

# 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 7. BANKING AND SECURITIES

### PART 6. CREDIT UNION DEPARTMENT

#### CHAPTER 91. CHARTERING, OPERATIONS, MERGERS, LIQUIDATIONS

##### SUBCHAPTER A. GENERAL RULES

###### 7 TAC §91.125

The Credit Union Commission proposes amendments to §91.125, concerning accuracy of advertising. The proposed amendments clarify that advertising includes any announcements or press releases. They provide for five business days to respond or remove the advertisement and continue to allow the Commissioner to prohibit the use of advertising, postings or press releases that are false, deceptive or misleading.

The new rule responds to increased use of online announcements or social media postings as well as self-issued press releases to promote a credit union or its products. It assures these types of communications are held to the same standards for accuracy as a traditional advertisement and the public can be protected from deceptive or misleading advertising.

**FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS.** Karen Miller, General Counsel, has determined that for the first five-year period the proposed amendments are in effect, there are no reasonably foreseeable implications relating to cost or revenues of state or local governments under Government Code §2001.024(a)(4), as a result of enforcing or administering these amendments, as proposed.

**PUBLIC BENEFIT/COST NOTE.** Ms. Miller has determined, under Government Code §2001.024(a)(5), that for the first five-year period the amended rules are in effect, the public benefit of rule clarity will provide improved guidance to the industry. She further has determined there will be no probable economic cost to the credit union system or to persons required to comply with the rule.

**IMPACT ON LOCAL EMPLOYMENT OR ECONOMY.** There is no reasonably forecasted effect on local economy for the first five years that the proposed amendments are in effect. Therefore, no economic impact statement, local employment impact statement, nor regulatory flexibility analysis is required under Texas Government Code §§2001.022 or 2001.024(a)(6).

**COST TO REGULATED PERSONS (COST-IN/COST-OUT).** This rule proposal is not subject to Texas Government Code §2001.0045, concerning increasing costs to regulated persons, because this agency is a Self-Directed Semi-Independent

(SDSI) agency under Finance Code Chapter 16 and is exempt from that cost provision.

**ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES.** Ms. Miller has also determined that for each year of the first five years the proposed amendment is in effect, there will be no reasonably forecasted adverse economic effect on small businesses, micro-businesses, or rural communities as a result of implementing these amendments, and, therefore, no regulatory flexibility analysis, as specified in Texas Government Code §2006.002 is required.

**GOVERNMENT GROWTH IMPACT STATEMENT.** In compliance with Texas Government Code §2001.0221, the Board has prepared a government growth impact statement.

Unless indicated below, for each year of the first five years that the rule will be in effect, the rule will not:

- create or eliminate a government program;
- require the creation of new employee positions or the elimination of existing employee positions;
- require an increase or decrease in future legislative appropriations to the agency;
- lead to an increase or decrease in the fees paid to the department;
- create new regulations;
- expand, limit or repeal existing regulations;
- increase or decrease the number of individuals subject to the rule's applicability;
- positively or adversely affect this state's economy.

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

**ENVIRONMENTAL RULE ANALYSIS.** The proposed rule is not a "major environmental rule" as defined by Government Code, §2001.0225. The proposed rule is not specifically intended to protect the environment or to reduce risks to human health from environmental exposure. Therefore, a regulatory environmental analysis is not required.

**REQUEST FOR PUBLIC COMMENT.** Written comments on the proposed amendments may be submitted in writing to Karen Miller, General Counsel, Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699 or by email to CUD-

Mail@tud.texas.gov. To be considered, a written comment must be received on or before 5:00 p.m. on the 31st day after the date the proposal is published in the *Texas Register*.

**STATUTORY AUTHORITY.** The amendments are proposed pursuant to Texas Finance Code, Section 15.402, which authorizes the Commission to adopt reasonable rules for administering Texas Finance Code, Title 2, Chapter 15 and Title 3, Subtitle D. Authority to adopt these amendments is found also in Texas Finance Code Sections 122.1531 and 122.156.

**STATUTORY SECTIONS AFFECTED.** The statutory provisions affected by the proposed amendments are contained in Texas Finance Code Chapter 15 and Title 3, Subtitle D specifically Finance Code, Sections 122.005, 122.151 - 122.156, and 124.003.

*§91.125. Accuracy of Advertising.*

(a) As used in this rule, an advertisement is any informational communication, including oral, written, electronic, broadcast or any other type of communication, made to members, prospective members, or to the public at large in any manner designed to attract attention to the business of a credit union.

(b) No credit union shall disseminate or cause the dissemination of any advertisement, announcement, or press release that is in any way intentionally or negligently false, deceptive, or misleading. An advertisement shall be deemed by the Commissioner to be intentionally or negligently false, deceptive, or misleading if it:

- (1) contains materially false claims or misrepresentations of material facts;
- (2) contains materially implied false claims or implied misrepresentations of material fact;
- (3) omits material facts;
- (4) makes a representation likely to create an unjustified expectation about credit union products or services;
- (5) states that the credit union's services are superior to or of a higher quality than that of another financial institution unless the credit union can factually substantiate the statement;
- (6) states that a service is free when it is not, or contains intentionally untruthful or deceptive claims regarding costs and fees; and
- (7) fails to disclose that membership is required to participate in or enjoy the advantage of the product or service (does not apply to advertisement to current members).

(c) Prior to placing an advertisement, a credit union must possess credible information which, when produced, substantiates the truthfulness of any assertion, representation or omission of material fact set forth in the advertisement.

(d) If the Commissioner notifies a credit union that an advertisement, announcement, or press release is deemed to be false, deceptive or misleading, the credit union will have five (5) business [ten] days following the credit union's receipt of the notification to provide the Commissioner with information substantiating the truthfulness of the advertisement or notify the department of removal of the advertisement, announcement or press release. If the [credit union does not provide this information or the] Commissioner, after receipt of the information, still deems the advertisement, announcement, or press release to be false, deceptive or misleading, the Commissioner may issue a cease and desist order to the credit union to stop the use of the advertisement.

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 July 21, 2025.

TRD-202502549

Michael S. Riepen

Commissioner

Credit Union Department

Earliest possible date of adoption: August 31, 2025

For further information, please call: (512) 837-9236



## SUBCHAPTER J. CHANGES IN CORPORATE STATUS

### 7 TAC §91.1003

The Credit Union Commission (the Commission) proposes amendments to 7 TAC §91.1003, relating to Mergers and Consolidations. The proposed amendments add a definition of merger related financial arrangements and detail disclosures and board due diligence documentation that must be included in any plan of merger.

The Commission proposes the following amendment to §91.1003. The language is presented to assure boards of directors that decide to merge document their due diligence on behalf of their members and merger plans provide full transparency with regards to any entities that will receive financial benefits because of the merger and the plan contemplates all costs associated with the merger.

Credit Unions are member owned, and the capital of the institution does not belong to its officials or executives but to its members. Members should be able to rely on both the regulator and their board to protect their investment. At a minimum, credit union members deserve to be fully and truthfully informed when they vote to dissolve their credit union and transfer their accounts and capital to another financial institution. Therefore, the rule not only provides for additional transparency with the regulator and members but also provides that if there is deceptive advertising about the merger, it may be the basis for a denial of the merger application.

**FISCAL NOTE ON STATE AND LOCAL GOVERNMENTS.** Karen Miller, General Counsel, has determined that for the first five-year period the proposed amendments are in effect, there are no reasonably foreseeable implications relating to cost or revenues of state or local governments under Government Code §2001.024(a)(4), as a result of enforcing or administering these amendments, as proposed.

**PUBLIC BENEFIT/COST NOTE.** Ms. Miller has determined, under Government Code §2001.024(a)(5), that for the first five-year period the amended rules are in effect, the public benefit of rule clarity will provide improved guidance to the industry. He further has determined there will be no probable economic cost to the credit union system or to persons required to comply with the rule.

**IMPACT ON LOCAL EMPLOYMENT OR ECONOMY.** There is no reasonably forecasted effect on local economy for the first five years that the proposed amendments are in effect. Therefore, no economic impact statement, local employment impact state-

ment, nor regulatory flexibility analysis is required under Texas Government Code §§2001.022 or 2001.024(a)(6).

**COST TO REGULATED PERSONS (COST-IN/COST-OUT).** This rule proposal is not subject to Texas Government Code §2001.0045, concerning increasing costs to regulated persons, because this agency is a Self-Directed Semi-Independent (SDSI) agency under Finance Code Chapter 16 and is exempt from that cost provision.

**ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICROBUSINESSES, AND RURAL COMMUNITIES.** Mr. Kolhoff has also determined that for each year of the first five years the proposed amendment is in effect, there will be no reasonably forecasted adverse economic effect on small businesses, micro-businesses, or rural communities as a result of implementing these amendments, and, therefore, no regulatory flexibility analysis, as specified in Texas Government Code §2006.002 is required.

**GOVERNMENT GROWTH IMPACT STATEMENT.** In compliance with Texas Government Code §2001.0221, the Board has prepared a government growth impact statement.

Unless indicated below, for each year of the first five years that the rule will be in effect, the rule will not:

- create or eliminate a government program;
- require the creation of new employee positions or the elimination of existing employee positions;
- require an increase or decrease in future legislative appropriations to the agency;
- lead to an increase or decrease in the fees paid to the department;
- create new regulations;
- expand, limit or repeal existing regulations;
- increase or decrease the number of individuals subject to the rule's applicability;
- positively or adversely affect this state's economy.

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

**ENVIRONMENTAL RULE ANALYSIS.** The proposed rule is not a "major environmental rule" as defined by Government Code, §2001.0225. The proposed rule is not specifically intended to protect the environment or to reduce risks to human health from environmental exposure. Therefore, a regulatory environmental analysis is not required.

**REQUEST FOR PUBLIC COMMENT.** Written comments on the proposed amendments may be submitted in writing to Karen Miller, General Counsel, Credit Union Department, 914 East Anderson Lane, Austin, Texas 78752-1699 or by email to CUD-Mail@ cud.texas.gov. To be considered, a written comment must be received on or before 5:00 p.m. on the 31st day after the date the proposal is published in the *Texas Register*.

**STATUTORY AUTHORITY.** The amendments are proposed pursuant to Texas Finance Code, Section 15.402, which authorizes

the Commission to adopt reasonable rules for administering Texas Finance Code, Title 2, Chapter 15 and Title 3, Subtitle D. Authority to adopt these amendments is found also in Texas Finance Code Sections 122.1531 and 122.156.

**STATUTORY SECTIONS AFFECTED.** The statutory provisions affected by the proposed amendments are contained in Texas Finance Code Chapter 15 and Title 3, Subtitle D specifically Finance Code, Sections 122.005, 122.151 - 122.156, and 124.003.

*§91.1003. Mergers/Consolidations.*

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Acquirer credit union--The credit union that will continue in operation after the merger/consolidation.

(2) Acquiree credit union--The credit union that will cease to exist as an operating credit union at the time of the merger/consolidation.

(3) Merger inducement--A promise by a credit union to pay to the members of another credit union a sum of money or other substantial [material] benefit upon the successful completion of a merger of the two credit unions. This does not include a member dividend or interest rebate calculated under objective criteria and approved by the credit unions board of directors.

(4) Merger-related financial arrangement--a substantial financial benefit received or to be received by any individual or entity, including any board or committee member or senior employee of Acquiree, conditioned upon a successful merger:

(A) paid or payable during the period beginning 24 months before the date the boards of directors of both credit unions approve the merger plan or paid during the merger or to be paid in the 24 month period after the merger;

(B) representing an addition or increase in direct or indirect compensation, such as salary, bonuses, leave, deferred compensation, early payout of retirement benefits, severance packages, retainers, service agreements, vesting of rights, non-compete agreements, insurance policy; or other contractual rights; or

(C) for honorarium(s), brokers fees, finders' fees or other financial rewards, before or after the merger.

(D) this term does not include benefits available to employees at will of the acquiree credit union on identical terms and conditions to acquirer's employees at will, should employment at will be continued.

(5) [(4)] Substantial--An amount that is large in size, value, or importance. For purposes of this section, an amount is substantial if it exceeds \$10,000.00 [~~\$1,000.00~~] in total.

(b) Two or more credit unions organized under the laws of this state, another state, or the United States, may merge/consolidate, in whole or in part, with each other, or into a newly incorporated credit union to the extent permitted by applicable law, subject to the requirements of this rule. A credit union may not offer a merger inducement directly to another credit union's members as a means of promoting a merger of the two credit unions.

(c) Notice of Intent to Merge/Consolidate.

(1) The credit unions shall notify the commissioner in writing of their intent to merge/consolidate within ten days after the credit

unions' boards of directors formally agree in principle to merge/consolidate.

(2) The Notice of Intent shall include a general description of any known merger related financial arrangement.

(d) Plan for Merger/Consolidation. Upon approval of a proposition for merger/consolidation by the boards of directors, the credit unions must prepare a plan for the proposed merger/consolidation. The plan shall include:

(1) The terms and conditions of the merger/consolidation including a detailed description of any and all merger related financial arrangements and proposed or executed contracts related to the merger [substantial remuneration, such as bonuses, deferred compensation, early payout of retirement benefits, severance packages, retainers, services agreements, or other substantial financial rewards or benefits that any board member or senior management employee of the acquiree credit union may receive in connection with the merger/consolidation];

(2) A short history of the background of merger discussions and deliberations with copies of any meeting minutes from beginning of negotiations through the plan and/ or merger resolution.

(3) For the Acquiree:

(A) general reason(s) Acquiree believes that merging, as the party ceasing to exist, is in the best interest of its members;

(B) other potential Acquirers that were evaluated by Acquiree,

(C) the Acquiree's criteria for selection of an ideal merger partner;

(D) if only one Acquirer was evaluated, a statement supporting that consideration of a sole candidate is in the best interest of Acquiree's membership.

(4) Support for the calculation of any merger related financial arrangements.

(5) [(2)] The current financial reports of each credit union;

(6) [(3)] The combined financial reports of the two or more credit unions, including consolidated estimated contract termination costs and any merger related financial arrangement costs;

(7) [(4)] An analysis of the adequacy of the combined Allowance for Loan and Lease Losses account;

(8) [(5)] An explanation of any proposed adjustments to the members' shares, or provisions for reserves, dividends, or undivided profits;

(9) [(6)] A summary of the products and services proposed to be available to the members of the acquirer credit union, with an explanation of any changes from the current products and services provided to the members;

(10) [(7)] A summary of the advantages and disadvantages of the merger/consolidation;

(11) [(8)] the projected location of the main office and any branch location(s) after the merger/consolidation and whether any existing office locations will be permanently closed; and

(12) [(9)] Any other items deemed critical to the merger/consolidation agreement by the boards of directors.

(13) If the Commissioner determines the merger to be an emergency, any specific plan requirements may be waived in order to assure uninterrupted service to members.

(e) Submission of an Application to Merge/Consolidate to Department.

(1) An application for approval of the merger/consolidation will be complete when the following information is submitted to the commissioner:

(A) the merger/consolidation plan, as described in this rule;

(B) a copy of the corporate resolution of each board of directors approving the merger/consolidation plan;

(C) the proposed Notice of Special Meeting of the members;

(D) a copy of the ballot form to be sent to the members;

(E) the current delinquent loan summaries for each credit union;

(F) a statement as to whether the transaction is subject to the Hart-Scott Rodino Act premerger notification filing requirements; [and]

(G) receipt of any additional information requested by the Commissioner; and

(H) [(G)] a request for a waiver of the requirement that the plan be approved by the members of any of the affected credit unions, in the event the board(s) seek such a waiver, together with a statement of the reason(s) for the waiver(s).

(2) If the acquirer or acquiree credit union is organized under the laws of another state or of the United States, the commissioner may accept an application to merge or consolidate that is prescribed by the state or federal supervisory authority of the acquirer credit union, provided that the commissioner may require additional information to determine whether to deny or approve the merger/consolidation. [The application will be deemed complete upon receipt of all information requested by the commissioner.]

(3) Notice of the proposed merger must be published in the Texas Register and Department Newsletter as prescribed in §91.104 (relating to Public Notice and Comment on Certain Applications).

(f) Commissioner Action on the Application.

(1) The commissioner may grant preliminary approval of an application for merger/consolidation conditioned upon specific requirements being met, but final approval shall not be granted unless such conditions have been met within the time specified in the preliminary approval.

(2) The commissioner shall deny an application for merger/consolidation if the commissioner finds any of the following:

(A) the financial condition or operations of the acquirer credit union before or projected after the merger/consolidation is such that it will likely jeopardize the financial stability of the merging credit union or prejudice the financial interests of the members, beneficiaries or creditors of either credit union;

(B) the plan includes a change in the products or services available to members of the acquiree credit union that substantially harms the financial interests of the members, beneficiaries or creditors of the acquiree credit union;

(C) the merger/consolidation would probably substantially lessen the ability of the acquirer credit union to meet the reasonable needs and convenience of members to be served;

(D) the credit unions do not furnish to the commissioner all information requested by the commissioner which is material to the application;

(E) the credit unions fail to obtain any approval required from a federal or state supervisory authority; ~~or~~

(F) the application or proposed notice to members is false, deceptive or misleading, after the ability to cure provisions as defined in §91.125(b) expire; or

(G) ~~[(F)]~~ the merger/consolidation would be contrary to law.

(3) For applications to merge/consolidate in which the products and services of the acquirer credit union after merger/consolidation are proposed to be substantially the same as those of the acquiree and acquirer credit unions, the commissioner will presume that the merger/consolidation will not significantly change or affect the availability and adequacy of financial services in the local community.

(g) Procedures for Approval of Merger/Consolidation Plan by the Members of Each Credit Union.

(1) The credit unions have the option of allowing their members to vote on the plan in person at a meeting of the members, by mail ballot, or both. With prior approval of the commissioner, a credit union may accept member votes by an alternative method that is reasonably calculated to ensure each member has an opportunity to vote.

(2) Members shall be given advance notice of the meeting in accordance with the credit union's bylaws. The notice of the meeting shall:

(A) specify the purpose of the meeting and state the date, time, and place of the special meeting;

(B) state the reasons for the proposed merger/consolidation;

(C) contain a summary of the merger plan and state that any interested person may obtain more detailed information about the merger from the credit union at its principal place of business, or by any method approved in advance by the commissioner;

(D) provide the name and location of the acquirer credit union;

(E) specify the methods permitted for casting votes; ~~and~~

(F) if applicable, be accompanied by a mail ballot; ~~and~~

(G) merger related financial arrangements must be detailed on a separate page enclosed with the meeting notice, ballot and plan summary.

(h) Completion of Merger/Consolidation.

(1) Upon approval of the merger/consolidation plan by the membership, if applicable, the Certificate of Merger/Consolidation shall be completed, signed and submitted to the commissioner for final authority to combine the records. Necessary amendments to the acquirer credit union's articles of incorporation or bylaws shall also be submitted at this time.

(2) Upon receipt of the commissioner's written authorization, the records of the credit unions shall be combined as of the effective date of the merger/consolidation. The board of the directors of the acquirer credit union shall certify the completion of the merger/consol-

idation to the commissioner within 30 days after the effective date of the merger/consolidation.

(3) Upon receipt by the commissioner of the completion of the merger/consolidation certification, any article of incorporation or bylaw amendments will be approved and the charter of the acquiree credit union will be canceled.

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 July 21, 2025.

TRD-202502552

Michael S. Riepen

Commissioner

Credit Union Department

Earliest possible date of adoption: August 31, 2025

For further information, please call: (512) 837-9236

## TITLE 19. EDUCATION

### PART 2. TEXAS EDUCATION AGENCY

#### CHAPTER 127. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR CAREER DEVELOPMENT AND CAREER AND TECHNICAL EDUCATION

#### SUBCHAPTER C. AGRICULTURE, FOOD, AND NATURAL RESOURCES

#### 19 TAC §§127.49, 127.51, 127.52

The State Board of Education (SBOE) proposes amendments to §§127.49, 127.51, and 127.52, concerning Texas Essential Knowledge and Skills (TEKS) for career development and career and technical education (CTE) in agriculture, food, and natural resources. The proposed amendments would make a technical adjustment to the prerequisites for §127.49 to align with the CTE programs of study; update cross references; and update language relating to employability skills to reference new 19 TAC §127.15.

**BACKGROUND INFORMATION AND JUSTIFICATION:** The federal *Strengthening Career and Technical Education for the 21st Century Act*, commonly referred to as Perkins V, requires states that receive federal CTE funds to align CTE programs of study to high-wage, in-demand, and high-skill occupations. In fall 2023, the Texas Education Agency (TEA) engaged members of the workforce, secondary education, and higher education to advise on the development and refresh of programs of study, which include coherent course sequences, industry-based certifications, and work-based learning opportunities to ensure students are prepared for high-wage, in-demand, and high-skill careers in Texas.

The proposed amendments would update language related to prerequisites and references to a course title to ensure alignment with refreshed programs of study. In addition, employability skills would be removed from the rules, and a reference to the universal employability skills in new §127.15 would be added.

The SBOE approved the proposed amendments for first reading and filing authorization at its June 27, 2025 meeting.

**FISCAL IMPACT:** Monica Martinez, associate commissioner for standards and programs, has determined that there are no additional costs to state or local government, including school districts and open-enrollment charter schools, required to comply with the proposal.

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

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

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

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

**GOVERNMENT GROWTH IMPACT:** TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would expand and limit existing regulations by adjusting the options for prerequisites for some courses.

The proposed rulemaking would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would not create a new regulation; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

**PUBLIC BENEFIT AND COST TO PERSONS:** Ms. Martinez has determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of enforcing the proposal would be to ensure language related to prerequisites is accurate and aligned with the refreshed CTE programs of study. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

**PUBLIC COMMENTS:** The public comment period on the proposal begins August 1, 2025, and ends at 5:00 p.m. on September 2, 2025. A form for submitting public comments is available on the TEA website at <https://tea.texas.gov/about-tea/laws-and-rules/sboe-rules-tac/proposed-state-board-of-education-rules>. The SBOE will take registered oral and written comments on the proposal at the appropriate committee meeting in September 2025 in accordance with the SBOE board operating policies and procedures. A request for a public hearing on

the proposal submitted under the Administrative Procedure Act must be received by the commissioner of education not more than 14 calendar days after notice of the proposal has been published in the *Texas Register* on August 1, 2025.

**STATUTORY AUTHORITY.** The amendments are proposed under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; and TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments.

**CROSS REFERENCE TO STATUTE.** The amendments implement Texas Education Code, §7.102(c)(4) and §28.002(a) and (c).

§127.49. *Livestock and Poultry Production (One Credit), Adopted 2024.*

(a) Implementation.

(1) The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(2) School districts shall implement the employability skills student expectations listed in §127.15(d)(2) of this chapter (relating to Career and Technical Education Employability Skills) as an integral part of this course.

(b) General requirements. This course is recommended for students in Grades 10-12. Prerequisite: [a minimum of two credits with] at least one course [in a Level 2 or higher course] from the Agriculture, Food, and Natural Resources Career Cluster. Recommended prerequisite: Principles of Agriculture, Food, and Natural Resources. Students shall be awarded one credit for successful completion of this course.

(c) (No change.)

(d) Knowledge and skills.

[(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:]

[(A) identify career development, education, and entrepreneurship opportunities in the field of livestock and poultry production;]

[(B) identify and demonstrate interpersonal, problem-solving, and critical-thinking skills used in livestock and poultry production;]

[(C) describe and demonstrate appropriate personal and occupational safety and health practices for the workplace;]

[(D) identify employers' legal responsibilities and expectations, including appropriate work habits and ethical conduct;]

[(E) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy; and]

[(F) identify training, education, and certification requirements for occupational choices;]

(1) [(2)] The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.

(2) [(3)] The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(3) [(4)] The student analyzes the history, domestication, and selection of livestock and poultry. The student is expected to:

(A) research and describe the history, domestication, and evolution of livestock and poultry species;

(B) describe the impacts other industries such as entertainment, recreation and leisure, and exhibition of animals have on the livestock and poultry industry; and

(C) evaluate and select livestock and poultry breeds based on purpose and conformation.

(4) [(5)] The student explains the anatomy and physiology of livestock and poultry species. The student is expected to:

(A) identify and explain the skeletal, muscular, respiratory, and circulatory systems of livestock and poultry;

(B) identify and interpret ranges for healthy livestock and poultry vital signs; and

(C) compare normal and abnormal behavior of livestock and poultry.

(5) [(6)] The student determines nutritional requirements of livestock and poultry. The student is expected to:

(A) describe and compare the digestive systems of ruminant and non-ruminant animals;

(B) identify sources of nutrients and classes of feed for livestock and poultry;

(C) identify vitamins, minerals, and feed additives for livestock and poultry;

(D) formulate feed rations based on nutritional needs and economic factors for livestock and poultry;

(E) research and discuss feeding practices and feed quality issues for livestock and poultry;

(F) identify forage plants used for livestock grazing; and

(G) research and explain livestock and poultry grazing practices such as rotational grazing and deferred grazing.

(6) [(7)] The student explains livestock and poultry genetics and reproduction. The student is expected to:

(A) describe and compare the reproductive systems of various livestock and poultry;

(B) identify and explain livestock and poultry breeding systems such as grading up, crossbreeding, linebreeding, and inbreeding;

(C) use Expected Progeny Differences (EPDs) to evaluate livestock production;

(D) research and explain current and emerging technologies in livestock and poultry reproduction such as cloning, embryo transfer, in vitro fertilization, and artificial insemination;

(E) use Punnett squares to predict phenotypes and genotypes of livestock offspring; and

(F) explain the relationship between body condition scores and reproductive efficiency for livestock and poultry.

(7) [(8)] The student understands how livestock and poultry are affected by pests and diseases. The student is expected to:

(A) identify and describe how bacteria, fungi, viruses, genetics, and nutrition affect livestock and poultry health;

(B) identify signs, symptoms, and prevention of livestock and poultry diseases;

(C) identify parasites and explain the signs, symptoms, treatment, and prevention of livestock and poultry parasites; and

(D) calculate dosage and identify administration methods of livestock and poultry medications.

(8) [(9)] The student analyzes the management skills needed for livestock and poultry production. The student is expected to:

(A) identify tools and equipment for safe handling and restraining of livestock and poultry and select the appropriate tools or equipment for such tasks and purposes;

(B) identify types and essential features of facilities for livestock and poultry such as housing, veterinary, and reproduction facilities;

(C) evaluate and describe industry practices such as dehorning, castrating, docking, and vaccinating and sire, dam, and newborn care to maximize the efficiency of livestock and poultry;

(D) explain and demonstrate methods of identifying ownership of livestock and poultry such as branding, ear tagging, ear notching, wing bands, and tattooing; and

(E) explain the use of technology such as aircraft, robotics, and smart irrigation in modern livestock and poultry production.

(9) [(10)] The student examines the interrelationship of the factors impacting livestock and poultry production operations. The student is expected to:

(A) research and explain livestock and poultry biosecurity and waste management practices;

(B) create an effective financial management plan for a livestock and poultry production operation;

(C) analyze and discuss environmental regulations, governmental regulations, and animal welfare policies related to livestock and poultry production;

(D) analyze the United States Department of Agriculture (USDA) standards and guidelines for organic livestock and poultry production;

(E) analyze and describe the interrelationship between grain markets and the livestock and poultry industry;

(F) assess the impact of the United States livestock and poultry industry on world commodity markets;

(G) use charts, tables, data, or graphs to evaluate the efficiency of livestock and poultry production; and

(H) develop and present a livestock or poultry operation plan that includes health, reproduction, nutrition, and management practices necessary for maximum efficiency.

*§127.51. Veterinary Science (One Credit), Adopted 2024.*

(a) Implementation.

(1) The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(2) School districts shall implement the employability skills student expectations listed in §127.15(d)(2) of this chapter (relating to Career and Technical Education Employability Skills) as an integral part of this course.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisite: Equine Science, Small Animal Management, or Livestock and Poultry Production. Students shall be awarded one credit for successful completion of this course.

(c) (No change.)

(d) Knowledge and skills.

~~{(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:}~~

~~{(A) identify career, education, and entrepreneurship opportunities for a chosen occupation in the field of veterinary science and develop a plan for obtaining the education, training, and certifications required;}~~

~~{(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;}~~

~~{(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;}~~

~~{(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities, of employers and employees; and}~~

~~{(E) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy.}~~

(1) [(2)] The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills as they relate to the supervised agricultural experience program.

(2) [(3)] The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(3) [(4)] The student understands safety and health practices associated with working in veterinary medicine. The student is expected to:

(A) explain the importance of safe practices such as handling, restraint, and proper use of tools and equipment when working with animals;

(B) identify and discuss transmission and prevention of zoonotic diseases in large and small animal species;

(C) describe sanitation methods to prevent the spread of pathogens and maintain asepsis in sterile environments;

(D) locate, interpret, and implement safety data sheets (SDS) for handling chemicals;

(E) demonstrate and explain safe usage of clinical tools and equipment; and

(F) perform proper disposal of sharps and biohazards.

(4) [(5)] The student understands current topics, professional ethics, and laws that relate to veterinary medicine. The student is expected to:

(A) research and discuss historical events, trends, and issues that have impacted veterinary medicine;

(B) analyze topics related to veterinary medical ethics, including animal rights and animal welfare; and

(C) explain policies and procedures in veterinary medicine that reflect local, state, and federal laws.

(5) [(6)] The student evaluates effective management approaches and marketing strategies to determine their importance to the success of veterinary practices such as clinics and hospitals. The student is expected to:

(A) describe how the human-animal bond impacts veterinary practices when working with clients and their animals;

(B) identify and demonstrate skills needed to communicate effectively with clients and veterinary professionals;

(C) identify marketing strategies and explain how marketing affects the success of a veterinary practice; and

(D) research and discuss how electronic technology such as computer programs, medical records, hospital-to-hospital communication, and tablets is used in a veterinary practice.

(6) [(7)] The student communicates the importance of medical terminology, evaluates veterinary terms to discover their meanings, and demonstrates the ability to use terms correctly. The student is expected to:

(A) analyze Greek and Latin prefixes, suffixes, and roots to determine the meaning of veterinary terms;

(B) identify, pronounce, and spell veterinary terms appropriately; and



(C) use directional anatomy terms appropriately for large and small animal species.

(7) [(8)] The student understands proper animal handling as it relates to characteristics and behavior. The student is expected to:

(A) identify animal breeds according to characteristics;

(B) identify and compare normal and abnormal behavior within and among various animal species; and

(C) identify and discuss correct handling and restraint protocols for large and small animal species such as muzzling, lateral recumbency, sternal recumbency, jugular venipuncture, and haltering.

(8) [(9)] The student explains anatomy and physiology of animals. The student is expected to:

(A) identify the parts and functions of the skeletal, muscular, respiratory, circulatory, digestive, endocrine, and nervous systems for large and small animal species; and

(B) describe the interrelationships among animal body systems.

(9) [(40)] The student determines the importance of animal nutrition in maintaining a healthy animal. The student is expected to:

(A) identify sources of nutrients and classes of feeds for large and small animal species;

(B) identify feed additives for large and small animal species and describe how additives affect the food supply;

(C) analyze dietary needs and feed-quality issues for large and small animal species and their effect on feeding practices; and

(D) research and compare the nutritional value of feeds such as prescription, commercial, homemade, fad, and raw diets for large and small animal species.

(10) [(44)] The student evaluates an animal's health during a clinical examination. The student is expected to:

(A) describe the characteristics and signs of a healthy and an unhealthy animal;

(B) identify ranges for healthy vital signs for large and small animal species such as temperature, pulse, respiration, hydration, and capillary refill time;

(C) demonstrate the proper procedures for obtaining vital signs for large and small animal species and interpret vital sign measurements to determine the health of the animal;

(D) describe effects of age, stress, and environmental factors on vital signs of animals;

(E) explain procedures for physical examinations for large and small animal species;

(F) explain the anatomical regional approach to assess an animal's health;

(G) apply mathematical skills to calculate weight and linear body measurement for large and small animal species and to convert between measurement systems; and

(H) analyze tables, charts, and graphs to interpret large and small animal patient and clinical data.

(11) [(42)] The student analyzes how diseases and parasites affect animal health. The student is expected to:

(A) describe the process of immunity and disease transmission for large and small animal species;

(B) identify and describe pathogens for large and small animal species and the diseases they cause;

(C) describe the effects that diseases have on various body systems for large and small animal species;

(D) identify parasites for large and small animal species using common and scientific names;

(E) describe life cycles of parasites found in large and small animal species;

(F) explain how parasites found in large and small animal species are transmitted and explain the effects on the host;

(G) describe parasitic diagnostic procedures for large and small animal species; and

(H) describe treatment protocols for parasites found in large and small animal species.

(12) [(43)] The student examines various aspects of veterinary laboratory procedures. The student is expected to:

(A) explain the procedures used in collecting, handling, and preparing fecal, blood, and urine specimens for large and small animal species;

(B) explain veterinary procedures used in examining fecal, blood, and urine specimens; and

(C) analyze and compare normal and abnormal results obtained in veterinary laboratory procedures.

(13) [(44)] The student analyzes technical veterinary procedures and skills. The student is expected to:

(A) explain the care, maintenance, and use of equipment and instruments found in veterinary practices;

(B) interpret and prepare a veterinary medical record, adhering to client and patient confidentiality;

(C) explain and demonstrate routine animal care skills such as administering medications, nail trimming, bathing, dipping, grooming, ear cleaning, expressing anal sacs, dental care, placing a tail tie, and ownership identification methods;

(D) explain and demonstrate therapeutic care for large and small animal species such as patient observation, maintaining and administering fluids, applying and removing bandages, removing sutures, caring for open wounds, and providing hydrotherapy physical therapy;

(E) describe emergency protocols and first aid procedures for large and small animal species, including cardiopulmonary resuscitation, control of bleeding, and signs of shock; and

(F) research and compare veterinary care of specialty patients, including newborns, orphans, geriatric animals, recumbent animals, and animals with disabilities.

(14) [(45)] The student identifies and discusses surgical-assisting procedures and skills. The student is expected to:

(A) explain the veterinary protocol for pre-surgical and post-surgical care of a patient;

(B) identify tools and equipment used in veterinary surgical procedures;

(C) describe methods used in the preparation, sterilization, and opening of surgery packs; and

(D) describe veterinary surgical procedures such as spaying, castration, dehorning, docking, dental prophylaxis, and tooth extraction.

(15) [(46)] The student identifies imaging equipment and understands how to safely operate and maintain equipment. The student is expected to:

(A) research and explain the parts and function of imaging equipment such as an ultrasonograph, endoscope, electrocardiograph, and radiograph;

(B) explain safety, maintenance, and operation procedures of imaging equipment;

(C) demonstrate patient restraint and positioning methods used for imaging purposes of large and small animal species; and

(D) differentiate between the images from various imaging equipment.

(16) [(47)] The student identifies veterinary pharmacology procedures and skills. The student is expected to:

(A) identify veterinary medications according to their classification, schedule, form, routes of administration, and methods of administration;

(B) explain handling, storage, distribution, protocols, and laws for veterinary medications, including controlled substances;

(C) calculate dosage for large and small animal species using factors such as concentration of drug, weight of animal, and prescribed dosage;

(D) prepare a veterinary prescription label with identifiers that are required by the United States Food and Drug Administration;

(E) identify and explain the equipment and instruments used to safely administer medications for large and small animal species; and

(F) research and present emerging trends in veterinary pharmacology such as internet pharmacies, herbal supplements, organic labeling, and extra-label and off-label use of medications.

*§127.52. Advanced Animal Science (One Credit), Adopted 2024.*

(a) Implementation.

(1) The provisions of this section shall be implemented by school districts beginning with the 2025-2026 school year.

(2) School districts shall implement the employability skills student expectations listed in §127.15(d)(2) of this chapter (relating to Career and Technical Education Employability Skills) as an integral part of this course.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Prerequisites: Biology and Chemistry or Integrated Physics and Chemistry (IPC); Algebra I and Geometry; and either Small Animal Management, Equine Science, or Livestock and Poultry Production. Recommended prerequisite: Veterinary Science. Students must meet the 40% laboratory and fieldwork requirement. This course satisfies a high school science graduation requirement. Students shall be awarded one credit for successful completion of this course.

(c) (No change.)

(d) Knowledge and skills.

[(1) The student demonstrates professional standards/employability skills as required by business and industry. The student is expected to:]

[(A) identify career and entrepreneurship opportunities for a chosen occupation in the field of animal science and develop a plan for obtaining the education, training, and certifications required;]

[(B) model professionalism by continuously exhibiting appropriate work habits, solving problems, taking initiative, communicating effectively, listening actively, and thinking critically;]

[(C) model appropriate personal and occupational safety and health practices and explain the importance of established safety and health protocols for the workplace;]

[(D) analyze and interpret the rights and responsibilities, including ethical conduct and legal responsibilities of employers and employees; and]

[(E) describe and demonstrate characteristics of good citizenship in the agricultural workplace, including promoting stewardship, community leadership, civic engagement, and agricultural awareness and literacy;]

(1) [(2)] Scientific and engineering practices. The student, for at least 40% of instructional time, asks questions, identifies problems, and plans and safely conducts classroom, laboratory, and field investigations to answer questions, explain phenomena, or design solutions using appropriate tools and models. The student is expected to:

(A) ask questions and define problems based on observations or information from text, phenomena, models, or investigations;

(B) apply scientific practices to plan and conduct descriptive, comparative, and experimental investigations and use engineering practices to design solutions to problems;

(C) use appropriate safety equipment and practices during laboratory, classroom, and field investigations as outlined in Texas Education Agency-approved safety standards;

(D) use appropriate tools such as dissection equipment, standard laboratory glassware, microscopes, various prepared slides, measuring devices, micropipettors, hand lenses, thermometers, hot plates, laboratory notebook, timing devices, cameras, Petri dishes, laboratory incubators, models, diagrams, and samples of biological specimens, syringes, needles, scalpels, microscopes slides, cover slips, artificial insemination equipment, and drench gun;

(E) collect quantitative data using the International System of Units (SI) and qualitative data as evidence;

(F) organize quantitative and qualitative data using calculators, computers, software, laboratory notebook, recordkeeping system, and reliable sources;

(G) develop and use models to represent phenomena, systems, processes, or solutions to engineering problems; and

(H) distinguish between scientific hypotheses, theories, and laws.

(2) [(3)] Scientific and engineering practices. The student analyzes and interprets data to derive meaning, identify features and patterns, and discover relationships or correlations to develop evidence-based arguments or evaluate designs. The student is expected to:

(A) identify advantages and limitations of models such as their size, scale, properties, and materials;

(B) analyze data by identifying significant statistical features, patterns, sources of error, and limitations;

(C) use mathematical calculations to assess quantitative relationships in data; and

(D) evaluate experimental and engineering designs.

(3) [(4)] Scientific and engineering practices. The student develops evidence-based explanations and communicates findings, conclusions, and proposed solutions. The student is expected to:

(A) develop explanations and propose solutions supported by data and models and consistent with scientific ideas, principles, and theories;

(B) communicate explanations and solutions individually and collaboratively in a variety of settings and formats; and

(C) engage respectfully in scientific argumentation using applied scientific explanations and empirical evidence.

(4) [(5)] Scientific and engineering practices. The student knows the contributions of scientists and recognizes the importance of scientific research and innovation on society. The student is expected to:

(A) analyze, evaluate, and critique scientific explanations and solutions by using empirical evidence, logical reasoning, and experimental and observational testing so as to encourage critical thinking by the student;

(B) relate the impact of past and current research on scientific thought and society, including research methodology, cost-benefit analysis, and contributions of diverse scientists as related to the content; and

(C) research and explore resources such as museums, libraries, professional organizations, private companies, online platforms, and mentors employed in a science, technology, engineering, and mathematics (STEM) field in order to investigate STEM careers.

(5) [(6)] The student develops a supervised agricultural experience program. The student is expected to:

(A) plan, propose, conduct, document, and evaluate a supervised agricultural experience program as an experiential learning activity; and

(B) use appropriate record-keeping skills in a supervised agricultural experience program.

(6) [(7)] The student develops leadership skills through participation in an agricultural youth organization. The student is expected to:

(A) participate in youth agricultural leadership opportunities;

(B) review and participate in a local program of activities; and

(C) create or update documentation of relevant agricultural experience such as community service, professional, or classroom experiences.

(7) [(8)] The student analyzes the history, domestication, and evaluation of animals, including canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs. The student is expected to:

(A) research and describe the history, including evolution, domestication, and introduction of species to countries, of ca-

nine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) analyze and describe how changes in the global food market impact the animal production industry; and

(C) evaluate breeds of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorph based on purpose and conformation.

(8) [(9)] The student defines how an organism grows and how specialized cells, tissues, and organs develop. The student is expected to:

(A) compare cells to show specialization of structure and function;

(B) explain cell division, including mitosis and meiosis;

(C) explain cell differentiation in the development of tissues and organs; and

(D) identify and explain the biological levels of organization in animals.

(9) [(10)] The student examines and compares anatomy and physiology in animals. The student is expected to:

(A) compare the external anatomy of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) identify the anatomical structures and physiological functions of the skeletal, muscular, circulatory, genitourinary, respiratory, nervous, immune, and endocrine systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs; and

(C) investigate and describe the interrelationship among animal body systems.

(10) [(11)] The student understands the anatomical structures and physiological functions of the digestive system to determine nutritional requirements of ruminant and non-ruminant animals. The student is expected to:

(A) describe the structures and functions of the digestive systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) identify and describe sources of nutrients and classes of feeds for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(C) identify and describe the feed additives and supplements used to meet the nutritional requirements of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(D) formulate rations based on different nutritional requirements, including age, gestation, lactation, sex, and purpose, for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(E) analyze feeding practices in relation to nutritional requirements, including age, gestation, lactation, sex, and purpose, for canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(F) analyze feed quality issues and determine their effect on the health of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(G) research and compare the nutritional value of feeds for all species discussed;

(H) identify forage plants used for livestock grazing and analyze the protein levels of each; and

(I) research grazing practices such as rotational grazing and deferred grazing and explain the advantages and disadvantages of each using the scientific and engineering design process.

(11) [(42)] The student understands the principles of molecular genetics and heredity. The student is expected to:

(A) explain Mendel's laws of inheritance and predict genotypes and phenotypes of offspring using a Punnett square;

(B) use a Punnett square and assign alleles to justify genotype and phenotype predictions;

(C) identify the parts of the nucleotide and differentiate between the nucleotides found in deoxyribonucleic acid (DNA) and ribonucleic acid (RNA); and

(D) explain the functions of DNA and RNA.

(12) [(43)] The student applies the principles of reproduction and breeding to animal improvement. The student is expected to:

(A) describe and compare reproductive anatomy of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) analyze and compare reproductive cycles and phases of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(C) correlate the reproductive cycles and phases to animal behavior;

(D) research breeding systems, including grading up, crossbreeding, linebreeding, and inbreeding, and explain the advantages and disadvantages of each using the scientific and engineering design process; and

(E) research breeding methods, including embryo transfer, artificial insemination, and natural mating, and explain the advantages and disadvantages of each using the scientific and engineering design process.

(13) [(44)] The student analyzes how diseases and parasites affect animal health. The student is expected to:

(A) examine how factors such as geographic location, age, genetic composition, and inherited diseases influence the health of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(B) describe the process of immunity and disease transmission of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(C) identify and describe pathogens and the diseases they cause in canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(D) describe the effects that diseases have on various body systems of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(E) research and explain the methods of prevention and control for diseases of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(F) identify parasites of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs using common and scientific names;

(G) describe the life cycles of various parasites and relate them to animal health issues;

(H) explain how parasites are transmitted and the effect they have on canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs;

(I) conduct or simulate parasite diagnostic tests; and

(J) explain the methods of prevention, control, and treatment of parasites of canine, feline, bovine, equine, caprine, porcine, ovine, poultry, and lagomorphs.

(14) [(45)] The student discusses livestock market readiness and harvesting methods. The student is expected to:

(A) explain the stages of animal growth and development and how they relate to market readiness;

(B) evaluate market class and grades of livestock;

(C) compare harvesting methods for various species using the scientific and engineering design process;

(D) research and describe federal and state meat inspection standards such as safety, hygiene, and quality control standards;

(E) identify wholesale and retail cuts of meat and correlate to major muscle groups; and

(F) research animal by-products and explain their impact on society.

(15) [(46)] The student explores methods of marketing animals and animal products. The student is expected to:

(A) compare various methods of animal marketing such as auction, contract sales, private treaty, internet sales, value-based, and exhibition of various animals;

(B) describe methods of marketing animal products such as farmers market, direct sales, wholesale, and retail;

(C) research and evaluate the effectiveness of various strategies and campaigns to market animal products based on consumption patterns and consumer preferences; and

(D) research and evaluate the effectiveness of various labeling options to market animal products such as organic, farm-raised, hormone-free, cage-free, grass-fed, antibiotic-free, and non-GMO labels based on consumption patterns and consumer preferences.

(16) [(47)] The student demonstrates an understanding of policies and current issues in animal science. The student is expected to:

(A) investigate and discuss the use of biotechnology and biosecurity in the animal science industry;

(B) identify governmental regulations and policies such as environmental and animal welfare and research the impacts on animal production; and

(C) identify and research a current issue in scientific animal agriculture and design a protocol to address the issue using the scientific and engineering design process.

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 July 21, 2025.  
TRD-202502542



## TITLE 37. PUBLIC SAFETY AND CORRECTIONS

### PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

#### CHAPTER 344. EMPLOYMENT, CERTIFICATION, AND TRAINING SUBCHAPTER E. TRAINING AND CONTINUING EDUCATION

##### 37 TAC §344.620, §344.622

The Texas Juvenile Justice Department (TJJD) proposes amendments to 37 TAC §344.620, Mandatory Training Topics for Certification Exam for Juvenile Probation Officers, and §344.622, Mandatory Training Topics for Certification Exam for Juvenile Supervision Officers.

##### SUMMARY OF CHANGES

Amendments to §344.620 and §344.622 will include adding *human trafficking* and *mental health screening instruments* and removing *cultural competency* from the list of mandatory training topics for the certification exams for both juvenile probation officers and juvenile supervision officers. Amendments to §344.620 will also include adding *responsivity* to the *risk and needs assessment, case planning, and case management* training topic.

##### FISCAL NOTE

Emily Anderson, Deputy Executive Director: Support Operations and Finance, has determined that, for each year of the first five years the amended sections are in effect, there will be no significant fiscal impact for state government or local governments as a result of enforcing or administering the sections.

##### PUBLIC BENEFITS/COSTS

Cameron Taylor, Policy Director, has determined that, for each year of the first five years the amended sections are in effect, the public benefit anticipated as a result of administering the sections will be to train juvenile correctional officers in the current topics that are most pertinent to their job.

Ms. Anderson has also determined that there will be no effect on small businesses, micro-businesses, or rural communities. There is no anticipated economic cost to persons who are required to comply with the sections as proposed. No private real property rights are affected by adoption of the sections.

##### GOVERNMENT GROWTH IMPACT

TJJD has determined that, during the first five years the amended sections are in effect, the sections will have the following impacts.

(1) The proposed sections do not create or eliminate a government program.

(2) The proposed sections do not require the creation or elimination of employee positions at TJJD.

(3) The proposed sections do not require an increase or decrease in future legislative appropriations to TJJD.

(4) The proposed sections do not impact fees paid to TJJD.

(5) The proposed sections do not create a new regulation.

(6) The proposed sections do not expand, limit, or repeal an existing regulation.

(7) The proposed sections do not increase or decrease the number of individuals subject to the section's applicability.

(8) The proposed sections will not positively or adversely affect this state's economy.

##### PUBLIC COMMENTS

Comments on the proposal may be submitted within 30 days after publication of this notice to Texas Juvenile Justice Department, Policy and Standards Section, P.O. Box 12757, Austin, Texas 78711, or via email to [policy.proposals@tjtd.texas.gov](mailto:policy.proposals@tjtd.texas.gov).

##### STATUTORY AUTHORITY

The amended sections are proposed under §221.002, Human Resources Code, which requires the TJJD Board to adopt rules to govern juvenile boards, probation departments, probation officers, programs, and facilities.

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

*§344.620. Mandatory Training Topics for Certification Exam for Juvenile Probation Officers.*

(a) Successful completion of the certification exam is required prior to performing the duties of a certified juvenile probation officer.

(b) The certification exam for juvenile probation officers is based on the following mandatory training topics:

- (1) role of the probation officer;
- (2) risk and needs assessment, responsivity, case planning, and case management;
- (3) recognizing and supervising youth with mental health issues;
- (4) officer safety and mechanical restraints;
- (5) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
- (6) legal liabilities;
- (7) dispositional recommendations and courtroom proceedings;
- (8) TJJD code of ethics and TJJD disciplinary procedures;
- (9) preventing, identifying, and reporting abuse, neglect, and exploitation;
- (10) purpose and goals of the Prison Rape Elimination Act;
- (11) suicide prevention and intervention;
- (12) trauma-informed care;
- (13) adolescent development and behavior; ~~and~~
- (14) human trafficking; and ~~[cultural competency]~~
- (15) mental health screening instrument.

§344.622. *Mandatory Training Topics for Certification Exam for Juvenile Supervision Officers.*

(a) In addition to the training requirements listed in §344.624 of this title, successful completion of the certification exam is required before a juvenile supervision officer may provide supervision of juveniles and count in any staff-to-juvenile ratio.

(b) The certification exam for juvenile supervision officers is based on the following mandatory training topics:

- (1) juvenile rights;
- (2) Texas Family Code Title 3 (Juvenile Justice Code) and related laws;
- (3) preventing, identifying, and reporting abuse, neglect, and exploitation;
- (4) purpose and goals of the Prison Rape Elimination Act;
- (5) suicide prevention and intervention;
- (6) legal liabilities;
- (7) recognizing and supervising youth with mental health issues;
- (8) adolescent development and behavior;
- (9) HIV/AIDS and other communicable diseases;
- (10) TJJD code of ethics and TJJD disciplinary procedures;
- (11) trauma-informed care; [~~and~~]
- (12) human trafficking; and [~~cultural competency~~];
- (13) mental health screening instrument.

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 July 16, 2025.

TRD-202502523

Jana Jones

General Counsel

Texas Juvenile Justice Department

Earliest possible date of adoption: August 31, 2025

For further information, please call: (512) 490-7278



## CHAPTER 380. RULES FOR STATE-OPERATED PROGRAMS AND FACILITIES

### SUBCHAPTER A. ADMISSION, PLACEMENT, RELEASE, AND DISCHARGE

The Texas Juvenile Justice Department (TJJD) proposes amendments to 37 TAC §§380.8501, Definitions; 380.8555, Program Completion for Non-Sentenced Offenders; 380.8557, Release Review Panel; 380.8565, Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence; and 380.8569, Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder.

#### SUMMARY OF CHANGES

Amendments to §380.8501 will include modifying the definition of *committing offense* to make it clear that only conduct that a child

is adjudicated for and committed to TJJD for may be considered the child's committing offense.

Amendments to §380.8555 will include: (1) removing the requirement for a youth without a determinate sentence to complete the extension length of stay assigned by the Release Review Panel in order to be meet program completion criteria; (2) establishing a process to determine when a youth who has completed the minimum length of stay but not the extension length of stay has met program completion criteria; and (3) establishing that if the youth loses release eligibility within 30 days before completion of the extension length of stay, the youth's case is referred to the Release Review Panel.

Amendments to §380.8557 will include: (1) clarifying the definition of *clear and convincing evidence*; (2) modifying the definition of *extension length of stay* to be consistent with the change that youth are not required to complete it in order to meet program completion release criteria; (3) removing the definition of *Release Review Panel* as unnecessary and instead including an explanation of the purpose of the panel; (4) removing portions of the rule that restate statute; (5) removing portions of the rule that create processes that the executive director is responsible for establishing in policy; (6) adding a provision requiring the executive director to adopt such policies; (7) clarifying that extension lengths of stay may be assigned only when consistent with statute (i.e., if there is clear and convincing evidence that the youth is in need of additional rehabilitation from TJJD and a residential placement will provide the most suitable environment for that rehabilitation); (8) specifying that, consistent with statute, if the panel does not extend the youth's stay, the youth shall be released under supervision or discharged from TJJD; (9) adding language explaining the purpose of a request for reconsideration; (10) replacing the term *representative* with the term *designated advocate*, with regard to who may request a reconsideration of a panel decision, in keeping with statutory language; (11) adding a provision allowing the executive director to specify additional persons who may request a reconsideration; and (12) clarifying that the panel's discretion to accept late requests for reconsideration is limited to instances in which good cause is shown for the delay.

Amendments to §380.8565 and §380.8569 will include: (1) removing the requirement for a youth with a determinate sentence to have spent at least six months in high-restriction facilities before TJJD may request a hearing to transfer the youth to the Texas Department of Criminal Justice - Correctional Institutions Division (TDCJ-CID) if the youth, while assigned to a residential facility, engaged in conduct that meets the elements of the offense of assault of a public servant; and (2) clarifying that one of the behavioral criteria for requesting a TDCJ-CID transfer hearing for a youth with a determinate sentence is that the youth *engaged in conduct meeting the elements of a felony or Class A misdemeanor* (rather than *committed a felony or misdemeanor*) while assigned to a residential facility.

#### FISCAL NOTE

Emily Anderson, Deputy Executive Director: Support Operations and Finance, has determined that, for each year of the first five years the amended sections are in effect, there will be no significant fiscal impact for state government or local governments as a result of enforcing or administering the sections.

#### PUBLIC BENEFITS/COSTS

Cameron Taylor, Senior Manager, Policy Division, has determined the following: (1) for each year of the first five years

§380.8501 is in effect, the public benefit anticipated as a result of administering the section will be to clarify youth conduct that may be considered the offense for which a youth is committed to TJJD; (2) for each year of the first five years §380.8555 and §380.8557 are in effect, the public benefit anticipated as a result of administering the sections will be a clarification of both the process for non-sentenced youth who have completed the criteria for release and the role of the Release Review Panel in that process; and (3) for each year of the first five years §380.8565 and §380.8569 are in effect, the public benefit anticipated as a result of administering the sections will be to provide for expedited transfer of a youth to the Texas Department of Criminal Justice when that youth has assaulted a public servant.

Ms. Anderson has also determined that there will be no effect on small businesses, micro-businesses, or rural communities. There is no anticipated economic cost to persons who are required to comply with the sections as proposed. No private real property rights are affected by adoption of these sections.

#### GOVERNMENT GROWTH IMPACT

TJJD has determined that, during the first five years the amended sections are in effect, the sections will have the following impacts.

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

#### PUBLIC COMMENTS

Comments on the proposal may be submitted within 30 days after publication of this notice to Texas Juvenile Justice Department, Policy and Standards Section, P.O. Box 12757, Austin, Texas 78711, or via email to [policy.proposals@tjjd.texas.gov](mailto:policy.proposals@tjjd.texas.gov).

### DIVISION 1. DEFINITIONS

#### 37 TAC §380.8501

##### STATUTORY AUTHORITY

The amended section is proposed under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

##### *§380.8501. Definitions.*

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

(1) **Assessment Rating**--a score derived from evidence-based criminogenic factors in a youth's history used to assess the danger a youth poses to the community.

(2) **Committing Offense**--the most serious of the relevant offenses for which the youth was adjudicated and committed to TJJD, to include offenses for which the youth was committed directly to TJJD and offenses for which the youth was on probation if the probation was modified to commit the youth to TJJD [found at the youth's commitment proceeding and any probated offense(s) modified by the commitment order]. If a committing offense is a violation of a federal statute, the offense will be treated as a violation of a state statute which prohibits the same conduct as the relevant federal offense.

(3) **Community Reentry/Transition Plan**--an individual case plan that includes conditions of parole or placement for youth who are moving to a less restrictive environment. The community reentry/transition plan summarizes the youth's progress, identifies risk factors and protective factors, provides referrals to community services and supports, and identifies objectives for the youth to complete at the next placement.

(4) **Conditional Placement**--a trial living arrangement at a lower restriction level without changing the youth's currently assigned placement. Conditional placements may be to medium-restriction facilities or approved home placements. Continued placement at the lower restriction level is dependent on meeting pre-established conditions.

(5) **Determinate Sentence Review**--a review conducted for youth with determinate sentences who have not met program completion criteria in which staff determines the appropriate action (e.g., request a transfer hearing under §[Section] 54.11, Family Code, transfer to TDCJ parole).

(6) **Discharge**--an action that ends the jurisdiction of the Texas Juvenile Justice Department (TJJD) over a youth.

(7) **Final Decision Authority**--the TJJD executive director or a staff member designated by the executive director in writing (e.g., via operational manual, administrative directive).

(8) **High Restriction and Medium Restriction**--see definitions in §380.8527 of this chapter.

(9) **Home Placement**--a placement in the home of the parent, other relative or individual acting in the role of parent, managing conservator, or guardian or in an independent living arrangement (excluding contract independent living programs).

(10) **Home Substitute Placement**--a program placement in the community that is not high restriction for youth who have earned parole status.

(11) **Initial Placement**--a placement to which youth are assigned upon being committed to TJJD. This definition does not include a youth's placement at the orientation and assessment unit.

(12) **Minimum Length of Stay**--the predetermined minimum period of time established by TJJD that a youth will be assigned to live in a high- or medium-restriction placement before being placed on parole status.

(13) **Minimum Period of Confinement**--the predetermined minimum period of time established by law that a youth committed to TJJD on a determinate sentence must remain confined in a high-restriction placement.

(14) **Most Serious of the Relevant Offenses**--the offense that carries the most severe consequences, which are, from most to least severe:

- (A) an offense which carries a determinate sentence;
- (B) the offense for which the designated minimum length of stay will produce the longest time in the physical custody of TJJD;
- (C) the offense which requires the highest facility restriction level;
- (D) the offense which carries the most severe criminal penalty; and
- (E) the most recently adjudicated offense.

(15) Non-Sentenced Offender--a youth who is committed to TJJD for an indeterminate period of time, not to exceed age 19.

(16) Offense Severity--a rating of high, moderate, or low based on the degree of the committing or revocation offense as defined by the Penal Code or relevant federal statute and any of the following applicable aggravating factors:

- (A) sex offense as identified in §[Section] 62.001, Code of Criminal Procedure;
- (B) felony against a person;
- (C) possession or use of a weapon or firearm during the commission of the committing offense.

(17) Parole Status--a status assigned to a youth when program completion criteria have been met or the Release Review Panel has ordered the youth's release under supervision. Parole status qualifies the youth for placement in the home or a home substitute and ensures that the youth may not be moved to a high-restriction placement without the highest level of due process afforded to TJJD youth.

(18) Program Completion Criteria--specific requirements established by rule that entitle a youth to parole when met.

(19) Program Completion Review--a review in which staff determines whether a youth appears to meet program completion criteria.

(20) Release under Supervision (or Release)--the act of placing a youth on parole status under TJJD supervision.

(21) Revocation Offense--the offense on which a youth's minimum length of stay is based following a parole revocation hearing. It is the most serious of the relevant offenses found at the hearing.

(22) Risk and Protective Factors--risk factors are aspects of a youth's environment, behavior, and mental processes that contribute to potential for further delinquent activity. Protective factors are positive aspects of individual youth situations that keep a youth away from delinquent activity.

(23) Risk Level--a level derived from the risk assessment tool used to assess the danger a youth poses to the community.

(24) Sentenced Offender--a youth committed to TJJD pursuant to §[Section] 54.04(d)(3) or §[Section] 54.05(f), Family Code, with a fixed sentence assigned by the committing court. Depending on the length of the sentence, a youth may be transferred to the Texas Department of Criminal Justice (TDCJ) to complete the sentence.

(25) Transfer--a movement of a sentenced offender to the TDCJ - Correctional Institutions Division or TDCJ - Parole Division.

(26) Transition--the act of moving a youth from a high-restriction facility to a medium-restriction facility based on the youth's progress in the rehabilitation program. Transition does not result in the youth being placed on parole status.

(27) Transition Review--a review in which staff determines whether a youth meets criteria for transition under §380.8545 of this chapter.

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

Filed with the Office of the Secretary of State on July 16, 2025.

TRD-202502521

Jana Jones

General Counsel

Texas Juvenile Justice Department

Earliest possible date of adoption: August 31, 2025

For further information, please call: (512) 490-7278



## DIVISION 5. PROGRAM COMPLETION AND RELEASE

### 37 TAC §§380.8555, 380.8557, 380.8565, 380.8569

#### STATUTORY AUTHORITY

The amended sections are proposed under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs. The amended sections are also proposed under §245.101, Human Resources Code, which requires the Board to establish a panel whose function is to determine whether a youth who has completed a minimum length of stay should be discharged, released under supervision, or remain in custody for an additional period of time.

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

§380.8555. *Program Completion for Non-Sentenced Offenders.*

(a) Purpose. The purpose of this rule is to establish criteria and the approval process for release of youth upon program completion.

(b) Applicability.

(1) This rule does not apply to sentenced offenders.

(2) This rule does not apply to decisions by the Release Review Panel. See §380.8557 of this chapter for more information on the Release Review Panel.

(c) General Provisions. A detainer or bench warrant is not an automatic bar to earned release. The Texas Juvenile Justice Department (TJJD) releases youth to authorities pursuant to a warrant.

(d) Program Completion Criteria. Youth in high- or medium-restriction facilities are eligible for release to TJJD parole when the following criteria have been met:

(1) no major rule violations proven at a Level II due process hearing within 30 days before the program completion review or during the approval process; and

(2) completion of the minimum [and/or extension] length of stay; and

(3) participation in or completion of assigned specialized treatment programs or curriculum as required under §380.8751 of this chapter; and

(4) completion of the following rehabilitation program requirements:



(A) for TJJD-operated facilities, assignment to the highest stage in the assigned rehabilitation program as described in §380.8703 of this chapter; or

(B) for facilities operated under contract with TJJD, completion of requirements for release to parole as defined in the TJJD-approved rehabilitation program; and

(5) participation in or completion of any statutorily required rehabilitation programming, including but not limited to:

(A) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this chapter;

(B) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and

(C) completion of at least 12 hours of a gang intervention education program, if required by court order.

(e) Review and Approval Process.

(1) Program Completion Review.

(A) Before the expiration of a youth's initial or revocation minimum length of stay and before the expiration of an extension length of stay, a program completion review is conducted to determine whether the youth appears to meet program completion criteria.

(B) If it is determined the youth does not meet program completion criteria, the youth's case is referred to the Release Review Panel. Staff will discuss with the youth the reasons for the decision to refer the youth's case to the panel.

(C) If it is determined the youth appears to meet program completion criteria, the youth's case is referred to the final decision authority.

(2) Final Decision Authority for Approval of Release.

(A) The final decision authority shall confirm whether the youth meets all release criteria and ensure the community reentry/transition plan adequately addresses risk factors prior to approving the release.

(B) If the final decision authority approves the release, the youth must be placed on parole or parole status no later than 15 calendar days after the minimum length of stay date.

(C) If the final decision authority does not approve the release, the youth's case is referred to the Release Review Panel.

(3) Program Completion Prior to Expiration of the Extension Length of Stay.

(A) This paragraph applies to a youth who is not subject to review under paragraph (1) of this subsection.

(B) A youth with an extension length of stay is not required to complete the extension in order to meet program completion criteria. As soon as a youth with an extension length of stay appears to meet the program completion criteria in subsection (d) of this section, a program completion review is conducted.

(C) If it is determined the youth appears to meet program completion criteria, the youth's case is referred to the final decision authority.

(D) If the final decision authority approves the release, the youth must be placed on parole or parole status no later than 15 calendar days after the extension length of stay date.

(E) If the final decision authority does not approve the release, the youth remains in the facility and is reviewed again under this paragraph or paragraph (1) of this subsection, as appropriate.

(f) Loss of Release Eligibility.

(1) Except as provided by paragraph (2) of this subsection, if [H] a youth loses release eligibility after the program completion review and before release to parole, the youth's case is referred to the Release Review Panel.

(2) If a youth approved for release under subsection (e)(3) of this section loses release eligibility, the youth's case is referred to the Release Review Panel only if the youth has completed the extension length of stay or will do so within 30 days.

(g) Active Warrants. At least ten calendar days before the youth's release, TJJD notifies any entity that has issued an active warrant for the youth.

*§380.8557. Release Review Panel.*

(a) Purpose. This rule establishes a Release Review Panel to determine whether a youth who has completed the minimum length of stay should be discharged from the custody of the Texas Juvenile Justice Department (TJJD), released under supervision, or given an extended length of stay. This rule also establishes a process to request reconsideration of an order issued by the Release Review Panel.

(b) Applicability. This rule applies to all youth committed to TJJD without a determinate sentence who have completed the minimum length of stay or extension length of stay and have not been approved for release under §380.8555 of this chapter.

(c) Definitions. Except as specified in this subsection, see §380.8501 of this chapter for definitions of terms used in this rule. The following terms, as used in this rule, have the following meanings unless the context clearly indicates otherwise.

(1) Clear and Convincing Evidence--a standard of proof meaning that the thing that must be proven is highly probable or reasonably certain to exist [measure or degree which will produce in the mind of the trier of facts a firm belief or conviction as to the position sought to be established]; more than a preponderance of the evidence[;] but less than beyond a reasonable doubt.

(2) Extension Length of Stay--a period of time in addition to the minimum length of stay that a youth is assigned [required] to remain in residential placement [placements] unless the youth meets release criteria before the time has expired.

(3) Major Rule Violation--a violation in the most serious category of rule violations for residential facilities, as listed in §380.9503 of this chapter.

~~[(4) Release Review Panel (or Panel)--the TJJD Central Office staff members appointed to determine if a youth who has completed the minimum length of stay will be discharged, released, or given an extension length of stay.]~~

(4) ~~[(5)]~~ Residential Placement--a high- or medium-restriction facility, as defined in §380.8527 of this chapter.

(5) ~~[(6)]~~ Victim--any victim who has requested notification of release or discharge proceedings.

(d) General Provisions.

(1) Purpose of the Panel. The purpose of the panel is to review youth committed to TJJD without a determinate sentence who have completed the minimum length of stay or extension length of stay but have not been approved for release under TJJD policy.

(2) [(1)] Panel Members. Panel members are appointed by the executive director in accordance with state law and policies adopted by the executive director.

[(A) The panel must consist of an odd number of members appointed by the executive director for terms of at least two years.]

[(B) Each member of the panel must be a TJJD employee who works at the TJJD Central Office. Panel members may not be involved in any supervisory decisions concerning youth in the custody of TJJD.]

[(2) Evidence Used by the Panel.]

[(A) The panel may review any information relevant to the youth's progress and rehabilitation, irrespective of the form of the information.]

[(B) The youth, the parent/guardian of the youth, or victims of the youth may submit information for the panel's consideration. Information and arguments should be submitted to the panel in writing on or before the expiration of the youth's minimum length of stay or, if applicable, the expiration of the extension length of stay. The youth may request assistance from any TJJD staff member or volunteer in communicating with the panel.]

[(C) The parent/guardian, victim, or person representing the youth, if any, may make a written request for personal communication with a member of the panel before the expiration of the youth's minimum length of stay or, if applicable, the expiration of the extension length of stay. If the panel approves the request, the panel will schedule the communication, which may be in person, via telephone, or via videoconference.]

[(D) The panel may, at its discretion, interview the youth or any other individual who may have information relevant to the youth's rehabilitation needs. When notified that an attorney or other representative is assisting the youth with the review, the panel must notify the representative of any scheduled interviews with the youth prior to conducting the interview. A youth's refusal to speak to the panel is not held against the youth when making the release decision.]

[(E) To be considered as a factor in a determination to extend a youth's stay, a violation of the rules of conduct must have been proven via due process that provides advance written notice of the alleged violation, a written statement by the fact finder of the evidence relied upon and the reason for the decision, an opportunity to call witnesses and present evidence, and a neutral decision maker. Documented behaviors that do not result in a rule violation being proven true in a due process hearing may still provide evidence of continuing conduct that the panel may consider in making its decision.]

(3) Executive Director Policies [Deadline for Release or Discharge].

(A) The executive director shall adopt policies that ensure the transparency, consistency, and objectivity of the panel's composition, procedures, and decisions. [If the panel determines that a youth's length of stay should not be extended, TJJD must release or discharge the youth no later than 15 calendar days after the date of the panel decision, except as provided by subparagraph (B) of this paragraph.]

(B) The policies must allow the panel to review any information relevant to the youth's progress and rehabilitation, irrespective of the form of the information. [A request for reconsideration of a release or discharge order may temporarily delay the release or discharge of the youth until the panel reaches a decision on the request in

accordance with timeframes established in subsection (h) of this section.]

(C) The policies must ensure the youth, parents/guardians, victims, attorneys for youth, and other relevant individuals are given the opportunity to provide information for the panel's consideration.

(4) Extension Length of Stay.

(A) An extension length of stay may be assigned only if the panel determines by majority vote that there is clear and convincing evidence that: [by the panel and only in accordance with the provisions of this rule.]

(i) the youth is in need of additional rehabilitation from TJJD; and

(ii) a residential placement will provide the most suitable environment for that rehabilitation.

(B) If the panel extends the length of a youth's stay, the panel shall specify the length of the extension length of stay.

(C) If the panel does not extend the length of a youth's stay, the youth must be released under supervision or discharged from TJJD.

[(e) Completion of Minimum Length of Stay.]

[(1) Referral to the Panel. Upon receipt of a referral regarding a youth who has not met program completion criteria as set out in §380.8555 of this chapter, the following actions shall occur.]

[(A) The youth, parent/guardian, and any victims shall be notified that the case has been referred to the panel for review.]

[(B) Before the date the minimum length of stay expires, staff will make available to the panel any information relevant to the decision on whether the youth is in need of additional rehabilitation in a residential placement.]

[(2) Panel Decision.]

[(A) No later than 30 calendar days after expiration of the youth's minimum length of stay, the panel shall make a determination as to whether TJJD will discharge the youth, release the youth, or extend the youth's stay in a residential placement.]

[(B) The panel may extend the youth's stay only if the panel determines by majority vote that there is clear and convincing evidence that:]

[(i) the youth is in need of additional rehabilitation from TJJD; and]

[(ii) a residential placement will provide the most suitable environment for that rehabilitation.]

[(C) The panel's determination may include assessments of factors including, but not limited to, the following:]

[(i) the youth's efforts to reduce individual risk factors and increase individual protective factors;]

[(ii) the degree and quality of the youth's participation in available treatment programs, including statutorily required or court-ordered treatment programs;]

[(iii) the youth's behavior while at TJJD; and]

[(iv) whether there are any public safety issues related to releasing or discharging the youth.]

~~[(D)]~~ The youth, parent/guardian, victim, and any attorney or representative of the youth are notified of the panel's determination regarding extension of stay, release, or discharge.]

~~[(E)]~~ If the panel extends the length of a youth's stay, the panel shall:]

~~[(i)]~~ specify the additional period of time that the youth is required to remain in residential placements; and]

~~[(ii)]~~ provide a written report explaining the reason for the extension to the youth, parent/guardian, and any attorney or representative of the youth. The report must be provided no later than ten calendar days after the date of the panel decision.]

~~[(f)]~~ Completion of Extension Length of Stay:]

~~[(1)]~~ Referral to the Panel. Upon receipt of a referral regarding a youth who has not met program completion criteria as set out in §380.8555 of this chapter, the following actions shall occur:]

~~[(A)]~~ The youth, the youth's parent/guardian, and the attorney or representative of the youth, if any, shall be notified that the youth's case is pending review before the panel.]

~~[(B)]~~ Before the date the extension length of stay expires, staff will make available to the panel any information relevant to the decision on whether the youth is in need of additional rehabilitation in a residential placement.]

~~[(2)]~~ Panel Decision. No later than 30 calendar days after expiration of the youth's extension length of stay, the panel will conduct a review and make a determination to discharge the youth, release the youth, or extend the length of stay in a residential placement. The panel shall send notification to the youth, the youth's parent/guardian, any victims, and the attorney or representative of the youth, if any, of the decision within ten calendar days after the date of the decision.]

~~[(c)]~~ ~~[(g)]~~ Request for Reconsideration of an Extension Order.

~~[(1)]~~ The purpose of a request for reconsideration is to request that a decision by the panel be reconsidered and changed.

~~[(2)]~~ ~~[(4)]~~ A request for reconsideration of an extension order may be submitted by:

- (A) the youth;
- (B) the youth's parent/guardian;
- (C) an attorney or designated advocate ~~[representative]~~ for the youth;
- (D) the youth's victim(s);
- (E) a TJJD employee;
- (F) an employee of a TJJD contractor;
- (G) a person who provides volunteer services at a TJJD facility; ~~[or]~~
- (H) the TJJD ombudsman; ~~or~~.]
- (I) any other person designated by the executive director.

~~[(3)]~~ ~~[(2)]~~ The request for reconsideration must be in writing and must be received by the panel no later than 15 calendar days after the date of the written notice explaining the reason for the extension. Requests for reconsideration received after that time may be considered at the discretion of the panel if good cause is shown for the delay.

~~[(4)]~~ ~~[(3)]~~ The youth may request assistance from any TJJD staff member or volunteer in completing a request for reconsideration.

~~[(5)]~~ ~~[(4)]~~ The person submitting the request for reconsideration must state in the request the reason for the request. The request should relate to the reasons given for the extension or be based on relevant information concerning the youth's programming and treatment progress.

~~[(6)]~~ ~~[(5)]~~ Upon receipt of a request for reconsideration that is timely filed or that is accepted late by the panel as provided in paragraph (3) of this subsection, the panel:

(A) shall reconsider an extension order that extends the youth's stay in TJJD custody by six months or more or that, when combined with previous extension orders, results in an extension of the youth's stay in TJJD custody by six months or more; and

(B) may, at its discretion, reconsider extension orders that extend a youth's stay in TJJD custody by a length of time not [other than those] addressed in subparagraph (A) of this paragraph.

~~[(7)]~~ ~~[(6)]~~ The panel must complete the reconsideration no later than 15 days after receipt of the request. ~~The [When the panel conducts a reconsideration; the]~~ panel shall provide the youth, the youth's parent/guardian, the attorney or designated advocate ~~[representative]~~ of the youth, and the person who submitted the request for reconsideration with a written explanation of the panel's decision ~~[no later than 15 calendar days after receipt of the request]~~. The explanation ~~[reply]~~ shall include an indication that the panel has considered the information submitted in the request. If the reconsideration results in a decision to release or discharge the youth, any victims shall be notified.

~~[(8)]~~ ~~[(7)]~~ A reconsideration decision by the panel exhausts all administrative remedies regarding release after expiration of the minimum length of stay.

~~[(f)]~~ ~~[(h)]~~ Request for Reconsideration of a Release or Discharge Order.

(1) For youth in a high-restriction facility, a release or discharge order is considered conditional until the youth has been physically released from the facility.

(2) For youth in a medium-restriction facility, including a halfway house:

(A) a release order is considered conditional until the youth's status has been changed from institutional to parole status; and

(B) a discharge order is considered conditional until the youth has been physically released from the facility.

(3) The executive director, the chief inspector general, the general counsel, the deputy executive director for state services, the chief of staff, the facility administrator, appropriate contract-care monitoring staff, staff designated by the executive director, or the TJJD ombudsman may request a reconsideration of a release or discharge order as long as the release or discharge order is still conditional, as provided by paragraphs (1) and (2) of this subsection.

(4) If, while the release or discharge order is still conditional, the youth is alleged to have committed a major rule violation or new information becomes available that indicates the youth is likely in need of further rehabilitation at a TJJD facility, staff designated by the executive director must request reconsideration of the release or discharge order.

(5) The youth shall be provided a copy of the request for reconsideration before the panel makes its decision regarding the reconsideration. The youth shall be given the opportunity to provide information to the panel concerning the reason(s) for the request. If the youth is represented by an attorney or other representative, that person

shall also be provided with a copy of the request for reconsideration and given an opportunity to provide information to the panel.

(6) The panel must complete the reconsideration no later than 15 days after the receipt of the request. The panel shall provide the youth, the youth's parent/guardian, the requestor, and facility staff with a written explanation of the panel's decision [~~no later than 15 calendar days after receipt of the request~~]. The reply shall include an indication that the panel has considered the information submitted in the request. If the reconsideration results in a change in the original panel decision, any victims shall be notified.

(7) If reconsideration of a release or discharge order results in a decision to extend the youth's length of stay, a person listed in subsection (g) of this section may request reconsideration according to the process established in that subsection. That reconsideration decision exhausts all administrative remedies.

*§380.8565. Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence.*

(a) Purpose. This rule establishes criteria and an approval process for:

(1) requesting court approval to transfer sentenced offenders to adult prison; and

(2) discharging sentenced offenders:

(A) whose sentences have expired; or

(B) who did not previously qualify for release or transfer by completing required programming.

(b) Applicability.

(1) This rule applies only to the disposition of a youth's determinate sentence(s).

(2) This rule applies only to sentenced offenders.

(3) This rule does not apply to:

(A) sentenced offenders who qualify for release or transfer to parole by completing required programming. See §380.8559 of this chapter; or

(B) sentenced offenders adjudicated for capital murder. See §380.8569 of this chapter.

(c) General Requirements.

(1) By law, a sentenced offender is transferred from the custody of the Texas Juvenile Justice Department (TJJD) no later than the youth's 19th birthday.

(2) The youth must serve the entire minimum period of confinement that applies to the committing offense in a high-restriction facility unless:

(A) the youth is transferred by the committing court to the Texas Department of Criminal Justice- Correctional Institutions Division (TDCJ-CID);

(B) the youth is approved by the committing court to attain parole status before completing the minimum period of confinement;

(C) the youth's sentence expires before the minimum period of confinement expires; or

(D) the executive director waives the requirement that the youth be assigned to a high-restriction facility. This subparagraph does not allow a youth to be placed on parole status.

(3) TJJD reviews each youth's progress:

(A) six months after admission to TJJD;

(B) when the minimum period of confinement is complete;

(C) when the youth becomes 16 years of age;

(D) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or to the Texas Department of Criminal Justice- Parole Division (TDCJ-PD);

(E) within 45 days after revocation of parole, if applicable; and

(F) at other times as appropriate, such as after a major rule violation is proven at a Level II hearing.

(4) TJJD jurisdiction is terminated and a youth is discharged when:

(A) the youth is transferred to TDCJ; or

(B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in §380.8525 of this chapter.

(d) Transfer Criteria.

(1) Transfer to TDCJ-CID for Youth Whose Conduct Occurs While on Parole Status. TJJD may request a juvenile court hearing to recommend transfer of a youth to TDCJ-CID if all of the following criteria are met:

(A) the youth's parole has been revoked or the youth has been adjudicated or convicted of a felony offense occurring while on parole status;

(B) the youth is at least age 16;

(C) the youth has not completed the sentence; and

(D) the youth's conduct indicates that the welfare of the community requires the transfer.

(2) Transfer to TDCJ-CID for Youth Whose Conduct Occurs While in a High-Restriction Facility. TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

(A) the youth is at least age 16; and

(B) except as provided by subparagraph (D)(i) of this paragraph, the youth has spent at least six months in high-restriction facilities, which is counted as follows:

(i) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or

(ii) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and

(C) the youth has not completed the sentence; and

(D) the youth meets at least one of the following behavior criteria:

(i) the youth has engaged in conduct meeting the elements of ~~committed~~ a felony or Class A misdemeanor while assigned to a residential facility; however, if the conduct meets the elements of the offense of assault of a public servant as defined in §22.01, Penal

Code, the six-month requirement in subparagraph (B) of this paragraph does not apply; or

(ii) the youth has committed major rule violations as proven at a Level II due process hearing on three or more occasions; or

(iii) the youth has engaged in conduct that has resulted in at least five security program admissions or extensions in one month or ten in three months (see §380.9740 of this chapter for information on the security program); or

(iv) the youth has demonstrated an unwillingness to progress in the rehabilitation program due to persistent non-compliance with objectives; and

(E) alternative interventions have been tried without success; and

(F) the youth's conduct indicates that the welfare of the community requires the transfer.

(3) Transfer to TDCJ-PD for Youth in Residential Facilities. A youth in a residential facility who has not met program completion criteria in §380.8559 of this chapter and who has not received court approval for transfer to TDCJ-CID must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(4) Transfer to TDCJ-PD for Youth on TJJD Parole. A youth on TJJD parole must be transferred to TDCJ-PD no later than the youth's 19th birthday.

(e) Transfer Recommendation for Youth Who Will Not Complete the Minimum Period of Confinement before Age 19. TJJD requests a court hearing for any youth who cannot complete the minimum period of confinement by the 19th birthday. The purpose of the hearing is to determine whether the youth will be transferred to TDCJ-CID or to TDCJ-PD. Notwithstanding the criteria in subsection (d)(2) of this section, TJJD considers the following factors in forming a recommendation for the committing court:

- (1) length of stay in TJJD;
- (2) youth's progress in the rehabilitation program;
- (3) youth's behavior while in TJJD;
- (4) youth's offense/delinquent history; and
- (5) any other relevant factors, such as:

(A) risk factors and protective factors the youth possesses as identified in the youth's psychological evaluation;

(B) the welfare of the community; and

(C) participation in or completion of statutorily required rehabilitation programming, including but not limited to:

(i) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this chapter;

(ii) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and

(iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(f) Discharge Criteria. TJJD discharges youth from its jurisdiction when one of the following occurs:

(1) expiration of the sentence imposed by the juvenile court, unless the youth is under concurrent commitment orders as described in §380.8525 of this chapter; or

(2) the youth has been transferred to TDCJ-CID under court order or transferred to TDCJ-PD.

(g) Approval Process for Transfer to TDCJ-CID or TDCJ-PD.

(1) Before staff submit a recommendation for transfer to TDCJ-CID or TDCJ-PD, a determinate sentence review shall be held.

(2) TJJD notifies the youth and the youth's parent/guardian of a pending determinate sentence review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.

(3) Approval from the final decision authority is required before requesting a hearing with the committing juvenile court or initiating a transfer to TDCJ-PD.

(4) A hearing with the committing juvenile court shall be requested when a youth cannot complete the minimum period of confinement before age 19.

(5) The final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction facility to TDCJ-PD.

(6) A youth may not be transferred to TDCJ-CID unless the committing juvenile court orders the transfer.

(h) Active Warrants. At least ten calendar days before the youth's transfer or release, TJJD notifies any entity that has issued an active warrant for the youth.

*§380.8569. Transfer of Youth with Determinate Sentences Adjudicated for Capital Murder.*

(a) Purpose. This rule establishes criteria and the approval process for transferring sentenced offenders adjudicated for capital murder to the Texas Department of Criminal Justice-Parole Division (TDCJ-PD) or the Texas Department of Criminal Justice-Correctional Institutions Division (TDCJ-CID).

(b) Applicability. This rule applies only to sentenced offenders adjudicated for capital murder.

(c) General Provisions.

(1) A detainer or bench warrant is not an automatic bar to earned release. The Texas Juvenile Justice Department (TJJD) releases youth to authorities pursuant to a warrant.

(2) TJJD reviews each youth's progress:

(A) six months after admission to TJJD;

(B) when the youth becomes 16 years of age;

(C) when the youth becomes 18 years of age and again at 18 years and six months of age to determine eligibility or make a recommendation for transfer to TDCJ-CID or TDCJ-PD; and

(D) at other times as appropriate, such as after a major rule violation has been proven at a Level II hearing.

(3) Youth whose committing offense is capital murder must serve the entire minimum period of confinement applicable to the youth's committing offense in high-restriction facilities unless:

(A) the youth is transferred by the committing court to TDCJ-CID;

(B) the youth is approved by the committing court to attain parole status before completion of the minimum period of confinement; or

(C) the youth's sentence expires before the minimum period of confinement expires.

(4) A youth who has not received court approval to transfer to TDCJ-CID must be transferred to TDCJ-PD no later than age 19.

(5) TJJD jurisdiction is terminated and a youth is discharged when:

(A) the youth is transferred to TDCJ; or

(B) the youth's sentence has expired, except when the youth is committed to TJJD under concurrent determinate and indeterminate commitment orders as described in §380.8525 of this chapter.

(d) Recommendation for Committing Court upon Termination of TJJD's Jurisdiction. TJJD makes a recommendation to the committing court for transfer to TDCJ-PD or TDCJ-CID before a youth turns 19. TJJD considers the following factors in forming its recommendation:

- (1) length of stay in TJJD;
- (2) youth's progress in the rehabilitation program;
- (3) youth's behavior while in TJJD;
- (4) youth's offense/delinquent history; and
- (5) any other relevant factors, such as:

(A) risk factors and protective factors the youth possesses, as identified in the psychological evaluation;

(B) the welfare of the community; and

(C) participation in or completion of statutorily required rehabilitation programming, including but not limited to:

(i) participation in a reading improvement program for identified youth to the extent required under §380.9155 of this chapter;

(ii) participation in a positive behavior support system to the extent required under §380.9155 of this chapter; and

(iii) completion of at least 12 hours of a gang intervention education program, if required by court order.

(e) Transfer to TDCJ-CID before Termination of TJJD's Jurisdiction. TJJD may request a juvenile court hearing to recommend transfer of a youth in a high-restriction facility to TDCJ-CID if the following criteria are met:

(1) the youth is at least age 16; and

(2) except as provided by paragraph (4)(A) of this subsection, the youth has spent at least six months in high-restriction facilities, which is counted as follows:

(A) if the youth received a determinate sentence for conduct that occurred in the community, the six months begins upon admission to TJJD; or

(B) if the youth received a determinate sentence for conduct that occurred in a TJJD or contract facility, the six months begins upon the youth's initial admission to TJJD, regardless of whether the initial admission resulted from a determinate or indeterminate commitment; and

(3) the youth has not completed the sentence; and

(4) the youth meets at least one of the following behavior criteria:

(A) the youth has engaged in conduct meeting the elements of [committed] a felony or Class A misdemeanor while assigned to a residential facility; however, if the conduct meets the elements of the offense of assault of a public servant as defined in §22.01, Penal Code, the six-month requirement in paragraph (2) of this subsection does not apply; or

(B) the youth has committed major rule violations as proven at a Level II hearing on three or more occasions; or

(C) the youth has engaged in conduct that has resulted in at least five security program admissions or extensions in one month or ten in three months (see §380.9740 of this chapter for information on the security program); or

(D) the youth has demonstrated an unwillingness to progress in the rehabilitation program due to persistent non-compliance with objectives; and

(5) alternative interventions have been tried without success; and

(6) the youth's conduct indicates that the welfare of the community requires the transfer.

(f) Approval Process for Transfer to TDCJ-CID or TDCJ-PD.

(1) Before staff submit a recommendation for transfer to TDCJ-CID or TDCJ-PD, a determinate sentence review shall be held.

(2) TJJD notifies the youth and the youth's parent/guardian of a pending determinate sentence review. The notification informs the recipients that they have the opportunity to present information in person or to submit written comments to TJJD. The notification also specifies the date by which the comments or the request to present in-person information must be received.

(3) Approval from the final decision authority is required before requesting a hearing with the committing juvenile court.

(4) The final decision authority ensures the youth's community reentry/transition plan adequately addresses risk factors before approving the transfer from a high-restriction facility to TDCJ-PD.

(5) A youth may not be transferred to TDCJ-CID unless the committing juvenile court orders the transfer.

(g) Active Warrants. At least ten calendar days before the youth's transfer, TJJD notifies any entity that has issued an active warrant for the youth.

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 July 16, 2025.

TRD-202502522

Jana Jones

General Counsel

Texas Juvenile Justice Department

Earliest possible date of adoption: August 31, 2025

For further information, please call: (512) 490-7278



## CHAPTER 385. AGENCY MANAGEMENT AND OPERATIONS

### SUBCHAPTER A. CONTRACTS

37 TAC §385.1101

The Texas Juvenile Justice Department (TJJD) proposes amendments to 37 TAC §385.1101, Contract Authority and Responsibilities.

#### SUMMARY OF CHANGES

Amendments to §385.1101 will include adding the following to the list of items that staff must present to the TJJD board for approval: (1) any change order or amendment that extends the length of or postpones the completion of a board-approved contract for six months or more; (2) any change order or amendment to a board-approved contract that increases the total contract amount by at least 10% by substituting certain goods, materials, products, or services; and (3) any change order or amendment with a financial increase that causes the total contract value to meet or exceed the threshold requiring board approval for that contract type.

#### FISCAL NOTE

Emily Anderson, Deputy Executive Director: Support Operations and Finance, has determined that, for each year of the first five years the amended section is in effect, there will be no significant fiscal impact for state government or local governments as a result of enforcing or administering the section.

#### PUBLIC BENEFITS/COSTS

Cameron Taylor, Policy Director, has determined that, for each year of the first five years the amended section is in effect, the public benefit anticipated as a result of administering the section will be to bring TJJD's contract practices into compliance with statutory requirements and to promote transparency in the contracting process.

Ms. Anderson has also determined that there will be no effect on small businesses, micro-businesses, or rural communities. There is no anticipated economic cost to persons who are required to comply with the section as proposed. No private real property rights are affected by adoption of the section.

#### GOVERNMENT GROWTH IMPACT

TJJD has determined that, during the first five years the amended section is in effect, the section will have the following impacts.

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

#### PUBLIC COMMENTS

Comments on the proposal may be submitted within 30 days after publication of this notice to Texas Juvenile Justice Department,

Policy and Standards Section, P.O. Box 12757, Austin, Texas 78711, or via email to [policy.proposals@tjjd.texas.gov](mailto:policy.proposals@tjjd.texas.gov).

#### STATUTORY AUTHORITY

The amended section is proposed under §242.003, Human Resources Code, which requires the board to adopt rules appropriate to the proper accomplishment of TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

#### *§385.1101. Contract Authority and Responsibilities.*

(a) Purpose. This rule establishes the responsibilities for approving and executing contracts required by the Texas Juvenile Justice Department (TJJD).

(b) Applicability. This rule applies to all contracts entered into by TJJD.

(c) Definitions. As used in this chapter, the following terms have the following meanings, unless the context clearly indicates otherwise.

(1) Board--~~The~~ [the] governing board of TJJD.

(2) Contract--~~A~~ [a] written contract between TJJD and another party, either public or private, for goods or services or for a project as defined by § 2166.001 [~~Section 2166.001~~], Government Code. As used in this chapter, "contract" includes the following: letters of agreement; interagency/interlocal agreements with other government entities; memorandums of understanding; and other agreements in which state funds or services are exchanged for the delivery of goods or performance of services.

(3) Total Value--The estimated dollar amount that a state agency may be obligated to pay pursuant to the contract and all executed and proposed amendments, extensions, and renewals of the contract.

(d) Authority to Approve Contracts.

(1) Board Approval. TJJD staff must present certain contracts to the board for approval, including but not limited to:

(A) any contract with a total value exceeding \$500,000;

(B) any construction contract with a total value exceeding \$300,000;

(C) any change order(s) for a construction contract that exceeds \$150,000 individually or cumulatively, or a dollar amount that causes the total value of the contract to exceed \$300,000;

(D) any change order or amendment that extends the length of or postpones the completion of a board-approved contract for six months or more;

(E) any change order or amendment to a board-approved contract that increases the total contract amount by at least 10% by substituting certain goods, materials, products, or services;

(F) any change order or amendment with a financial increase that causes the total contract value to meet or exceed the threshold requiring board approval for that contract type;

(G) [~~(D)~~] any contract with a total value exceeding \$15,000 for consulting services, as defined in § 2254.021 [~~Section 2254.021~~], Government Code;

(H) [~~(E)~~] any contract for architectural or engineering services;

(I) [(F)] any contract for start-up residential operations; and

(J) [(G)] any other contract appropriate for board approval as determined by the executive director.

(2) Agency Approval.

(A) The board delegates authority to the executive director or designee to approve all contracts not listed in paragraph (1) of this subsection.

(B) The board delegates authority to the executive director or designee to approve a contract listed in paragraph (1) of this subsection that is executed in response to an emergency, as defined in 34 TAC §20.210.

(e) Authority to Execute Contracts. The board delegates authority to the executive director to execute all contracts for TJJD. This authority may be delegated by the executive director.

(f) Annual Contract Plan.

(1) TJJD staff must present to the board for its review an annual plan that outlines TJJD's anticipated contracting actions for the next fiscal year.

(2) As deemed necessary by the executive director or designee, updates to the contract plan may be provided to the board for review periodically throughout the fiscal year.

(g) Historically Underutilized Businesses. TJJD adopts by reference 34 TAC Chapter 20, Subchapter D, Division 1, relating to historically underutilized businesses.

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 July 16, 2025.

TRD-202502524

Jana Jones

General Counsel

Texas Juvenile Justice Department

Earliest possible date of adoption: August 31, 2025

For further information, please call: (512) 490-7278



## PART 13. TEXAS COMMISSION ON FIRE PROTECTION

### CHAPTER 421. STANDARDS FOR CERTIFICATION

#### 37 TAC §§421.3, 421.5, 421.9, 421.11, 421.13, 421.15, 421.17

The Texas Commission on Fire Protection (the Commission) proposes amendments to 37 Texas Administrative Code Chapter 421, Standards for Certification, concerning §421.3 Minimum Standards Set by the Commission and §421.5 Definitions, §421.9 Designation of Fire Protection Duties, §421.11 Requirement To Be Certified Within One Year, §421.13 Individual Certificate Holders, §421.15 Extension of Training Period, §421.17 Requirement to Maintain Certification.

#### BACKGROUND AND PURPOSE

The proposed amendments aim to correct grammatical errors and establish Ropes Rescue Awareness Personnel definitions, qualifications, and certification requirements.

#### FISCAL NOTE IMPACT ON STATE AND LOCAL GOVERNMENT

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period, the proposed new chapter is in effect, there will be no significant fiscal impact to state government or local governments because of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4).

#### PUBLIC BENEFIT AND COST NOTE

Mr. Wisko has also determined under Texas Government Code §2001.024(a)(5) that for each year of the first five years the proposed new chapter is in effect, the public benefit will be accurate, clear, and concise rules.

#### LOCAL ECONOMY IMPACT STATEMENT

There is no anticipated effect on the local economy for the first five years that the proposed new chapter is in effect; therefore, no local employment impact statement is required under Texas Government Code §2001.022 and 2001.024(a)(6).

#### ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Wisko has determined there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing the proposed new chapter. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

#### GOVERNMENT GROWTH IMPACT STATEMENT

The agency has determined under Texas Government Code §2006.0221 that during the first five years the proposed new chapter is in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not create or eliminate any existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriation;
- (4) the rules will not result in a decrease in fees paid to the agency;
- (5) the rules will not create a new regulation;
- (6) the rules will not expand a regulation;
- (7) the rules will not increase the number of individuals subject to the rule; and
- (8) the rules are not anticipated to have an adverse impact on the state's economy.

#### TAKINGS IMPACT ASSESSMENT

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

#### COSTS TO REGULATED PERSONS



The proposed new chapter does not impose a cost on regulated persons, including another state agency, a special district, or a local government, and, therefore, are not subject to Texas Government Code §2001.0045.

#### ENVIRONMENTAL IMPACT STATEMENT

The Commission has determined that the proposed new chapter does not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

#### REQUEST FOR PUBLIC COMMENT

Comments regarding the proposed new chapter may be submitted, in writing, within 30 days following the publication of this notice in the *Texas Register*, to Frank King, General Counsel, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas 78768, or e-mailed to frank.king@tcfp.texas.gov.

#### STATUTORY AUTHORITY

The amendments are proposed under Texas Government Code §419.008(f), which provides the Commission may appoint an advisory committee to assist it in the performance of its duties, and under Texas Government Code §419.008(a), which provides the Commission may adopt rules for the administration of its powers and duties.

#### CROSS-REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

#### §421.3. *Minimum Standards Set by the Commission.*

(a) General statement. It shall be clearly understood that the specified minimum standards described in this section are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations that [which] establish a higher standard of training than the minimum specified, or which provide [provides] for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.

(b) Functional position descriptions.

(1) Structural Fire Protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a Commission-approved [commission approved] course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms,

and road maps; ability to accurately discern street signs and address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with the ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A basic fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the Commission's [commission's] Certification Curriculum Manual.

(2) Aircraft Rescue Fire Fighting personnel. The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.

(B) Competency. Basic fire fighting and rescue personnel must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the Commission's [commission's] Certification Curriculum Manual.

(3) Marine Fire Protection personnel. The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.

(B) Competency. A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the Commission's [commission's] Certification Curriculum Manual.

(4) Fire Inspection personnel. The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a Commission-approved [commission approved] course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and

balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of the characteristics and behavior of fire[,] and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the Commission's [eommission's] Certification Curriculum Manual.

(5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a Commission-approved [eommission approved] course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.

(B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the Commission's [eommission's] Certification Curriculum Manual.

(6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the respon-

sibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: complete a Commission-approved [eommission approved] course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.

(B) Competency. A hazardous materials technician must demonstrate competency in handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the Commission's [eommission's] Certification Curriculum Manual.

(7) Hazardous Materials Incident Commander personnel. The following general position description for Hazardous Materials Incident Commander serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Hazardous Materials Incident Commander operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for awareness and operations level personnel, the Hazardous Materials Incident Commander is an individual who has met all the job performance requirements of a Hazardous Materials Incident Commander as defined in Chapter 8 of NFPA 472, Competence of Responders to Hazardous Materials Incidents/Weapons of Mass Destruction. The individual should demonstrate knowledge of [in] the policies, plans, and procedures regarding hazardous materials response as adopted by the local jurisdiction; and all components of the incident command system and their proper utilization.

(B) Competency. In addition to the competencies of awareness and operations level personnel, a Hazardous Materials Incident Commander must demonstrate competency in such areas as: analyzing an incident via the collection of information and an estimation of potential outcomes; planning appropriate response operations; implementing a planned response; evaluating the progress of a planned response and revising as necessary; terminating an incident; conducting a post-incident critique; and reporting and documenting an incident in a manner consistent with local, state, and federal requirements.

(8) Driver/Operator-Pumper personnel. The following general position description for driver/operator-pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator-pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: the ability to perform specified routine test, inspection, and maintenance functions; ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and stand-pipe systems.

(B) Competency. A driver/operator-pumper must demonstrate competency in operating a fire department pumper in accordance with the objectives in Chapter 7 of the Commission's [eommission's] Certification Curriculum Manual.

(9) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for any-

one interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform routine administrative functions, perform preliminary fire investigation, secure an incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.

(B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the Commission [~~commission's~~] Certification Curriculum Manual.

(10) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.

(B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the Commission's [~~commission's~~] Certification Curriculum Manual.

(11) Fire Officer III personnel. The following general position description for Fire Officer III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions. In addition to the qualifications and competency for Fire Officer II, the Fire Officer III is an individual who has met all the job performance requirements of Fire Officer III as defined in Chapter 6 of NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer III level include: establishing procedures for hiring, assignment, and professional development of personnel; developing public service/partnership and programs; preparing budgets and budget management systems; planning for organizational resource management; evaluating inspection and public safety programs and plans; managing multi-agency plans and operations; serving as Incident Commander at expanding emer-

gency incidents for all hazard types; and developing and managing a departmental safety program.

(B) Competency. A Fire Officer III must demonstrate competency in doing research; analyzing data and using evaluative techniques; developing proposals; developing, preparing, and implementing various procedures and programs within an organization; managing personnel resources; preparing and managing budgets; utilizing techniques to encourage personnel participation and development; and working in top-level positions within the incident command system.

(12) Fire Officer IV personnel. The following general position description for Fire Officer IV personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer IV operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer IV is an upper-level [~~upper level~~] supervisor who performs both supervisory and managerial functions. In addition to the qualifications and competency of [~~for~~] Fire Officer III, the Fire Officer IV is an individual who has met all the job performance requirements of Fire Officer IV as defined in Chapter 7 of NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer IV level include: administering job performance requirements; evaluating and making improvements to department operations; developing long-range plans and fiscal projections; developing plans for major disasters; serving as Incident Commander at major incidents for all hazard types; and administering comprehensive risk management programs.

(B) Competency. A Fire Officer IV must demonstrate competency in appraising and evaluating departmental programs to ensure adherence to current laws and best practices; developing medium and long-range plans for organizations; and assuming a top-level leadership role in both the organization and community.

(13) Fire Service Instructor I personnel. The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a Commission-approved [~~commission approved~~] course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.

(B) Competency. A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's [~~commission's~~] Certification Curriculum Manual.

(14) Fire Service Instructor II personnel. The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) **Qualifications.** In addition to successfully completing a Commission-approved ~~[eommission approved]~~ course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.

(B) **Competency.** A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other instructors, utilizing skills in accordance with the objectives in Chapter 8 of the Commission ~~[eommission's]~~ Certification Curriculum Manual.

(15) **Fire Service Instructor III personnel.** The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) **Qualifications.** In addition to successfully completing a Commission-approved ~~[eommission approved]~~ course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.

(B) **Competency.** A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's ~~[eommission's]~~ Certification Curriculum Manual.

(16) **Incident Safety Officer personnel.** The following general position description for Incident Safety Officer personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Incident Safety Officer operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) **Qualifications.** An Incident Safety Officer is an individual who has met the requirements of Fire Officer Level I specified in NFPA 1021, Standard for Fire Officer Professional Qualifications and Chapter 6 of NFPA 1521, Standard for Fire Department Safety Officer, and has the knowledge, skill, and abilities to manage incident scene safety. Typical Incident Safety Officer duties include risk and resource evaluation; hazard identification and communication; action plan reviews; safety briefings; accident investigation; post-incident ~~[post incident]~~ analysis; and participation in safety committee activities.

(B) **Competency.** An Incident Safety Officer must demonstrate competency in the management of incident scene safety through a working knowledge of the various emergency operations as prescribed by the local jurisdiction; an understanding of building construction; fire science and fire behavior; managing an organization's personnel accountability system; and incident scene rehabilitation methodology.

(17) **Basic Wildland Fire Protection personnel.** The following general position description for Basic Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Basic Wildland

Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) **Qualifications.** A Basic Wildland Fire Fighter is an individual who has met the requirements of Chapter 5 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: wildland fire behavior; fireline safety and use; limitations of personal protective equipment; fire shelter use; fire suppression tactics and techniques in wildland settings; and have an understanding of the fire fighter's role within the local incident management system.

(B) **Competency.** A Basic Wildland Fire Fighter must demonstrate competency in such areas as: maintaining personal protective equipment and assigned fire suppression tools and equipment; the ability to quickly prepare for a response when notified; recognizing hazards and unsafe situations in a wildland fire; securing a fire line; mopping up a fire area; and patrolling a fire area ~~[sø as]~~ to ensure fire control.

(18) **Intermediate Wildland Fire Protection personnel.** The following general position description for Intermediate Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Intermediate Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) **Qualifications.** In addition to the qualifications and competency for the Basic Wildland Fire Fighter, the Intermediate Wildland Fire Fighter is an individual who has met the requirements of Chapter 6 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: basic map reading; use of a locating device such as a compass; radio procedures as adopted by the local jurisdiction; and record keeping.

(B) **Competency.** An Intermediate Wildland Fire Fighter must demonstrate competency in such areas as: the ability to lead a team of fire fighters in the performance of assigned tasks while maintaining the safety of personnel; implementing appropriate fireline construction methods and other techniques for the protection of exposed property; operation of water delivery equipment; securing an area of suspected fire origin and associated evidence; and serving as a lookout in a wildland fire.

(19) **Plans Examiner personnel.** The following general position description for Plans Examiner personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Plans Examiner operating in the State of Texas.

(A) **Qualifications.** A Plans Examiner is an individual who has met the requirements of Plans Examiner specified in NFPA 1030 (1031) Chapter 8, Standard for Professional Qualifications for Fire Prevention Program Positions.

(B) **Competency.** A Plans Examiner analyzes building construction, hazardous processes, and architectural drawings or plans to ensure compliance with building and fire codes. This individual is also charged with reviewing plans for new construction as well as modifications to existing structures to ensure that applicable fire and life safety codes are followed.

(20) **Fire and Life Safety Educator I personnel.** The following general position description for Fire and Life Safety Educator I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire and Life Safety Educator I, operating in the State of Texas.

(A) Qualifications. A Fire and Life Safety Educator I is an individual who has met the requirements of Fire and Life Safety Educator I specified in NFPA 1030 (1035) Chapter 9, Standard for Professional Qualifications for Fire Prevention Program Positions.

(B) Competency. A Fire and Life Safety Educator I must demonstrate competency in the ability to coordinate and deliver existing educational programs and information designed to reduce risks within the community.

(21) Fire and Life Safety Educator II personnel. The following general position description for Fire and Life Safety Educator II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire and Life Safety Educator II operating in the State of Texas.

(A) Qualifications. A Fire and Life Safety Educator II is an individual who has met the requirements of Fire and Life Safety Educator II specified in NFPA 1030 (1035) Chapter 10, Standard for Professional Qualifications for Fire Prevention Program Positions.

(B) Competency. A Fire and Life Safety Educator II must demonstrate competency in the ability to prepare educational programs and information to meet identified needs to reduce risks within the community.

(22) Fire Marshal personnel. The following general position description for Fire Marshal personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Marshal operating in the State of Texas.

(A) Qualifications. A Fire Marshal is an individual who has met the requirements of Fire Marshal specified in NFPA 1030 (1037) Chapter 4 & 5, Standard for Professional Qualifications for Fire Prevention Program Positions.

(B) Competency. A person designated to provide delivery, management, or administration of fire-protection- and life-safety-related codes and standards, investigations, community risk reduction, education, or prevention services for local, county, state, provincial, federal, tribal, or private sector jurisdictions as adopted or determined by that entity.

(23) Rope Rescue Awareness and Operations personnel. The following general position description for Rope Rescue Awareness and Operations personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Rope Rescue personnel operating at the awareness and operations level in the State of Texas.

(A) Qualifications. Rope Rescue Awareness and Operations personnel are individuals who have met the requirements of Rope Rescue Operations Level specified in NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications.

(B) Competency. Rope Rescue Awareness and Operations personnel demonstrate competency in responding to technical rescue incidents, identifying hazards, using equipment, and applying limited techniques to support and participate in a technical rescue in accordance with the objectives in Chapter 16 of the Commission's Certification Curriculum Manual.

(24) Rope Rescue Technician personnel. The following general position description for Rope Rescue Technician personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Rope Rescue personnel operating in the State of Texas.

(A) Qualifications. A Rope Rescue Technician is an individual who has met the requirements of Rope Rescue Technician

Level specified in NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications.

(B) Competency. A Rope Rescue Technician demonstrates competency in responding to rope rescue incidents, identifying hazards, using equipment, and applying advanced techniques to coordinate, perform, and supervise technical rope rescue incidents in accordance with the objectives in Chapter 16 of the Commission's Certification Curriculum Manual.

#### *§421.5. Definitions.*

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

(1) Admission to employment--An entry-level [entry level] full-time employee of a local government entity in one of the categories of fire protection personnel.

(2) Appointment--The designation or assignment of a person to a discipline regulated by the Commission [commission]. The types of appointments are:

(A) Permanent [permanent] appointment--the designation or assignment of certified fire protection personnel or certified part-time [part time] fire protection employees to a particular discipline (See Texas Government Code, Chapter 419, §419.032); and

(B) Probationary [probationary] or temporary appointment--the designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the Commission's [commission's] certification and has met the medical requirement of §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel), if applicable, but has not yet been certified. (See Texas Government Code, Chapter, §419.032.)

(3) Approved training--Any training used for a higher level of certification must be approved by the Commission [commission] and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the commission and contain all information requested by the Commission [commission]. The Commission [commission] will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.

(4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the Commission [commission] and has been permanently appointed, as defined in this section, to the particular discipline.

[(5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.]

(5) [(6)] Auxiliary fire fighter--A volunteer fire fighter.

(6) [(7)] Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).

(7) [(8)] Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.

(8) [(9)] Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.

(9) [(10)] Code--The official legislation creating the Commission [eommission].

(10) [(11)] College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification. A criminal justice course related to fire and or arson investigation that is satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide may be used to qualify for Master Arson Investigator certification.

(11) [(12)] Commission--Texas Commission on Fire Protection.

(12) [(13)] Commission-recognized training--A curriculum or training program which carries written approval from the Commission [eommission], or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.

(13) [(14)] Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings, or answering emergencies).

(14) [(15)] Expired--Any certification that has not been renewed on or before the end of the certification period.

(15) [(16)] Federal fire fighter--A person as defined in Texas Government Code, Chapter 419, §419.084(h).

(16) [(17)] Fire chief--The head of a fire department.

(17) [(18)] Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.

(18) [(19)] Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.

(19) [(20)] Fire Code Inspection--Also called Fire Safety Inspection as referenced in Texas Government Code, Chapter 419, §419.909. An inspection performed for the purpose of determining and enforcing compliance with an adopted fire code.

(20) [(21)] Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities that [which] are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.

(21) [(22)] Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.

(22) [(23)] Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.

(23) [(24)] High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.

(24) [(25)] Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

(25) [(26)] Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

(26) [(27)] Instructor:

(A) Lead Instructor--Oversees the presentation of an entire course and assures that course objectives are met in accordance with the applicable curriculum or course material. The lead instructor should have sufficient experience in presenting all units of the course so as to be capable of last-minute substitution for other instructors.

(B) Instructor (also Unit Instructor for wildland courses)--Responsible for the successful presentation of one or more areas of instruction within a course, and should be experienced in the lesson content they are presenting.

(C) Guest Instructor--An individual who may or may not hold Instructor certification but whose special knowledge, skill, and expertise in a particular subject area may enhance the effectiveness of the training in a course. Guest instructors shall teach under the endorsement of the lead instructor.

(27) [(28)] Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures, enclosed areas, and IDLH situations that [which] are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155.)

(28) [(29)] Military active duty (or active duty)--Current full-time military service in the armed forces of the United States, or full-time military service as a member of the Texas military forces or a similar service of another state.

(29) [(30)] Military service member--A person who is on active duty.

(30) [(31)] Military spouse--A person who is married to a military service member.

(31) [(32)] Military veteran--A person who has served on active duty and who was discharged or released from active duty.

(32) [(33)] Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as defined in this section.

(33) [(34)] National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).

(34) [(35)] National Fire Protection Association (NFPA)--An organization established to provide and advocate consensus codes and standards, research, training, and education for fire protection.

(35) [(36)] National Wildfire Coordinating Group (NWCG)--An operational group designed to establish, implement, maintain, and communicate policy, standards, guidelines, and qualifications for wildland fire program management among participating agencies.

(36) [(37)] Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.

(37) [(38)] Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the Commission [eommission] under the Texas Government Code, Chapter 419, Subchapter D.

(38) [(39)] Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the Commission [eommission] under the Texas Government Code, Chapter 419, Subchapter D.

(39) [(40)] Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.

(40) [(41)] Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982 and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.

(41) [(42)] Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:

- (A) city;
- (B) county;
- (C) school district;
- (D) junior college district;
- (E) levee improvement district;
- (F) drainage district;
- (G) irrigation district;
- (H) water improvement district;
- (I) water control and improvement district;
- (J) water control and preservation district;
- (K) freshwater supply district;
- (L) navigation district;
- (M) conservation and reclamation district;
- (N) soil conservation district;
- (O) communication district;
- (P) public health district;
- (Q) river authority;
- (R) municipal utility district;
- (S) transit authority;
- (T) hospital district;
- (U) emergency services district;
- (V) rural fire prevention district; and
- (W) any other governmental entity that:

(i) embraces a geographical area with a defined boundary;

(ii) exists for the purpose of discharging functions of the government; and

(iii) possesses authority for subordinate self-government through officers selected by it.

(42) [(43)] Pre-fire Planning--Also called a Pre-fire Survey. A walk-through performed by fire fighters for the purpose of gaining familiarity with a building, its contents, and its occupancy.

(43) [(44)] Reciprocity for IFSAC seals and TEEEX Pro Board certificates--Valid documentation of accreditation from the International Fire Service Accreditation Congress and the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service used for commission certification may only be used for obtaining an initial certification.

(44) [(45)] Recognition of training--A document issued by the Commission [eommission] stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.

(45) [(46)] School--Any school, college, university, academy, or local training program that [which] offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.

(46) [(47)] Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.

(47) [(48)] Trainee--An individual who is participating in a Commission-approved [eommission approved] training program.

(48) [(49)] Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.

(49) [(50)] Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the Commission [eommission].

(50) [(51)] Years of experience--For purposes of higher levels of certification or fire service instructor certification:

(A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time<sub>2</sub> or volunteer fire service while holding:

(i) a commission certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or

(ii) a State Firefighters' [Firemen's] and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or

(iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction,

including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an ECA as specified by the DSHS, or its successor agency, or its equivalent; or

(iv) for fire service instructor eligibility only, a State Firefighters' [Firemen's] and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008, or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the DSHS or the Texas Commission on Law Enforcement. Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non-self-serving [non self-serving] sworn affidavit.

(B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

*§421.9. Designation of Fire Protection Duties.*

(a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:

- (1) fire protection personnel;
- (2) a part-time fire protection employee; or
- (3) a volunteer fire fighter or other auxiliary fire fighter.

(b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department, and the designation shall be made available for inspection by the Commission or sent to the Commission on request.

(c) A fire department regulated by the Commission shall report the appointment of fire protection personnel to a regulated discipline via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission via the Commission's online management program, or the appropriate form if available within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.

(d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.

(e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

*§421.11. Requirement To Be Certified Within One Year.*

(a) Except for subsection (c) and (d) of this section, fire protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the Commission [commission] in

the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable commission examination, whichever is less. The Commission [commission] shall not approve an initial certification for a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or local government that appoints an individual in violation of this section will also be subject to administrative penalties.

(b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the Commission [commission] in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.

(c) A military spouse may be appointed to fire protection personnel duties with a regulated fire department without being required to obtain the applicable certification, provided the military spouse submits the following to the Commission [commission] prior to appointment and has received confirmation of approval from the Commission [commission]:

- (1) notification to the Commission [commission] of intent to perform regulated fire protection duties;
- (2) documentation of equivalent certification from another jurisdiction;
- (3) a fingerprint-based criminal history record using the Commission-approved [commission approved] system;
- (4) proof of residency in Texas; and
- (5) a copy of the individual's military identification card.

(d) A military spouse appointed to fire protection duties under this section may engage in those duties only for the period in which the military service member to whom the spouse is married is stationed at a military installation in Texas, but not to exceed three years from the date the military spouse receives approval from the Commission [commission] to engage in those duties.

*§421.13. Individual Certificate Holders.*

(a) Employment is not mandatory for certification. An individual may hold or renew any certificate issued by the Commission [commission] for which they maintain their qualifications.

(b) An individual certificate holder must notify the Commission [commission] of a change of his or her home address within 14 calendar days of a change of address.

*§421.15. Extension of Training Period.*

A fire department may apply to the Commission [commission] for an extension of the one-year training period, identified in §419.032(c) of the Government Code, for a time period not exceeding two years from the date of original appointment as follows:

- (1) the request for extension shall be placed on the Fire Fighter Advisory Committee's (FFAC's) agenda to be heard at its next regular or special-called [special called] meeting after submission of the request;
- (2) after review by the FFAC, the application along with the FFAC's recommendations will be sent to the Commission [commission] to be heard at its next regular meeting. If the request for extension is approved by the Commission [commission], the extension shall become effective immediately; and



(3) the one-year extension of training time, if granted, shall run from the date of forfeiture and removal or, at the latest, from one year after the original date training began, whichever occurs first.

*§421.17. Requirement to Maintain Certification.*

(a) All full-time or part-time employees of a fire department or local government assigned duties identified as fire protection personnel duties must maintain certification by the Commission [~~ecommission~~] in the discipline(s) to which they are assigned for the duration of their assignment.

(b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5 of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the Commission [~~ecommission~~] standards manual.

(c) Except for subsection (d) of this section, or upon determination by the Executive Director when special circumstances are presented, an individual whose certificate has been expired for greater than one year but no longer than five years, may renew their certification once they comply with the CE requirements for the period of time their certification was inactive, as outlines in 37 TAC, Chapter 441, Continuing Education, and they pay all applicable certification renewal fees for the period of time that their certification was inactive, as required in 37 TAC, Chapter 437, Fees. Individuals whose certification has been expired longer than five years, may not renew the certificate previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).

(d) A military service member whose certificate has been expired for three years or longer may not renew the certificate previously held. To obtain a new certification, the person must meet the requirements in Chapter 439 of this title. In order to qualify for this provision, the individual must have been a military service member at the time the certificate expired and continued in that status for the duration of the three years [~~three-year period~~].

(e) The Commission [~~ecommission~~] will provide proof of current certification to individuals whose certification has been renewed.

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 July 16, 2025.

TRD-202502529

Frank King

General Counsel

Texas Commission on Fire Protection

Earliest possible date of adoption: August 31, 2025

For further information, please call: (512) 936-3824



## CHAPTER 425. FIRE SERVICE INSTRUCTORS

### 37 TAC §§425.1, 425.3, 425.5, 425.7, 425.9, 425.11

The Texas Commission on Fire Protection (the Commission) proposes amendments to Chapter, 37 Texas Administrative Code Chapter 425, Fire Service Instructor, concerning §425.1 Minimum Standards for Fire Service Instructor Certification, §425.3 Minimum Standards for Fire Service Instructor I Certification, §425.5 Minimum Standards for Fire Service Instructor II Certification, §425.7 Minimum Standards for Fire Service Instructor III

Certification, §425.9 Minimum Standards for Master Fire Service Instructor III Certification, and §425.11 International Fire Service Accreditation Congress (IFSAC) Seal.

## BACKGROUND AND PURPOSE

The proposed amendments aim to correct grammatical errors.

## FISCAL NOTE IMPACT ON STATE AND LOCAL GOVERNMENT

Michael Wisko, Agency Chief, has determined that for each year of the first five-year period, the proposed amendments are in effect, there will be no significant fiscal impact to state government or local governments because of enforcing or administering these amendments as proposed under Texas Government Code §2001.024(a)(4).

## PUBLIC BENEFIT AND COST NOTE

Mr. Wisko has also determined under Texas Government Code §2001.024(a)(5) that for each year of the first five years the amendments are in effect, the public benefit will be accurate, clear, and concise rules.

## LOCAL ECONOMY IMPACT STATEMENT

There is no anticipated effect on the local economy for the first five years that the proposal is in effect; therefore, no local employment impact statement is required under Texas Government Code §2001.022 and 2001.024(a)(6).

## ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES

Mr. Wisko has determined there will be no impact on rural communities, small businesses, or micro-businesses as a result of implementing the proposed amendments. Therefore, no economic impact statement or regulatory flexibility analysis is required under Texas Government Code §2006.002.

## GOVERNMENT GROWTH IMPACT STATEMENT

The agency has determined under Texas Government Code §2006.0221 that during the first five years the proposed amendments are in effect:

- (1) the rules will not create or eliminate a government program;
- (2) the rules will not create or eliminate any existing employee positions;
- (3) the rules will not require an increase or decrease in future legislative appropriation;
- (4) the rules will not result in a decrease in fees paid to the agency;
- (5) the rules will not create a new regulation;
- (6) the rules will not expand a regulation;
- (7) the rules will not increase the number of individuals subject to the rule; and
- (8) the rules are not anticipated to have an adverse impact on the state's economy.

## TAKINGS IMPACT ASSESSMENT

The Commission has determined that no private real property interests are affected by this proposal and this proposal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. As a result, this proposal does

not constitute a taking or require a takings impact assessment under Texas Government Code §2007.043.

#### COSTS TO REGULATED PERSONS

The proposal does not impose a cost on regulated persons, including another state agency, a special district, or a local government, and, therefore, are not subject to Texas Government Code §2001.0045.

#### ENVIRONMENTAL IMPACT STATEMENT

The Commission has determined that the proposal does not require an environmental impact analysis because the amendments are not major environmental rules under Texas Government Code §2001.0225.

#### REQUEST FOR PUBLIC COMMENT

Comments regarding the proposed amendments may be submitted, in writing, within 30 days following the publication of this notice in the *Texas Register*, to Frank King, General Counsel, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas 78768, or e-mailed to frank.king@tcfp.texas.gov.

#### STATUTORY AUTHORITY

The amendments are proposed under Texas Government Code §419.008(f), which provides the Commission may appoint an advisory committee to assist it in the performance of its duties, and under Texas Government Code §419.008(a), which provides the Commission may adopt rules for the administration of its powers and duties. Additionally, §463.7, Terms, is proposed pursuant to Texas Government Code §419.008(f), which provides members appointed under chapter 419 shall serve six-year staggered terms but may not be appointed to more than two consecutive terms.

#### CROSS-REFERENCE TO STATUTE

No other statutes, articles, or codes are affected by these amendments.

##### *§425.1. Minimum Standards for Fire Service Instructor Certification.*

(a) Training programs that are intended to satisfy the requirements for fire service instructor certification must meet the curriculum and competencies based upon NFPA 1041, Standard for Fire and Emergency Services Instructor Professional Qualifications, or its successor [the most recent edition of]. All applicants for certification must meet the examination requirements of this section.

(b) Prior to being appointed to fire service instructor duties, all personnel must complete a Commission-approved [eommission approved] fire service instructor program and successfully pass the Commission [eommission] examination pertaining to that curriculum.

(c) Personnel who receive probationary or temporary appointment to fire service instructor duties must be certified by the Commission [eommission] within one year from the date of appointment to such position.

(d) An out-of-state, military, or federal instructor training program may be accepted by the Commission [eommission] as meeting the training requirements for certification as a fire service instructor if the training has been submitted to the Commission [eommission] for evaluation and found to be equivalent to or to exceed the Commission-approved [eommission approved] instructor course for that particular level of fire service instructor certification.

(e) An individual who holds a bachelor's degree or higher in education from a regionally accredited educational institution or a teaching certificate issued by the State Board for Educator Certifica-

tion or an associate degree with twelve semester hours of education instructional courses is considered to have training equivalent to the Commission's [eommission's] curriculum requirements for Instructor I, II and III training.

(f) Personnel holding any level of fire service instructor certification must comply with the continuing education requirements specified in §441.21 of this title (relating to Continuing Education for Fire Service Instructor).

##### *§425.3. Minimum Standards for Fire Service Instructor I Certification.*

In order to be certified as a Fire Service Instructor I an individual must:

(1) have a minimum of three years of experience as defined in §421.5 of this title (relating to Definitions) in fire protection in one or more or any combination of the following:

(A) a paid, volunteer, or regulated non-governmental fire department; or

(B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and

(2) possess valid documentation as a Fire Instructor I, II or III from either:

(A) the International Fire Service Accreditation Congress (IFSAC); or

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1 of this title (relating to Requirements--General); or

(3) have completed the appropriate curriculum for Fire Service Instructor I contained in Chapter 8 of the Commission's [eommission's] Certification Curriculum Manual, or meet the equivalence as specified in §425.1 of this title (relating to Minimum Standards for Fire Service Instructor Certification); and

(4) successfully pass the applicable Commission [eommission] examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

##### *§425.5. Minimum Standards for Fire Service Instructor II Certification.*

In order to be certified as a Fire Service Instructor II, an individual must:

(1) hold as a prerequisite a Fire Instructor I certification as defined in §425.3 of this title (relating to Minimum Standards for Fire Service Instructor I Certification); and

(2) have a minimum of three years of experience as defined in §421.5 of this title (relating to Definitions) in fire protection in one or more or any combination of the following:

(A) a paid, volunteer, or regulated non-governmental fire department; or

(B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and

(3) possess valid documentation as a Fire Instructor I, II or III from either:

(A) the International Fire Service Accreditation Congress (IFSAC); or

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1 of this title (relating to Requirements--General); or

(4) have completed the appropriate curriculum for Fire Service Instructor II contained in Chapter 8 of the Commission's [~~commission's~~] Certification Curriculum Manual, or meet the equivalence as specified in §425.1 of this title (relating to Minimum Standards for Fire Service Instructor Certification); and

(5) successfully pass the applicable Commission [~~commission~~] examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

*§425.7. Minimum Standards for Fire Service Instructor III Certification.*

In order to be certified as a Fire Service Instructor III an individual must:

(1) hold as a prerequisite, a Fire Instructor II Certification as defined in §425.5 of this title (relating to Minimum Standards for Fire Service Instructor II Certification); and

(2) have a minimum of three years of experience as defined in §421.5 of this title (relating to Definitions) in fire protection in one or more or any combination of the following:

(A) a paid, volunteer, or regulated non-governmental fire department; or

(B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and

(3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress (IFSAC) as a Fire Instructor III; or

(4) have completed the appropriate curriculum for Fire Service Instructor III contained in Chapter 8 of the Commission [~~commission's~~] Certification Curriculum Manual, or meet the equivalence as specified in §425.1 of this title (relating to Minimum Standards for Fire Service Instructor Certification); and

(5) successfully pass the applicable Commission [~~commission~~] examination as specified in Chapter 439 of this title (relating to Examinations for Certification); and either

(A) hold as a prerequisite an advanced structural fire protection personnel certification, an advanced aircraft fire protection personnel certification, advanced marine fire protection personnel certification, advanced inspector certification, advanced fire investigator, or advanced arson investigator certification; or

(B) have 60 college hours from a regionally accredited educational institution; or

(C) hold an associate's degree from a regionally accredited educational institution.

*§425.9. Minimum Standards for Master Fire Service Instructor III Certification.*

In order to be certified as a Master Fire Service Instructor III the individual must:

(1) hold as a prerequisite a Fire Service Instructor III certification; and

(2) be a member of a paid, volunteer, or regulated non-governmental fire department; or a department of a state agency, education institution, or political subdivision providing fire protection training and related responsibilities; and

(3) hold as a prerequisite a master structural fire protection personnel certification, a master aircraft rescue fire fighting personnel certification, master marine fire protection personnel certification, master inspector certification, master fire investigator certification, or master arson investigator certification; or

(4) hold a bachelor's degree or higher in education from a regionally accredited educational institution or a teaching certificate issued by the Texas State Board of Education.

*§425.11. International Fire Service Accreditation Congress (IFSAC) Seal.*

(a) Individuals completing a Commission-approved [~~commission approved~~] Fire Service Instructor I training program and passing the applicable state examination may be granted an IFSAC seal for Instructor I by making application to the Commission [~~commission~~] and paying the applicable fee.

(b) Individuals holding an IFSAC Instructor I seal, completing a Commission-approved [~~commission approved~~] Fire Service Instructor II training program, and passing the applicable state examination may be granted an IFSAC seal for Instructor II by making application to the Commission [~~commission~~] and paying the applicable fee.

(c) Individuals holding an IFSAC Instructor II seal, completing a Commission-approved [~~commission approved~~] Fire Service Instructor III training program, and passing the applicable state examination may be granted an IFSAC seal for Instructor III by making application to the Commission [~~commission~~] and paying the applicable fee.

(d) In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

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

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Frank King

General Counsel

Texas Commission on Fire Protection

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For further information, please call: (512) 936-3824

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