the proposed text as published in the February 13, 2026 issue of the *Texas Register* (51 TexReg 812) and will not be republished. The adopted amendment reflects statutory requirements and updates the methods of proof to verify completion of a financial aid application.

REASONED JUSTIFICATION: Texas Education Code (TEC), §28.0256, requires a student to complete a financial aid application, either the Free Application for Federal Student Aid (FAFSA) or the Texas Application for Student Financial Aid (TASFA), in order to graduate. The statute provides an exception for students to opt out of the financial aid application requirement by submitting a form signed by a parent, guardian, or student aged 18 years old or older that authorizes the student to decline to comply with the financial aid application graduation requirement. A high school counselor may also authorize a student to decline to comply with the financial aid application graduation requirement for good cause. The opt-out form must be approved by TEA. Additionally, the statute prohibits a counselor from indicating that a student has not complied with the financial aid requirement if the school district or open-enrollment charter school has not provided an opt-out form to the student or student's parent or legal guardian and prohibits a counselor from indicating the manner in which a student met the requirement, except for the purpose of complying with the reporting requirement under TEC, §28.0256(e)(2).

The adopted amendment to 19 TAC §74.1023 aligns the rule with statute. The adopted amendment updates the methods of proof for verification that a student has completed the financial aid application requirement for graduation; prohibits a counselor from indicating that a student has not complied with the financial aid requirement if the school district or open-enrollment charter school has not provided an opt-out form to the student or student's parent or legal guardian; and prohibits a counselor from indicating the manner in which a student met the requirement,

except for the purpose of complying with the reporting requirement under TEC, §28.0256(e)(2).

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began February 13, 2026, and ended March 16, 2026. No public comments were received.

STATUTORY AUTHORITY. The amendment is adopted under TEC, §28.0256(a), which requires each student to complete and submit a FAFSA or a TASFA before graduating from high school; TEC, §28.0256(b), which allows a student to formally opt out of the financial aid application requirement by submitting a TEA-approved form; TEC, §28.0256(c), which requires that the adopted opt-out form provide the option for the student's parent or legal guardian, as applicable, to decline to complete and submit an application; TEC, §28.0256(d), which prohibits a counselor from indicating that a student has not complied with the financial aid application requirement if the school district or open-enrollment charter school has not provided the adopted opt-out form to the student or student's parent or legal guardian. Additionally, TEC, §28.0256(d), establishes that a counselor may indicate the manner in which a student complied with the financial aid application requirement only as necessary for the district or school to comply with reporting requirements under TEC §28.0256(e)(2); and TEC, §28.0256(d) and (e)(2), which add open-enrollment charter schools to the financial aid application requirements.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §28.0256(a)-(e).

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 22, 2026.

TRD-202602154

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: June 11, 2026

Proposal publication date: February 13, 2026

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

CHAPTER 97. PLANNING AND ACCOUNTABILITY

SUBCHAPTER EE. ACCREDITATION STATUS, STANDARDS, AND SANCTIONS DIVISION 3. RESOURCE CAMPUSES

19 TAC §97.1081

The Texas Education Agency (TEA) adopts new §97.1081, concerning accreditation status, standards, and sanctions. The new section is adopted with changes to the proposed text as published in the January 2, 2026 issue of the *Texas Register* (51 TexReg 21) and will be republished. The adopted new section implements House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, related to designation of resource campuses, including application requirements and eligibility.

REASONED JUSTIFICATION: Adopted new §97.1081 defines requirements for the resource campus designation authorized under Texas Education Code (TEC), §29.934. The resource campus designation is a school turnaround model designed to improve student outcomes at historically low-performing campuses by incentivizing districts to implement evidence-backed strategies such as accelerated campus excellence (ACE), teacher incentive allotment (TIA), high-quality instructional materials (HQIM), and additional days school year (ADSY) to transform student outcomes and accelerate academic growth. The designation provides state funding and comprehensive supports to accelerate academic growth and sustain improvements over time.

Adopted new subsection (b) defines key words and concepts related to the resource campus designation.

Adopted new subsection (c) outlines application requirements, including application elements and the process school districts must follow in order to be designated by TEA. This process includes submission of a letter of intent and application form, attendance at mandatory training sessions, and alignment to eligibility approval criteria.

Adopted new subsection (d) outlines eligibility requirements for the resource campus designation.

Adopted new subsection (e) outlines requirements and procedures for continued eligibility of the designation.

Adopted new subsection (f) outlines the standards for eligibility for a closed campus to maintain the resource campus designation.

Adopted new subsection (g) outlines the standards for removal and revocation of the resource campus designation, including the timeline for TEA to make renewal and revocation decisions and the criteria by which TEA will make renewal or revocation decisions.

Adopted new subsection (h) specifies the finality of the commissioner's decision.

The following changes were made to the rule at adoption.

In subsection (d)(1), a technical edit was made to specify the timing of eligibility requirements. As adopted, the rule provides that, except as specifically provided in subsection (d), all eligibility criteria must be met at the time of application. This technical edit was made to maintain alignment with TEC, §29.934.

In subsection (d)(2)(B)(iii), a cross reference was updated to ensure accuracy and alignment with the current statutory structure. The change does not alter the substance or intent of the eligibility requirements for the resource campus designation.

Based on public comment, clarification was added in subsection (d)(2)(B)(iii) to align the rule with TEC, §39A.105(b)(5). As adopted, the rule clarifies that the requirement relates to the implementation of data-driven instructional practices rather than

the use of a specific performance management system. This clarification reflects TEA's intent to allow districts flexibility in implementation while ensuring the regular use of student data to inform instruction, monitor progress, and adjust supports. Additional clarification regarding policies and procedures for the implementation of best practices at the campus described by TEC, §39A.105(b), was also added.

Based on public comment, the adopted rule was modified to further clarify the requirements for data-driven instruction in subsection (d)(2)(B)(iii)(I) and add a required unified observation and feedback system in subsection (d)(2)(B)(iii)(II), including an instructional rubric, observer training, calibration protocols, and a method for synthesizing and communicating observation data.

Based on public comment, subsection (d)(2)(C) was modified to align with TEC, §29.934(d)(7), by removing the term "full fidelity" and related prescriptive language. The rule retains the requirement that campuses adopt and implement full-subject HQIM in English language arts and mathematics, consistent with statutory intent and HB 2.

Subsection (d)(2)(C)(iii), which allowed conditional approval if high-quality instructional materials were not yet in place at the time of the resource campus application, was removed at adoption. Except as specifically provided in the rule, all eligibility criteria must be met at the time of application.

Based on public comment, subsection (d)(2)(H) was modified to specify that districts may submit evidence that TIA requirements will be fully verified by the end of the school year in which the campus applies.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began January 2, 2026, and ended February 2, 2026. Following is a summary of public comments received and agency responses.

Comment: A commenter requested clarification regarding whether flexibility exists for campuses that meet most, but not all, requirements at the time of application and expressed concern about district capacity, particularly for smaller or resource-constrained systems.

Response: The agency provides the following clarification. While all statutory and rule-based requirements must be met for a campus to receive designation, certain requirements related to TIA operate on verification timelines that may extend through the end of the school year. To align with existing TIA processes, the subsection (d)(2)(H) was updated at adoption to add flexibility for districts to submit evidence that TIA requirements will be fully verified by the end of the school year in which the campus applies. Unless otherwise specified, all other requirements must be met at the time of application.

Comment: A commenter requested clarification regarding the reapplication timeline for campuses that have lost resource campus designation.

Response: The agency provides the following clarification. TEC, §29.934, authorizes campuses that have lost designation to reapply but does not prescribe a required waiting period. A campus may reapply once it fully meets all statutory and rule requirements.

Comment: A commenter recommended that the agency establish clearer guardrails regarding continued eligibility for resource campus funding. Specifically, the commenter suggested that campuses receiving a D or F rating for an extended period fol-

lowing implementation should not remain eligible for ongoing resource campus support. As an example, the commenter proposed that if a campus receives a D or F rating in three out of the five years after implementation, whether or not the ratings are consecutive, the campus would no longer qualify for resource campus funding. The commenter stated that such a provision would emphasize measurable improvement, ensure fidelity of implementation, and maintain incentives for sustained progress.

Response: The agency disagrees. Continued eligibility and fidelity of implementation are addressed through annual monitoring, and campuses that fail to meet statutory or rule-based requirements may have designation and funding removed. Resource campuses also remain subject to the state accountability system and improvement requirements under TEC, Chapters 39 and 39A.

Comment: A commenter requested clarification regarding expectations for HQIM adoption as additional subjects beyond reading and mathematics become IMRA-approved. The commenter encouraged the agency to specify whether campuses with a resource campus designation will be required to adopt HQIM in newly approved subject areas. From a coherence and instructional quality standpoint, the commenter recommended that expansion to additional subjects be expected, provided that districts receive sufficient planning time and implementation support.

Response: The agency provides the following clarification. As additional IMRA-approved full-subject HQIM become available, the agency will update guidance and expectations accordingly. This approach allows districts appropriate planning time and implementation support without establishing prescriptive requirements before materials are available.

Comment: A commenter stated that the proposed reference in §97.1081(d)(2)(B)(iii) to TEC, §39A.105(b)(4), appears to be incorrect and should instead reference TEC, §39A.105(b)(5), which encompasses subclauses (iii)(I)-(VI). The commenter noted that TEC, §39A.105(b)(5)(A), requires the implementation of "data-driven instructional practices" but does not mandate "a performance management system providing at least weekly insight for all administrators and at least monthly insights for all teachers on classroom instructional delivery," as described in the proposed rule. The commenter stated that the proposed language exceeds statutory requirements and could constrain districts from selecting data-driven instructional practices that best meet local needs. The commenter recommended replacing the proposed text in §97.1081(d)(2)(B)(iii)(I) with the statutory phrase "data-driven instructional practices" to ensure alignment with TEC, §39A.105(b)(5).

Response: The agency agrees that the cross reference in §97.1081(d)(2)(B)(iii) should be corrected and has updated it at adoption to TEC, §39A.105(b)(5), to ensure accuracy and proper alignment with the statutory structure. Additionally, the agency provides the following clarification regarding the statutory phrase "data-driven instructional practices." Section 97.1081(d)(2)(B)(iii), including new subclause (I), has been modified at adoption to reflect the requirement for data-driven instructional practices, as described in TEC, §39A.105(b)(5), rather than prescribing a specific performance management system. The agency intends for campuses to implement data-driven instructional practices consistent with the Effective Schools Framework, which allow districts flexibility to select and implement practices that best meet local needs while ensuring regular

use of student data to inform instruction, monitor progress, and adjust supports. In addition, §97.1081(d)(2)(B)(iii)(I) has been modified at adoption to add the required components of a unified observation and feedback system, including an instructional rubric, observer training, calibration protocols, and a method for synthesizing and communicating observation data.

Comment: A commenter stated that the proposed language in §97.1081(d)(2)(C) exceeds the statutory requirements of HB 2. The commenter noted that TEC, §29.934(d)(7), requires a campus to provide evidence of "developing and implementing a plan to use high quality instructional materials" but does not mandate the use of both full-subject HQIM and supplemental instructional materials, nor does it require a detailed description of how accelerated support will be provided to students. The commenter further observed that the term "full fidelity" is not defined in statute or rule, resulting in an unclear standard for evaluating implementation. The commenter recommended replacing the proposed text in §97.1081(d)(2)(C) with the statutory phrase "developing and implementing a plan to use high-quality instructional materials" to ensure alignment with TEC, §29.934(d)(7).

Response: The agency agrees that the proposed language should be clarified to better align with statute. TEC, §29.934(d)(7), requires a campus to provide evidence of developing and implementing a plan to use HQIM and does not define or require implementation at "full fidelity." To avoid establishing an unclear or undefined standard, the agency revised §97.1081(d)(2)(C) at adoption to remove the term "full fidelity" and associated prescriptive language. The rule retains the requirement that campuses adopt and implement full-subject HQIM in English language arts and mathematics, consistent with statutory intent and HB 2. The rule also clarifies that, for purposes of renewal, a district must submit documentation demonstrating fidelity of implementation of its full-subject IMRA-approved instructional materials.

Comment: A commenter requested that the agency reconsider the requirement that licensed mental health professionals assigned to resource campuses be full time and dedicated solely to a single campus. The commenter expressed concern that such a requirement may unintentionally limit participation, even among school systems otherwise well-positioned to implement the instructional and staffing elements of the resource campus model with fidelity. The commenter suggested allowing these professionals to be employed or contracted on a part-time basis and shared across multiple campuses, provided that clear expectations regarding availability, caseload, and service quality are maintained. The commenter stated that this approach would preserve the intent of the rule while improving feasibility, better aligning with workforce constraints, and supporting broader participation without diminishing services that address students' social and emotional needs.

Response: The agency disagrees. The requirement that licensed mental health professionals be full time and campus dedicated reflects the central role of embedded mental health supports in the resource campus model and ensures availability, continuity of care, and effective collaboration.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code, §29.934, as amended by House Bill 2, 89th Texas Legislature, Regular Session, 2025, which requires the commissioner to establish and administer the resource campus designation to incentivize and support campuses with a history of unacceptable ratings through a comprehensive plan for

school turnaround. Subsection (j) allows the commissioner to adopt rules to implement the statute.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §29.934, as amended by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

§97.1081. *Resource Campuses.*

(a) **Applicability.** This section applies only to a school district that intends to apply for a resource campus designation for a campus or campuses under Texas Education Code (TEC), §29.934.

(b) **Definitions.** For purposes of this division, the following words and terms shall have the following meaning, unless the context clearly indicates otherwise.

(1) **Applicant**--This term refers to the school district submitting the application for a resource campus designation.

(2) **Closed campus**--This term refers to a campus whose county-district-campus number has been retired by the commissioner of education or the school district under §97.1066 of this title (relating to Campus Repurposing and Closure).

(3) **County-district-campus number (CDCN)**--This term refers to the nine-digit identifier assigned to a campus under §97.1051 of this title (relating to Definitions).

(4) **Receiving campus**--This term refers to a campus that enrolls students previously served by a closed campus.

(5) **Resource campus**--This term has the meaning assigned by TEC, §29.934.

(6) **Resource campus designation**--This term refers to a campus that has satisfactorily met the eligibility criteria included in TEC, §29.934, and this section and is eligible for additional funding as provided by TEC, §48.252.

(c) **Application requirements.**

(1) To apply to be designated as a resource campus, the campus must have received an overall performance rating under TEC, §39.054, of D, F, or NR/NR1365 for three years over a 10-year period at the time of application.

(A) The calculation of the 10-year period begins with the school year prior to the year in which the applicant submits the request for the resource campus designation, regardless of whether a rating was issued.

(B) An Academically Unacceptable or Improvement Required rating will be considered an unacceptable rating for determining eligibility.

(C) The three D, F, or NR/NR1365 ratings do not have to be consecutive.

(2) Annually, the Texas Education Agency (TEA) will release a list of campuses that meet the application eligibility requirement described in paragraph (1) of this subsection and application package requirements, which may include, but are not limited to:

(A) a letter of intent;

(B) an application form;

(C) the application deadline;

(D) requirements, including mandatory training sessions for school districts and campuses, that must be met in order for applications to be approved; and

(E) eligibility approval criteria aligned to subsection (d) of this section.

(3) If TEA determines that an application package is not complete and/or the applicant does not meet the eligibility criteria in TEC, §29.934, and this section, TEA may notify the applicant and allow 10 business days for the applicant to submit any missing or explanatory (supplementary) documents.

(A) If, after giving the applicant the opportunity to provide supplementary documents, TEA determines that the resource campus designation request remains incomplete and/or the eligibility requirements of TEC, §29.934, have not been met, the resource campus designation request will be denied.

(B) If the documents are not timely submitted, TEA shall remove the resource campus designation request without further processing.

(C) Failure by TEA to identify any deficiency or notify an applicant thereof does not constitute a waiver of the requirement and does not bind the commissioner.

(4) TEA staff may interview applicants, specify individuals from the school district and campus required to attend the interview, and require the submission of additional information and documentation prior to an interview.

(d) **Eligibility criteria.**

(1) To be eligible for a resource campus designation, a school district must demonstrate that a campus meets all criteria provided in TEC, §29.934, related to the resource campus designation beginning in the school year in which it applies for the designation. Except as specifically provided in this subsection, all eligibility criteria must be met at the time of application.

(2) The school district must provide evidence that the campus is:

(A) implementing a targeted improvement plan as described by TEC, Chapter 39A, Subchapter A, and §97.1061(e)(4) of this title (relating to Interventions and Sanctions for Campuses) and has established a school community partnership team;

(B) adopting and implementing an accelerated campus excellence (ACE) turnaround plan as provided by TEC, §39A.105(b), which must include:

(i) a staffing plan that aligns with the staffing provisions in paragraph (3) of this subsection and includes:

(I) the requirement that the principal assigned to the campus must have:

(-a-) demonstrated a history of improvement in student academic growth at campuses at which the principal has previously worked; and

(-b-) final authority over personnel decisions at the campus;

(II) the requirement that at least 60% of classroom teachers assigned to the campus must satisfy the requirements for demonstrated instructional effectiveness under TEC, §39A.105(b)(3);

(III) a detailed description of the employment and compensation structures for the principal and classroom teachers, which must include significant incentives for a high-performing principal or teacher to remain at the campus and a commitment by the district to continue incentives for the principal and teachers. Teacher compensation structures must align to the approved local optional teacher designation system;

(IV) a plan that describes how the district will determine that the principal and classroom teachers are meeting determined student growth measures aligned to the campus compensation model; and

(V) the requirement that by August 1 of the school year in which the campus will begin receiving funding for the resource campus designation, the campus principal and all teachers must have applied for a position to continue at the campus at the beginning of ACE implementation, regardless of past employment or assignment to the campus, and the district must demonstrate that the leader continues to meet requirements in the district's blueprint;

(ii) a board policy that includes the commitment to continue incentives for principals and teachers, and no other board policy related to staffing compensation in the district may contradict the staffing and compensation provisions in the ACE plan; and

(iii) policies and procedures for the implementation of best practices at the campus described in TEC, §39A.105(b)(5), including:

(I) data-driven instructional practices, as described in TEC, §39A.105(b)(5), and aligned to the Effective Schools Framework, including the regular use of student-level data to manage instructional performance, including the monitoring of student progress and adjustment of instruction and supports;

(II) a system of observation of classroom teachers and feedback for classroom teachers. In addition to an annual evaluation system as required under TEC, §21.351, resource campuses must implement a unified observation and feedback system executed on a frequent basis to support instructional coaching, including:

(-a-) a rubric that defines quality;

(-b-) training for observers to use the rubric;

(-c-) a protocol for initial and ongoing calibration for observers; and

(-d-) a method that synthesizes and communicates the data from the unified observation and feedback system to teachers, campus leaders, and district leaders (i.e., a dashboard) to inform system improvements;

(III) positive student culture on the campus;

(IV) family and community engagement;

(V) extended learning opportunities for students, which may include service or workforce learning opportunities; and

(VI) providing student services before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus;

(C) developing and implementing a plan to use high-quality instructional materials, consistent with TEC, §29.934(d)(7). The plan must include the adoption and implementation of full-subject high-quality instructional materials approved through the instructional materials review and approval (IMRA) process for English language arts (ELA) and mathematics. A district may include supplemental instructional materials and accelerated instructional supports as part of its plan, as appropriate to meet student needs. For renewal, a district must submit documentation demonstrating fidelity of implementation of its adopted full-subject IMRA-approved instructional materials. The district shall provide evidence showing that the materials have been implemented as designed, including documentation of use, monitoring, and any adjustments made to support effective implementation using the unified observation and feedback system as described in subparagraph (B)(iii)(II) of this paragraph.

(i) If the campus has already adopted and can demonstrate implementation of HQIM as described in this subparagraph, it may receive full approval for the resource campus designation based on review and acceptance by TEA.

(ii) If there are no IMRA-approved materials in ELA or mathematics for a grade level served by the campus at the time of application, the campus may submit a plan to adopt and implement materials as soon as available.

(D) implementing, if serving a grade level from prekindergarten-Grade 8, an Additional Days School Year (ADSY) calendar for funding under TEC, §48.0051, designed to include a base calendar of 175 days plus at least six additional ADSY days for all students;

(E) implementing a campus-level positive behavior program as provided by TEC, §37.0013, that aligns with the ACE plan described in subparagraph (B) of this paragraph;

(F) developing partnerships with parent and community groups and implementing a family engagement plan as described by TEC, §29.168, that aligns with the ACE plan described in subparagraph (B) of this paragraph;

(G) demonstrating that all teachers of record assigned to foundation curriculum subjects, as defined in TEC, §28.002, have a minimum of two years' experience serving as a classroom teacher as defined in TEC, §5.001, prior to the start of the school year in which the resource campus designation is awarded;

(H) demonstrating that at least 50% of teachers of record assigned to foundation curriculum subjects, as defined in TEC, §28.002, currently hold a designation under a local optional teacher designation system as described in TEC, §21.3521. However, a district may submit evidence at the time of application that the minimum 50% teacher designation threshold will be fully met and verified through the Teacher Incentive Allotment process by the end of the school year in which the campus is applying for the resource campus designation;

(I) verifying that at least one full-time school counselor is dedicated to the campus for every 300 students with fractional school counselor assignment allowed if over 300 students (i.e., 1.5 FTE for 450 students); and

(J) verifying that at least one appropriately licensed professional, either directly employed or contracted, is assigned full time to the campus to support the social and emotional needs of students and staff. This individual must be dedicated solely to the campus and must be one of the following:

(i) a family and community liaison;

(ii) a clinical social worker;

(iii) a specialist in school psychology; or

(iv) a professional counselor.

(3) A campus that receives a resource campus designation must be in a school district that has adopted an approved local optional teacher designation system under TEC, §21.3521, that includes the campus to receive the resource campus designation. The local designation system must:

(A) meet all requirements under §150.1041 of this title (relating to Local Optional Teacher Designation System) for all foundation subject teachers in all grade levels served by the resource campus; and

(B) receive full approval by TEA no later than the school year prior to the year that the resource campus designation begins.

(e) Continued eligibility.

(1) To maintain the resource campus designation and receive benefits under TEC, §29.934 and §48.252, the school district and campus holding the resource campus designation must continuously meet the requirements in subsection (d) of this section.

(2) The school district and campus holding the resource campus designation must comply with all information requests or monitoring visits deemed necessary by TEA staff to monitor the ongoing eligibility of the resource campus designation.

(A) TEA will annually release monitoring requirements and timelines.

(B) School districts will submit data and information required by TEA to assess fidelity of implementation upon request by TEA.

(C) A school district or campus holding the resource campus designation that fails to respond to implementation monitoring requests by the published deadline will be subject to subsection (g) of this section related to removal of resource campus designation.

(3) TEA will annually notify school districts of their resource campus designation status.

(f) Closed campus eligibility to maintain resource campus designation.

(1) A receiving campus may maintain resource campus designation if:

(A) the receiving campus assumes the CDCN of the closed resource campus or is otherwise assigned its accountability performance history by the commissioner; and

(B) the receiving campus continues to meet all requirements for resource campus designation under TEC, §29.934, and this chapter.

(2) The district must submit a request to the commissioner to maintain the resource campus designation for the receiving campus.

(A) The request must include documentation demonstrating compliance with subsections (d) and (e) of this section.

(B) The commissioner may approve the request if all conditions are met.

(g) Removal of resource campus designation.

(1) A campus fails to maintain status as a resource campus if:

(A) the campus or school district does not continuously meet the requirements in subsection (d) of this section; or

(B) the campus or school district fails to comply with information requests or monitoring visits by TEA staff needed to determine the ongoing implementation of resource campus eligibility criteria.

(2) If a campus fails to maintain status as a resource campus for two consecutive years, the campus is not eligible for designation as a resource campus.

(A) The financial benefits awarded to a campus under TEC, §48.252, will end at the end of the second consecutive school year in which the campus failed to maintain its resource campus status.

(B) A campus subject to this subsection may reapply for designation as a resource campus if the campus qualifies under TEC, §29.934(b).

(h) Decision finality. A decision of the commissioner made under this section is final and is not subject to appeal, including under TEC, §7.057.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 20, 2026.

TRD-202602141

Cristina De La Fuente-Valadez

Director, Rulemaking

Texas Education Agency

Effective date: June 9, 2026

Proposal publication date: January 2, 2026

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



TITLE 34. PUBLIC FINANCE

PART 4. EMPLOYEES RETIREMENT SYSTEM OF TEXAS

CHAPTER 85. FLEXIBLE BENEFITS

34 TAC §85.5

The Employees Retirement System of Texas (ERS) adopts an amendment to 34 Texas Administrative Code Chapter 85, concerning Flexible Benefits, by amending §85.5 (Benefits), with no changes to the proposed text as published in the April 17, 2026 issue of the *Texas Register* (51 TexReg 2509). The amendment was approved by the ERS Board of Trustees at its May 19, 2026 meeting. This section will be not republished.

Section 85.5, concerning Benefits, is amended in order to reflect a change in federal law regarding the maximum contribution amount for dependent care flexible spending accounts.

No comments were received regarding the proposed amendment.

The amendment is adopted under Tex. Gov't Code §815.102, which authorizes the ERS Board of Trustees (Board) to adopt rules necessary for the administration of the funds of the retirement system and regarding the transaction of any other business of the Board; Tex. Ins. Code §1551.206, which authorizes the Board to develop, implement, and administer flexible spending accounts and include any benefit that may be included under federal law; and Tex. Ins. Code §1551.458, which authorizes the Board to adopt rules regarding flexible spending accounts.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 22, 2026.

TRD-202602158

Cynthia Hamilton
General Counsel
Employees Retirement System of Texas
Effective date: June 11, 2026
Proposal publication date: April 17, 2026
For further information, please call: (877) 275-4377



TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 19. DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES

CHAPTER 700. CHILD PROTECTIVE SERVICES

SUBCHAPTER M. SUBSTITUTE-CARE SERVICES

DIVISION 1. GENERAL

40 TAC §700.1335

The Department of Family and Protective Services (DFPS) adopts amended rules in Title 40, Texas Administrative Code (TAC), Chapter 700, Subchapter M, relating to the Treatment Foster Family Care (TFFC) Program. The proposal was published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2511). The amended rule is adopted without changes to the proposed text and will not be republished.

BACKGROUND AND JUSTIFICATION

The Treatment Foster Family Care (TFFC) program is a placement option for children with mental and/or social behavioral needs that cannot be met in traditional foster care settings. TFFC is designed to provide innovative, multi-disciplinary treatment services to children in a highly structured family home environment and is a cost-effective alternative to congregate residential treatment. A child's qualification for TFFC depends on the framework under which the child is served. For children served under the service-level framework, which remains in use during the full transition to the T3C service package framework, DFPS has established TFFC criteria in policy. For children served under the T3C service-package framework, DFPS has established criteria in the T3C System Blueprint. Caregivers are highly trained to meet the specific needs of the child population and abide by requirements set out in contract. A child's TFFC placement cannot exceed nine-months, except for one three-month extension.

Due to the complex mental and/or socio-behavioral needs of children served in the TFFC program, current TAC Section 700.1335(c)(2) limits a foster home's capacity to no more than two foster children at one time. At the time the rule was promulgated, DFPS believed that this was all a TFFC family could handle. However, DFPS now believes there are limited circumstances where children would benefit from being in a TFFC home with more than two foster children. Those circumstances include:

- Respite care and babysitting for other TFFC foster parent(s);
- Keeping siblings together; and
- Placement into kinship TFFC homes.

COMMENTS

The 30-day comment period ended May 17, 2026.

During this period, DFPS did receive a comment regarding the amended rules from one commenter from an organization. A summary of comment relating to the rule and DFPS's response is as follows.

Comment: The Texas Alliance of Child and Family Services (TACFS) commented: "Generally, the proposed language appears to be consistent and a positive improvement, especially for sibling groups. However, we would like to raise one potential issue for consideration. In the background and purpose, the following language is used which may be inconsistent with the Texas Child-Centered Care (T3C) package for Treatment Foster Family Care Support Services:

- To qualify, a child must be 17 years old or younger and: (1) placed in or recommended to be placed into an RTC, or (2) placed in or at risk of being placed in a psychiatric hospitalization due to a history of a diagnosed emotional disorder."

Response: DFPS agrees with the comment and has clarified the background and purpose of the Notice of Adoption. DFPS has established criteria for a child to qualify for TFFC in policy and in the T3C System Blueprint. Qualifying criteria is not relevant to the application of this rule. The commenter did not suggest any changes to the proposed rule and DFPS has not revised the rule.

STATUTORY AUTHORITY

The rule was implemented to comply with the General Appropriations Act, S.B.1, 85th Legislature, Regular Session, 2017 which required HHSC to set rates for the new TFFC program that DFPS administers.

The adopted rule implements Texas Family Code Section 264.1073 (Treatment Foster Care).

The rule changes are adopted under Human Resources Code Section 40.027, which provides that the DFPS Commissioner shall oversee the development of rules relating to matters within the department's jurisdiction and adopt rules for the operation and provision of services by the department.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 22, 2026.

TRD-202602156

Sanjuanita Maltos

Rules Coordinator

Department of Family and Protective Services

Effective date: June 11, 2026

Proposal publication date: April 17, 2026

For further information, please call: (512) 945-5978



PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 809. CHILD CARE SERVICES

SUBCHAPTER F. FRAUD FACT-FINDING AND IMPROPER PAYMENTS

40 TAC §§809.111 - 809.117

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 809, relating to Child Care Services:

Subchapter F. Fraud Fact-Finding and Improper Payments, §§809.111 - 809.115 and §809.117

TWC adopts the following new section to Chapter 809, relating to Child Care Services:

Subchapter F. Fraud Fact-Finding and Improper Payments, §809.116

Amended §§809.111, 809.114, 809.115, and 809.117, and new §809.116 are adopted without changes to the proposal, as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2020), and, therefore, the adopted rule text will not be published.

Amended §809.112 and §809.113 are adopted with changes to the proposal, as published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2020), and, therefore, the adopted rule text will be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 809 rule change is to strengthen the integrity of the child care services program by enhancing fraud detection, prevention, and enforcement mechanisms. The amendments clarify procedures for investigating suspected fraud, specify corrective actions, establish clear accountability measures for Local Workforce Development Boards (Boards), and reinforce TWC's authority to recover improper payments. These changes are designed to safeguard public funds and ensure that child care subsidies are directed to eligible Texas families and qualified providers.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER F. FRAUD FACT-FINDING AND IMPROPER PAYMENTS

TWC adopts the following amendments to Subchapter F:

§809.111. General Fraud Fact-Finding Procedures

Section 809.111 is amended to clarify TWC's authority over fraud cases and its oversight role with Boards and to better align the definition of fraud. Amendments to §809.111 also include technical corrections regarding the use of "Agency" and "Commission."

Section 809.111(b) is amended to redefine the knowledge standard for fraud from "knowing it to be false" to "knew or should have known" standard, consistent with program integrity best practices.

Section 809.111(e), (f), and (g) are amended to clarify TWC's procedures and Board responsibilities for reporting, investigating, and documenting cases of suspected fraud.

New §809.111(h) explicitly states TWC's jurisdiction to intervene in fraud cases when a Board fails to adhere to established procedures or needs assistance.

New §809.111(i) requires Fraud Deterrence and Compliance Monitoring approval before a Board restricts a provider's eligibility to provide Commission-funded child care services due to a finding of fraud, which will allow TWC to ensure consistent standards are applied.

§809.112. Suspected Fraud

Section 809.112 is amended to make several technical edits including correcting the use of "Agency" and "Commission," clarifying that suspected fraud includes payments, clarifying what constitutes suspected fraud, and removing reference to specific eligibility periods.

§809.113. Action to Prevent or Correct Suspected Fraud

Section 809.113 is amended to more clearly delineate the corrective actions that TWC or a Board may take against a provider versus a parent when fraud is found. A key amendment adds language allowing TWC to prohibit future eligibility for providers determined to have committed fraud, owners and directors of those providers, or individuals found to have engaged, aided or abetted the fraudulent activities, and is a critical tool to prevent fraudulent actors from reentering the program under a new business name.

§809.114. Failure to Comply with Commission Rules and Board Policies

Section 809.114 is renamed "Failure to Comply with Commission Rules and Agency and Board Policies."

Section 809.114 is amended to require parents and providers to comply with TWC's policies, to include "other contracted entity" to the list of parties subject to corrective action, which reinforces that all entities involved in the child care system must comply with Commission rules. New §809.114(d) requires Boards to develop and implement a plan to monitor child care providers compliance with Commission rules and TWC and Board policies. The monitoring plan must include in-person site visits. New subsection (e) clarifies the authority for the Director of Child Care Services to issue corrective actions or sanctions for a Board's failure to comply with the requirements of Chapter 809.

§809.115. Corrective Adverse Actions

Section 809.115 is amended to make several technical edits including correcting the use of "Agency" and "Commission."

§809.116. Referral for Criminal Prosecution

New §809.116 is added to mandate that Boards refer cases of fraud to prosecutors for criminal prosecution in accordance with TWC policy. New §809.116 strengthens the program's stance against fraud by pursuing legal consequences beyond administrative recovery and requires that such referrals be documented in TWC's case management system.

§809.117. Recovery of Improper Payments to a Provider or Parent

Section 809.117 is amended to clarify the responsibilities for recovering improper payments, assigning recovery efforts to the entity that issued the determination (either TWC or the Board).

PART III. PUBLIC COMMENTS

The comment period ended on April 27, 2026.

TWC received comments from the following:

--Day Nursery of Abilene

--TXPOST

COMMENT: Day Nursery of Abilene stated that fraud does not appear to be the primary concern related to improper payments in their area. The provider noted concerns with accurate and timely payment to providers, clear and consistent communication, and documentation being modified after the fact.

RESPONSE: The Commission appreciates the comment and understands the provider's concerns. The Commission recognizes the importance of accurate and timely payment for CCS providers and agrees that most improper payments are not related to fraud. TWC and the Boards will continue to work to improve communication and eliminate issues related to provider payments. However, the purpose of this rulemaking is to strengthen the integrity of the child care services program by enhancing fraud detection, prevention, and enforcement mechanisms; therefore, the commenter's concerns fall outside the scope of the proposed rulemaking. No changes were made in response to this comment.

COMMENT: TXPOST expressed concern that including "board member" in the proposed rule language for §809.113(a)(4) could create unintended consequences for volunteers serving on the boards of nonprofit child care providers. The commenter suggested replacing "an owner, director, or board member of the provider" with either "controlling person" or "designee." The commenter recommended tightening §809.113(a)(4) and tying it to the individuals listed on a provider's license.

RESPONSE: The Commission appreciates the comment, which identified a potential unintended consequence for volunteer board members. The Commission agrees that board members should be removed from §809.113(a)(4)(B), because board members are not involved in the day-to-day operations to the same degree as owners and directors. However, if a board member is found to have engaged, aided, or abetted in fraudulent activities, the board member could be prohibited from future participation in Commission-funded child care services under §809.113(a)(4)(E).

Accordingly, TWC has modified §809.113(a)(4)(B) to remove board members. Board members, including volunteer board members, will not be included under §809.113(a)(4) unless they are found to have engaged, aided, or abetted in fraudulent activities.

COMMENT: Day Nursery of Abilene stated their support for the proposed rules and efforts to further alleviate fraud. The provider noted that further integrating automated platforms for child care authorizations and provider tracking tools can significantly reduce the risk of fraud by eliminating duplicate data entry, ensuring real-time consistency, and strengthening oversight across systems. Additionally, active caseworkers conducting periodic on-site visits provide an essential layer of independent verification. This approach maintains clear roles between providers who focus on delivering quality care and the case management responsibilities of the child care contractor. With adequate training and open communication, services can be delivered seamlessly with reduced administrative burdens on providers.

RESPONSE: The Commission appreciates the comment and the commenter's support. The Commission is continuously evaluating efforts to improve program integrity and service delivery and will take these suggestions into consideration. No changes were made in response to this comment.

PART IV. STATUTORY AUTHORITY

The rules are adopted under the authority of:

--Texas Labor Code, §301.192, which requires TWC to ensure that corrective action is taken against a child care provider or parent who commits fraud; and

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Texas Labor Code, Title 4, particularly Chapters 301 and 302, and Texas Government Code, Chapter 2308.

§809.112. Suspected Fraud.

(a) A parent, provider, or any other person in a position to commit fraud may be suspected of fraud if the person presents or causes to be presented to the Agency, Board, or its child care contractor one or more of the following items:

(1) A request for payment or reimbursement in excess of the amount charged by the provider for the child care; or

(2) An application, document, record, or statement related to the eligibility to receive or provide child care services or to receive payment of child care funds, if evidence indicates that the person may have:

(A) known, or should have known, that child care services were not provided as claimed;

(B) known, or should have known, that information provided is false or fraudulent;

(C) received child care services during a period in which the parent or child was not eligible for services;

(D) known, or should have known, that child care subsidies were provided to a person not eligible to be a provider; or

(E) otherwise indicated that the person knew or should have known that the actions were in violation of this chapter or state or federal statute or regulations relating to child care funds.

(b) The following parental actions may be grounds for suspected fraud:

(1) Not reporting or falsely reporting at initial eligibility or at eligibility redetermination:

(A) household composition, or income sources or amounts that would have resulted in ineligibility or a higher parent share of cost; or

(B) work, training, or education hours that would have resulted in ineligibility; or

(2) Not reporting during the eligibility period inclusive of the 90-day initial job search period, if applicable:

(A) changes in income or household composition that would cause the family income to exceed 85 percent of SMI (taking into consideration fluctuations of income); or

(B) a permanent loss of job or cessation of training or education that exceeds 90 days; or

(C) improper or inaccurate reporting of attendance.

§809.113. Action to Prevent or Correct Suspected Fraud.

(a) The Agency or Board may take the following actions pursuant to Agency policy if the Agency or Board finds that a provider has committed fraud:

(1) Temporarily or permanently withholding payments to the provider for child care services delivered;

(2) Recoupment of funds from the provider;

(3) Stop authorizing care at the provider's facility or location;

(4) Prohibiting future eligibility to provide Commission-funded child care services or to participate in the management, ownership, or operation of a provider engaged in Commission-funded child care services for any of the following:

(A) the provider;

(B) an owner or director of the provider;

(C) an individual who, either alone or in connection with others, has the ability to influence or direct the management, expenditures, or policies of the provider;

(D) a family member of subparagraph (A), (B), or (C) of this paragraph; or

(E) an individual who was found to have engaged, aided, or abetted in the fraudulent activities; or

(5) Any other action consistent with the intent of the governing statutes or regulations to investigate, prevent, or stop suspected fraud.

(b) The Agency or Board may take the following actions pursuant to Agency policy if the Agency or Board finds that a parent has committed fraud:

(1) recouping funds from the parent;

(2) prohibiting future child care eligibility, provided that the prohibition does not result in a Choices or SNAP E&T participant becoming ineligible for child care;

(3) limiting the enrollment of the parent's child to a regulated child care provider;

(4) terminating care during the eligibility period if eligibility was determined using fraudulent information provided by the parent; or

(5) any other action consistent with the intent of the governing statutes or regulations to investigate, prevent, or stop suspected fraud.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 19, 2026.

TRD-202602114

Les Trobman

General Counsel

Texas Workforce Commission

Effective date: June 8, 2026

Proposal publication date: March 27, 2026

For further information, please call: (737) 301-9662



TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 2. ENVIRONMENTAL REVIEW OF TRANSPORTATION PROJECTS

SUBCHAPTER G. MEMORANDUM OF UNDERSTANDING WITH THE TEXAS PARKS AND WILDLIFE DEPARTMENT

The Texas Department of Transportation (department) adopts amendments to §§2.201 - 2.206 and the repeal of §2.207, concerning Memorandum of Understanding with the Texas Parks and Wildlife Department (TPWD). The amendments to §§2.201 - 2.206 and the repeal of §2.207 are adopted without changes to the proposed text as published in the February 13, 2026 issue of the *Texas Register* (51 TexReg 874) and will not be republished.

EXPLANATION OF ADOPTED AMENDMENTS AND REPEAL

Transportation Code, §201.607, requires the department to adopt a memorandum of understanding (MOU) with each state agency that has responsibilities for the protection of the natural environment or for the preservation of historic or archeological resources. Transportation Code, §201.607, also requires the department to adopt the MOU and all revisions to it by rule and to periodically evaluate and revise the MOU. The department has evaluated its MOU with the Texas Parks and Wildlife Department (TPWD) adopted in 2021, and finds it necessary to make various changes to Chapter 2, Subchapter G, of the department's rules.

Amendments to §2.201, Purpose, update the references to the preceding MOU.

Amendments to §2.202, Definitions, delete the definition of "qualified biologist" because it is unnecessary and delete the definition of "riparian habitat" because it is not used in the revised rules. They also add a definition of "species of greatest conservation need (SGCN)." They also clarify that the TPWD Transportation Staff is assigned to work on TxDOT transportation projects specifically, and not transportation projects generally.

Amendments to §2.203, Applicability, revise the triggers for when the department must provide TPWD with an opportunity to review a reevaluation of a project to be more precise. They also specify that for a reevaluation the department need only discuss the project with TPWD instead of formally re-coordinating the project in writing.

Amendments to §2.204, Coordination and Communication, specify that written communication between the department and TPWD, in addition to electronic communication, will be used to the maximum extent practical. This is in recognition of TPWD's practice of providing comments in a letter format and not exclusively in an email format.

Amendments to §2.205, Commitments, relate to the inter-agency contract by which TxDOT provides funding for one TPWD transportation staff to review TxDOT projects. The amendments specify that TxDOT and TPWD may renew that interagency contract at the same time that the overall MOU in this Subchapter G is renewed, rather than biennially. They also clarify that the TPWD employee funded by TxDOT through the interagency contract is "transportation staff," which is a defined term in §2.202. They also remove a reference to an "associated workplan" in the context of mutually agreeable conservation actions as that term is not actually used by TxDOT and TPWD.

Amendments to §2.206, Interagency Team, add a provision requiring the TxDOT/TPWD interagency team to collaborate on identifying opportunities to enhance wildlife habitat connectivity across Texas to improve terrestrial and aquatic species movements.

Section 2.207, Texas Natural Diversity Database (TXNDD), is repealed because in 2026 the data in the TXNDD will be publicly available and, therefore, the MOU provisions detailing how TxDOT accesses data from the TXNDD will no longer be needed.

COMMENTS

The General Land Office provided its determination that the proposed amendments and repeal are consistent with Coastal Zone Management goals and enforceable priorities. No other comments on the proposed amendments and repeal were received.

43 TAC §§2.201 - 2.206

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, §201.607, requiring the department to have an MOU with TPWD and to adopt it by rulemaking.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, §§201.604, 201.607, and 201.752.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 21, 2026.

TRD-202602144

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Effective date: June 10, 2026

Proposal publication date: February 13, 2026

For further information, please call: (737) 262-5833



43 TAC §2.207

STATUTORY AUTHORITY

The repeal is adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, §201.607, requiring the department to have an MOU with TPWD and to adopt it by rulemaking.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, §§201.604, 201.607, and 201.752.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on May 21, 2026.

TRD-202602145

Becky Blewett

Deputy General Counsel

Texas Department of Transportation

Effective date: June 10, 2026

Proposal publication date: February 13, 2026

For further information, please call: (737) 262-5833



PART 5. HARRIS COUNTY TAX ASSESSOR-COLLECTOR

CHAPTER 95. REGULATION OF MOTOR VEHICLE TITLE SERVICES

43 TAC §95.1

The Harris County Tax Assessor-Collector and Voter Registrar's Office ("HCTO") adopts amended Chapter 95 of Title 43, Part 5 of the Texas Administrative Code concerning Motor Vehicle Title Service Licensing in Harris County under HB 3521, adopted by the 76th Legislature, Regular Session.

This rule is adopted with non-substantive changes to the proposed text as published in the March 20, 2026 issue of the *Texas Register* (51 TexReg 1807) and will be republished.

BACKGROUND INFORMATION AND JUSTIFICATION

HB 3521, adopted by the 76th Legislature, Regular Session, requires tax assessors in counties with populations of more than 500,000 and whose commissioners court adopted Chapter 520 of the Texas Transportation Code, to license and regulate the title service business. The bill took effect on September 1, 1999.

As enacted by HB 3521, Texas Transportation Code Chapter 520 requires certain county tax assessors to license and regulate those engaged in the motor vehicle title service business and their agents (also called runners). Specifically, (1) Section 520.053 requires county tax assessors to license persons acting as motor vehicle title services and agents of motor vehicle license services, (2) Section 520.060 requires fees for licensing motor vehicle title service companies and their agents, and (3) Section 520.059 allows a tax assessor to deny, suspend, revoke, or reinstate a license and to adopt rules governing those actions.

The purpose of these amendments under Chapter 95 (Regulation of Motor Vehicle Title Services) is to update HCTO's disciplinary rules and the rules for the denial, suspension, revocation, and reinstatement of motor vehicle title service and motor vehicle title service runner license holders. The amended rule also updates the licensing fees assessed by Harris County, which have not been updated since May 2000.

COMMENTS

The 30-day comment period ended on April 20, 2026. During this period, the Agency did not receive any comments.

STATUTORY AUTHORITY

The adopted rule is authorized by Texas Government Code §2001.004(1) and Texas Transportation Code §§ 520.053, 520.059(b), 520.060. Texas Government Code §2001.004(1) requires a state agency to adopt rules of practice stating the nature and requirements of formal and informal procedures. Texas Transportation Code §520.053 requires persons, and

their agents, who do business as motor vehicle title services to be licensed by the Harris County Tax Assessor. Texas Transportation Code §520.059(b) directs HCTO to adopt rules establishing the grounds for the denial, suspension, revocation, and reinstatement of licenses for motor vehicle title services and their agents. Texas Transportation Code §520.060 sets parameters for the licensing fees charged to motor vehicle title services and their agents.

§95.1. *Motor Vehicle Title Service Licensing.*

(a) Definitions.

(1) "Convicted" means an adjudication of guilt or, except as provided by Government Code Section 411.1711, an order of deferred adjudication entered against a person by a court of competent jurisdiction whether or not the imposition of the sentence is subsequently probated and the person is discharged from community supervision. The term does not include an adjudication of guilt or an order of deferred adjudication that has been subsequently:

(A) expunged;

(B) pardoned under the authority of a state or federal official; or

(C) otherwise vacated, set aside, annulled, invalidated, voided, or sealed under any state or federal law.

(2) "Motor vehicle" means:

(A) Any motor driven or propelled vehicle required to be registered under the laws of this state;

(B) A trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;

(C) A travel trailer;

(D) An off-highway vehicle, as defined by Section 551A.001 Transportation Code; or

(E) A motorcycle or moped that is not required to be registered under the laws of this state.

(3) "Motor vehicle title documents" means motor vehicle title applications, motor vehicle registration renewal applications, motor vehicle mechanic's lien title applications, motor vehicle storage lien title applications, motor vehicle temporary registration permits, motor vehicle title application transfers occasioned by the death of the title holder, or notifications under Chapter 683, Transportation Code or Chapter 70, Property Code.

(4) "Motor vehicle title service" means any person that, for compensation, directly or indirectly assists other persons in obtaining motor vehicle title documents by submitting, transmitting, or sending applications for motor vehicle title documents to the appropriate government agencies.

(5) "Motor vehicle title service representative" means an individual authorized by a motor vehicle title service to execute motor vehicle title documents on behalf of the motor vehicle title service.

(6) "Motor vehicle title service runner" means any person employed by a licensed motor vehicle title service to submit or present motor vehicle title documents to the Tax Assessor.

(7) "Out-of-County motor vehicle title service" means a motor vehicle title service located outside of Harris County, Texas with no offices in Harris County, but which processes more than five (5) title and/or registration transactions in a calendar year in Harris County.

(8) "Person" means an individual, partnership, company, or corporation.

(9) "Tax Assessor" means the Harris County Tax Assessor-Collector.

(10) "License holder" means, unless otherwise specified in this chapter, a person who holds a motor vehicle title service license and a motor vehicle title service runner's license.

(b) Motor Vehicle Title Service License Required.

(1) All persons conducting motor vehicle title services or providing motor vehicle title service runner services in Harris County, must be licensed by the Tax Assessor, unless exempted by statute or this chapter.

(2) A person may not perform any motor vehicle title services or act as a motor vehicle title service runner unless that person or entity holds a license issued by the Tax Assessor. The Tax Assessor issues the following licenses related to motor vehicle title service businesses and operations:

(A) Motor vehicle title service licenses; and

(B) Motor vehicle title service runner licenses.

(3) The Tax Assessor may, in her/his discretion, limit the number of motor vehicle title service and motor vehicle title service runner licenses that are issued.

(c) Application Process/General Requirements.

(1) This section applies to all license applicants, including all license renewals. Paragraph (3)(D), (E), (I), (J), and (L) of this subsection does not apply to applicants for motor vehicle title service runner licenses. An applicant must be at least 18 years of age to hold a license.

(2) An applicant must apply on a form prescribed by the Tax Assessor. An applicant may apply for a license at a location specified and at the times designated on the Tax Assessor's website. Applications may also be mailed to the Tax Assessor at the address indicated on its website.

(3) The application form must be signed by the applicant and the applicant must present a completed application to the Tax Assessor along with the following:

(A) The applicant's name, business address, and business telephone number;

(B) If the applicant is an individual, the individual's date of birth and authorization to work within the United States;

(C) The name under which the applicant will do business, and a copy of the assumed name certificate for each assumed name used by the applicant.

(i) A license will not be issued under a fictitious name, and

(ii) An applicant may not adopt a fictitious name that is similar to or may be confused with the name of a government entity or that is deceptive or misleading to the public;

(D) The physical address of each office from which the applicant will conduct business. If the applicant has more than one business location, the applicant will designate one location as its principal place of business. No license will be issued to a business with a post office box as its sole address or principal place of business. An applicant may not use an address as a business address if the operation of a motor vehicle title service business would violate any deed restrictions, leases, homeowner's association restrictions, zoning laws, or any other property use restrictions applicable to that address. The applicant will provide copies of applicable deed restrictions, leases, homeowner's

association restrictions, zoning laws, or other property use restrictions in connection with its license application upon the request of the Tax Assessor. The Tax Assessor may also require that an applicant provide proof from a landlord, homeowner's association, or other third party that use of the property for a motor vehicle title service will not violate deed restriction, lease, homeowner's association restriction, zoning law, or other property use restrictions;

(E) A true and accurate image of the building where each office of the business is physically located showing:

(i) Permanent signage with the business name and phone number; and

(ii) The directory showing the title service name and suite number if the office is located inside a building with more than one occupant;

(F) A copy of the applicant's or each motor vehicle title service representatives' current Texas driver's license or Texas Department of Public Safety identification card;

(G) A copy of the applicant's or each motor vehicle title service representatives' Social Security card that matches the name on the identification presented;

(H) An individual with a Social Security card branded to indicate it does not authorize the individual to work must have authorization from the agency that branded the card before the card will be accepted;

(I) The applicant's Federal Tax Identification number and a completed W-9 form;

(J) The applicant's current, active state sales tax number;

(K) A statement indicating whether the applicant or any motor vehicle title service representative has previously applied for a motor vehicle title service license or motor vehicle title service runner license; the result of the previous application, and whether the applicant has ever been the holder of a license that was revoked or suspended;

(L) The name and address of applicant's bank and the applicant's bank account number;

(M) All applicable licensing fees; and

(N) A fingerprint based criminal history record check from the Texas Department of Public Safety dated within 90 days of the application.

(4) The applicant shall ensure that all information and documents presented to the Tax Assessor are accurate and complete.

(d) Additional Requirements for Corporations. In addition to the general requirements for all applicants, corporations shall also provide:

(1) A copy of the corporation's articles of incorporation showing state of incorporation and date of incorporation;

(2) A current certificate of good standing;

(3) The name and address of the corporation's registered agent;

(4) The corporation's Employer Identification Number (EIN) and a completed W-9 form;

(5) The name, address, date of birth, and social security number of each of the officers and directors of the corporation;

(6) Information about each officer and director as required by the Tax Assessor to establish the business reputation and character of the applicant; and

(7) A statement indicating whether an employee, officer, or director has been refused a motor vehicle title service license or a motor vehicle title service runner's license or has been the holder of a license that was revoked or suspended.

(e) Additional Requirements for Partnerships. In addition to the general requirements for all applicants, partnerships shall also provide:

(1) A copy of the partnership agreement;

(2) If the business is a limited partnership, a current certificate of good standing and the name and address of the registered agent;

(3) The name, address, date of birth, and social security number of each partner;

(4) The partnership's Employer Identification Number (EIN);

(5) Information about each partner as required by the Tax Assessor to establish the business reputation and character of the applicant; and

(6) A statement indicating whether a partner or employee of the business has been refused a motor vehicle title service license or a motor vehicle title service runner's license or has been the holder of a license that was revoked or suspended.

(f) Out-of-State Applicants. In lieu of the Texas identification requirement, applicants located outside the state of Texas must provide a valid US state-issued driver's license or a valid US state-issued identification card.

(g) Authorization Required.

(1) A licensed motor vehicle title service must authorize all motor vehicle title service representatives and runners who will perform motor vehicle title service business on its behalf. Individuals whose names are not on file as a representative or a runner of the motor vehicle title service will not be allowed to conduct business on behalf of that motor vehicle title service. A motor vehicle title service license holder sponsors and is legally responsible for each motor vehicle title service representative and runner it authorizes to do business on its behalf.

(2) A motor vehicle title service shall notify the Tax Assessor's Office by email or mail within three (3) calendar days when a representative or runner is no longer authorized by that motor vehicle title service. The motor vehicle title service shall be responsible for all transactions performed on behalf of the motor vehicle title service by a runner prior to such notice.

(3) All motor vehicle title service runners must be employed by the motor vehicle title service that authorizes them to do business.

(h) Requirements for Motor Vehicle Title Service Runner License.

(1) All motor vehicle title service runners must complete an application on a form prescribed by the Tax Assessor and must be granted a license(s) by the Tax Assessor before the motor vehicle title service runner may perform any motor vehicle title service runner services.

(2) A motor vehicle title service license holder must identify each motor vehicle title service runner acting on its behalf on a

form supplied by the Tax Assessor. A motor vehicle title service runner who does not appear in the Tax Assessor's records as an authorized runner for a motor vehicle title service will not be allowed to act as a runner for that motor vehicle title service. A licensed motor vehicle title service runner may act on behalf of more than one motor vehicle title service, but must hold a separate license for each motor vehicle title service he/she works for.

(3) Any unlicensed person who conducts motor vehicle title transactions on behalf of others may be required to complete an affidavit provided by the Tax Assessor's Office stating that the person is not receiving compensation for conducting motor vehicle title transactions. In the event a person is found to be conducting motor vehicle title transactions on behalf of others without a license, the Tax Assessor's Office may refuse to accept motor vehicle title documents from the person and make a report to an appropriate law enforcement entity.

(i) Application Approval/Denial.

(1) Applicants will be notified by email and certified mail, that their applications were approved or denied within 10 business days after the submission of all information and documents necessary for the Tax Assessor to make a determination on the application. Denial letters will be sent by email, by certified mail, or another method that verifies delivery, to the address of the applicant's principal place of business as identified on the application.

(2) Incomplete applications will not be processed. An email will be sent notifying the applicant of an incomplete application. Applicants whose applications are incomplete have 30 days to correct or supplement their applications with missing information. If the missing or incomplete information is not provided to the Tax Assessor within the 30-day cure period, the application will be denied, the license fee will be retained by the Tax Assessor, and applicant will have to submit a new application and license fee to obtain a license. The 30-day cure period is calculated from the date the email is sent notifying the applicant of the incomplete application.

(j) Causes for rejection of application for license.

(1) Applications that contain false information, whether in the application or in any supporting documents, may be denied. An applicant whose application is denied for submitting false information forfeits the license fee and will be prohibited from reapplying for a license.

(2) Any of the following will also disqualify a person from being licensed and will result in the forfeiture of all licensing fees previously paid:

(A) Having been convicted of a felony or a crime of moral turpitude or deceptive business practices for which the completion date of the person's sentence, including any probationary period, is less than five years from the application date. The application of a person whose sentence was completed five or more years prior to the date of application will be considered on a case-by-case basis. In those cases, the Tax Assessor may consider the nature and seriousness of the offense, the person's age at the time of the conviction, the time that has expired since the conviction, the relevance of the crime to the duties and responsibilities of a motor vehicle title service or a motor vehicle title service runner, the person's other criminal history, any explanation provided by the person, and any other information relevant to the application process or the duties of a licensee. The Tax Assessor shall have absolute discretion to decide whether a person is suited for licensing. For purposes of this section, the Tax Assessor may review and make a determination based on the criminal history (as described in this section) of an applicant and/or the applicant's owners, officers, directors, partners, or representatives.

(B) Engaging in violations of these administrative rules and procedures or of any other applicable law, regulation, rule or procedure, including those issued by the Texas Department of Motor Vehicles.

(C) Having outstanding or delinquent Class C misdemeanor fines, open warrants or other taxes, fines, or fees owed to any Texas county that are not paid or otherwise resolved within 30 days from the date the Tax Assessor provides the applicant with written notice of the outstanding amounts due.

(D) Having been criminally or civilly sanctioned for the unauthorized practice of law by a government or quasi-government body of competent jurisdiction.

(E) Having a license issued by the DMV revoked or suspended.

(F) Listing an address as a business address when conducting a motor vehicle title service company from that address would violate any deed restriction, lease, homeowner's association restriction, zoning law, or other property use restriction.

(G) Any other reason deemed by the Tax Assessor, in good faith, as sufficient to deny a license.

(3) A motor vehicle title service license or a motor vehicle title service runner's license may be denied if granting the license would exceed the maximum number of motor vehicle title service licenses or motor vehicle title service runner's licenses, respectively, that the Tax Assessor has agreed to issue.

(4) A person who holds a motor vehicle title service runner's license may not also be licensed as a motor vehicle title service.

(5) A person who holds a motor vehicle title service runner's license may not relinquish that license and apply to be a motor vehicle title service if the license of a motor vehicle title service that employs that runner is suspended or has had its license revoked.

(6) The Tax Assessor shall have absolute discretion to decide whether a person is issued a license.

(k) Fees. Non-refundable, annual fees for licenses shall be as follows:

(1) The fee for a motor vehicle title service license shall be \$500.00 for the first year with a renewal fee of \$500 per year each year thereafter.

(2) The annual fee for a motor vehicle title service title service runner license shall be \$200.00 for the first year with a renewal fee of \$200 per year each year thereafter.

(3) The fee to replace a badge is \$25.00.

(4) All fees must be paid by certified check, money order, or business check in the name of the motor vehicle title service.

(l) Expiration and Renewal of Licenses.

(1) A license issued under this chapter expires on the first anniversary of the date of issuance and may be renewed annually on or before the expiration date upon reapplication and payment of the required renewal fee.

(2) Before the 30th day preceding the date on which a person's license expires, the Tax Assessor shall notify the person of the impending expiration. The notice will be in writing and sent to the person's last known address according to the records of the Tax Assessor. Failure to send the notice under this provision does not provide any right or remedy to the license holder.

(3) A person whose license has expired may not engage in activities that require a license until the license has been renewed or a new license obtained.

(4) If a person's license has been expired for 90 days or less, the person may renew the license by paying the Tax Assessor one and one-half (1.5) times the required renewal fee.

(5) If a person's license has been expired for longer than 90 days but less than one year, the person may renew the license by paying the Tax Assessor two (2) times the required renewal fee.

(6) If a person's license has been expired for one year or longer, the person may not renew the license. The person may obtain a new license by complying with the requirements and procedures, including subsection (j)(3) of this section, for obtaining an original license. Notwithstanding the foregoing, if a person was licensed under this chapter, moved to another state, and has been doing business in the other state for the two years preceding application, the person may renew an expired license by paying the Tax Assessor a fee that is equal to two (2) times the required license renewal fee.

(m) Permit Numbers and Badges.

(1) A motor vehicle title service shall identify all motor vehicle title service representatives it has appointed or authorized to conduct business on its behalf on a form provided by the Tax Assessor. A person whose name is not on file with the Tax Assessor as motor vehicle title service representative for a motor vehicle title service shall not conduct business on behalf of that motor vehicle title service and motor vehicle title documents signed by those persons will be returned.

(2) A person may not serve as a motor vehicle title service representative unless the person provides the Tax Assessor with a current (dated within 90 days of submission of the form) fingerprint based criminal history record check from the Texas Department of Public Safety. A person who has been convicted of any felony, crime of moral turpitude, or of deceptive business practices shall not serve as a motor vehicle title service representative if the completion date of the person's sentence (including any probationary period) is fewer than five years from the date of the appointment. A person whose sentence was completed five or more years prior to the date of appointment will be considered on a case-by-case basis. In those cases, the Tax Assessor may consider the nature and seriousness of the offense, the applicant's age at the time of the conviction, the time that has expired since the conviction, the relevance of the crime to the duties and responsibilities of a motor vehicle title service representative, the applicant's other criminal history, any explanation provided by the applicant, and any other information relevant to the application process or the duties of a licensee. The Tax Assessor shall have absolute discretion to decide whether a person may serve as a motor vehicle title service representative.

(3) All motor vehicle title service representatives and motor vehicle title service runners shall be issued a permit number.

(4) All motor vehicle title service representatives and all motor vehicle title service runners must obtain a badge issued by the Tax Assessor which must be presented at the Tax Assessor's offices. Persons eligible for a badge will be instructed to report to a determined location on a scheduled day and time for badge processing, which shall include making a photographic or electronic image of the badge holder.

(5) Motor vehicle title service representatives and runners must pick up their badges from the Tax Assessor's office.

(6) Badges must be updated annually. Motor vehicle title service representatives and runners must have a current badge to conduct motor vehicle transactions.

(n) Records and recordkeeping.

(1) All motor vehicle title transactions for Harris County will be processed at locations specified by the Tax Assessor on its website. Only motor vehicle title documents, as that term is defined in this chapter, will be processed. Motor vehicle title services and their runners may not present any transactions or conduct any transactions at any location other than the locations identified on the Tax Assessor's website.

(2) A holder of a motor vehicle title service license shall maintain records as required by Texas Transportation Code §520.057 on forms prescribed and made available by the Tax Assessor for each transaction in which the motor vehicle title service receives compensation. The records shall include:

(A) The date of transaction;

(B) The name, age, address, sex, driver's license number, and a legible photocopy of the driver's license for each customer; and

(C) The license plate number, vehicle identification number, and a legible photocopy of proof of financial responsibility for the motor vehicle involved.

(3) A Tax Assessor vehicle transaction form must accompany all motor vehicle title service transactions. The motor vehicle title service company representative shall print and sign the representative's name in the space provided, and fill in the representative's permit number in the appropriate space.

(4) The motor vehicle title service business and the motor vehicle title service representative who signs the transaction form are responsible for the accuracy and validity of the information for each vehicle listed. Only vehicles authorized and listed by the licensed motor vehicle title service will be processed.

(5) All motor vehicle motor vehicle title service runners processing documents at the office of the Tax Assessor shall print and sign their names on the vehicle transaction form in the spaces provided. Motor vehicle title service runners shall also fill in their permit number in the appropriate space.

(6) All vehicles that are the subject of a transaction must be listed and identified as transfer of ownership, renewal or replacement of license plates, registration sticker, or other transactions on the vehicle transaction form. The vehicle make, model, year, and vehicle identification number must be printed legibly in the space provided.

(7) All required forms must be filled out accurately and completely. Inaccurate or incomplete forms will be rejected and the motor vehicle title transactions associated with those forms will not be completed.

(8) All required forms must be submitted in the manner determined by the Tax Assessor. Forms that are not correctly submitted will be rejected and the motor vehicle title transactions associated with those forms will not be completed.

(9) Motor vehicle title documents that contain false or altered information will be retained by the Tax Assessor's office for review by the Review Board. If motor vehicle title documents are retained, either the purchaser or seller of the vehicle must appear at the Tax Assessor's office with corrected documents before any transaction for that vehicle will be completed.

(10) All original transaction sheets will remain on file with the Tax Assessor.

(11) A motor vehicle title service shall keep at its principal place of business:

(A) Two copies of all records required by Texas Transportation Code §520.057, including the vehicle transaction form, for at least 2 years after the date of the transaction;

(B) Legible photocopies of any documents submitted by a customer; and

(C) Legible photocopies of any documents submitted to the Tax Assessor.

(o) Reporting Procedures and Record Inspections.

(1) A motor vehicle title service license holder must notify the Tax Assessor, within three calendar days, of all changes to (i) the address of its principal place of business and other business locations; and (ii) its business telephone and email addresses.

(2) A motor vehicle title service must immediately (within three calendar days) report any change of its principals, partners, owners, officers, or directors to the Tax Assessor. The information and documentation required to be furnished as part of an original license application will be required for each new or additional principal, partner, owner, officer, or director.

(3) Each motor vehicle title service must keep (i) its original license and application and (ii) a copy of each license issued to a motor vehicle title service representative or runner connected with the motor vehicle title service at its principal place of business. Each motor vehicle title service must keep copies of its license, application, and of each license/permit issued to a motor vehicle title service representative or runner connected with the motor vehicle title service at all other business locations.

(4) A motor vehicle title service runner must notify the Tax Assessor of any changes of address and/or contact information within three calendar days of the change.

(5) A law enforcement officer or representative of the Harris County Tax Office is entitled to inspect a motor vehicle title service's records, on the premises of the principal business location of the motor vehicle title service or at any location where the motor vehicle title service does business, at a reasonable time, to verify, check, or audit the records. A motor vehicle title service shall cooperate with law enforcement and the Harris County Tax Office representatives and must permit such an inspection. Failure to cooperate with or permit an inspection, or to maintain required records, may result in the suspension or revocation of the motor vehicle title service's license.

(6) If law enforcement appears at the location listed by the motor vehicle title service as that motor vehicle title service's principal business address to conduct an inspection and the motor vehicle title service is not conducting business at the location, the Tax Assessor may, in its discretion, revoke the motor vehicle title service's license.

(7) Specific records of out-of-county motor vehicle title services may be requested for inspection. The out-of-county motor vehicle title service must send all requested records to the Tax Assessor's Office either (i) by mail, Attention: Special Investigations Unit, at 1001 Preston, Houston, TX 77002, at the expense of the out-of-county title service, with return postage prepaid, or (ii) by email. If the Tax Assessor determines that an on-site audit is necessary, an out-of-county title service will be responsible for the travel costs for two inspectors of the Tax Assessor's Office, calculated at Harris County's current county per diem rate, and including airfare and other transportation costs, meals, and lodging.

(p) The Review Board.

(1) The Tax Assessor shall appoint a five-member Review Board to review allegations of policy and statute violations, including violations of this chapter. The Review Board shall consist of:

(A) Two (2) employees from the Tax Assessor's office experienced with motor vehicle title services and/or title and registration functions or services;

(B) members of law enforcement; and

(C) One (1) member who is active in the motor vehicle title service industry.

(2) If the Tax Assessor is unable to fill a board seat as required by paragraph (1)(B) or (C) of this subsection, the Tax Assessor may appoint a Harris County Tax Office employee that meets the qualifications of paragraph (1)(A) of this subsection to fill that board seat.

(3) Appointments shall be for two years and shall be made in staggered terms. There are no term limitations and the Tax Assessor may reappoint board members for additional terms.

(4) A quorum of three members of the Review Board must be present to render a decision. No proxy votes will be allowed.

(5) The Tax Assessor shall appoint a member of the Review Board to chair meetings of the Review Board.

(6) A member of the Review Board who is absent for three consecutive meetings may be removed by the Tax Assessor.

(7) The Tax Assessor may remove a Review Board member for dishonesty or corruption, a demonstrated failure to maintain impartiality, using the position to obtain special treatment for the member or others, egregious or hostile treatment of parties or counsel, accepting bribes, gifts, or personal favors related to the duties of a board member, conviction of a felony or crime involving moral turpitude, an inability to discharge the duties of a board member, or for any other reason deemed by the Tax Assessor.

(8) Any vacancy created by the removal or resignation of a member shall be filled by appointment by the Tax Assessor and the new member shall be appointed to serve the remainder of the former member's term.

(q) The Review Process.

(1) The Review Board shall meet as needed on a date and at a location determined by the Tax Assessor. The Review Board will hold hearings to review any complaints or allegations made against a motor vehicle title service, and/or its representative and runners, including complaints or allegations made by the Tax Assessor, and will determine whether a motor vehicle title service and/or its representative or runners (i) falsified motor vehicle title documents or presented falsified, fraudulent, or altered motor vehicle title documents to the Tax Assessor's office, or (ii) engaged in or participated in any violation of policy, procedure, or statute, including violations of this chapter.

(2) The Tax Assessor will provide notice to the motor vehicle title service of a hearing before the Review Board. The motor vehicle title service and/or its representatives or runners may appear in person before the Review Board to present testimony and offer evidence regarding any alleged violation. The motor vehicle title service and/or its representatives or runners may be represented by counsel at the motor vehicle title service's and/or its representatives or runners' own expense. A motor vehicle title service and/or its representatives or runners may utilize the services of an interpreter at the motor vehicle title service and/or its representatives or runners' own expense.

(3) Review Board decisions are administrative in nature. Courtroom rules of evidence shall not apply; however, the Review

Board chair may limit or exclude evidence that is immaterial, irrelevant, or repetitious.

(4) The standard of proof shall be by a preponderance of the evidence. Witnesses may be sworn.

(5) A majority vote of members present at a meeting of the Review Board shall determine the outcome of matters under consideration and will make recommendations to the Tax Assessor regarding any penalties that should be applied to a particular matter.

(6) A quorum of the Review Board may draft and recommend other procedural rules that are not inconsistent with this chapter or other law.

(7) All decisions shall be subject to a final review by the Tax Assessor.

(r) Suspension or Revocation of License.

(1) In addition to the other grounds for license suspension or revocation contained in this chapter, the Review Board may recommend license suspension or revocation for a motor vehicle title service and/or a motor vehicle title service runner.

(2) The Review Board may recommend to the Tax Assessor that a license be suspended or revoked on any of the following grounds:

(A) The Review Board determines the license holder has violated any provision of this chapter or of Title 7, Subtitle A, Chapter 520, Subchapter C of the Texas Transportation Code.

(B) The Review Board determines that the license holder has been found in violation of the Texas Department of Motor Vehicles (DMV) rules, policies, or procedures, or a license issued by the DMV has been revoked or suspended and has not been reinstated.

(C) The Review Board determines that the license holder has been criminally or civilly sanctioned for the unauthorized practice of law by a government or quasi-government body with jurisdiction to do so.

(D) The Review Board determines that a license was obtained by submitting false or misleading information.

(E) The Review Board determines that a motor vehicle title service has failed to maintain its records as required by the Texas Transportation Code or this chapter, or a motor vehicle title service has refused to permit the Tax Assessor to conduct an inspection of the records of the motor vehicle title service in accordance with Texas Transportation Code §520.058 and/or this chapter.

(F) The Review Board determines that the license holder has been convicted of a felony, or any crime of moral turpitude or deceptive business practice not previously disclosed in the license holder's application.

(G) The Review Board determines that the license holder has outstanding or delinquent Class C misdemeanor fines, open warrants or other taxes, fines, or fees owed to any Texas county that are not paid or otherwise resolved within 30 days from the date the Tax Assessor provides the applicant with written notice of the outstanding amounts due.

(H) The Review Board determines that a license holder has submitted more than one motor vehicle title transaction to the Tax Assessor within a two-year period which contains false, misleading, or erroneous information.

(I) The Review Board determines that a motor vehicle title service runner presented a transaction to the Tax Assessor's office that was not authorized by a licensed motor vehicle title service.

(J) The Review Board determines that a motor vehicle title service runner altered or forged the original paperwork of a motor vehicle title service.

(K) The Review Board determines that a motor vehicle title service utilized the services of a runner who is not employed by the motor vehicle title service or whose license was suspended or revoked.

(L) The Review Board determines that the license holder has attempted to bribe an employee of the Harris County Tax Office.

(M) The Review Board determines that a license holder failed to appear at a Review Board meeting to answer complaints against the license holder.

(N) The Review Board determines a license holder violated the Harris County Building Regulations, specifically including disruption of county operations or violation of building security. Persons who violate Harris County Building Regulations are subject to removal from County facilities.

(O) The Review Board determines that a license holder has been involved in the issuance of fraudulent liability insurance.

(P) The Review Board determines that a license holder has continued to engage in activities or conduct business requiring a license during the time the license was suspended.

(2) The Review Board may recommend that no action be taken against a license holder, that a license holder be issued a written warning from the Tax Assessor, that the license holder's license be suspended in a range from no less than 30 days or no more than 180 days (plus a 90 day extension), or that the license holder's license be revoked. In deciding what action to take, the Review Board may consider the nature of the violation, the number of violations committed, any previous discipline imposed, and any other relevant factors.

(3) The Tax Assessor shall notify a license holder of a decision by the Review Board by email and by certified mail, or another method that verifies delivery, to the address of the license holder's principal place of business as shown by the records of the Tax Assessor.

(4) All decisions of the Review Board are subject to final review by the Tax Assessor.

(s) Reinstatement of Licenses and Reconsideration of Adverse Actions.

(1) The Review Board will examine all license suspensions before the end of the suspension period. The Review Board will make a recommendation to the Tax Assessor as to whether the person's license should be reinstated or the suspension continued for an additional period of time not to exceed 90 days. The Tax Assessor shall review the Review Board's recommendation and issue a final decision.

(2) A person whose license is revoked may not apply for a new license.

(3) A person who receives notice of an adverse action taken on the person's license may submit a written request for reconsideration by the Tax Assessor and submit evidence in the form of documents and/or affidavits to demonstrate the person's compliance with all requirements for the issuance, retention, or reinstatement of the person's license. The request for review must be presented to the Tax Assessor within 15 calendar days from the date of mailing of the notice of the action taken on the person's license. The Tax Assessor may increase

the time to present a request for review upon written request and for good cause, as determined in the sole discretion of the Tax Assessor. Upon receipt of a timely request for review, the adverse action shall be stayed until a final decision is made on the license. The Tax Assessor shall render a final decision on the request for reconsideration within 30 calendar days of receipt of the request for review. A delay in rendering a final decision does not set aside, overrule, or withdraw the adverse action, which remains stayed until a final decision is rendered. If, when rendering a decision, the Tax Assessor does not find in favor of the person requesting the reconsideration, the adverse action will be reinstated.

(t) Exemptions. The following persons and their agents are exempt from the licensing and other requirements described in this administrative code:

(1) A franchised motor vehicle dealer or independent motor vehicle dealer who holds a general distinguishing number issued by the department under Texas Transportation Code Chapter 503;

(2) A vehicle lessor holding a license issued by the Motor Vehicle Board under Chapter 2301, Texas Occupations Code, or a trust or other entity that is specifically not required to obtain a lessor license under § 2301.254(a), Texas Occupations Code; and

(3) A vehicle lease facilitator holding a license issued by the Motor Vehicle Board under Chapter 2301, Texas Occupations Code.

(u) Database. The Tax Assessor shall maintain a publicly accessible database containing information about each licensed motor vehicle title service and each licensed motor vehicle title service runner.

(v) Policies and Procedures. The Tax Assessor may adopt other policies and procedures that are not inconsistent with this chapter or other law and to the extent authorized by law.

(w) Amendment. The Tax Assessor reserves the right to amend this chapter in the future.

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 May 18, 2026.

TRD-202601063

Annette Ramirez

Harris County Tax Assessor-Collector & Voter Registrar

Harris County Tax Assessor-Collector

Effective date: June 7, 2026

Proposal publication date: March 20, 2026

For further information, please call: (713) 274-8005



REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Office of Consumer Credit Commissioner

Title 7, Part 5

On behalf of the Finance Commission of Texas (commission), the Office of Consumer Credit Commissioner files this notice of intention to review and consider for reoption, revision, or repeal, Texas Administrative Code, Title 7, Part 5, Chapter 86, Subchapter A, concerning Registration of Retail Creditors, and Subchapter B, concerning Retail Installment Contract.

This rule review will be conducted pursuant to Texas Government Code, §2001.039. The commission will accept written comments received on or before the 30th day after the date this notice is published in the *Texas Register* as to whether the reasons for adopting these rules continue to exist.

The Office of Consumer Credit Commissioner, which administers these rules, believes that the reasons for adopting the rules contained in these subchapters continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Matthew Nance, General Counsel, Office of Consumer Credit Commissioner, 2601 North Lamar Boulevard, Austin, Texas 78705, or by email to rule.comments@occc.texas.gov. Any proposed changes to the rules as a result of the review will be published in the Proposed Rules Section of the *Texas Register* and will be open for an additional public comment period prior to final adoption or repeal by the commission.

TRD-202602208

Matthew Nance

General Counsel

Office of Consumer Credit Commissioner

Filed: May 27, 2026



Teacher Retirement System of Texas

Title 34, Part 3

The Teacher Retirement System of Texas (TRS) publishes this notice of intention to review all TRS rules in Chapters 21 through 51 in Title 34, Part 3 of the Texas Administrative Code.

TRS will review these rules pursuant to and in accordance with the requirements of section 2001.039 of the Texas Government Code. TRS will determine whether the reasons for initially adopting each rule continue to exist. If it is determined during this review that any section within the chapters being reviewed should be repealed or amended, the repeal or amendment will be initiated under a separate proceeding after completion of the rule review.

Written comments pertaining to this proposed rule review must be submitted to Brian Guthrie, Executive Director, Teacher Retirement System of Texas, P.O. Box 149676, Austin, Texas 78714. The deadline for written comments is 30 days after publication of this proposed rule review notice in the *Texas Register*.

The following chapters are available for review at: https://texas-sos.appianportalsgov.com/rules-and-meetings?interface=VIEW_TAC&part=3&title=34

Chapter 21. Purpose and Scope

Chapter 23. Administrative Procedures

Chapter 25. Membership Credit

Chapter 27. Termination of Membership and Refunds

Chapter 29. Benefits

Chapter 31. Employment After Retirement

Chapter 33. Legal Capacity

Chapter 35. Payments by TRS

Chapter 39. Proof of Age

Chapter 41. Health Care and Insurance Programs

Chapter 43. Contested Cases

Chapter 47. Qualified Domestic Relations Orders

Chapter 49. Collection of Delinquent Obligations

Chapter 51. General Administration

TRD-202602189

Brian Guthrie

Executive Director

Teacher Retirement System of Texas

Filed: May 26, 2026



Adopted Rule Reviews

Texas Commission on Jail Standards

Title 37, Part 9

The Texas Commission on Jail Standards (Commission) adopts the review of Chapter 283, Discipline and Grievances, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2073).

No comments were received on the proposed rule review.

The Commission has assessed whether the reasons for adopting or re-adopting the rules continue to exist. The Commission finds that the rules in Chapter 283 are needed, reflect current legal and policy considerations, and reflect current procedures of the Commission. The reasons for initially adopting the rules continue to exist. The Commission, therefore, readopts Chapter 283.

TRD-202602193
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Filed: May 26, 2026



The Texas Commission on Jail Standards (Commission) adopts the review of Chapter 285, Recreation and Exercise, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2074).

No comments were received on the proposed rule review.

The Commission has assessed whether the reasons for adopting or re-adopting the rules continue to exist. The Commission finds that the rules in Chapter 285 are needed, reflect current legal and policy considerations, and reflect current procedures of the Commission. The reasons for initially adopting the rules continue to exist. The Commission, therefore, readopts Chapter 285.

TRD-202602194
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Filed: May 26, 2026



The Texas Commission on Jail Standards (Commission) adopts the review of Chapter 287, Education and Rehabilitation Programs, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2074).

No comments were received on the proposed rule review.

The Commission has assessed whether the reasons for adopting or re-adopting the rules continue to exist. The Commission finds that the rules in Chapter 287 are needed, reflect current legal and policy considerations, and reflect current procedures of the Commission. The reasons for initially adopting the rules continue to exist. The Commission, therefore, readopts Chapter 287.

TRD-202602195

Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Filed: May 26, 2026



The Texas Commission on Jail Standards (Commission) adopts the review of Chapter 289, Work Assignments, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2074).

No comments were received on the proposed rule review.

The Commission has assessed whether the reasons for adopting or re-adopting the rules continue to exist. The Commission finds that the rules in Chapter 289 are needed, reflect current legal and policy considerations, and reflect current procedures of the Commission. The reasons for initially adopting the rules continue to exist. The Commission, therefore, readopts Chapter 289.

TRD-202602196
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Filed: May 26, 2026



The Texas Commission on Jail Standards (Commission) adopts the review of Chapter 291, Services and Activities, in accordance with Texas Government Code §2001.039. The proposed notice of intent to review rules was published in the March 27, 2026, issue of the *Texas Register* (51 TexReg 2074).

No comments were received on the proposed rule review.

The Commission has assessed whether the reasons for adopting or re-adopting the rules continue to exist. The Commission finds that the rules in Chapter 291 are needed, reflect current legal and policy considerations, and reflect current procedures of the Commission. The reasons for initially adopting the rules continue to exist. The Commission, therefore, readopts Chapter 291.

TRD-202602197
Ricky Armstrong
Executive Director
Texas Commission on Jail Standards
Filed: May 26, 2026



TABLES & GRAPHICS

Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word “Figure” followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 40 TAC §809.137(c)

Child Care Facility Change Rubric

Facility Change – Internal Change in Ownership

A change in ownership to an affiliated person or a change in business structure. An affiliated person is a relative, or a person with a substantial interest in both the facility being changed and the receiving facility. A change in business structure is one that impacts the legal form of a business to include liability, taxation, management, and registration requirements, such as changing from sole proprietor to corporation, or from for-profit to non-profit. For more information on business structure, see the Office of the Secretary of State’s Business Structure web page at <https://www.sos.state.tx.us/corp/businessstructure.shtml>.

Status Prior to Change	Status After Change
Entry Level Certified	Entry Level designation remains with facility’s existing 24-month issued timeline Star level retained and fully reassessed three months from the change For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
Suspension Terminated from CCS	Suspension status remains with facility’s existing 18-month issued timeline Termination from Child Care Services remains and: <ul style="list-style-type: none"> • If Entry Level designation timeline remains, returns with any Entry Level designation time remaining • If Entry Level designation with no time remaining, returns once certification is achieved • If in suspension when terminated, returns once certification is achieved

Facility Change – External Change in Ownership

A change in ownership to a person who is not an affiliated person, and the new owner has no existing child care programs in operation.

Status Prior to Change	Status After Change
Entry Level Certified	Entry Level designation remains and a new 24-month timeline is issued Star level retained and fully reassessed three months from the change For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have

	been met in this facility change type.
Suspension	Suspension status remains and a new 18-month timeline is issued
Terminated from CCS	Termination from CCS remains and may return once certification is achieved

Facility Change – Move

The facility relocates to a new location, regardless of previous location.

Status After Change	
Status Prior to Change	Status After Change
Entry Level	Entry Level designation remains with facility's existing 24-month issued timeline
Certified	Star level retained and fully reassessed three months from the change
	For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
Suspension	Suspension status remains with facility's existing 18-month issued timeline
Terminated from CCS	Termination from CCS remains and: <ul style="list-style-type: none"> • If Entry Level designation timeline remains, returns with any Entry Level designation time remaining • If Entry Level designation with no time remaining, returns once certification is achieved • If in suspension when terminated, returns once certification is achieved

Facility Change – Facility Type

The facility is regulated under a different set of CCR minimum standards. For example, from licensed center (CCR minimum standards 26 TAC, Chapter 746) to school-age only (CCR minimum standards 26 TAC, Chapter 744), or from registered or licensed home (CCR minimum standards 26 TAC, Chapter 747) to licensed center (CCR minimum standards 26 TAC, Chapter 746).

Status After Change	
Status Prior to Change	Status After Change
Entry Level	Entry Level designation remains and a new 24-month timeline is issued
Certified	Star level retained and fully reassessed three months from the change
	For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
Suspension	Suspension status remains and a new 18-month timeline is issued
Terminated from CCS	Termination from CCS remains and:

	<ul style="list-style-type: none"> • If Entry Level designation timeline remains, returns with any Entry Level designation time remaining • If Entry Level designation with no time remaining, returns once certification is achieved • If in suspension when terminated, returns once certification is achieved
--	---

Facility Change – Split

The existing provider opens a new facility, that is not or was not currently in operation, to serve a subset of the ages currently served. This change results in the composition of the ages served by the current facility changing. For example, an all-ages provider opens a second location to serve Infants only, while the current provider continues to serve Toddlers through School-Age.

Current Provider's Status Prior to Change	Current and New Provider Status After Change
Entry Level	<ul style="list-style-type: none"> • Current Provider's Entry Level designation remains with facility's existing 24-month issued timeline • New Provider receives Entry Level designation
Certified	<ul style="list-style-type: none"> • Current Provider's star level retained and fully reassessed three months from the change • New Provider receives Current Provider's star level and fully reassessed three months from the change <ul style="list-style-type: none"> ○ For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
Suspension	<ul style="list-style-type: none"> • Current Provider's suspension remains with facility's existing 18-month issued timeline • New Provider receives suspension status with new timeline
Terminated from CCS	<ul style="list-style-type: none"> • Current Provider remains terminated from CCS and: <ul style="list-style-type: none"> ○ If Entry Level designation timeline remains, returns with any Entry Level designation time remaining ○ If Entry Level designation with no time remaining, returns once certification is achieved ○ If in suspension when terminated, returns once certification is achieved • New Provider is considered terminated from CCS and: <ul style="list-style-type: none"> ○ If Current Provider has Entry Level designation timeline remaining, returns with any Entry Level designation time remaining ○ If Current Provider has Entry Level designation with no time remaining, returns once certification is achieved ○ If Current Provider was in suspension when terminated, returns once certification is achieved

Facility Change – Expansion

An existing provider that opens a new facility, or purchases an existing facility, while continuing to operate at their current location(s)

If all existing facilities are certified, the new facility receives the average star-level (rounded down) of all existing facilities.

For example, Little Cubby Bears opens a sixth facility, Little Cubby Bears #6. Little Cubby Bears #1 - #4 are all Four-Star certified facilities and Little Cubby Bears #5 is a Three-Star certified facility. The average of these five existing facilities is 3.8; thus, Little Cubby Bears #6 will receive a Three-Star certification.

Current Provider's Status Prior to Change	New Provider's Status After Change
<p>All Existing Facilities are Certified.</p>	<ul style="list-style-type: none"> • Receives the star level based on the average of all existing facilities. <ul style="list-style-type: none"> ○ The average star-level calculation will always be rounded down. • Requests to participate in CCS must be made within six months of the new facility opening. • The new facility will be reassessed three months from the request to participate in CCS <ul style="list-style-type: none"> ○ For the purpose of the reassessment, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
<p>The Provider has some Existing Facilities that are Certified; however, one or more facilities are Entry Level designated, in Suspension, or have been Terminated from CCS.</p>	<ul style="list-style-type: none"> • Entry Level designation with 24-month timeline • The new provider may request a Texas Rising Star assessment as soon as they are ready. Where the assessment occurs prior to the new facility receiving a permanent (nonexpiring) license from CCR, the requirements outlined in §809.131(a)(1) and (2) of this subchapter (permanent license (full permit) issued by Child Care Regulation and 12-month history) will be deemed to have been met in this facility change type.
<p>None of the Existing Facilities are Certified.</p>	<p>Entry Level Designation with 24-month timeline</p>

IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, §303.009, and §304.003 Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/25/26 - 05/31/26 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 05/25/26 - 05/31/26 is 18.00% for commercial² credit.

The postjudgment interest rate as prescribed by §304.003 for the period of 06/01/26 - 06/30/26 is 6.75%.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202602142

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 20, 2026



Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/01/26 - 06/07/26 is 18.00% for consumer¹ credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 06/01/26 - 06/07/26 is 18.00% for commercial² credit.

¹ Credit for personal, family, or household use.

² Credit for business, commercial, investment, or other similar purpose.

TRD-202602192

Leslie L. Pettijohn

Commissioner

Office of Consumer Credit Commissioner

Filed: May 26, 2026



Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later

than the 30th day before the date on which the public comment period closes, which in this case is **July 6, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **July 6, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENF-COMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: 7301, LLC; DOCKET NUMBER: 2023-1212-PST-E; IDENTIFIER: RN101560332; LOCATION: Arlington, Tarrant County; TYPE OF FACILITY: fleet refueling facility; PENALTY: \$10,730; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(2) COMPANY: Adolfo Uresti; DOCKET NUMBER: 2026-0063-MLM-E; IDENTIFIER: RN112211933; LOCATION: San Juan, Hidalgo County; TYPE OF FACILITY: fleet refueling facility; PENALTY: \$8,563; ENFORCEMENT COORDINATOR: Ramya Wendt, (512) 239-2513; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(3) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2025-1852-PWS-E; IDENTIFIER: RN101244697; LOCATION: Willis, Montgomery County; TYPE OF FACILITY: public water supply; PENALTY: \$15,300; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(4) COMPANY: Aqua Texas, Inc.; DOCKET NUMBER: 2026-0067-PWS-E; IDENTIFIER: RN102693231; LOCATION: Houston, Harris County; TYPE OF FACILITY: public water supply; PENALTY: \$2,000; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512)

239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: Ash Grove Cement Company; DOCKET NUMBER: 2025-1481-IWD-E; IDENTIFIER: RN100225978; LOCATION: Midlothian, Ellis County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$64,780; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$25,000; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(6) COMPANY: BASF Corporation; DOCKET NUMBER: 2024-1308-AIR-E; IDENTIFIER: RN100225689; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$14,290; ENFORCEMENT COORDINATOR: Cheryl Thompson, (817) 588-5865; REGIONAL OFFICE: 2309 Gravel Drive, Fort Worth, Texas 76118-6951, REGION 4- DALLAS/FORT WORTH.

(7) COMPANY: Brad Shaw and WST INVESTMENTS, LLC.; DOCKET NUMBER: 2025-1569-PWS-E; IDENTIFIER: RN112204052; LOCATION: Kingsland, Llano County; TYPE OF FACILITY: public water supply; PENALTY: \$17,541; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(8) COMPANY: Chevron Phillips Chemical Company LP; DOCKET NUMBER: 2025-1922-AIR-E; IDENTIFIER: RN100825249; LOCATION: Sweeny, Brazoria County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$10,875; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$4,350; ENFORCEMENT COORDINATOR: Morgan Kopcho, (512) 239-4167; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(9) COMPANY: City of Boyd; DOCKET NUMBER: 2025-1275-PWS-E; IDENTIFIER: RN101387496; LOCATION: Boyd, Wise County; TYPE OF FACILITY: public water supply; PENALTY: \$16,020; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$12,816; ENFORCEMENT COORDINATOR: Emerson Rinewalt, (512) 239-1131; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: City of Florence; DOCKET NUMBER: 2026-0265-PWS-E; IDENTIFIER: RN101392207; LOCATION: Florence, Williamson County; TYPE OF FACILITY: public water supply; PENALTY: \$2,875; ENFORCEMENT COORDINATOR: Katherine Mckinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(11) COMPANY: City of Holliday; DOCKET NUMBER: 2025-1770-MWD-E; IDENTIFIER: RN101609519; LOCATION: Holliday, Archer County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$18,725; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$14,980; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(12) COMPANY: City of Ingleside; DOCKET NUMBER: 2026-0091-MWD-E; IDENTIFIER: RN101920239; LOCATION: Ingleside, San Patricio County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$70,125; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(13) COMPANY: City of Tyler; DOCKET NUMBER: 2025-0537-MWD-E; IDENTIFIER: RN102916459; LOCATION: Tyler, Smith County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$23,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$18,600; ENFORCEMENT COORDINATOR: Madison Crawford, (512) 239-4603; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: City of White Oak; DOCKET NUMBER: 2024-0330-MWD-E; IDENTIFIER: RN102079696; LOCATION: White Oak, Gregg County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$8,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$6,600; ENFORCEMENT COORDINATOR: Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(15) COMPANY: Craig Horn; DOCKET NUMBER: 2026-0135-WR-E; IDENTIFIER: RN112347174; LOCATION: Grandfalls, Ward County; TYPE OF FACILITY: impoundment; PENALTY: \$500; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(16) COMPANY: DCP Operating Company, LP; DOCKET NUMBER: 2024-0761-AIR-E; IDENTIFIER: RN100213776; LOCATION: La Grange, Fayette County; TYPE OF FACILITY: natural gas refinery; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: EnLink Midstream Services, LLC; DOCKET NUMBER: 2025-1377-AIR-E; IDENTIFIER: RN100223619; LOCATION: Bridgeport, Wise County; TYPE OF FACILITY: natural gas extraction plant; PENALTY: \$16,096; ENFORCEMENT COORDINATOR: Johnnie Wu, (512) 239-2524; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(18) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2023-1240-AIR-E; IDENTIFIER: RN102926920; LOCATION: Pasadena, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$136,437; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(19) COMPANY: Equistar Chemicals, LP; DOCKET NUMBER: 2025-1226-AIR-E; IDENTIFIER: RN100210319; LOCATION: La Porte, Harris County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: \$29,050; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$11,620; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(20) COMPANY: HARROLD WATER SUPPLY CORPORATION; DOCKET NUMBER: 2026-0223-PWS-E; IDENTIFIER: RN101440675; LOCATION: Harrold, Wilbarger County; TYPE OF FACILITY: public water supply; PENALTY: \$4,975; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(21) COMPANY: HEXP Operating, LLC; DOCKET NUMBER: 2024-1459-AIR-E; IDENTIFIER: RN110545241; LOCATION: Plains, Yoakum County; TYPE OF FACILITY: oil and gas production plant; PENALTY: \$62,375; ENFORCEMENT COORDINATOR:

Casey Cobb, (512) 239-0351; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: HILL STONE COMPANY and Aaron Brothers Executor of the Estate of William Slade Sullivan; DOCKET NUMBER: 2025-0626-EAQ-E; IDENTIFIER: RN108719618; LOCATION: Jarrell, Williamson County; TYPE OF FACILITY: aggregate production operation; PENALTY: \$9,375; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(23) COMPANY: HP Gibbs, LP; DOCKET NUMBER: 2024-0716-MWD-E; IDENTIFIER: RN109635649; LOCATION: Northlake, Denton County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$139,317; ENFORCEMENT COORDINATOR: Bethany Batchelor, (713) 767-3586; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: Harris County Municipal Utility District 400; DOCKET NUMBER: 2025-1815-MWD-E; IDENTIFIER: RN105235220; LOCATION: Humble, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$34,375; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(25) COMPANY: Harris County Water Control and Improvement District 110; DOCKET NUMBER: 2026-0401-PWS-E; IDENTIFIER: RN103121042; LOCATION: Spring, Harris County; TYPE OF FACILITY: public water supply; PENALTY: \$50; ENFORCEMENT COORDINATOR: Corinna Willis, (512) 239-2504; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(26) COMPANY: Honey Holding I, Ltd.; DOCKET NUMBER: 2024-1798-WQ-E; IDENTIFIER: RN105500227; LOCATION: Baytown, Chambers County; TYPE OF FACILITY: food preparations facility; PENALTY: \$33,750; ENFORCEMENT COORDINATOR: Kadrienn Woodard, (713) 767-3602; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(27) COMPANY: Indorama Ventures Oxides LLC; DOCKET NUMBER: 2025-1439-AIR-E; IDENTIFIER: RN100219252; LOCATION: Port Neches, Jefferson County; TYPE OF FACILITY: petrochemical manufacturing plant; PENALTY: \$71,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$28,500; ENFORCEMENT COORDINATOR: Christina Ferrara, (512) 239-5081; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(28) COMPANY: LTX Sand and Gravel, L.L.C.; DOCKET NUMBER: 2025-1646-MLM-E; IDENTIFIER: RN112287453; LOCATION: Laredo, Webb County; TYPE OF FACILITY: aggregate production operation; PENALTY: \$15,000; ENFORCEMENT COORDINATOR: Monica Larina, (512) 239-2545; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(29) COMPANY: La Chuparosa, LLC; DOCKET NUMBER: 2026-0511-WR-E; IDENTIFIER: RN112378138; LOCATION: Pearsall, Frio County; TYPE OF FACILITY: property; PENALTY: \$250; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(30) COMPANY: Phillips 66 Company; DOCKET NUMBER: 2025-1651-AIR-E; IDENTIFIER: RN102495884; LOCATION: Borger, Hutchinson County; TYPE OF FACILITY: petroleum refin-

ery; PENALTY: \$73,708; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$36,854; ENFORCEMENT COORDINATOR: Trenton White, (903) 535-5155; REGIONAL OFFICE: 2916 Teague Drive, Tyler, Texas 75701-3734, REGION 5 - TYLER.

(31) COMPANY: Pilgrim's Pride Corporation; DOCKET NUMBER: 2025-1783-AIR-E; IDENTIFIER: RN102501970; LOCATION: Mount Pleasant, Titus County; TYPE OF FACILITY: chicken rendering plant; PENALTY: \$12,414; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 3 - ABILENE.

(32) COMPANY: Quadvest, L.P.; DOCKET NUMBER: 2025-0442-MWD-E; IDENTIFIER: RN106946486; LOCATION: Montgomery, Montgomery County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: \$34,417; ENFORCEMENT COORDINATOR: Penny Wimberly, (512) 239-0538; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(33) COMPANY: Ron Huffman; DOCKET NUMBER: 2026-0233-WOC-E; IDENTIFIER: RN112348172; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; PENALTY: \$1,687; ENFORCEMENT COORDINATOR: Obianuju Iyasele, (512) 239-5280; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(34) COMPANY: Scout Energy Management LLC; DOCKET NUMBER: 2025-1269-AIR-E; IDENTIFIER: RN102535796; LOCATION: Midland, Andrews County; TYPE OF FACILITY: oil and gas production plant; PENALTY: \$62,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: \$31,250; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(35) COMPANY: Seaboard Water Supply Corporation; DOCKET NUMBER: 2025-1544-PWS-E; IDENTIFIER: RN101211696; LOCATION: Odem, San Patricio County; TYPE OF FACILITY: public water supply; PENALTY: \$7,297; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(36) COMPANY: Smyrna Ready Mix Concrete, LLC; DOCKET NUMBER: 2025-0665-AIR-E; IDENTIFIER: RN104153770; LOCATION: Huntsville, Walker County; TYPE OF FACILITY: concrete batch plant; PENALTY: \$9,000; ENFORCEMENT COORDINATOR: Katie Phillips, (713) 767-3628; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(37) COMPANY: Stockon 5 Construction, L.L.C.; DOCKET NUMBER: 2025-1875-WQ-E; IDENTIFIER: RN112328117; LOCATION: Willow Park, Parker County; TYPE OF FACILITY: residential construction; PENALTY: \$7,000; ENFORCEMENT COORDINATOR: Alejandra Basave, (713) 767-3751; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(38) COMPANY: Swenson Water Supply Corporation; DOCKET NUMBER: 2026-0259-PWS-E; IDENTIFIER: RN101278083; LOCATION: Aspermont, Stonewall County; TYPE OF FACILITY: public water supply; PENALTY: \$1,437; ENFORCEMENT COORDINATOR: Ilia Perez Ramirez, (512) 239-2556; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(39) COMPANY: Union Tank Car Company; DOCKET NUMBER: 2025-1244-AIR-E; IDENTIFIER: RN100212828; LOCATION: Houston, Harris County; TYPE OF FACILITY: railroad tank cleaning

facility; PENALTY: \$39,475; ENFORCEMENT COORDINATOR: Krystina Sepulveda, (956) 430-6045; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(40) COMPANY: Veolia WTS USA, Inc.; DOCKET NUMBER: 2026-0206-AIR-E; IDENTIFIER: RN102601994; LOCATION: Beaumont, Jefferson County; TYPE OF FACILITY: water treatment chemical manufacturing plant; PENALTY: \$2,813; ENFORCEMENT COORDINATOR: Michael Wilkins, (325) 698-6134; REGIONAL OFFICE: 1977 Industrial Boulevard, Abilene, Texas 79602-7833, REGION 3 - ABILENE.

TRD-202602173

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: May 26, 2026



Enforcement Orders

An agreed order was adopted regarding TJP Enterprises, LLC, Docket No. 2024-0780-MSW-E on May 26, 2026 assessing \$11,250 in administrative penalties. Information concerning any aspect of this order may be obtained by contacting William Hogan, Staff Attorney at (512) 239-3400, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087.

TRD-202602207

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 27, 2026



Notice of District Petition - D-05012026-08

Notice issued May 22, 2026

TCEQ Internal Control No. D-05012026-08: Granbury Reddy Land Partners, a Texas general partnership and Cayetano Development, LLC, a Texas limited liability company, (Petitioners) filed a petition for creation of Johnson County Municipal Utility District No. 5 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioners hold title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 243.62 acres located within Johnson County, Texas; and (4) none of the land within the proposed District is within the corporate limits or extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend a waterworks and wastewater system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of waters; and (4) purchase, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, and enterprises, and road facilities and park and recreation facilities as shall be consistent with all of the purposes for which the

proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioners that the cost of said project will be approximately \$37,815,000 (\$26,015,000 for water, wastewater, and drainage and \$11,800,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202602206

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 27, 2026



Notice of District Petition - D-05072026-012

Notice issued May 21, 2026

TCEQ Internal Control No. D-05072026-012: The Jack L. Morris Sr. Living Trust, (Petitioner) filed a petition for creation of Stanford Farm Municipal Utility District (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds title to a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 109.084 acres located within Collin County, Texas; and (4) all of the land within the proposed District is wholly within the extraterritorial jurisdiction of the City of Farmersville. The territory to be

included in the proposed District is depicted in the vicinity map designated as Exhibit "A", which is attached to this document. The petition further states that the proposed District will: (1) purchase, construct, acquire, improve, or extend inside or outside of its boundaries any and all works, improvements, facilities, plants, equipment, and appliances necessary or helpful to supply and distribute water for municipal, domestic, and commercial purposes; (2) collect, transport, process, dispose of, and control domestic and commercial wastes; gather, conduct, divert, abate, amend, and control local storm water or other local harmful excesses of water in the proposed District; (3) design, acquire, construct, finance, improve, operate, and maintain macadamized, graveled, or paved roads and turnpikes, or improvement in aid of those roads; and (4) purchase, construct, acquire, improve, or extend inside or outside of its boundaries such additional facilities, systems, plants, and enterprises as shall be consistent with all of the purposes for which the proposed District is created. Additionally, it is further proposed that the proposed District be granted road powers pursuant to Texas Water Code, Section 54.234.

According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately \$20,470,000 (\$12,800,000 for water, wastewater, and drainage plus \$7,670,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202602205

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 27, 2026

Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **July 6, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at <https://www.tceq.texas.gov/goto/efilings> or the TCEQ Commissioners' Integrated Database at <https://www.tceq.texas.gov/goto/cid>, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on July 6, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: 1015 Grocery Store LLC; DOCKET NUMBER: 2024-0347-PST-E; TCEQ ID NUMBER: RN101680601; LOCATION: 1201 North Farm-to-Market Road 1015, Progreso, Hidalgo County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: \$7,738; STAFF ATTORNEY: Misty James, Litigation, MC 175, (512) 239-0631; REGIONAL OFFICE: Harlingen Regional Office, 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, (956) 425-6010.

(2) COMPANY: AMERIGAS, INC.; DOCKET NUMBER: 2023-1660-AIR-E; TCEQ ID NUMBER: RN102951639; LOCATION: 10985 Farm-to-Market Road 1485, Conroe, Montgomery County; TYPE OF FACILITY: a propane refueling and distribution facility; PENALTY: \$2,500; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

(3) COMPANY: Glasscock County; DOCKET NUMBER: 2024-0886-MSW-E; TCEQ ID NUMBER: RN102214962; LOCATION: 350 Drumright Road, Garden City, Glasscock County; TYPE OF FACILITY: a Type III landfill; PENALTY: \$11,250; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916;

REGIONAL OFFICE: Midland Regional Office, 9900 West Interstate Highway 20, Suite 100, Midland, Texas 79706, (432) 570-1359.

(4) COMPANY: Hill Sand Company, Inc.; DOCKET NUMBER: 2024-1498-WQ-E; TCEQ ID NUMBER: RN102777059; LOCATION: 4649 Dixie Farm Road, Pearland, Brazoria County; TYPE OF FACILITY: a landfill; PENALTY: \$12,000; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: Houston Regional Office, 5425 Polk Street, Suite H, Houston, Texas 77023-1452, (713) 767-3500.

TRD-202602191

Gitanjali Yadav

Deputy Director, Litigation Division

Texas Commission on Environmental Quality

Filed: May 26, 2026



Notice of Water Quality Application - WQ0016100001

The following notice was issued on May 22, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE OF THIS NOTICE BEING MAILED.

INFORMATION SECTION

Quadvest, L.P. has applied for a minor amendment to the Texas Pollutant Discharge Elimination System Permit No. WQ0016100001 to update the Interim I phase from a daily average flow not to exceed 125,000 gallons per day (gpd) to a daily average flow not to exceed 250,000 gpd, and to update the Interim II phase from a daily average flow not to exceed 250,000 gpd to a daily average flow not to exceed 500,000 gpd.. The existing permit authorizes the discharge of treated domestic wastewater at a daily average flow not to exceed 750,000 gallons per day. The facility will be located approximately 650 feet east of the intersection of Binford Road and Vining Road, in Harris County, Texas 77484.

TRD-202602204

Laurie Gharis

Chief Clerk

Texas Commission on Environmental Quality

Filed: May 27, 2026



Texas Ethics Commission

List of Delinquent Filers

LIST OF LATE FILERS

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

Deadline: Personal Financial Statement due April 30, 2018

#00082606 - Colette P. Walls, 4301 CR 1525, Odem, Texas 78370

Deadline: Personal Financial Statement due May 2, 2022

#00082606 - Colette P. Walls, 4301 CR 1525, Odem, Texas 78370

Deadline: Personal Financial Statement due May 1, 2023

#00082606 - Colette P. Walls, 4301 CR 1525, Odem, Texas 78370

Deadline: Semiannual Report due January 16, 2024

#00086948 - John Brender, 2917 Alton Rd., Fort Worth, Texas 76109

Deadline: Personal Financial Statement due February 12, 2024

#00086948 - John Brender, 600 8th Ave., Fort Worth, Texas 76104

Deadline: Semiannual Report due July 15, 2024

#00086948 - John Brender, 2917 Alton Rd., Fort Worth, Texas 76109

#00064575 - Holly Bullington, Treasurer, Circle C Area Democrats, 10517 Walpole Lane, Austin, Texas 78739

Deadline: Semiannual Report due January 15, 2025

#00023974 - Dwayne Wright, Chairman, San Jacinto County Republican Party (P), 100 S Magnolia Dr., Cleveland, Texas 77328

#00086948 - John Brender, 2917 Alton Rd., Fort Worth, Texas 76109

#00064575 - Holly Bullington, Treasurer, Circle C Area Democrats, 10517 Walpole Lane, Austin, Texas 78739

TRD-202602155

James Tinley

Executive Director

Texas Ethics Commission

Filed: May 22, 2026



List of Delinquent Filers

LIST OF LATE FILERS

Below is a list from the Texas Ethics Commission naming the filers who failed to pay the penalty fine for failure to file the report, or filing a late report, in reference to the specified filing deadline. If you have any questions, you may contact Dave Guilianelli at (512) 463-5800.

Deadline: 30 Day Pre-Election Report due October 6, 2025 for Committees

#00087189 - Jason Lee, Texas Majority PAC, P.O. Box 66100, Houston, Texas 77266

Deadline: Special Session Report due October 6, 2025

#00089850 - Dominique M. Payton, 5500 DeSoto St., #1711, Houston, Texas 77091

Deadline: 8 Day Pre-Election Report due October 27, 2025 for Committees

#00087189 - Jason Lee, Texas Majority PAC, P.O. Box 66100, Houston, Texas 77266

#00089561 - Denna Ramsey, American Transparency Alliance, P.O. Box 997, Granbury, Texas 76048

#00090043 - Brandon Roznovsky, Citizens Uniting for Brenham Schools, 3190 Rolling Valley, Brenham, Texas 77833

#00090086 - Emily Adame, Vote for Our Eagles - SCISD Bond, 911 Nance Street, Eldorado, Texas 76936

#00086868 - Kirk P. Watson, KPW PAC, P.O. Box 2004, Austin, Texas 78768

TRD-202602211

James Tinley

Executive Director

Texas Ethics Commission

Filed: May 27, 2026

◆ ◆ ◆

General Land Office

Coastal Boundary Survey - Bay Harbor, West Galveston Bay,
Galveston County, Texas

Surveying Services

Coastal Boundary Survey

Project: Bay Harbor, West Galveston Bay

Project No: SL2010036

Project Manager: Dianna Ramirez, Coastal Field Operations

Surveyor: Stephen Blaskey, LSLS, RPLS

Description: Coastal Boundary Survey Dated April 09, 2026, delineating the littoral boundary of the Hall and Jones Survey, Abstract 121, along State Submerged Tract 37, West Bay (West Galveston Bay), in connection with GLO No. SL1010036. Centroid Coordinates 29.132743°N, 95.073732°W, WGS84. A copy of the survey has been recorded in Doc No. SLS202600003, Records of Galveston County.

A Coastal Boundary Survey for the above-referenced project has been reviewed and accepted by Surveying Services; upon completion of public notice requirements, the survey will be filed in the Texas General Land Office, Archives and Records, in accordance with provisions of the Tex. Nat. Res. Code §33.136.

by:

Signed: Miguel A. Escobar, Assistant Chief Surveyor

Date: May 18, 2026

Pursuant to Tex. Nat. Res. Code §33.136, the herein described Coastal Boundary Survey is approved by Dawn Buckingham, M.D., Commissioner of the Texas General Land Office.

by:

Signed: Jennifer G. Jones, Chief Clerk and Deputy Land Commissioner

Date: May 22, 2026

Filed as: Galveston County, NRC Article 33.136 Sketch No. 103

Tex. Nat. Res. Code §33.136

TRD-202602165

Jennifer Jones

Chief Clerk and Deputy Land Commissioner

General Land Office

Filed: May 22, 2026

◆ ◆ ◆

Texas Health and Human Services Commission

Criminal History Requirements for Child Care Operations

(Editor's note: In accordance with Texas Government Code, §2002.014, which permits the omission of material which is "cumbersome, expensive, or otherwise inexpedient," the charts are not included in the print version of the Texas Register. The charts are available in the on-line version of the June 5, 2026, issue of the Texas Register.)

26 Texas Administrative Code §745.661 (relating to What types of criminal convictions may affect a subject's ability to be present at an operation?) states that HHSC will review the three charts listed in subsection (a) of the section annually and publish any changes for public comment in the *Texas Register* as an "In Addition" document. Questions

or comments about the content of the proposed changes may be directed to Child Care Regulation at (512) 438-3269.

Written comments may be submitted by email to CCR-Rules@hhs.texas.gov or mailed to:

Child Care Regulation, Health and Human Services Commission

P.O. Box 149030

Mail Code E550

Austin, Texas 78751

Any comments must be received within 30 days of publication in the *Texas Register*.

The three charts are titled: (1) Licensed or Certified Child Care Operations: Criminal History Requirements; (2) Foster or Adoptive Placements: Criminal History Requirements; and (3) Registered Child Care Homes and Listed Family Homes: Criminal History Requirements.

Each chart has three parts: (1) an introduction that identifies the types of operations each chart covers, defines certain terms used in the chart, and clarifies certain assumptions; (2) a Table of Contents; and (3) the applicable chart.

Changes made to the charts include:

(1) Adding Texas Penal Code §32.45, Misapplication of Fiduciary Property or Property of Financial Institution, in all three charts;

(2) Adding Texas Penal Code §32.56, Financial Abuse Using Artificially Generated Media or Phishing, in all three charts;

(3) Adding Texas Penal Code §43.235, Possession, Promotion, or Production of Certain Visual Material Appearing to Depict Child, in all three charts;

(4) Updating responses for the felony level offense and the misdemeanor offense to Texas Penal Code §48.02, Prohibition of the Purchase and Sale of Human Organs, in all three charts;

(5) Updating responses for the misdemeanor offense to Texas Penal Code §48.03, Prohibition on Purchase and Sale of Human Fetal Tissue, in the Licensed or Certified Child Care Operations and Registered Child Care Homes and Listed Family Homes charts; and

(6) Making nonsubstantive changes that do not affect the outcome of background checks or the assumptions that apply to the charts.

TRD-202602198

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 26, 2026

◆ ◆ ◆

Public Notice: Medicaid Estate Recovery Program (MERP)

Public Notice: This amendment aligns the State Plan with the Medicaid Estate Recovery Program (MERP) Texas Administrative Code (TAC) Title 1, Part 15, Chapter 373, Medicaid Estate Recovery Program.

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The proposed amendment is effective July 2, 2026.

The purpose of this amendment is to align the State Plan with the MERP TAC Title 1, Part 15, Chapter 373, Medicaid Estate Recovery Program, Subchapter A, General; Subchapter B, Recovery Claims; and Subchapter C, Notice.

The proposed amendment is necessary to implement and administer the MERP to recover the costs of Medicaid long-term care (LTC) benefits received by certain Medicaid recipients.

This proposed amendment clarifies MERP eligibility requirements to ensure proper recovery of Medicaid long-term care costs, updates outdated terminology and citations, increases the minimum amount of an estate subject to recovery under MERP, and cleans up language throughout for consistency.

The proposed amendment is estimated to have no fiscal impact.

To obtain copies of the proposed amendment, interested parties may contact Jayasree Sankaran, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-4331; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us.

TRD-202602164

Karen Ray

Chief Counsel

Texas Health and Human Services Commission

Filed: May 22, 2026



Texas Department of Insurance

Company Licensing

Application to do business in the state of Texas for USA Underwriters Insurance Company, a foreign fire and/or casualty company. The home office is in Birmingham, Michigan.

Any objections must be filed with the Texas Department of Insurance, within twenty (20) calendar days from the date of the *Texas Register* publication, addressed to the attention of Andrew Guerrero, 1601 Congress Ave., Suite 6.900, Austin, Texas 78701.

TRD-202602212

Justin Beam

Chief Clerk

Texas Department of Insurance

Filed: May 27, 2026



Texas Department of Licensing and Regulation

Scratch Ticket Game Number 2749 "ULTIMATE CASH"

1.0 Name and Style of Scratch Ticket Game.

A. The name of Scratch Ticket Game No. 2749 is "ULTIMATE CASH". The play style is "key number match".

1.1 Price of Scratch Ticket Game.

A. The price for Scratch Ticket Game No. 2749 shall be \$20.00 per Scratch Ticket.

1.2 Definitions in Scratch Ticket Game No. 2749.

A. Display Printing - That area of the Scratch Ticket outside of the area where the overprint and Play Symbols appear.

B. Latex Overprint - The removable scratch-off covering over the Play Symbols on the front of the Scratch Ticket.

C. Play Symbol - The printed data under the latex on the front of the Scratch Ticket that is used to determine eligibility for a prize. Each Play Symbol is printed in Symbol font in black ink in positive except for dual-image games. The possible black Play Symbols are: CHEST SYMBOL, HORSESHOE SYMBOL, POT OF GOLD SYMBOL, COIN SYMBOL, JOKER SYMBOL, KEY SYMBOL, BELL SYMBOL, BOOT SYMBOL, CACTUS SYMBOL, CLOVER SYMBOL, LADYBUG SYMBOL, WISHBONE SYMBOL, CROWN SYMBOL, HEART SYMBOL, RING SYMBOL, ANCHOR SYMBOL, PIG SYMBOL, MONEY SYMBOL, LEMON SYMBOL, BANANA SYMBOL, MELON SYMBOL, GRAPE SYMBOL, PALM TREE SYMBOL, SMILE SYMBOL, LIGHTNING BOLT SYMBOL, DIAMOND SYMBOL, PEPPER SYMBOL, HAT SYMBOL, PLANE SYMBOL, FISH SYMBOL, CAR SYMBOL, MUSICAL NOTE SYMBOL, PIZZA SYMBOL, STRAWBERRY SYMBOL, BANK SYMBOL, TROPHY SYMBOL, BUTTERFLY SYMBOL, DICE SYMBOL, ACE SYMBOL, RAINBOW SYMBOL, 01, 03, 04, 06, 07, 08, 09, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 2X SYMBOL, 5X SYMBOL, 10X SYMBOL, \$20.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$1,000,000.

D. Play Symbol Caption - The printed material appearing below each Play Symbol which explains the Play Symbol. One caption appears under each Play Symbol and is printed in caption font in black ink in positive. The Play Symbol Caption which corresponds with and verifies each Play Symbol is as follows:

Figure 1: GAME NO. 2749 - 1.2D

PLAY SYMBOL	CAPTION
CHEST SYMBOL	CHEST
HORSESHOE SYMBOL	HRSHOE
POT OF GOLD SYMBOL	PTGOLD
COIN SYMBOL	COIN
JOKER SYMBOL	JOKER
KEY SYMBOL	KEY
BELL SYMBOL	BELL
BOOT SYMBOL	BOOT
CACTUS SYMBOL	CACTUS
CLOVER SYMBOL	CLOVER
LADYBUG SYMBOL	LBUG
WISHBONE SYMBOL	BONE
CROWN SYMBOL	CROWN
HEART SYMBOL	HEART
RING SYMBOL	RING
ANCHOR SYMBOL	ANCHR
PIG SYMBOL	PIG
MONEY SYMBOL	MONEY
LEMON SYMBOL	LEMN
BANANA SYMBOL	BNNA
MELON SYMBOL	MELN
GRAPE SYMBOL	GRPE
PALM TREE SYMBOL	PALM
SMILE SYMBOL	SMILE
LIGHTNING BOLT SYMBOL	BOLT
DIAMOND SYMBOL	DMND
PEPPER SYMBOL	PEPPER

HAT SYMBOL	HAT
PLANE SYMBOL	PLANE
FISH SYMBOL	FISH
CAR SYMBOL	CAR
MUSICAL NOTE SYMBOL	NOTE
PIZZA SYMBOL	PIZZA
STRAWBERRY SYMBOL	STBRY
BANK SYMBOL	BANK
TROPHY SYMBOL	TRPHY
BUTTERFLY SYMBOL	BTFLY
DICE SYMBOL	DICE
ACE SYMBOL	ACE
RAINBOW SYMBOL	RNBOW
01	ONE
03	THR
04	FOR
06	SIX
07	SVN
08	EGT
09	NIN
11	ELV
12	TLV
13	TRN
14	FTN
15	FFN
16	SXN
17	SVT
18	ETN
19	NTN

20	TWY
21	TWON
22	TWTO
23	TWTH
24	TWFR
25	TWV
26	TWSX
27	TWSV
28	TWET
29	TWNI
30	TRTY
31	TRON
32	TRTO
33	TRTH
34	TRFR
35	TRFV
36	TRSX
37	TRSV
38	TRET
39	TRNI
40	FRTY
41	FRON
42	FRTO
43	FRTH
44	FRFR
45	FRFV
46	FRSX
47	FRSV
48	FRET

49	FRNI
50	FFTY
51	FFON
52	FFTO
53	FFTH
54	FFFR
55	FFV
56	FFSX
57	FFSV
58	FFET
59	FFNI
60	SXTY
2X SYMBOL	DBL
5X SYMBOL	WINX5
10X SYMBOL	WINX10
\$20.00	TWY\$
\$50.00	FFTY\$
\$100	ONHN
\$200	TOHN
\$500	FVHN
\$1,000	ONTH
\$10,000	10TH
\$1,000,000	TPPZ

E. Serial Number - A unique thirteen (13) digit number appearing under the latex scratch-off covering on the front of the Scratch Ticket. The Serial Number is for validation purposes and cannot be used to play the game. The format will be: 0000000000000.

F. Bar Code - A twenty-four (24) character interleaved two (2) of five (5) Bar Code which will include a four (4) digit game ID, the seven (7) digit Pack number, the three (3) digit Ticket number and the ten (10) digit Validation Number. The Bar Code appears on the back of the Scratch Ticket.

G. Game-Pack-Ticket Number - A fourteen (14) digit number consisting of the four (4) digit game number (2749), a seven (7) digit Pack number, and a three (3) digit Ticket number. Ticket numbers start with 001 and end with 025 within each Pack. The format will be: 2749-0000001-001.

H. Pack - A Pack of the "ULTIMATE CASH" Scratch Ticket Game contains 025 Tickets, packed in plastic shrink-wrapping and fanfolded in pages of one (1). The Packs will alternate. One will show the front of Ticket 001 and back of 025 while the other fold will show the back of Ticket 001 and front of 025.

I. Non-Winning Scratch Ticket - A Scratch Ticket which is not programmed to be a winning Scratch Ticket or a Scratch Ticket that does not meet all of the requirements of these Game Procedures, the State Lottery Act (Texas Government Code, Chapter 466), and applicable rules adopted by the Texas Lottery and Charitable Bingo Division of the Texas Department of Licensing and Regulation ("Texas Lottery") pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140.

J. Scratch Ticket Game, Scratch Ticket or Ticket - Texas Lottery "ULTIMATE CASH" Scratch Ticket Game No. 2749.

2.0 Determination of Prize Winners. The determination of prize winners is subject to the general Scratch Ticket validation requirements set forth in Texas Lottery Rule 140.302, Scratch Ticket Game Rules, these Game Procedures, and the requirements set out on the back of each Scratch Ticket. A prize winner in the "ULTIMATE CASH" Scratch Ticket Game is determined once the latex on the Scratch Ticket is scratched off to expose sixty-six (66) Play Symbols. \$50, \$100, \$200 & \$500 CASH BONUS Play Instructions: \$50 CASH BONUS: If the player reveals 2 matching Play Symbols in the \$50 CASH BONUS play area, the player wins \$50. \$100 CASH BONUS: If the player reveals 2 matching Play Symbols in the \$100 CASH BONUS play area, the player wins \$100. \$200 CASH BONUS: If the player reveals 2 matching Play Symbols in the \$200 CASH BONUS play area, the player wins \$200. \$500 CASH BONUS: If the player reveals 2 matching Play Symbols in the \$500 CASH BONUS play area, the player wins \$500. ULTIMATE CASH - KEY NUMBER MATCH: If the player matches any of the YOUR NUMBERS Play Symbols to any of the WINNING NUMBERS Play Symbols, the player wins the prize for that number. If the player reveals a "2X" Play Symbol, the player wins DOUBLE the prize for that symbol. If the player reveals a "5X" Play Symbol, the player wins 5 TIMES the prize for that symbol. If the player reveals a "10X" Play Symbol, the player wins 10 TIMES the prize for that symbol. No portion of the Display Printing nor any extraneous matter whatsoever shall be usable or playable as a part of the Scratch Ticket.

2.1 Scratch Ticket Validation Requirements.

A. To be a valid Scratch Ticket, all of the following requirements must be met:

1. Exactly sixty-six (66) Play Symbols must appear under the Latex Overprint on the front portion of the Scratch Ticket;
2. Each of the Play Symbols must have a Play Symbol Caption underneath, unless specified, and each Play Symbol must agree with its Play Symbol Caption;
3. Each of the Play Symbols must be present in its entirety and be fully legible;
4. Each of the Play Symbols must be printed in black ink except for dual image games;
5. The Scratch Ticket shall be intact;
6. The Serial Number and Game-Pack-Ticket Number must be present in their entirety and be fully legible;
7. The Serial Number must correspond, using the Texas Lottery's codes, to the Play Symbols on the Scratch Ticket;
8. The Scratch Ticket must not have a hole punched through it, be mutilated, altered, unreadable, reconstituted or tampered with in any manner;
9. The Scratch Ticket must not be counterfeit in whole or in part;
10. The Scratch Ticket must have been issued by the Texas Lottery in an authorized manner;

11. The Scratch Ticket must not have been stolen, nor appear on any list of omitted Scratch Tickets or non-activated Scratch Tickets on file at the Texas Lottery;

12. The Play Symbols, Serial Number and Game-Pack-Ticket Number must be right side up and not reversed in any manner;

13. The Scratch Ticket must be complete and not miscut, and have exactly sixty-six (66) Play Symbols under the Latex Overprint on the front portion of the Scratch Ticket, exactly one Serial Number and exactly one Game-Pack-Ticket Number on the Scratch Ticket;

14. The Serial Number of an apparent winning Scratch Ticket shall correspond with the Texas Lottery's Serial Numbers for winning Scratch Tickets, and a Scratch Ticket with that Serial Number shall not have been paid previously;

15. The Scratch Ticket must not be blank or partially blank, misregistered, defective or printed or produced in error;

16. Each of the sixty-six (66) Play Symbols must be exactly one of those described in Section 1.2.C of these Game Procedures;

17. Each of the sixty-six (66) Play Symbols on the Scratch Ticket must be printed in the Symbol font and must correspond precisely to the artwork on file at the Texas Lottery; the Scratch Ticket Serial Numbers must be printed in the Serial font and must correspond precisely to the artwork on file at the Texas Lottery; and the Game-Pack-Ticket Number must be printed in the Game-Pack-Ticket Number font and must correspond precisely to the artwork on file at the Texas Lottery;

18. The Display Printing on the Scratch Ticket must be regular in every respect and correspond precisely to the artwork on file at the Texas Lottery; and

19. The Scratch Ticket must have been received by the Texas Lottery by applicable deadlines.

B. The Scratch Ticket must pass all additional validation tests provided for in these Game Procedures, the Texas Lottery's Rules governing the award of prizes of the amount to be validated, and any confidential validation and security tests of the Texas Lottery.

C. Any Scratch Ticket not passing all of the validation requirements is void and ineligible for any prize and shall not be paid. However, the Executive Director of the Texas Lottery ("Executive Director") may, solely at the Executive Director's discretion, refund the retail sales price of the Scratch Ticket. In the event a defective Scratch Ticket is purchased, the only responsibility or liability of the Texas Lottery shall be to replace the defective Scratch Ticket with another unplayed Scratch Ticket in that Scratch Ticket Game (or a Scratch Ticket of equivalent sales price from any other current Texas Lottery Scratch Ticket Game) or refund the retail sales price of the Scratch Ticket, solely at the Executive Director's discretion.

2.2 Programmed Game Parameters.

A. GENERAL: The top Prize Symbol will appear on every Ticket, unless restricted by other parameters, play action or prize structure.

B. GENERAL: Consecutive Non-Winning Tickets within a Pack will not have matching patterns, in the same order, of either Play Symbols or Prize Symbols.

C. ULTIMATE CASH - Key Number Match: No prize amount in a non-winning spot will correspond with the YOUR NUMBERS Play Symbol (i.e., 50 and \$50).

D. ULTIMATE CASH - Key Number Match: There will be no matching non-winning YOUR NUMBERS Play Symbols on a Ticket.

E. ULTIMATE CASH - Key Number Match: There will be no matching WINNING NUMBERS Play Symbols on a Ticket.

F. ULTIMATE CASH - Key Number Match: A non-winning Prize Symbol will never match a winning Prize Symbol.

G. ULTIMATE CASH - Key Number Match: A Ticket may have up to four (4) matching non-winning Prize Symbols, unless restricted by other parameters, play action or prize structure.

H. ULTIMATE CASH - Key Number Match: The "2X" (DBL) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

I. ULTIMATE CASH - Key Number Match: The "5X" (WINX5) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

J. ULTIMATE CASH - Key Number Match: The "10X" (WINX10) Play Symbol will only appear on winning Tickets, as dictated by the prize structure.

2.3 Procedure for Claiming Prizes.

A. To claim a "ULTIMATE CASH" Scratch Ticket Game prize of \$20.00, \$50.00, \$100, \$200 or \$500, a claimant shall sign the back of the Scratch Ticket in the space designated on the Scratch Ticket and may present the winning Scratch Ticket to any Texas Lottery Retailer. The Texas Lottery Retailer shall verify the claim and, if valid, and upon presentation of proper identification, if appropriate, make payment of the amount due the claimant and physically void the Scratch Ticket; provided that the Texas Lottery Retailer may, but is not required, to pay a \$50.00, \$100, \$200 or \$500 Scratch Ticket Game. In the event the Texas Lottery Retailer cannot verify the claim, the Texas Lottery Retailer shall provide the claimant with a claim form and instruct the claimant on how to file a claim with the Texas Lottery. If the claim is validated by the Texas Lottery, a check shall be forwarded to the claimant in the amount due. In the event the claim is not validated, the claim shall be denied and the claimant shall be notified promptly. A claimant may also claim any of the above prizes under the procedure described in Section 2.3.B and Section 2.3.C of these Game Procedures.

B. To claim a "ULTIMATE CASH" Scratch Ticket Game prize of \$1,000, \$10,000 or \$1,000,000, the claimant must sign the winning Scratch Ticket and may present it at one of the Texas Lottery's Claim Centers. If the claim is validated by the Texas Lottery, payment will be made to the bearer of the validated winning Scratch Ticket for that prize upon presentation of proper identification. When paying a prize of \$600 or more, the Texas Lottery shall file the appropriate income reporting form with the Internal Revenue Service (IRS) and shall withhold federal income tax at a rate set by the IRS if required. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

C. As an alternative method of claiming a "ULTIMATE CASH" Scratch Ticket Game prize, the claimant may submit the signed winning Scratch Ticket and a thoroughly completed claim form via mail. If a prize value is \$1,000,000 or more, the claimant must also provide proof of Social Security number or Tax Payer Identification (for U.S. Citizens or Resident Aliens). Mail all to: Texas Lottery, P.O. Box 16600, Austin, Texas 78761-6600. The Texas Lottery is not responsible for Scratch Tickets lost in the mail. In the event that the claim is not validated by the Texas Lottery, the claim shall be denied and the claimant shall be notified promptly.

D. Prior to payment by the Texas Lottery of any prize, the Texas Lottery shall deduct the amount of a delinquent tax or other money from the winnings of a prize winner who has been finally determined to be:

1. delinquent in the payment of a tax or other money to a state agency and that delinquency is reported to the Comptroller under Government Code §403.055;

2. in default on a loan made under Chapter 52, Education Code;

3. in default on a loan guaranteed under Chapter 57, Education Code; or

4. delinquent in child support payments in the amount determined by a court or a Title IV-D agency under Chapter 231, Family Code.

E. If a person is indebted or owes delinquent taxes to the State, other than those specified in the preceding paragraph, the winnings of a person shall be withheld until the debt or taxes are paid.

2.4 Allowance for Delay of Payment. The Texas Lottery may delay payment of the prize pending a final determination by the Executive Director, under any of the following circumstances:

A. if a dispute occurs, or it appears likely that a dispute may occur, regarding the prize;

B. if there is any question regarding the identity of the claimant;

C. if there is any question regarding the validity of the Scratch Ticket presented for payment; or

D. if the claim is subject to any deduction from the payment otherwise due, as described in Section 2.3.D of these Game Procedures. No liability for interest for any delay shall accrue to the benefit of the claimant pending payment of the claim.

2.5 Payment of Prizes to Persons Under 18. If a person under the age of 18 years is entitled to a cash prize under \$600 from the "ULTIMATE CASH" Scratch Ticket Game, the Texas Lottery shall deliver to an adult member of the minor's family or the minor's guardian a check or warrant in the amount of the prize payable to the order of the minor.

2.6 If a person under the age of 18 years is entitled to a cash prize of \$600 or more from the "ULTIMATE CASH" Scratch Ticket Game, the Texas Lottery shall deposit the amount of the prize in a custodial bank account, with an adult member of the minor's family or the minor's guardian serving as custodian for the minor.

2.7 Scratch Ticket Claim Period. All Scratch Ticket prizes must be claimed within 180 days following the end of the Scratch Ticket Game or within the applicable time period for certain eligible military personnel as set forth in Texas Government Code §466.408. Any rights to a prize that is not claimed within that period, and in the manner specified in these Game Procedures and on the back of each Scratch Ticket, shall be forfeited.

2.8 Disclaimer. The number of prizes in a game is approximate based on the number of Scratch Tickets ordered. The number of actual prizes available in a game may vary based on number of Scratch Tickets manufactured, testing, distribution, sales and number of prizes claimed. A Scratch Ticket Game may continue to be sold even when all the top prizes have been claimed.

3.0 Scratch Ticket Ownership.

A. Until such time as a signature is placed upon the back portion of a Scratch Ticket in the space designated, a Scratch Ticket shall be owned by the physical possessor of said Scratch Ticket. When a signature is placed on the back of the Scratch Ticket in the space designated, the player whose signature appears in that area shall be the owner of the Scratch Ticket and shall be entitled to any prize attributable thereto. Notwithstanding any name or names submitted on a claim form, the Executive Director shall make payment to the player whose signature appears on the back of the Scratch Ticket in the space designated. If more than one name appears on the back of the Scratch Ticket, the

Executive Director will require that one of those players whose name appears thereon be designated by such players to receive payment.

B. The Texas Lottery shall not be responsible for lost or stolen Scratch Tickets and shall not be required to pay on a lost or stolen Scratch Ticket.

4.0 Number and Value of Scratch Prizes. There will be approximately 6,000,000 Scratch Tickets in Scratch Ticket Game No. 2749. The approximate number and value of prizes in the game are as follows:

Figure 2: GAME NO. 2749 - 4.0

Prize Amount	Approximate Number of Winners*	Approximate Odds are 1 in **
\$20.00	660,000	9.09
\$50.00	480,000	12.50
\$100	300,000	20.00
\$200	80,250	74.77
\$500	5,000	1,200.00
\$1,000	200	30,000.00
\$10,000	16	375,000.00
\$1,000,000	4	1,500,000.00

*The number of prizes in a game is approximate based on the number of tickets ordered. The number of actual prizes available in a game may vary based on number of tickets manufactured, testing, distribution, sales and number of prizes claimed.

**The overall odds of winning a prize are 1 in 3.93. The individual odds of winning for a particular prize level may vary based on sales, distribution, testing, and number of prizes claimed.

A. The actual number of Scratch Tickets in the game may be increased or decreased at the sole discretion of the Texas Lottery.

5.0 End of the Scratch Ticket Game. The Executive Director may, at any time, announce a closing date (end date) for the Scratch Ticket Game No. 2749 without advance notice, at which point no further Scratch Tickets in that game may be sold. The determination of the closing date and reasons for closing will be made in accordance with the Scratch Ticket closing procedures and the Scratch Ticket Game Rules. See 16 TAC §140.302 (j).

6.0 Governing Law. In purchasing a Scratch Ticket, the player agrees to comply with, and abide by, these Game Procedures for Scratch Ticket Game No. 2749, the State Lottery Act (Texas Government Code, Chapter 466), applicable rules adopted by the Texas Lottery pursuant to the State Lottery Act and referenced in 16 TAC, Chapter 140, and all final decisions of the Executive Director.

TRD-202602210
 Deanne Rienstra
 General Counsel Lottery and Charitable Bingo
 Texas Department of Licensing and Regulation
 Filed: May 27, 2026



North Central Texas Council of Governments

Notice of Cancellation Request for Proposals Rider 7 PM2.5 Modeling Consultant

The North Central Texas Council of Governments has determined the Rider 7 PM2.5 Modeling Consultant Requests for Proposals scheduled for release and originally published in the *Texas Register* on May 29, 2026, is no longer necessary and is cancelling in its entirety. The solicitation documents were never released or made available to potential proposals. No proposals or bids were received or considered.

TRD-202602199
 Todd Little
 Executive Director
 North Central Texas Council of Governments
 Filed: May 26, 2026



Notice of Contract Award for Training Sessions for Bicycle and Pedestrian Design Guides and Safe Routes to School Planning

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the December 12, 2025, issue of the *Texas Register* (50 TexReg 8107). The selected entities will per-

form technical and professional work for Training Sessions for Bicycle And Pedestrian Design Guides and Safe Routes to School Planning.

The entity selected for:

American Association of State Highway and Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, 5th Ed. training sessions is Toole Design Group LLC, 823 Congress Avenue Suite 300, Austin, Texas 78701, for a contract not to exceed \$40,000 and for Safe Routes to School Planning and Project Implementation training sessions for a contract not to exceed \$35,000.

National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide, 3rd Ed. training sessions is Iteris Inc., 1250 S. Capital of Texas Highway, Building 1, Suite 330, Austin, Texas 78746 for a contract not to exceed \$40,000.

Public Right-of-Way Accessibility Guidelines (PROWAG) training sessions is Kimley-Horn and Associates Inc., 801 Cherry St Suite 1300, Unit 11, Fort Worth, Texas 76102, for a contract not to exceed \$40,000.

Issued in Arlington, Texas on May 27, 2026.

TRD-202602202

Todd Little

Executive Director

North Central Texas Council of Governments

Filed: May 27, 2026

◆ ◆ ◆
Notice of Contract Award for World Cup Rideshare Lot Operational Services

Pursuant to the provisions of Government Code, Chapter 2254, the North Central Texas Council of Governments publishes this notice of contract award. The request appeared in the March 6, 2026, issue of the *Texas Register* (51 TexReg 1457). The selected entity will perform technical and professional work for World Cup Rideshare Lot Operational Services.

The entity selected for this project is Parking Systems of America I, LP, 4220 Gurley Avenue, Dallas, Texas 75223, for a contract not to exceed \$55,000.

Issued in Arlington, Texas on May 27, 2026.

TRD-202602203

Todd Little

Executive Director

North Central Texas Council of Governments

Filed: May 27, 2026
◆ ◆ ◆

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 51 (2026) is cited as follows: 51 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: <https://www.sos.texas.gov>. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC)* is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State's website at <http://www.sos.state.tx.us/tac>.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION

Part 4. Office of the Secretary of State

Chapter 91. Texas Register

1 TAC §91.1.....950 (P)

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is \$1159 annually for first-class mail delivery and \$783 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

Phone: (800) 833-9844

Fax: (518) 487-3584

E-mail: customer.support@lexisnexis.com

Website: www.lexisnexis.com/printedsc



LexisNexis