ADOPTED RULES

Adopted rules include new rules, amendments to existing rules, and repeals of existing rules. A rule adopted by a state agency takes effect 20 days after the date on which it is filed with the Secretary of State unless a later date is required by statute or specified in the rule (Government Code, §2001.036). If a rule is adopted without change to the text of the proposed rule, then the *Texas Register* does not republish the rule text here. If a rule is adopted with change to the text of the proposed rule, then the final rule text is included here. The final rule text will appear in the Texas Administrative Code on the effective date.

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER O. ELECTRONIC VISIT VERIFICATION

1 TAC §§354.4003, 354.4005, 354.4006, 354.4013

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts amendments to §354.4003, concerning Definitions; §354.4005, concerning Personal Care Services that Require the Use of EVV; §354.4006, concerning Home Health Care Services that Require the Use of EVV; and §354.4013, concerning HHSC and MCO Compliance Reviews and Enforcement Actions.

Sections 354.4003, 354.4005, 354.4006 and 354.4013 are adopted without changes to the proposed text as published in the April 3, 2026, issue of the *Texas Register* (51 TexReg 2166). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The amendments, in part, are necessary to comply with the Centers for Medicare & Medicaid Services (CMS) Contract Year 2023 Medicare Advantage and Part D Final Rule that required states to phase-out their Medicare-Medicaid Plan (MMP) Dual Demonstration Program. The amendments reflect that the STAR+PLUS MMP ended December 31, 2025.

The amendments also reflect that electronic visit verification (EVV) was required for STAR+PLUS MMP personal care and home health services, if delivered before January 1, 2026. This clarification is necessary because though the MMP Dual Demonstration Program ended on December 31, 2025, program providers and financial management services agencies (FMSAs) may need to submit EVV claims for MMP services that were delivered before the MMP Dual Demonstration Program end date.

The amendments remove Free Text Reviews from the list of compliance reviews because HHSC and managed care organizations (MCOs) stopped conducting these reviews in 2023.

The amendments add an EVV Alternative Device Compliance Review, and the actions HHSC and the MCO may take, if a program provider's or consumer directed services (CDS) employer's EVV Alternative Device Compliance score exceeds the allowable percentage score described in the EVV Policy Handbook. The alternative device reduction schedule is in the EVV Policy Handbook, limiting the use of an alternative device as an approved method to clock in and clock out of an EVV system over a four-year period beginning September 1, 2025 (fiscal year 2026). Gradually reducing reliance on alternative devices allows program providers and CDS employers time to migrate their service providers and CDS employees to one of the other approved clock in and clock out methods. The purpose for limiting the use of an alternative device is to enhance program integrity.

The amendments require a program provider or CDS employer to use EVV if Medicaid pays for any part of the personal care or home health care services that require EVV. These amendments clarify that EVV must be used if these services are paid for by both Medicaid and a third party, such as private insurance.

The amendment to §354.4003 defines "dual eligible member" to make sure the public understands the meaning of this term when used in the rules and revises the definitions of EVV proprietary system, EVV state vendor system, and program provider to make their meanings clearer.

The amendment to §354.4013 clarifies that the action HHSC or the MCO may propose the third time a CDS employer does not meet the EVV Usage Score may end the member's participation in the CDS option, not terminate the member from the Medicaid program.

COMMENTS

The 31-day comment period ended May 4, 2026.

HHSC received comments regarding the proposed rules from two commenters. HHSC received comments from Deaf Blind Services Of Texas and the Texas Association of Home Care and Hospice. A summary of comments relating to the rules and HHSC's responses follows.

Comment: One commentor suggested the rules do not clearly state EVV is required when Medicaid pays for any part of a service, and that such language should be added.

Response: HHSC disagrees and declines to revise the rule in response to this comment. Upon adoption, §354.4005(a), §354.4005(b), §354.4006(a) and §354.4006(b) will explicitly state that a program provider or CDS employer must use EVV to document the delivery of personal care services and home health care services if HHSC, an HHSC designated contractor, or an MCO pays for any part of the claim for these services.

Comment: One commenter suggested that the rules should clearly state whether value-added services provided by an MCO require EVV.

Response: HHSC disagrees and did not revise the rules in response to this comment. EVV is designed to protect state and federal Medicaid funds from fraud, waste and abuse. Value-added services (VAS), by definition, are supplemental benefits provided by an MCO that are not Medicaid-covered services and do not involve Medicaid funds. Section 354.4005 and §354.4006 tie the EVV requirement to specific personal care and home health services delivered as part of Medicaid benefits. VAS is outside of that scope. Although the MCO is paying for VAS, the MCO's payment to the provider for the services provided exclusively under VAS is not part of a Medicaid claim. An MCO offering VAS may choose to require that the provider comply with visit verification regarding VAS, but the MCO's VAS requirements are not subject to Medicaid rules. Adding VAS to an EVV rule would be inconsistent with the rule's own defined scope of applicability.

Comment: One commenter stated that EVV was introduced as a no-cost clock in and clock out system and that the rules do not save the state money. The EVV system has evolved into a restrictive process with mandatory compliance that has shifted the operational costs to the providers and FMSAs.

Response: HHSC disagrees and declines to revise the rule in response to this comment. HHSC must comply with state and federal law to implement EVV as required by Texas Government Code Chapter 532, Subchapter F and the 21st Century Cures Act (Section 1903(l) of the Social Security Act). The Cures Act requires that HHSC use EVV to collect visit transaction data electronically. Texas' EVV model is an Open Vendor Model which is a hybrid model where the state contracts with at least one EVV system while allowing the program providers and FMSAs to use a proprietary system if they choose. If a program provider or FMSA chooses to use a proprietary system, they assume all costs associated with the use of that system. If program providers and FMSAs do not wish to assume these costs, they may choose to use the state-provided EVV system vendor for free.

Comment: One commenter suggested alternative devices be available the same as other approved clock in and clock out methods.

Response: HHSC disagrees and declines to revise the rule in response to this comment. Alternative devices do not track the location of service delivery like the mobile application and the landline telephone. HHSC is limiting alternative devices in order to improve program integrity.

Comment: In a joint comment, both commenters expressed concerns about the alternative device usage limits. They stated that program providers and CDS employers must monitor the use of alternative devices to ensure service providers and CDS employees do not exceed the thresholds, but that the thresholds are not specified in the rule. In addition, they have stated that program providers and CDS employers should be allowed to use alternative devices after the phase out. They suggest that the rules be amended to include the alternative device usage thresholds and allow program providers and CDS employers to use alternative devices for some visit transactions after the use is phased out.

Response: HHSC disagrees with this comment and declines to revise the rule in response to this comment at this time. HHSC is not eliminating alternative devices but rather reducing the allowable percentage of visit transactions made with an alternative device. The reduction will occur over a four-year period beginning September 1, 2025 (fiscal year 2026), and effective September 1, 2028, program providers and CDS employers must limit the number of visit transactions made with an alternative device to 5% of their total visit transactions. This allows program providers and CDS employers to use alternative devices in limited situations where no other alternative exists for using EVV. The alternative device reduction schedule is in the EVV Policy Handbook and referenced in the rules. HHSC will review the rules and consider whether it is appropriate to amend the rules in a future rule project to include the alternative device reduction schedule.

Comment: One commenter stated that limiting the use of alternative devices requires staff to own smartphones to use the mobile application for clocking in and clocking out. Many service providers and CDS employees do not own or have access to a smart phone. The commenter also stated that the change does not allow service providers to share a smart phone with family members. This creates a barrier to people becoming service providers or CDS employees and limits the available workforce. The amended rules do not allow service providers or CDS employees to share a smart phone with family.

Response: HHSC disagrees and declines to revise the rule in response to this comment. HHSC does not mandate that service providers use their personal devices or personal data. It is the responsibility of the service provider's employer (the program provider or CDS employer) to ensure that the service provider has the tools necessary to comply with EVV requirements. There is no restriction on a service provider or CDS employee using a family member's smartphone or device for EVV. The service provider or CDS employee may use a family member's smart phone or device but must not share their login credentials or allow the family member's smartphone or device to store their login credentials. The Federal Communications Commission Lifeline program also offers free and low-cost smart phones with data plans to people who meet certain eligibility criteria. Program providers and CDS employers may encourage staff who do not have a smart phone or device to explore the Lifeline program.

Comment: One commenter stated the limit on the use of alternative devices does not offer any public benefit or protect taxpayer money and would potentially harm members.

Response: HHSC disagrees and declines to revise the rule in response to this comment. Since alternative devices do not track the location, it is not possible to confirm where the service provider or CDS employee uses the device to obtain the code used to clock in and clock out. The service provider or CDS employee could remove the alternative device from the member's home and obtain the codes while not providing services. Limiting the use of alternative devices to those situations where there is no other option for clocking in and clocking out increases the integrity of the program.

Comment: One commenter stated that HHSC should not have the authority to limit approved clock in and clock out methods. Landlines are almost obsolete, so limiting the use of alternative devices would force service providers and CDS employees to use a smart phone or device. Federal guidance requires EVV to be easy to use.

Response: HHSC disagrees and declines to revise the rule in response to this comment. HHSC has broad statutory authority to implement and amend rules, including those regarding EVV. Texas Government Code §532.0260 directs HHSC to adopt rules to implement EVV. HHSC has been given authority to decide what methods and models to use. The Cures Act, CMS regulations, and Texas Government Code Chapter 532, Subchapter F do not require the use of a specific type of EVV model or method for collecting the required data, and do not require HHSC to permit the use of alternative devices. CMS guidance says states should develop an EVV system that best meets the state's needs in consultation with stakeholders. HHSC has multiple EVV work-groups that have been meeting since 2019 to discuss all aspects of EVV.

Comment: One commenter stated the purpose of EVV is to prevent fraud and ensure the member receives care. Using an alternative device is not fraudulent.

Response: HHSC agrees but declines to revise the rule in response to this comment. While alternative devices are not fraudulent in and of themselves, they are more prone to be used fraudulently than the other approved EVV clock in and clock out methods because alternative devices do not provide the location where the device is used.

Comment: One commenter opposed the 80% EVV Usage score in §354.4013(b) and (c) because it does not reflect service delivery standards, only EVV transactions. In addition, the commenter stated the usage score can initiate a progressive enforcement process and is a risk when applied to home and community-based settings.

Response: HHSC appreciates the commenter's participation in its rulemaking process. However, HHSC did not propose to amend §354.4013(b) in this proposal. HHSC amended §354.4013(c)(3) to change "terminate" to "end" to improve the plain language of the rule, but otherwise there were no substantive changes to §354.4013(c). Therefore, HHSC declines to revise the rule in response to this comment because this comment is out of scope for this proposal.

Comment: One commenter suggested the rules should be revised to include timelines for HHSC and the MCOs to respond when the program providers or CDS employers submit training documentation, corrective action plans and other required documentation. The lack of timelines creates uncertainty regarding the acceptance of the documentation.

Response: HHSC disagrees and declines to revise the rule in response to this comment. The rule already includes certain compliance timelines. For example, throughout §354.4013, the rules require that corrective action plans must be completed within 10 days. Additionally, the rule requires that the EVV policy and system trainings be completed within a time frame that will be specified.

Comment: One commenter suggested the EVV rules should include hearing rights.

Response: The right to request an administrative hearing, and to appeal, for an HHSC or MCO proposed action described in §354.4013 are currently found in the EVV rules in §354.4025, Administrative Hearing. Therefore, HHSC declines to revise §354.4013 in response to this comment.

Comment: One commenter suggested that the rule should include a phased implementation of compliance standards.

Response: HHSC disagrees and declines to revise the rule in response to this comment. As detailed in the EVV Policy Handbook 7040, HHSC has already established a timeline to reduce the use of alternative devices over a four-year period beginning September 1, 2025 (fiscal year 2026).

Comment: One commenter is concerned about escalation to potential contract termination for non-compliance and suggests HHSC should require a case-by-case review prior to initiating a termination and use training and corrective action plans before more severe penalties.

Response: HHSC declines to revise the rule in response to this comment. HHSC policy and the rules in §354.4013(b) and (h) require program providers and CDS employers to complete training and corrective action plans if they exceed the allowable Alternative Device Usage percentage. HHSC may only propose to terminate the contract of the program provider or to end the member's participation in the CDS option when there is a third occurrence of exceeding the Alternative Device Usage percentage in a 24-month period. In addition, the EVV Policy Handbook details that before proposing to terminate the program provider's contract or to end the member's participation in the CDS Option, HHSC or the MCO must do their due diligence and make sure failure to meet and maintain an acceptable compliance score was not because of circumstances beyond the program provider's or CDS employee's control, such as payer errors, system issues or natural disasters.

Comment: One commenter suggested HHSC use timesheets with member verification as an alternative to electronic clock in and clock out methods.

Response: HHSC disagrees and declines to revise the rule in response to this comment. CMS has clarified that states cannot accept a timesheet completed by the service provider or CDS employee and verified by the member in lieu of the service provider or CDS employee using EVV. Per the CMS Informational Bulletin titled "Additional EVV Guidance" dated August 8, 2019, timesheets verified by the member do not sufficiently electronically verify the required data elements. Allowing this would violate the Cures Act requirements to use EVV for personal care services and home health care services.

Comment: One commenter stated that eliminating free text reviews limits the program provider's or CDS employer's ability to document valid explanations.

Response: HHSC disagrees and declines to revise the rule in response to this comment. HHSC and the MCOs no longer conduct free-text reviews. HHSC added bill time in and bill time out fields that allow program providers, FMSAs and CDS employers to adjust the time of a visit transaction. As a result of the addition of these fields the clock in and clock out time generated when the service provider or CDS employee clocks in or clocks out of the EVV system are no longer adjusted. In addition, the new Reason Codes effective Oct. 1, 2023, provide more information, thus eliminating the need for free text. Program providers and CDS employers are still able, if they choose, to include free text to provide further explanations. Eliminating the routine review of free text by HHSC and the MCOs does not limit the provider's ability to include free text for documentation purposes. HHSC program staff conducting compliance reviews and OIG staff conducting investigations may use the free text as additional documentation.

STATUTORY AUTHORITY

The amendments are adopted under Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Government Code §532.0260, which provides the executive commissioner of HHSC with broad rulemaking authority; and Texas Human Resources Code §32.021, which provides HHSC with the authority to administer the federal medical assistance program in Texas and to adopt rules and standards for program administration.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 24, 2026.

TRD-202603142
Karen Ray
Chief Counsel
Texas Health and Human Services Commission
Effective date: August 13, 2026
Proposal publication date: April 3, 2026
For further information, please call: (512) 438-5241

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TITLE 19. EDUCATION

PART 1. TEXAS HIGHER EDUCATION COORDINATING BOARD

CHAPTER 1. AGENCY ADMINISTRATION

SUBCHAPTER A. GENERAL PROVISIONS

19 TAC §§1.9, 1.13, 1.16

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 1, Subchapter A, §§1.9, 1.13, and 1.16, General Provisions, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2315). The rules will not be republished.

This amendment will make minor conforming changes.

Texas Education Code, §61.035, authorizes the Coordinating Board to engage in rulemaking involving compliance monitoring. Texas Education Code, §61.027, provides the Coordinating Board with general rule making authority.

Rule 1.9, Training for Members of Governing Boards and Board Trustees, adds a requirement that members of governing boards provide a sworn statement to the Board that they understand their duties and responsibilities in accordance with statutory changes made by Senate Bill 37, 89th Texas Legislature, Regular Session, updating Texas Education Code, Section 61.084.

Rule 1.13, Internal Audit and Compliance Monitoring, adds a definition for Coordinating Board and distinguishes the duties of the Board itself and the Board staff. The amendment also adds a reference to §13.525 and provides that a compliance monitoring plan must be presented to the full Board rather than the Agency Operations Committee.

Rule 1.16, Contracts, Including Grants, for Materials and/or Services, provides that written notifications be provided to the Board Secretary rather than the Agency Operations Committee.

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

No comments were received regarding the adoption of the repeal.

The amendment is adopted under Texas Education Code, Sections 61.027, 61.035, and 61.084, which provide the Coordinating Board with the authority to make rules generally and specifically related to compliance monitoring and Board Training.

The adopted amendment affects Texas Education Code, Sections 61.035 and 61.084.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603090
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6375

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SUBCHAPTER F. LEAVE POOLS

19 TAC §1.126, §1.127

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 1, Subchapter F, §1.126 and §1.127, Leave Pools, with changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2318). The rules will be republished.

This new section updates and aligns the sick leave pool rule with statute, moves it to a more appropriate place in the chapter, and adds a rule for the family leave pool.

Texas Government Code, Chapter 661, Subchapters A and A-1, authorizes the Coordinating Board to engage in rulemaking involving sick leave pools and family leave pools.

Rule 1.126, Sick Leave Pool for Board Employees, designates the sick leave pool administrator and provides that the pool will be administered in accordance with policy.

Rule 1.127, Family Leave Pool for Board Employees, designates the family leave pool administrator and provides that the pool will be administered in accordance with policy.

Subsequent to the posting of the rules in the *Texas Register*, the following changes were incorporated into the adopted rule.

Section 1.126 is amended to fix a typo.

Section 1.127 is amended to fix a typo.

No comments were received regarding the adoption of the new rules.

The new sections are adopted under Texas Government Code, Sections 661.002(c) and 661.022(c), which provide the Coordinating Board with the authority to adopt rules regarding the operation of a sick leave pool and a family leave pool for Coordinating Board employees.

The adopted rules affect Texas Government Code, Sections 661.002 and 661.022.

§1.126. Sick Leave Pool for Board Employees.

A sick leave pool is established to alleviate hardship caused to an employee and the employee's family if a catastrophic illness or injury forces the employee to exhaust all leave time earned by that employee and to lose compensation from the state.

(1) The Assistant Commissioner for People Operations is designated as the pool administrator.

(2) The pool will be operated according to the Coordinating Board's Policies and Procedures.

(3) Operation of the pool shall be consistent with Texas Government Code, Chapter 661.

§1.127. Family Leave Pool for Board Employees.

A family leave pool is established to provide eligible employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement, and caring for a seriously ill family member or the employee's own serious illness, including pandemic-related illnesses or complications caused by a pandemic.

(1) The Assistant Commissioner for People Operations is designated as the pool administrator.

(2) The pool will be operated according to the Coordinating Board's Policies and Procedures.

(3) Operation of the pool shall be consistent with Texas Government Code, Chapter 661.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603094
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6116

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SUBCHAPTER AA. SICK LEAVE POOL

19 TAC §1.900

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 1, Subchapter AA, §1.900, Sick Leave Pool, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2319). The rule will not be republished.

This repeal was done in conjunction with a new set of rules that are in a more appropriate subchapter and are better aligned with the statute.

Texas Government Code, Chapter 661, Subchapter A, authorizes the Coordinating Board to engage in rulemaking involving the sick leave pool.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 661.002(c), which provides the Coordinating Board with the authority to adopt rules regarding the operation of a sick leave pool for Coordinating Board employees.

The adopted repeal affects Texas Government Code, Section 661.002.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603092
Douglas Brock
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Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6193

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CHAPTER 2. ACADEMIC AND WORKFORCE EDUCATION

SUBCHAPTER P. APPROVAL PROCESS AND CRITERIA FOR OFF-CAMPUS EDUCATION AT PUBLIC UNIVERSITIES AND HEALTH-RELATED INSTITUTIONS

19 TAC §§2.380 - 2.384, 2.386, 2.388, 2.389

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Texas Administrative Code, Title 19, Part 1, Chapter 2, Subchapter P, §2.382 and new §2.388, Approval Process and Criteria for Off-Campus Education at Public Universities, Health-Related institutions, and Public Two-Year Colleges, with changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2320). The rules will be republished. Sections 2.380, 2.381, 2.383, 2.384, 2.386 and 2.389 are adopted without changes and the rules will not be republished.

These amendments and new sections incorporate and streamline approval processes for off-campus education at public two-year colleges (other than technical colleges). The existing rules for public two-year colleges in Chapter 4, Subchapter Q, are simultaneously being repealed. Off-campus rules for public technical colleges are simultaneously being adopted in Chapter 11, Subchapter C.

The Coordinating Board is authorized by Texas Education Code (TEC), §61.0512(a), which requires Coordinating Board approval for a new certificate or degree program, TEC, §61.0512(g), which requires prior approval from the Coordinating Board to offer off-campus courses, and TEC, §51.981, which establishes criteria for approval of off-campus employer requested programs.

The title of the subchapter is amended to incorporate public two-year colleges.

Section 2.80, Purpose and Applicability, is amended to indicate the rules also apply to a public two-year college other than a technical college.

Section 2.382, Definitions, is amended to distinguish in the definition of "Off-Campus Educational Site" the difference between public two-year colleges other than technical colleges (outside the institution's service area) and public universities and health-related institutions (away from the main campus). The section is also amended to include definitions for "Main Campus" and "Employer Requested Off-Campus Program".

Section 2.383, Standards and Criteria for Delivery of Courses and programs at an Off-Campus Educational Site, is amended for additional clarity and to reference Coordinating Board approval of off-campus educational sites, as applicable to branch campuses for community colleges.

Section 2.384, Notification Required for Off-Campus Delivery of Courses, Certificates, and Less than Fifty Percent (50%) of a Degree Program, is amended for language consistency within the rules.

Section 2.388, Employer Requested Off-Campus Programs, establishes procedures and criteria to establish an employer requested off-campus non-credit or credit program.

Section 2.389, Effective Date of Rules, specifies the rules are applicable to approvals on or after September 1, 2026.

Subsequent to the posting of the rules in the *Texas Register*, the following changes were incorporated into the adopted rule.

Section 2.382 is amended to clarify that the definition for Employer Requested Off-Campus Program includes either a credit or non-credit program.

Section 2.388 is amended to clarify that the employer requested program under TEC, §51.981, does not require off-campus location approval from the Coordinating Board, but does require appropriate certificate or degree program approval and by removing language that refers to standard regional notification requirements from which statute exempts employer-requested off-campus programs.

The following comments were received regarding the adoption of the amendments and new rules.

Comment: Del Mar College, Midland College, North Central Texas College, Alamo College Districts, Blinn College District, all submitted comments concerning Coordinating Board oversight of employer requested programs under Texas Education Code, §51.981. The comments assert that the proposed rules remove Coordinating Board oversight of the development of employer-requested programs and that Texas Education Code, §51.981, only exempts programs from higher education regional council oversight. The comments raised concerns about the potential unnecessary duplication with removal of Coordinating Board approval or oversight.

Response: The Coordinating Board thanks the institutions for the comments but disagrees with the assertion that the proposed rules do not require oversight of employer-requested programs by the Coordinating Board. The language in §2.388(b) flagged in the institution's comment, "without prior approval of the Coordinating Board", is specific to the off-campus location of the program, not for approval of the program. Section 2.388(c) requires Coordinating Board approval of any new degree program developed for the purpose of the employer requested program. Section 2.388(d) requires that any modifications which fall under existing Board oversight made to a program for the purpose of an employer-requested program be submitted to the Coordinating Board for review or approval. Subsection (e) requires that an institution notify the Coordinating Board of any employer-requested program under the same provisions for off-campus delivery of a program or certificate. The provisions under (c), (d), and (e), all provide varying levels of Coordinating Board oversight for employer-requested program, requiring that institutions still follow standardized program approval and program modification procedures for all employer-requested programs.

Comment: South Texas College submitted a comment concerning the use of the term "non-credit" in the proposed new §2.388, and requested clarity on whether that employer-requested non-credit courses are included in the site notification requirements under §2.384.

Response: The Coordinating Board thanks the institution for its comment. Regarding use of the term "non-credit", the definition of Employer Requested Off-Campus Program has been amended to provide clarity that employer requested off-campus programs may be for credit or non-credit, in alignment with statute. Regarding the site notification under §2.384, sites where non-credit courses that are part of employer requested programs should be included in the required notification. Board staff will provide additional implementation guidance after rule adoption.

The amendments and new sections are adopted under Texas Education Code, Section 61.0512(a) which requires Coordinating Board approval for a new certificate or degree program, Texas Education Code, Section 61.0512(g) which requires prior approval from the Coordinating Board to offer off-campus courses, and Texas Education Code, Section 51.981, which establishes criteria for approval of off-campus employer requested programs.

The adopted amendment and new sections affect Texas Education Code, Sections 61.0512(g), and 51.981.

§2.382. Definitions.

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

(1) Off-Campus Degree Program--A degree program in which fifty percent (50%) or more of required instruction or coursework is in-person at an off-campus educational site.

(2) Off-Campus Educational Site--An additional location, which may include a branch campus or a center, approved by the institution's Board-recognized accreditor in accordance with 34 C.F.R. §600.32, and:

(A) For public universities and health-related institutions, an off-campus educational site is any site away from the main campus where the required instruction or coursework for a credit course, certificate, or degree program is delivered in-person.

(B) For public two-year colleges other than a technical college, an off-campus educational site is any site outside of the institution's service area where required instruction or coursework for a credit course, certificate, or degree program is delivered in person.

(3) Main Campus--The primary campus or campuses of an institution of higher education providing instruction and supported by on-site administration, also referred to as on-campus.

(4) Employer Requested Off-Campus Program--A credit or non-credit degree or certificate program and site requested by an employer pursuant to Texas Education Code, Chapter 51, §51.981.

§2.388. Employer Requested Off-Campus Programs.

(a) To establish an employer requested off-campus, non-credit, or credit program, an employer shall first solicit, in writing, an agreement with an institution of higher education within the uniform state service region or a public junior college's service area, as applicable, where the employer requested off-campus educational site is located.

(b) If the institution initially solicited for an agreement under subsection (a) of this section does not finalize an offer to enter into an agreement with the employer that meets the employer's specifications for the off-campus program within six weeks of the initial written offer, the employer may enter into an agreement with another institution of higher education without prior off-campus location approval of the Coordinating Board.

(c) If the employer requested off-campus program is a new degree or certificate program, an institution of higher education shall request Coordinating Board approval of the new degree or certificate program, in accordance with the requirements of this chapter concerning approval of new degree and certificate programs, prior to delivery of the employer requested off-campus program.

(d) If the employer requested off-campus program is an existing program that will be modified for the purpose of delivery for the employer, an institution shall follow the program modification requirements set forth in this chapter.

(e) An institution of higher education shall notify the Coordinating Board of the employer-requested program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603099
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6299

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19 TAC §2.388

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 2, Subchapter P, §2.388, Effective Date of Rules, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2322). The rule will not be republished.

This repeal allows the agency to insert a new section into the subchapter.

The Coordinating Board is authorized by Texas Education Code, §61.0512(g) and §51.981, to approve off-campus credit courses.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Sections 61.0512(g), and 51.981 which provides the Coordinating Board with the authority to approve off-campus credit courses.

The adopted repeal affects Texas Education Code, Sections 61.0512(g) and 51.981.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603101
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6299

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SUBCHAPTER R. TEXAS MENTAL HEALTH PROFESSION PIPELINE PROGRAM

19 TAC §§2.500 - 2.503

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 2, Subchapter R, §§2.500 - 2.503, Texas Mental Health Profession Pipeline Program without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2559). The rules will not be republished.

These new sections establish the requirements for participation in the Texas Mental Health Profession Pipeline Program.

Texas Education Code, §61.070, creates the Texas Mental Health Profession Pipeline Program and requires the Coordinating Board to develop rules relating to program administration.

Section 2.500, Purpose and Authority, establishes the purpose of the subchapter and defines the statutory authority for developing rules.

Section 2.501, Definitions, establishes definitions specific to the subchapter.

Section 2.502, Requirements for the Texas Mental Health Pipeline Program, establishes general requirements of program, including roles and responsibilities of the Coordinating Board.

Section 2.503, Requirements for Participating Institutions, establishes requirements for each participating institution including expectations, deliverables, and annual reporting.

No comments were received regarding the adoption of the new rules.

The new sections are adopted under Texas Education Code, Section 61.070, which provides the Coordinating Board with the authority to adopt rules for the Texas Mental Health Profession Pipeline Program.

The adopted new sections affect Texas Education Code, Section 61.070.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603102

Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 427-6299

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CHAPTER 4. RULES APPLYING TO ALL PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN TEXAS

SUBCHAPTER Q. APPROVAL OF OFF-CAMPUS AND SELF-SUPPORTING COURSES AND PROGRAMS FOR PUBLIC INSTITUTIONS

19 TAC §§4.270 - 4.279

The Texas Higher Education Coordinating Board (Coordinating Board) adopts repeal of Title 19, Part 1, Chapter 4, Subchapter Q, §§4.270 - 4.279, Approval of Off-Campus and Self-Supporting Courses and Programs for Public Institutions, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2323). The rules will not be republished.

Rules relating to approval of self-supporting courses and programs have been replaced in Chapter 2, Subchapter O. Rules relating to the approval of off-campus courses and programs for public universities and health-related institutions have been replaced in Chapter 2, Subchapter P, and are being amended at the same time as this repeal to include public junior colleges. Rules relating to approval for off-campus courses and programs at Texas state technical colleges are being adopted in Chapter 11, Subchapter B, at the same time as this repeal.

Texas Education Code (TEC), §61.002, charges the Coordinating Board with "the elimination of costly duplication in program offerings, faculties, and physical plants." TEC, §61.0512(a), requires Coordinating Board approval for a new certificate or degree program. TEC, §61.0512(g), states that institutions may offer off-campus credit courses only with prior approval from the Coordinating Board.

No comments were received regarding the adoption of the repeal.

The repeal is adopted under Texas Education Code, Section 61.0512(g), which states that institutions may offer off-campus credit courses only with prior approval from the Coordinating Board.

The adopted repeal affects Texas Education Code, Sections 61.0512(g) and 51.661.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603103

Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6299

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SUBCHAPTER W. RESEARCH SECURITY AND FOREIGN ADVERSARY RESTRICTIONS

19 TAC §4.356

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter W, §4.356, Gifts of De Minimis Value with changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2323). The rule will be republished.

This new section establishes a definition for gifts of "de minimis value", in accordance with statutory changes made by House Bill 127, 89th Texas Legislature, Regular Session, updating Texas Education Code (TEC) Chapters 51 and 51B.

The Coordinating Board is required by TEC, §51B.051(a) to, in consultation with the Higher Education Research Security Council, determine by rule what constitutes a gift of "de minimis value." The Coordinating Board has consulted with the Higher Education Research Security Council in proposing this rule.

Rule 4.356, Gifts of De Minimis Value, implements TEC, §51B.051(a), by defining "de minimis value" for purposes of the statutory restriction on accepting gifts from a foreign source of a foreign adversary as defined in §51B.001. The rule limits de minimis value to non-cash items under $50 that are unsolicited, non-recurring, and not offered in exchange for any official action (i.e., nominal promotional items), and specifies that cash or cash equivalents, travel or related hospitality, honoraria, non-public discounts, recurring or decision-linked items, and items where the source or intent would lead a reasonable person to believe the gift is from a foreign adversary or presents institutional security concerns.

Subsequent to the posting of the rules in the *Texas Register*, the following changes were incorporated into the adopted rule:

Section 4.356(b)(6) is amended to replace the prohibition on gifts where the "source, intent, or circumstances" are "unclear," to gifts where the "source, intent, or circumstances would cause a reasonable person to conclude the gift may directly or indirectly be offered from a foreign source of a foreign adversary or otherwise create a material research security, ethics, or institutional integrity concern."

The following comments were received regarding the adoption of the new rules.

Comment: The University of Texas at Austin submitted a comment with a concern that the proposed language of §4.356(b)(6) restricting gifts with unclear "source, intent, or circumstances" was ambiguous and overbroad, and should be replaced with a more clear "reasonable person" standard restricting gifts adverse to institutions' security.

Response: The Coordinating Board appreciates the feedback and has amended §4.356(b)(6). The rules now restrict gifts where the source, intent, or circumstances would lead a reasonable person to believe the gift is from a foreign adversary or presents institutional security concerns.

The new section is adopted under Texas Education Code, Section 51B.051(a), which requires the Coordinating Board to, in consultation with the Higher Education Research Security Council, determine by rule what constitutes a gift of "de minimis value."

The adopted new section affects Texas Administrative Code, Title 19, Part 1, Chapter 4, Subchapter W.

§4.356. Gifts of De Minimis Value.

(a) For purposes of Texas Education Code, §51B.051, which restricts institutions of higher education and their employees from accepting gifts from a foreign source of a foreign adversary unless the gift is of de minimis value, a "gift of de minimis value" means a non-cash item with a value of less than $50 that is unsolicited, non-recurring, and not offered in exchange for any official action (i.e., a nominal promotional item).

(b) The following are not gifts of de minimis value:

(1) cash or cash equivalents (including gift cards);

(2) travel, lodging, meals, or entertainment;

(3) honoraria;

(4) discounts not publicly available;

(5) anything recurring, tied to a business decision, or that could reasonably be viewed as influencing official action; or

(6) anything where the source, intent, or circumstances would cause a reasonable person to conclude the gift may directly or indirectly be offered from a foreign source of a foreign adversary or otherwise create a material research security, ethics, or institutional integrity concern.

(c) The acceptance of a gift of de minimis value by an institution of higher education or an employee of an institution of higher education from a foreign source of a foreign adversary as defined in Texas Education Code, §51B.001, does not violate Texas Education Code, §51B.051.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603105
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6116

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CHAPTER 6. HEALTH EDUCATION, TRAINING, AND RESEARCH FUNDS
SUBCHAPTER E. TEXAS EMERGENCY AND TRAUMA CARE EDUCATION PARTNERSHIP PROGRAM

19 TAC §§6.91 - 6.96

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 6, Subchapter E, §§6.91 - 6.96, Texas Emergency and Trauma Care Education Partnership Program, without changes to the proposed text as published in the April 10, 2026 issue of the *Texas Register* (51 TexReg 2324). The rules will not be republished.

This repeal removes duplicate administrative rules that have been revised and moved to Chapter 10, Subchapter H.

Texas Education Code, Chapter 61, Subchapter HH, §§61.9801 - 61.9807, authorizes the Coordinating Board to adopt rules to administer the Texas Emergency Trauma Care Education Partnership Program.

No comments were received regarding the adoption of the repeal.

The repeals are adopted under Texas Education Code, Chapter 61, Subchapter HH, Sections 61.9801 - 61.9807, which authorizes the Coordinating Board to adopt rules to administer the Texas Emergency Trauma Care Education Partnership Program. The adopted repeal affects Texas Education Code, Sections 61.9801 - 61.9807.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603111
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6299

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CHAPTER 11. TEXAS STATE TECHNICAL COLLEGE SYSTEM
SUBCHAPTER C. OFF-CAMPUS RULES FOR TEXAS STATE TECHNICAL COLLEGE SYSTEM

19 TAC §§11.40 - 11.48

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Texas Administrative Code, Title 19, Part 1, Chapter 11, Subchapter C, §§11.42, 11.44 and 11.47, Off-Campus Rules for Texas State Technical College System with changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2325). The rules will be republished. Sections 11.40, 11.41, 11.43, 11.45, 11.46, and 11.48 are adopted without changes and will not be republished.

The new rules are designed to streamline and consolidate processes related to notification and approval of off-campus courses, certificates, and programs for the Texas State Technical College System. The new rules replace existing rules in Chapter 4, Subchapter Q, relating to the delivery of off-campus courses, certificates, and programs for community and technical colleges, which will be repealed under separate rulemaking.

Texas Education Code (TEC), §61.002, charges the Coordinating Board with "the elimination of costly duplication in program offerings, faculties, and physical plants." TEC, §61.0512(a), requires the Coordinating Board approval for a new certificate or degree program. TEC, §61.0512(g), states that institutions may offer off-campus credit courses only with prior approval from the Coordinating Board.

Section 11.40, Definitions, provides words and terms relevant to approval of and delivery of certificate and degree programs at off-campus educational sites.

Section 11.41, Standards and Criteria for Delivery of Courses and Programs at an Off-Campus Educational Site, establishes required criteria that a technical college must comply with to offer off-campus education. These criteria align with state and federal standards and ensure that each student enrolled in an off-campus degree program has access to the same quality of education as on-campus students.

Section 11.42, Notification Required for Off-Campus Delivery of Courses, Certificates, and Less than Fifty Percent (50%) Content of a Degree Program, establishes procedures for a technical college to notify the Coordinating Board of its intent to offer off-campus education, including instruction that does not meet the fifty percent (50%) content threshold. The section also identifies which site types are not required as part of the notification. This requirement is new but ensures statutory compliance with as minimal data collection as possible.

Section 11.43, Approval Required for Off-Campus Delivery of a New Certificate or Degree Program, establishes approval procedures for a technical college seeking approval for a new certificate or degree program that will be offered at an off-campus location. This section does not represent a departure from current practice for technical colleges.

Section 11.44, Approval Required for Off-Campus Delivery of an Existing Certificate or Degree Program, establishes procedures for a technical college seeking approval for an existing certificate or degree program to be offered at an off-campus location. This requirement is not new and removes the institutional requirement to submit a 50-mile notification prior to submission to the Coordinating Board. The Coordinating Board will send out a regional informal notice for a 30-day comment period for an off-campus request, which it does with new degree programs.

Section 11.45, Modifications and Phase Out of An Off-Campus Certificate or Degree Program, establishes procedures for making a modification to a certificate and degree program offered at an off-campus educational site.

Section 11.46, Statutory Exemptions from Program Approval, delineates Texas counties that are exempt from program approval requirements.

Section 11.47, Requirements for an Employer Requested Program, establishes the procedures that a technical college must follow related to TEC, §51.981.

Section 11.48, Effective Dates of Rules, specifies that the rules are effective beginning September 1, 2026.

Subsequent to the posting of the rules in the *Texas Register*, the following changes were incorporated into the adopted rule.

Section 11.42, Approval Required for Off-Campus Delivery of Courses, Certificates, and Less than Fifty Percent (50%) Content of a Degree Program, is amended to change the title to Notice Required for Off-Campus Delivery of Courses, Certificates, and Less than Fifty (50%) Content of a Degree Program to align with the rule.

Section 11.44(a) Approval by Notification, language replaced previous references to approval requirements in Subchapter 2L and Subchapter 2K.

Section 11.47 (a) - (b) was replaced by a new §11.47 (a) - (e) that details the requirements for programs requested by employers. Section 11.47 Requirements for an Employer Requested Program is amended to reduce confusion and clarify that the employer requested program under TEC, §51.981, does not require off-campus location approval from the Coordinating Board, but does require appropriate certificate or degree program approval.

The following comments were received regarding the adoption of the new rules.

Comments from Alamo Colleges, Del Mar College, Midland College, North Central Texas College, and Victoria College:

Comment: A concern that the proposed rules do not define regions for purpose of notification and opportunity for comment on proposed off-campus programs.

Response: The Coordinating Board acknowledges these concerns, and has made some adjustment to the language. The rules now clarify that the Coordinating Board has the authority to make informal notifications to institutions offering similar program in the region regarding new programs proposed by TSTC. This approach allows the Coordinating Board to honor variation across the state regarding what constitutes a region; for example, determining the region or area in a manner that reflects population distribution as well as geographic proximity.

Comment: A concern regarding §11.47 that the language conflicts with the provisions of TEC, §135.04(b) and §135.02. Specifically, that Texas State Technical College must establish before offering a program in the taxing district of a community college operating a career and technical program that the community college is incapable or unable to offer the program and that a need exists for the program. Additionally, TEC, §135.02 limits the location where Texas State Technical College may operate a campus or extension center.

Response: The Coordinating Board appreciates the feedback and considers that the requirements set forth in §11.47 and TEC, §51.981, only allows an institution to offer an employer requested program after they have requested in writing that the local institution provide the program and the local institution is unable to enter into an agreement within six weeks. Rule 11.47 mirrors the language proposed in Texas Administrative Code (TAC), §2.388 for community colleges and thus the employer sponsored program is not limited to TSTC.

Comment: A concern regarding TAC, §2.388(b) that the phrase "without prior approval of the Coordinating Board" be removed as it stands in tension with the remainder of the rule.

Response: While TAC, §2.388 is not part of this rule packet, substantially similar language is found in §11.47(a). The Coordinating Board modified the language in §11.47(a) to clarify that prior off-campus location approval of the Coordinating Board is not required for an employer requested program. This aligns with the remainder of §11.47 which require appropriate program approval for and employer requested program.

Comments from Texas State Technical College:

Comment: Texas State Technical College expressed concern that §11.44 and §11.47 could require employer-requested programs to go through an off-campus approval and regional comment process that could delay TSTC's ability to respond to employer needs, citing TEC, §51.981.

Response: THECB thanks Texas State Technical College for its comment and has amended the rules to clarify that the location of the employer requested program requires notification so long as it has requisite program approval.

The new sections are adopted under Texas Education Code, Sections 61.1002, 61.0512(a), and 61.0512(g), which provide the Coordinating Board with the authority to eliminate duplication in program offerings, faculties, and physical plans; requires board approval of new certificate and degree programs; and states that institutions may offer off-campus credit courses only with board prior approval, respectively.

The adopted new sections affect Texas Administrative Code, Chapter 11, Subchapter C.

§11.42. Notification Required for Off-Campus Delivery of Courses, Certificates, and Less than Fifty Percent (50%) Content of a Degree Program.

(a) The provisions under this section are subject to Notification Only approval as set out in Chapter 2, Subchapter L (relating to the Approval Process for a Career and Technical Education Certificate), and Subchapter K (relating to the Approval Process for an Applied Associate Degree) and §2.4 of this title, (relating to Types of Approval Required).

(b) Not less than once a year in a manner prescribed by the Board, a technical college shall notify the Coordinating Board of an off-campus educational site at which a career and technical education course, certificate, or less than fifty percent (50%) of required instruction and coursework for a degree program is offered.

(c) Internship, clinical, dual credit, and study abroad sites are exempt from the requirements of this section.

§11.44. Approval Required for Off-Campus Delivery of an Existing Certificate or Degree Program.

(a) A technical college shall request to offer an existing career and technical education certificate or degree program as an Off-Campus Degree Program or an Off-Campus Certificate Program. The provisions under this section are subject to approval by Notification only.

(b) The Coordinating Board shall provide informal notice and opportunity to comment to institutions of higher education that offer substantially similar programs in the region on the proposed off-campus delivery of the program in accordance with §2.7 of this title (relating to Informal Notice and Comment on Proposed Local Programs).

§11.47. Requirements for an Employer Requested Program.

(a) To establish an employer requested off-campus, non-credit, or credit program, an employer shall first solicit, in writing, an agreement with an institution of higher education within the uniform state service region or a public junior college's service area, as applicable, where the employer requested off-campus educational site is located.

(b) If the institution initially solicited for an agreement under subsection (a) of this section does not finalize an offer to enter into an agreement with the employer that meets the employer's specifications for the off-campus program within six weeks of the initial written offer, the employer may enter into an agreement with another institution of higher education without prior off-campus location approval of the Coordinating Board.

(c) If the employer requested off-campus program is a new degree or certificate program, a technical college shall request Coordinating Board approval of the new degree or certificate program, in accordance with the requirements of this chapter concerning approval of new degree and certificate programs, prior to delivery of the employer requested off-campus program.

(d) If the employer requested off-campus program is an existing program that will be modified for the purpose of delivery for the employer, a technical college shall follow the program modification requirements set forth in this chapter.

(e) A technical college shall notify the Coordinating Board of the employer-requested program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603114
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6209

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CHAPTER 13. FINANCIAL PLANNING
SUBCHAPTER J. TEXAS FUND FOR GEOGRAPHY EDUCATION

19 TAC §§13.180 - 13.186

The Texas Higher Education Coordinating Board (Coordinating Board) adopts the repeal of Title 19, Part 1, Chapter 13, Subchapter J, §§13.180 - 13.186, Texas Fund for Geography Education, without changes to the proposed text as published in the April 10, 2026, issue of the *Texas Register* (51 TexReg 2327). The rules will not be republished.

This repeal removed unnecessary rules in the Texas Administrative Code that are no longer needed.

Texas Education Code, §61.027, authorizes the Coordinating Board to adopt and repeal rules. The fund to which the rules apply has been dissolved, and the Coordinating Board has determined that the rules are no longer required.

No comments were received regarding the adoption of the repeal.

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

The adopted repeal affects Texas Education Code, §§61.9681-61.9684.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603118

Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 10, 2026
For further information, please call: (512) 427-6299

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SUBCHAPTER T. COMMUNITY COLLEGE FINANCE PROGRAM: HIGH-DEMAND FIELDS

19 TAC §13.595, §13.597

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter T, §13.595 and §13.597, Community College Finance Program: High-Demand Fields, without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2560). The rules will not be republished.

This amendment corrects a typographical error that incorrectly refers to Emerging Occupations rather than Essential Occupations and adds a reference to Chapter 13, Subchapter V and Subchapter W. This amendment also removes the word standard when referencing the Regional High-Demand Fields list.

Texas Education Code, §130A.101(c)(1), provides the Coordinating Board with the authority to make rules defining when a college is entitled to additional performance tier funding for awarding a credential in a high-demand occupation or appropriate proxy.

Rule 13.595(a), Essential Occupations, is amended to add a reference to §13.648, which references the current fiscal year 2026 rules in Subchapter V, and a reference to §13.668, which references the new rules beginning in fiscal year 2027 in Subchapter W. This amendment ensures that this subchapter is in line with the current rules in place for the Community College Finance Program.

Rule 13.595(b)(4) is amended to make grammatical changes to update the rule to Texas Register publishing requirements.

Rule 13.595(c)(5) is amended to correct a typographical error that incorrectly noted "Emerging Occupations" to "Essential Occupations", as this rule is specifically relating to Essential Occupations.

Rule 13.597(1), Effective Dates: High-Demand Fields, is amended to remove the word "Standard" before Regional High-Demand Fields List to eliminate confusion around the regional list the Coordinating Board provides alongside the statewide list at the beginning of the biennium. This will clarify that the Regional High-Demand Fields List refers to the high-demand occupations identified as published by the Coordinating Board and excludes additional occupations as determined through the Essential and Emerging Occupations processes.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under Texas Education Code, Section 130A.101(c)(1), which provides the Coordinating Board with the authority to make rules defining when a college is entitled to additional performance tier funding for awarding a credential in a high-demand occupation or appropriate proxy.

The adopted amendment affects Texas Education Code, Section 130A.101.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603120
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 427-6495

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SUBCHAPTER U. COMMUNITY COLLEGE FINANCE PROGRAM: FORECASTING METHODOLOGY AND FINANCE POLICY

19 TAC §13.624

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter U, §13.624, Forecasting Fundable Outcomes, without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2563). The rule will not be republished.

This amendment corrects an imbedded rule reference and remove the upper bounding parameter to increase the precision of the forecasting methodology to fund student outcomes for public community colleges.

Texas Education Code (TEC), §130A.005, provides the Coordinating Board with the authority to adopt rules and take other actions consistent with TEC, Chapter 61, Chapter 130, and Chapter 130A, to implement House Bill 8, 88th Texas Legislature, Regular Session. In addition, TEC, §130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

Rule 13.624(c), Forecasting Fundable Outcomes, is amended to correct a reference that was inadvertently not updated when Chapter 13, Subchapter U, was amended in August 2025.

Rule 13.624(e) is amended to remove the upper bounding limitation on the forecasted outcomes. This will ensure closer alignment to forecasted outcomes and outcome growth trends.

The following comments were received regarding the adoption of the amendments.

Comment: San Jacinto College noted that the proposed amendment to §13.624(e) still includes language about "maximum allowable change" even after the upper bound is removed and is inquiring if this phrase is necessary to remain in the rule language or if it needs to be revised.

Response: The THECB thanks San Jacinto College for the question. The "maximum allowable change" also applies to the lower bounded count if the bounding is being calculated on a prior year value that is also forecasted requiring "maximum allowable change" to remain in rule language.

Comment: San Jacinto College requests that THECB provide additional technical guidance and reproducible files for the 3-model forecasting methodology and any future iterations in advance of or concurrently with published funding calculations. Because forecasting affects foundation payments, dynamic adjustments, and institutional budget planning, colleges need enough information to validate and to explain THECB's calculations to the institutional governing board and local stakeholders. Providing reproducible forecasting files would strengthen confidence in the model and help institutions distinguish between performance-based changes and technical forecasting effects.

Response: The THECB thanks San Jacinto College for the request and while this request does not relate to the proposed changes in this subchapter, agrees with the sentiment expressed. The THECB provided additional guidance alongside the FY2026 funding model and plans to continue this practice moving forward.

Comment: San Jacinto College requests and recommends that THECB consider adding, for FY27 and all future years, an appropriation-sufficiency provision to the payment-schedule rules governing dynamic adjustments, settle-up adjustments, and future foundation payments rather than adopting multiple simultaneous methodology changes that may reduce the value of outcomes before the state has had sufficient time to evaluate the effect of prior HB8 implementation changes. Such a provision would align with a "do no harm" approach. It would allow the Legislature to see the actual cost of increased student success outcomes and determine whether additional appropriations are warranted, while avoiding methodology changes that may unintentionally suppress the very outcomes the HB8 finance system is designed to encourage.

Response: The THECB thanks San Jacinto College for the request. While the request does not relate to the proposed changes in this subchapter In partnership with stakeholders and the advisory committee, the THECB has thoughtfully made model adjustments in early implementation years to support and sustain the outcomes-based model in alignment with statutory purpose and legislative intent. THECB is held to responsibly disbursing appropriations determined by the legislature, and any additional funding needed for adjustments to the model above and beyond a given fiscal year appropriation is a decision made by the legislature.

Comment: The Texas Association of Business supports the removal of the 110 percent forecasting cap, which will improve the accuracy, stability and integrity of the funding model.

Response: The THECB thanks the Texas Association of Business and agrees with the sentiment expressed.

The amendment is adopted under Texas Education Code (TEC), Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with TEC, Chapter 61, Chapter 130, and Chapter 130A to implement House Bill 8, 88th Texas Legislature, Regular Session. In addition, TEC, Section 130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

The adopted amendment affects TEC, Chapter 130A, and TEC, Sections 61.059 and 130.0031.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603123
Douglas Brock
General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 427-6495

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SUBCHAPTER V. COMMUNITY COLLEGE FINANCE PROGRAM: BASE AND PERFORMANCE TIER METHODOLOGY FOR FISCAL YEAR 2026

19 TAC §§13.643, 13.644, 13.646

The Texas Higher Education Coordinating Board (Coordinating Board) adopts amendments to Title 19, Part 1, Chapter 13, Subchapter V, §§13.643, 13.644 and 13.646, Community College Finance Program: Base and Performance Tier Methodology for Fiscal Year 2026, without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2564). The rules will not be republished.

These amendments correct typographical errors and codify that the Credential of Value Baseline list for associate degrees for fiscal year 2026 will not change after its adoption.

Texas Education Code (TEC), §130A.005, provides the Coordinating Board with the authority to adopt rules and take other actions consistent with TEC, Chapter 61, Chapter 130, and Chapter 130A to implement. House Bill 8, 88th Texas Legislature, Regular Session. In addition, TEC, §130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

Rule 13.643(17), Definitions, is amended to correctly reference definition (34) for Semester Credit Hour.

Rule 13.644(c)(2), Base Tier Allotment, is amended to replace the phrase "funding certified data" with "fundable certified data", which is defined in Chapter 13, Subchapter U. This ensures alignment of terms across the subchapters that govern the Community College Finance Program.

Rule 13.646(b)(2)(F), Performance Tier: Fundable Outcomes, is added to clarify that the associate degrees that are identified as credentials of value will remain unchanged for the duration of all payment calculations for fiscal year 2026. This codifies the current practice of not updating the list of fundable credentials after its initial adoption, and maintaining that list during any updates to the fiscal year 2026 funding model during subsequent fiscal years to allow for consistency in budgeting for the community colleges.

Minor non-substantive grammatical errors have been corrected. Capitalization of the word chapter when preceding a number and the word subchapter when preceding a letter has been standardized throughout the rules for consistency.

No comments were received regarding the adoption of the amendments.

The amendments are adopted under Texas Education Code, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with Texas Education Code, Chapter 61, Chapter 130, and Chapter 130A to implement. HB 8, 88th Texas Legislature, Regular Session. In addition, Texas Education Code, Section 130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

The adopted amendments affect Texas Education Code, Sections 28.0295, 61.003, 61.059, 130.003, 130.0031, 130.0034, 130.008, 130.085, 130.310, 130.352, and Chapter 130A.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603125
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General Counsel
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Effective date: August 12, 2026
Proposal publication date: April 24, 2026
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SUBCHAPTER W. COMMUNITY COLLEGE FINANCE PROGRAM: BASE AND PERFORMANCE TIER METHODOLOGY BEGINNING IN FISCAL YEAR 2027

19 TAC §§13.660 - 13.670

The Texas Higher Education Coordinating Board (Coordinating Board) adopts new rules in Title 19, Part 1, Chapter 13, Subchapter W, §§13.660, 13.662, 13.666, and 13.669, Community College Finance Program: Base and Performance Tier Methodology Beginning in Fiscal Year 2027, with changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2571). The rules will be republished. Sections 13.661, 13.663 - 13.665, 13.667, 13.668 and 13.670 are adopted without changes and will not be republished.

Specifically, this new section clarifies that Chapter 13, Subchapter W, rules apply to the Coordinating Board's calculation of foundation payments made beginning in fiscal year 2027 and future adjustments of those payments under the dynamic funding model, and it also contains a number of modifications relating to specific issue areas, as detailed below. Subsequently, Subchapter V, has continued authority for fiscal year 2026 only.

The Coordinating Board initially adopted the regular rules relating to the community college finance system in April 2025 for fiscal year 2026, including Chapter 13, Subchapter V. Subchapter W will perform the same functions as Chapter 13, Subchapter V, which establishes all definitions, methods, weights and rates for the base and performance tiers, but is applied beginning with funding year FY2027. The adopted rules make the following substantive changes for fiscal year 2027 to the rules previously adopted by the Coordinating Board for fiscal year 2026:

1. Removal of the Third-Party Credentials as a fundable outcome, as the Coordinating Board does not have the data to analyze or calculate funding for this outcome and how those credentials relate to state education and workforce needs.

2. Modification of the Academically Disadvantaged weight from 25% to 20% in both the Base Tier and Performance Tier calculations.

3. Modification of the Economically Disadvantaged weight from 25% to 20% in both the Base Tier and Performance Tier calculations.

4. Modification of the Adult Learner weight from 50% to 40% in both the Base Tier and Performance Tier calculations.

6. Modification of the three-year average to a two-year average when calculating the funding amounts after eligible outcomes are weighted.

6. Further limits the number of outcomes eligible to be funded in which one outcome of each type can be earned within a 5-year time frame, with the exception of two Level 1 certificates or continuing education certificates being allowed.

Subchapter W, maintains continuity with existing rules in Subchapter V, while making the changes listed above and ensuring the applicability of the rules beyond the 2026 fiscal year.

Texas Education Code (TEC), §130A.005, provides the Coordinating Board with the authority to adopt rules and take other actions consistent with TEC, Chapter 61, Chapter 130, and Chapter 130A to implement HB 8, 88th Texas Legislature, Regular Session. In addition, TEC, §130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

Rule 13.660, Purpose, establishes that the purpose of Subchapter W, is to implement the community college finance system established by HB 8, 88th Texas Legislature, Regular Session.

Rule 13.661, Authority, establishes the portions of the TEC that authorize the Coordinating Board to adopt rules pertaining to community college finance.

Rule 13.662, Applicability, establishes that the Coordinating Board will apply the rules in effect for the fiscal year in which the funding was delivered, unless otherwise provided. This provision provides guidance to institutions on which rules will apply as the Coordinating Board iterates and refines the community college finance framework. This also clarifies that this subchapter is applicable beginning with fiscal year 2027 base tier and performance tier calculations for funding purposes.

Rule 13.663, Definitions, lists definitions pertinent to the community college finance system. This section provides only general meanings of terms and reserves substantive policy detail for the sections described below.

Rule 13.664, Base Tier Allotment, establishes the calculations used to determine Base Tier funding that the legislature entitled community colleges to receive under TEC, §§130A.051 - 130A.056. To summarize, Base Tier funding is calculated as Instruction and Operations (I&O) minus Local Share. If Local Share is greater than Instructions and Operations, then Base Tier funding is zero.

Rule 13.665, Performance Tier Funding, establishes the components of the Performance Tier portion of community college funding, codified under TEC, Chapter 130A, Subchapter C. Performance Tier funding consists of the number of Fundable Outcomes each community college produces, weighted according to certain Fundable Outcome Weights and multiplied by relevant rates. The Coordinating Board determines institutions' weighted fundable outcome completions based on the better of the average of three fiscal years or the current fiscal year.

Rule 13.666, Performance Tier: Fundable Outcomes, describes the outcomes that are eligible to receive performance tier funding. Outcomes consist of the categories of 1) fundable credentials; 2) credential of value premium; 3) dual credit fundable outcomes; 4) transfer fundable outcomes; 5) structured co-enrollment fundable outcomes; and (6) Opportunity High School Diploma fundable outcomes. The paragraphs concerning §13.666 below focus on the specific ways in which this rule differs substantively from the analogous current rule governing fundable outcomes for fiscal year 2026.

Rule 13.666(b)(1)(D), removes the third-party credentials as a fundable outcome.

Rule 13.666(h)(3), extends the limitation of one outcome per student over a 5-year timeframe, with the exception of allowing for two certificate outcomes per student per year.

Rule 13.667, Performance Tier: Fundable Outcome Weights, establishes the weights that the Coordinating Board applies to the fundable outcomes achieved by students in the categories of economically disadvantaged, academically disadvantaged, and adult learners, for the purposes of performance tier funding, as required by Education Code, §130A.101. Institutions earn an additional weight of 20% for a fundable outcome when that outcome is achieved by an economically disadvantaged or academically disadvantaged student, and 40% for an adult learner.

Rule 13.668, Performance Tier: High-Demand Fields, establishes that an institution will receive additional weight for awarding credentials delivered in disciplines listed as a High-Demand Field. This is described in more detail in Subchapter T of this chapter.

Rule 13.669, Performance Tier: Rates, sets the monetary rates for each type of fundable outcome achieved by an institution. These fundable outcomes include the conferring of fundable credentials (including associate degrees, bachelor's degrees, and many types of workforce credentials), the credential of value premium, student completion of 15 dual credit hours, and successful student transfer to a public four-year institution. Rates are generally maintained for consistency with those set for fiscal year 2026 formula funding.

Rule 13.670, Shared Services Report, stipulates that smaller community college districts receiving a Base Tier scale adjustment must submit a report on their participation in shared services, and describes the content of this shared report. This provision carries out a statutory requirement for small schools to submit this report, codified in TEC, §130A.054(e).

Subsequent to the posting of the rules in the *Texas Register*, THECB staff recommend the following amendments:

Section 13.662 is amended to clarify that the applicability of this new subchapter's requirements will begin in fiscal year 2027, and the application of the subchapter's requirements to past years of historical data for the purpose of forecasting will begin in fiscal year 2027.

Section 13.666 is amended to make conforming language changes related to the transfer fundable outcome by including the phrase "or private or independent institution". This amendment maintains continuity with SB 1786, 89th Legislature, which added the private and independent institutions to the transfer fundable outcome.

Figure 19: TAC §13.669 is amended to remove third-party credentials from the list of rates, which conforms to the removal of third-party credentials as a fundable outcome.

The following comments were received regarding the adoption of the new rule.

Comment: Commit Partnership, Texas 2036, Texas PACE and San Jacinto College expressed concern regarding the reduction to the student weights, citing that reducing the financial incentive to serve these targeted populations is premature, and cuts against the original intent of the formula and sends the wrong long-term policy signal. By reducing the student weights, this would set a precedent for addressing future fiscal pressures using this mechanism rather than through evidence-based decisions. Recommendations from Commit Partnership and Texas PACE include prioritizing the Certificate Program Task Force evaluation of all currently fundable credentials within the formula to ensure they are supported by a sufficiently rigorous definition and evidentiary threshold for value and align with workforce needs.

Response: The THECB thanks Commit Partnership, Texas 2036, Texas PACE and San Jacinto College, and respectfully disagrees. A change in the student characteristic weight values is one of the tools the Legislature has provided to THECB to manage the fiscal impact of the community college finance (CCF) program during the legislative interim. However, the agency will also be considering legislative recommendations to further refine the CCF program and to manage its fiscal pressures. The purpose of the CCF program established by House Bill 8, codified in Education Code, §130A.001, is "to provide a modern and dynamic finance system that ensures that each public junior college has access to adequate state appropriations and local resources to support the education and training of the workforce of the future." The reduction of student characteristic weight values does not conflict with any element of this purpose.

Comment: Texas 2036, Texas PACE, and the Texas Association of Business commented their concerns on the removal of third-party credentials as a fundable outcome. We recognize and appreciate THECB's commitment to accountability and measurable workforce outcomes under the HB 8 framework. However, the current lack of comparable wage-record data for certain Third-Party Credentials should not automatically disqualify programs that are widely recognized and valued by employers across Texas industries. We recommend that THECB retain Third-Party Credentials as a fundable credential category, with funding withheld until their workforce value can be determined under the same standard applied to other short-term credentials. Removing Third-Party Credentials from the formula now treats a temporary data gap as a permanent policy conclusion, when the rule's structure should allow the policy to follow the evidence.

Response: The THECB thanks Texas 2036, Texas PACE and the Texas Association of Business for their comments. The agency disagrees that third party credentials should be retained as a fundable credential within the rule and disagrees that their removal from the rule is a permanent policy conclusion. The THECB does not currently have, or expect to have in the near future, the requisite underlying data, necessary to begin the implementation of third-party credentials as a fundable outcome. Retaining third-party credentials as a fundable outcome in the rule is a signal to colleges that they should plan for such programs, when as a practical matter, the agency does not expect that they will become a fundable outcome in the near future. If the agency later decides to add third-party credentials back to the rule as a fundable outcome, it will do so in a targeted and deliberate manner and amend the rules accordingly.

Comment: Texas 2036, Texas PACE and the Texas Association of Business commented on their support of the proposed cap of seven credentials within five years, which limits funding to one credential of each type per student over a five-year period, with an exception allowing up to two Level I or Continuing Education Certificates in that same window. This change reinforces the aim of incentivizing true stackability and student progression toward credentials that confer higher potential earnings, and appropriately discourages duplicative credential accrual while still allowing meaningful workforce advancement opportunities.

Response: The THECB thanks Texas 2036, Texas PACE and the Texas Association of Business for their comment and agrees with the sentiment expressed.

Comment: San Jacinto College requests additional clarification in rule that the proposed five-year limitation will not be applied retroactively, including the first fiscal year of outcomes that will be included in the five-year limitation and confirmation that credentials or outcomes earned before that year will not count against a student's future eligibility.

Response: The THECB thanks San Jacinto College and agrees that the proposed applicability of the new subchapter's requirements need clarification. As a result of the comment, the THECB has amended §13.662, Applicability, to specify that the subchapter's requirements will begin in fiscal year 2027, and that the application of the subchapter's requirements to past years of historical data for the purpose of forecasting will begin in fiscal year 2027.

Comment: San Jacinto College asks how the THECB will notify institutions that a student has already generated a fundable outcome of the same type elsewhere so that institutions will be able to model funding risk before credentials are conferred.

Response: The THECB thanks San Jacinto College for their comment. The agency agrees with San Jacinto College that institutions need information as to the prevalence of duplicate credentials at their institution. The agency will seek input from the Standing Advisory Committee for Public Junior Colleges on this issue which may be handled via procedures implementing the rule change.

Comment: San Jacinto College requests that THECB distinguish between academic associate degrees and applied associate degrees when applying the proposed five-year limitation on funding for credentials of the same type. Associate of Arts and Associate of Science degrees serve a different educational purpose than Associate of Applied Science degrees. Academic associate degrees provide broader exposure to general education outcomes and core objectives, while applied associate degrees focus more heavily on technical and workforce preparation and typically include a smaller general education component. A student who completes both an academic associate degree and an Associate of Applied Science has therefore completed two structurally different credentials with distinct and complementary value. Treating both as a single associate-degree type could unintentionally under-recognize stackable pathways that combine transfer-oriented learning with applied workforce preparation.

Response: The THECB thanks San Jacinto College for the comment. The THECB declines to make any change to the rule text as a result of the comment. Although the agency agrees that there may be instances of two complementary associate degrees, it is the agency's view that such instances are not prevalent enough to codify as an exception to the limitation.

Comment: The Texas Association of Business commented their support for the change to a two-year averaging mechanism, which will improve predictability and reduce volatility within the funding model. This adjustment will help institutions better plan for workforce demand while minimizing fluctuations tied to temporary enrollment changes or short-term credential spikes.

Response: The THECB thanks the Texas Association of Business for their comment and agrees with the sentiment expressed.

Comment: Commit Partnership requests that the agency explore evidence-based policy levers to right-size funding and strengthen long-term alignment between postsecondary outcomes and workforce needs. An example could be accelerating the work of the Certificate Programs Task Force and prioritize this work to ensure decisions about high-quality short-term credentials are grounded in clear data and evidence that identifies which programs deliver meaningful outcomes for students and aligns with workforce demand.

Response: The THECB thanks Commit Partnership for their comment. The agency agrees with the importance of evidence-based policy and in strengthening the alignment between postsecondary outcomes and workforce needs. The agency has not made any change to the rule text as a result of the comment.

The new section is adopted under TEC, Section 130A.005, which provides the Coordinating Board with the authority to adopt rules and take other actions consistent with TEC, Chapter 61, Chapter 130, and Chapter 130A to implement Tex. HB 8, 88th Texas Legislature, Regular Session. In addition, TEC, Section 130.355, permits the Coordinating Board to establish rules for funding workforce continuing education.

The adopted new section affects TEC, Sections 28.0295, 61.003, 61.059, 130.003, 130.0031, 130.0034, 130.008, 130.085, 130.310, 130.352 and Chapter 130A.

§13.660. Purpose.

The purpose of this subchapter is to implement the Community College Finance Program authorized by Texas Education Code, Chapters 61, 130, and 130A.

§13.662. Applicability.

(a) Unless otherwise provided, the Coordinating Board shall apply this subchapter to the calculation of base tier funding beginning in fiscal year 2027 and to the calculation of performance tier funding beginning in fiscal year 2027.

(b) This subchapter applies to the calculation of all relevant historical data used to inform performance tier outcome counts achieved or forecast to be achieved, which are used as direct inputs to funding calculations beginning in fiscal year 2027.

§13.666. Performance Tier: Fundable Outcomes.

(a) This section contains definitions of Fundable Outcomes eligible for receiving funding through the Performance Tier. An institution's Performance Tier funding will consist of the count of Fundable Outcomes, multiplied by weights identified in §13.667 of this subchapter (relating to Performance Tier: Fundable Outcome Weights) as applicable, multiplied by the monetary rates identified in this subchapter. Only the Fundable Outcomes identified under paragraphs (1), (4), and (5) of this subsection are eligible to qualify for a Fundable Outcome Weight category identified in §13.667(a)(1), §13.667(a)(2), or

§13.667(a)(3) of this subchapter; all other Fundable Outcomes receive a weight of one under §13.667 of this subchapter. A credential's eligibility for funding as a fundable credential is subject to the limitations set out in subsection (h) of this section. Fundable Outcomes consist of the following categories:

(1) Fundable Credentials;

(2) Credential of Value Premium;

(3) Dual Credit Fundable Outcomes;

(4) Transfer Fundable Outcomes;

(5) Structured Co-Enrollment Fundable Outcomes; and

(6) Opportunity High School Diploma Fundable Outcomes.

(b) Fundable Credentials.

(1) A fundable credential is defined as any of the following:

(A) Any of the following credentials awarded by an institution that meets the criteria of a credential of value as defined in paragraph (2) or (3) of this subsection using the most recent data available prior to the year in which the credential that is otherwise eligible for funding is conferred and that the institution reported and certified to the Coordinating Board:

(i) An associate degree;

(ii) A baccalaureate degree;

(iii) A Level 1 or Level 2 Certificate;

(iv) An Advanced Technical Certificate; and

(v) A Continuing Education Certificate.

(B) An Occupational Skills Award awarded by an institution that the institution reported and certified to the Coordinating Board;

(C) An Institutional Credential Leading to Licensure or Certification (ICLC) not reported pursuant to subparagraph (B) of this paragraph and that the institution reported and certified to the Coordinating Board. The credential shall meet one of the following criteria:

(i) The credential includes no fewer than 144 contact hours or nine (9) semester credit hours; or

(ii) The credential is awarded in a high demand field, as defined in Coordinating Board rule, and includes no fewer than 80 contact hours or five (5) semester credit hours;

(2) Credential of Value Baseline - Associate Degree. A credential identified in paragraph (1)(A)(i) of this subsection must meet the Credential of Value Baseline criteria as provided by this paragraph to be eligible as a Fundable Outcome, except when that credential is conferred under the fields appearing in Figure: 19 TAC §13.666, according to the Classification of Instructional Programs promulgated by the U.S. Department of Education. When a credential identified in paragraph (1)(A)(i) of this subsection is conferred under fields appearing in Figure: 19 TAC §13.666, it must meet the Credential of Value Baseline criteria as provided by paragraph (3) of this subsection to be eligible as a Fundable Outcome. Excluding the credentials identified in Figure: 19 TAC §13.666, the baseline is met when a credential earned by a student would be expected to provide a positive return on investment and an individual self-sufficient wage within a period of five years.

Figure: 19 TAC §13.666(b)(2)

(A) A program demonstrates a positive return on investment when the majority of students statewide completing the credential, within a program area, are expected to accrue earnings greater than the cumulative median earnings of Texas high school graduates who do not hold additional credentials, plus recouping the net cost of attendance within five years after earning the credential.

(B) This calculation of return on investment shall include students' opportunity cost, calculated as the difference between median earnings for Texas high school graduates and estimated median earnings for students while enrolled for a period of two years.

(C) The Coordinating Board shall calculate the expected return on investment for each program based on the most current data available to the agency for the funding year for each program or a comparable program.

(D) The Coordinating Board shall determine whether a credential is expected to provide an individual self-sufficient wage within a period of five years by comparing the median real wage, as adjusted based on the Consumer Price Index calculated by the U.S. Bureau of Labor Statistics, earned by all recipients of the credential in their fifth year after receiving the credential according to all available data to the individual self-sufficient wage defined in accordance with §13.663(25) of this subchapter (relating to Definitions).

(E) In applying the methodology under this section to a program offering a credential in an emerging or essential high-demand field pursuant to §13.595(a) and (b) of this chapter (relating to Essential Occupations), the Coordinating Board may utilize other recent, relevant data, including:

(i) employer certifications provided under §13.595(b) of this chapter;

(ii) information on program design, including at minimum the cost and length of the program; and

(iii) any other information necessary for the Coordinating Bard to apply the methodology under this section to the program proposed in an emerging or essential high-demand field.

(F) The associate degrees identified as credentials of value under paragraph (2) of this subsection shall be used for any subsequent calculation for a given fiscal year.

(3) Credential of Value Baseline - Other Credentials. A credential identified in paragraph (1)(A)(ii), (iii), (iv), or (v) of this subsection and not subject to paragraph (2) of this subsection must meet the Credential of Value Baseline criteria as provided by this paragraph for eligibility as a Fundable Outcome. This baseline is met when a credential earned by a student would be expected to provide a positive return on investment within a period of ten years.

(A) A program demonstrates a positive return on investment when the majority of students statewide completing the credential, within a program area, are expected to accrue earnings greater than the cumulative median earnings of Texas high school graduates who do not hold additional credentials, plus recouping the net cost of attendance within ten years after earning the credential.

(B) This calculation of return on investment shall include students' opportunity cost, calculated as the difference between median earnings for Texas high school graduates and estimated median earnings for students while enrolled:

(i) Four years for baccalaureate degree holders;

(ii) Two years for associate degree holders; or

(iii) One year for holders of a Level 1 certificate, Level 2 certificate, Advanced Technical Certificate, or Continuing Education Certificate.

(C) The Coordinating Board shall calculate the expected return on investment for each program based on the most current data available to the agency for the funding year for each program or a comparable program.

(D) In applying the methodology under this section to a program offering a credential in an emerging or essential high-demand field pursuant to §13.595(a) and (b) of this chapter, the Coordinating Board may utilize recent, relevant data, including:

(i) employer certifications provided under §13.595(b) of this chapter;

(ii) information on program design, including at minimum the cost and length of the program; and

(iii) any other information necessary for the Coordinating Board to apply the methodology under this section to the program proposed in an emerging or essential high-demand field.

(4) Notwithstanding subsection (h) of this section, the following limitations apply to a fundable credential:

(A) For a credential under paragraph (1)(B) or (C) of this subsection, if more than one credential that the institution awarded to a student includes the same contact hours, the institution may only submit one credential for funding;

(B) If an institution awarded to a student a credential eligible for funding under paragraph (1)(B) and (C) of this subsection and those credentials share the same contact hours, the institution shall submit for funding only the credential awarded under paragraph (1)(B) of this subsection; and

(C) A fundable credential excludes a degree or certificate awarded to a non-resident student enrolled in a 100-percent online degree or certificate program as defined in §2.202(4)(A) of this title (relating to Definitions) for a student who resides out-of-state.

(c) Credential of Value Premium. An institution earns a Credential of Value Premium for each student who completes a Fundable Credential under subsection (b)(1)(A) of this section as follows:

(1) The student completes the credential of value on or before the target year for completion that, for the majority of students who complete comparable programs, would enable the student to achieve a positive return on investment within the timeframe specified for the program as described in paragraph (2) of this subsection.

(2) For each program, the Coordinating Board shall calculate the year in which the majority of comparable programs would be projected to have the majority of their students achieve a positive return on investment.

(3) Each year, the Coordinating Board shall publish a list of the target years for completion for each program.

(d) Dual Credit Fundable Outcome. An institution achieves a Dual Credit Fundable Outcome when a student has earned a minimum number of eligible dual credit semester credit hours, as defined in §13.663(16) of this subchapter (relating to Definitions).

(e) Transfer Fundable Outcome.

(1) An institution earns a transfer fundable outcome when a student enrolls in a general academic teaching institution (GAI), as defined in Texas Education Code, §61.003(3), or a private or independent institution of higher education as defined in Texas Education Code, §61.003(15), after earning at least 15 semester credit hours or semester credit hour equivalents (SCH) from a single public junior college district, subject to the following:

(A) The student is enrolled at a GAI or private or independent institution for the first time in the fiscal year for which the public junior college is eligible for a performance tier allocation, as established in this subchapter;

(B) No institution, including the institution that may be awarded a transfer fundable outcome, has achieved a structured co-enrollment fundable outcome or would otherwise achieve a structured co-enrollment fundable outcome in the same year on the basis of the student's participation in a structured co-enrollment program under subsection (f) of this section;

(C) The student earned a minimum of 15 SCHs from the public junior community college district seeking the transfer fundable outcome during the period including the fiscal year in which they enroll at the GAI or private or independent institution and the four fiscal years prior; and

(D) The attainment of the 15 SCHs satisfies the following restrictions:

(i) The transfer fundable outcome shall exclude the 15 SCHs that previously counted toward attainment of a dual credit fundable outcome for the student under subsection (d) of this section.

(ii) The transfer fundable outcome may include any SCHs earned by the student not previously counted toward a dual credit fundable outcome under subsection (d) of this section.

(2) Only one institution may earn a transfer fundable outcome for any individual student, except as provided by subparagraph (C) of this paragraph. An institution may earn the transfer fundable outcome only once per student. The Coordinating Board shall award the transfer fundable outcome in accordance with this subsection.

(A) If a student has earned 15 SCH at more than one institution prior to transfer to any GAI or private or independent institution, the Coordinating Board shall award the transfer fundable outcome to the last public junior college at which the student earned the 15 SCH eligible for funding under this section.

(B) If the student earned the 15 SCH at more than one institution during the same academic term, the Coordinating Board shall award the transfer fundable outcome to the public junior college:

(i) from which the student earned the greater number of the SCH that count toward the transfer fundable outcome during the academic term in which they earned the 15 SCH; or

(ii) if the student earned an equal number of SCH that count toward the transfer fundable outcome in the academic term in which the student earned the 15 SCH, to the institution from which the student earned a greater number of SCH that count toward the transfer fundable outcome in total.

(C) If a student has met the SCH requirements of subparagraph (B)(i) and (ii) of this paragraph at more than one public junior college, each public junior college may receive a transfer fundable outcome.

(f) Structured Co-Enrollment Fundable Outcome. An institution achieves a Structured Co-Enrollment Fundable Outcome when a student has earned a minimum number of eligible semester credit hours in a structured co-enrollment program that has been submitted and certified to the Coordinating Board as defined in §13.663(35) of this subchapter, and no institution, including the institution that may be awarded a structured co-enrollment fundable outcome, has been funded for transfer fundable outcome on the basis of the student's enrollment in a GAI under subsection (e) of this section.

(g) Opportunity High School Diploma Fundable Outcome. An institution achieves an Opportunity High School Diploma Fundable Outcome when a student has completed the program and attained the credential, as defined in §13.663(33) of this subchapter. A student must earn the Opportunity High School Diploma on or after September 1, 2024, to qualify as a Fundable Outcome.

(h) Fundable Outcome Parameters. The Commissioner of Higher Education retains sole discretion for determining compliance with the requirements of this subsection. An institution shall only be funded for credentials reported in compliance with this section.

(1) For a credential conferred in fiscal year 2027 to be eligible for funding, an institution must have conferred the credential in and reported the credential for fiscal year 2027, and the recipient must have earned the credential no earlier than June 1, 2026.

(A) An associate degree that the institution conferred in and reported for fiscal year 2027 shall also be eligible for funding if the student earned the last semester credit hour of the associate degree through the successful completion of coursework at an institution other than the institution conferring and reporting the credential no earlier than May 1, 2026.

(B) A credential earned prior to September 1, 2026, but reported for fiscal year 2027 and satisfying all other requirements of this paragraph must be conferred no later than December 31, 2026, to be eligible for funding.

(2) The coordinating board shall fund the following credentials, provided they meet all other criteria of fundable credentials of value:

(A) An Occupational Skills Award, or an Institutional Credential Leading to Licensure or Certification;

(B) Level I Certificate or Continuing Education Certificate;

(C) Level II Certificate;

(D) an associate degree;

(E) an advanced technical certificate; and

(F) a baccalaureate degree.

(3) An institution may not receive funding for more than one credential of each type listed in paragraph (2)(A) - (F) of this subsection, where each subparagraph corresponds to a type, conferred to an individual student in a five-year reporting period, with the exception of paragraph (2)(B) of this subsection which allows funding for two credentials conferred to an individual student in a five-year reporting period.

(4) Subject to the limitations specified in this subsection, if an institution reports having conferred more than one credential of any single type listed in paragraph (2)(A) - (F) of this subsection to an individual student in a five-year reporting period with the exception of paragraph (2)(B) of this subsection which allows funding for two credentials conferred to an individual student in a five-year reporting period and conferred at least one such credential in a discipline designated as a high-demand field for that institution, as described in Subchapter T of this chapter (relating to Community College Finance Program: High-Demand Fields), the coordinating board shall fund a credential in the high-demand field.

§13.669. Performance Tier: Rates.

An institution receives the rate in Figure: 19 TAC §13.669 for each fundable outcome, weighted according to the applicable provisions of §13.666 and §13.667 of this subchapter (relating to Performance Tier: Fundable Outcomes and Performance Tier: Fundable Outcome Weights, respectively).
Figure: 19 TAC §13.669

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603127
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General Counsel
Texas Higher Education Coordinating Board
Effective date: August 12, 2026
Proposal publication date: April 24, 2026
For further information, please call: (512) 427-6495

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PART 2. TEXAS EDUCATION AGENCY

CHAPTER 97. PLANNING AND ACCOUNTABILITY
SUBCHAPTER EE. ACCREDITATION STATUS, STANDARDS, AND SANCTIONS
DIVISION 1. STATUS, STANDARDS, AND SANCTIONS

19 TAC §97.1066

The Texas Education Agency (TEA) adopts an amendment to §97.1066, concerning campus repurposing and closure. The amendment is adopted without changes to the proposed text as published in the April 3, 2026 issue of the *Texas Register* (51 TexReg 2175) and will not be republished. The adopted amendment clarifies the conditions under which a district may close a campus and updates the provisions for assigning a new campus number to a repurposed campus.

REASONED JUSTIFICATION: Section 97.1066 outlines the process and procedures for campus closure and repurposing. The adopted amendment clarifies the conditions under which a district may close a campus. The amendment establishes these conditions based on the overall state accountability rating of the campus being closed and of the campus to which students of the closed campus will be assigned. The amendment also reserves the ability to repurpose a campus and assign a new county-district-campus number (CDCN) to circumstances in which the repurposed campus provides a distinctly different academic program and serves a majority of grade levels not served at the original campus, or when the campus is operated under contract with a non profit entity.

The deadline for submitting the information required by the commissioner to make a determination about assigning a new CDCN is May 31. Due to error by the Texas Register, the proposed rule published in the April 3, 2026 issue of the *Texas Register* inadvertently specified the due date as May 3 in subsection (f)(4)(C)(iv). A notice acknowledging the error is published in the In Addition section of this issue of the *Texas Register*.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began April 3, 2026, and ended May 4, 2026. Following are the comments received and agency responses.

Comment: Three school district employees and two organizations, the Texas Center for School Accountability and the Texas School Alliance, which together represent 51 school districts, raised concerns that several provisions of the proposal are overly restrictive. They noted impacts on local decision-making and flexibility as well as misalignment with accountability definitions. They argued that limiting transfers to A- or B-rated campuses excludes viable C-rated campuses, that a single D rating should not trigger heightened consequences, and that new campuses should not automatically inherit prior accountability history. They also requested clearer timelines, alignment with district budgeting cycles, and consideration of geographic constraints. Additionally, they noted that these provisions may discourage the closure of struggling campuses, penalize higher-performing schools, and hinder long-range facilities planning amid enrollment declines.

Response: The agency disagrees with the commenters' suggested revisions. The CDCN closure and potential reassignment provisions in the proposal are intended to encourage thoughtful student placement following campus closure, particularly in cases involving campuses with a history of academic challenges. These provisions are not intended to impose a one size fits all approach, nor to disregard practical constraints faced by districts. Districts retain flexibility to document local considerations and implementation factors as part of required consolidation planning, which allows the agency to review reassignment decisions in context rather than in isolation, while also allowing the agency to maintain continuity of ratings and subsequent interventions.

Comment: San Angelo Independent School District, three school district employees, and the Fast Growth School Coalition, which represents approximately 70 districts, asserted that campus closure and repurposing decisions are core responsibilities of local school boards and should reflect community context, enrollment trends, and facility needs. They argued that the proposal adds unnecessary state-level oversight, risks unintended accountability and community consequences, and undermines local flexibility without clear benefit.

Response: The agency disagrees. The purpose of the proposal is not to supplant local decision-making but to ensure that campus repurposing and closure actions taken within the accountability system are implemented in a manner that supports student outcomes and preserves transparency regarding accountability consequences. The rule is intended to provide clarity and consistency across districts while maintaining districts' ability to plan and implement closures based on local needs. Each school district will keep the autonomy to close campus facilities as needed, while allowing for agency oversight and alignment of accountability ratings as required by the rule.

Comment: A school district employee emphasized preserving an elected school board's authority to make consolidation decisions amid declining enrollment. The employee also requested specific guidance and flexibility for dropout recovery schools, which serve unique student populations and face heightened accountability pressure absent clear consolidation pathways.

Response: The agency disagrees. The purpose of the proposal is not to supplant local decision-making but to ensure that campus repurposing and closure actions taken within the accountability system are implemented in a manner that supports student outcomes and preserves transparency regarding accountability consequences. The rule is intended to provide clarity and consistency across districts while maintaining districts' ability to plan and implement closures based on local needs. Each school district will keep the autonomy to close campus facilities as needed, while allowing for agency oversight and alignment of accountability ratings as required by the rule. Dropout recovery schools will be treated in the same manner as other campuses under this rule. The district will have the autonomy to close schools, while the agency retains the authority of the CDCN and interventions.

Comment: Good Reason Houston supported the consolidation plan requirement but raised concerns about classifying C-rated campuses with D and F campuses for CDCN reassignment. They warned this may discourage placement in stronger C campuses, particularly in urban districts facing enrollment decline, and create incentives counter to student outcomes.

Response: The agency disagrees. The purpose of the proposal is not to supplant local decision-making but to ensure that campus repurposing and closure actions taken within the accountability system are implemented in a manner that supports student outcomes and preserves transparency regarding accountability consequences. The rule is intended to provide clarity and consistency across districts while maintaining districts' ability to plan and implement closures based on local needs. Each school district will keep the autonomy to close campus facilities as needed, while allowing for agency oversight and alignment of accountability ratings as required by the rule.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §39A.111, which grants the commissioner of education the authority to close a campus that has received five consecutive school years of unacceptable performance ratings; TEC, §39A.113, which establishes requirements for repurposing a closed campus; and TEC, §39A.115, which grants the commissioner rulemaking authority over TEC, Chapter 39A, Subchapter C.

CROSS REFERENCE TO STATUTE. The amendment implements TEC, §§39A.111, 39A.113, and 39A.115.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603147
Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
Effective date: August 16, 2026
Proposal publication date: April 3, 2026
For further information, please call: (512) 463-9526

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TITLE 26. HEALTH AND HUMAN SERVICES

PART 1. HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 749. MINIMUM STANDARDS FOR CHILD-PLACING AGENCIES

The executive commissioner of the Texas Health and Human Services Commission (HHSC) adopts the repeal of §§749.801, 749.811, 749.813, 749.831, 749.833, 749.861, 749.863 - 749.865, 749.867 - 749.869, 749.881 - 749.883, 749.885, 749.887, 749.889, 749.911, 749.913, 749.915, 749.930 - 749.933, 749.935, 749.937, 749.939, 749.941, 749.943 - 749.945, 749.947, 749.949, 749.1001, 749.1003, 749.1005, 749.1007, 749.1009, 749.1011, 749.1013, 749.1015, 749.1017, 749.1019, 749.1021, 749.1101, 749.1103, 749.1105, 749.1107, 749.1109, 749.1111, 749.1113, 749.1115, 749.1131, 749.1133, 749.1135, 749.1137, 749.1151, 749.1153, 749.1155, 749.1181, 749.1183, 749.1185, 749.1187, 749.1189, 749.1251, 749.1253, 749.1255, 749.1281, 749.1291, 749.1301, 749.1305, 749.1307, 749.1309, 749.1311 - 749.1313, 749.1315, 749.1317, 749.1319, 749.1321, 749.1323, 749.1331, 749.1333, 749.1335 - 749.1337, 749.1339, 749.1361, 749.1363, 749.1365, 749.1367, 749.1369, 749.1371, 749.1373, 749.1377, 749.1401, 749.1403, 749.1405, 749.1409, 749.1411, 749.1413, 749.1415, 749.1417, 749.1421, 749.1423, 749.1425, 749.1427, 749.1429, 749.1431, 749.1433, 749.1435, 749.1437, 749.1461, 749.1463, 749.1469, 749.1501, 749.1503, 749.1521, 749.1541, 749.1543, 749.1545, 749.1561, 749.1563, 749.1565, 749.1581, 749.1583, 749.1603, 749.1605, 749.1607, 749.1609, 749.1611, 749.1641, 749.1643, 749.1645, 749.1647, 749.1671, 749.1673, 749.1675, 749.1801, 749.1803, 749.1805, 749.1807, 749.1809, 749.1811, 749.1813, 749.1815, 749.1817, 749.1819, 749.1821, 749.1841, 749.1861, 749.1863, 749.1865, 749.1891, 749.1893, 749.1895, 749.1921, 749.1923, 749.1925, 749.1927, 749.1951, 749.1953, 749.1955, 749.1957, 749.1959, 749.1961, 749.2001, 749.2051, 749.2053, 749.2055, 749.2059, 749.2061, 749.2063, 749.2101, 749.2103, 749.2105, 749.2107, 749.2151, 749.2153, 749.2201, 749.2203, 749.2205, 749.2231, 749.2233, 749.2281, 749.2283, 749.2301, 749.2303, 749.2305, 749.2307, 749.2331, 749.2333, 749.2335, 749.2337, 749.2339, 749.2381, 749.2383, 749.2401, 749.2403, 749.2405, 749.2407, 749.2445, 749.2447, 749.2449, 749.2451, 749.2453, 749.2470, 749.2473, 749.2475, 749.2477, 749.2479, 749.2481, 749.2483, 749.2485, 749.2487 - 749.2489, 749.2491, 749.2493, 749.2495, 749.2497, 749.2520, 749.2521, 749.2523, 749.2525 - 749.2527, 749.2529, 749.2531, 749.2533, 749.2535, 749.2537, 749.2539, 749.2550, 749.2551, 749.2555, 749.2557, 749.2591, 749.2593, 749.2595, 749.2597, 749.2599, 749.2601, 749.2603, 749.2605, 749.2607, 749.2621, 749.2623, 749.2625, 749.2627, 749.2629, 749.2631, 749.2633, 749.2635, 749.2651, 749.2653, 749.2655, 749.2801, 749.2803, 749.2805, 749.2807, 749.2809, 749.2811, 749.2813 - 749.2815, 749.2817, 749.2819, 749.2821, 749.2823, 749.2825, 749.2901 - 749.2905, 749.2907 - 749.2909, 749.2911, 749.2913, 749.2915, 749.2917, 749.2931, 749.2961, 749.2963, 749.2965, 749.2967, 749.3021, 749.3023, 749.3025, 749.3027, 749.3029, 749.3031, 749.3033, 749.3035, 749.3037, 749.3039, 749.3041, 749.3043, 749.3061, 749.3063, 749.3065, 749.3067, 749.3069, 749.3071, 749.3073, 749.3075, 749.3077, 749.3079, 749.3081, 749.3101, 749.3103, 749.3105, 749.3107, 749.3109, 749.3111, 749.3131, 749.3133, 749.3135, 749.3137, 749.3139, 749.3141, 749.3143, 749.3145, 749.3147, 749.3149, and 749.3151; and new §§749.801, 749.803, 749.805, 749.807, 749.821, 749.823, 749.825, 749.831, 749.901, 749.903, 749.905, 749.921, 749.923, 749.925, 749.927, 749.929, 749.931, 749.933, 749.935, 749.937, 749.951, 749.953, 749.955, 749.957, 749.959, 749.973, 749.975, 749.977, 749.1001, 749.1003, 749.1005, 749.1007, 749.1009, 749.1011, 749.1013, 749.1015, 749.1017, 749.1019, 749.1031, 749.1033, 749.1035, 749.1037, 749.1051, 749.1053, 749.1061, 749.1063, 749.1065, 749.1101, 749.1103, 749.1105, 749.1107, 749.1109, 749.1201, 749.1203, 749.1205, 749.1207, 749.1209, 749.1211, 749.1213, 749.1215, 749.1217, 749.1231, 749.1233, 749.1235, 749.1237, 749.1251, 749.1253, 749.1301, 749.1303, 749.1305, 749.1307, 749.1401, 749.1403, 749.1405, 749.1407, 749.1409, 749.1411, 749.1413, 749.1415, 749.1417, 749.1419, 749.1421, 749.1423, 749.1501, 749.1503, 749.1505, 749.1601, 749.1603, 749.1605, 749.1607, 749.1621, 749.1623, 749.1625, 749.1631, 749.1633, and 749.1635.

New §§749.801, 749.803, 749.805, 749.807, 749.821, 749.831, 749.901, 749.923, 749.925, 749.929, 749.931, 749.935, 749.937, 749.951, 749.953, 749.955, 749.957, 749.973, 749.1001, 749.1003, 749.1005, 749.1007, 749.1009, 749.1013, 749.1017, 749.1035, 749.1051, 749.1101, 749.1103, 749.1109, 749.1201, 749.1211, 749.1213, 749.1215, 749.1231, 749.1235, 749.1251, 749.1303, 749.1419, 749.1501, 749.1505, 749.1601, and 749.1603 are adopted with changes to the proposed text as published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 815). These rules will be republished.

The repeal of §§749.801, 749.811, 749.813, 749.831, 749.833, 749.861, 749.863 - 749.865, 749.867 - 749.869, 749.881 - 749.883, 749.885, 749.887, 749.889, 749.911, 749.913, 749.915, 749.930 - 749.933, 749.935, 749.937, 749.939, 749.941, 749.943 - 749.945, 749.947, 749.949, 749.1001, 749.1003, 749.1005, 749.1007, 749.1009, 749.1011, 749.1013, 749.1015, 749.1017, 749.1019, 749.1021, 749.1101, 749.1103, 749.1105, 749.1107, 749.1109, 749.1111, 749.1113, 749.1115, 749.1131, 749.1133, 749.1135, 749.1137, 749.1151, 749.1153, 749.1155, 749.1181, 749.1183, 749.1185, 749.1187, 749.1189, 749.1251, 749.1253, 749.1255, 749.1281, 749.1291, 749.1301, 749.1305, 749.1307, 749.1309, 749.1311 - 749.1313, 749.1315, 749.1317, 749.1319, 749.1321, 749.1323, 749.1331, 749.1333, 749.1335 - 749.1337, 749.1339, 749.1361, 749.1363, 749.1365, 749.1367, 749.1369, 749.1371, 749.1373, 749.1377, 749.1401, 749.1403, 749.1405, 749.1409, 749.1411, 749.1413, 749.1415, 749.1417, 749.1421, 749.1423, 749.1425, 749.1427, 749.1429, 749.1431, 749.1433, 749.1435, 749.1437, 749.1461, 749.1463, 749.1469, 749.1501, 749.1503, 749.1521, 749.1541, 749.1543, 749.1545, 749.1561, 749.1563, 749.1565, 749.1581, 749.1583, 749.1603, 749.1605, 749.1607, 749.1609, 749.1611, 749.1641, 749.1643, 749.1645, 749.1647, 749.1671, 749.1673, 749.1675, 749.1801, 749.1803, 749.1805, 749.1807, 749.1809, 749.1811, 749.1813, 749.1815, 749.1817, 749.1819, 749.1821, 749.1841, 749.1861, 749.1863, 749.1865, 749.1891, 749.1893, 749.1895, 749.1921, 749.1923, 749.1925, 749.1927, 749.1951, 749.1953, 749.1955, 749.1957, 749.1959, 749.1961, 749.2001, 749.2051, 749.2053, 749.2055, 749.2059, 749.2061, 749.2063, 749.2101, 749.2103, 749.2105, 749.2107, 749.2151, 749.2153, 749.2201, 749.2203, 749.2205, 749.2231, 749.2233, 749.2281, 749.2283, 749.2301, 749.2303, 749.2305, 749.2307, 749.2331, 749.2333, 749.2335, 749.2337, 749.2339, 749.2381, 749.2383, 749.2401, 749.2403, 749.2405, 749.2407, 749.2445, 749.2447, 749.2449, 749.2451, 749.2453, 749.2470, 749.2473, 749.2475, 749.2477, 749.2479, 749.2481, 749.2483, 749.2485, 749.2487 - 749.2489, 749.2491, 749.2493, 749.2495, 749.2497, 749.2520, 749.2521, 749.2523, 749.2525 - 749.2527, 749.2529, 749.2531, 749.2533, 749.2535, 749.2537, 749.2539, 749.2550, 749.2551, 749.2555, 749.2557, 749.2591, 749.2593, 749.2595, 749.2597, 749.2599, 749.2601, 749.2603, 749.2605, 749.2607, 749.2621, 749.2623, 749.2625, 749.2627, 749.2629, 749.2631, 749.2633, 749.2635, 749.2651, 749.2653, 749.2655, 749.2801, 749.2803, 749.2805, 749.2807, 749.2809, 749.2811, 749.2813 - 749.2815, 749.2817, 749.2819, 749.2821, 749.2823, 749.2825, 749.2901 - 749.2905, 749.2907 - 749.2909, 749.2911, 749.2913, 749.2915, 749.2917, 749.2931, 749.2961, 749.2963, 749.2965, 749.2967, 749.3021, 749.3023, 749.3025, 749.3027, 749.3029, 749.3031, 749.3033, 749.3035, 749.3037, 749.3039, 749.3041, 749.3043, 749.3061, 749.3063, 749.3065, 749.3067, 749.3069, 749.3071, 749.3073, 749.3075, 749.3077, 749.3079, 749.3081, 749.3101, 749.3103, 749.3105, 749.3107, 749.3109, 749.3111, 749.3131, 749.3133, 749.3135, 749.3137, 749.3139, 749.3141, 749.3143, 749.3145, 749.3147, 749.3149, and 749.3151; and new §§749.823, 749.825, 749.903, 749.905, 749.921, 749.927, 749.933, 749.959, 749.975, 749.977, 749.1011, 749.1015, 749.1019, 749.1031, 749.1033, 749.1037, 749.1053, 749.1061, 749.1063, 749.1065, 749.1105, 749.1107, 749.1203, 749.1205, 749.1207, 749.1209, 749.1217, 749.1233, 749.1237, 749.1253, 749.1301, 749.1305, 749.1307, 749.1401, 749.1403, 749.1405, 749.1407, 749.1409, 749.1411, 749.1413, 749.1415, 749.1417, 749.1421, 749.1423, 749.1503, 749.1605, 749.1607, 749.1621, 749.1623, 749.1625, 749.1631, 749.1633, and 749.1635 are adopted without changes to the proposed text as published in the February 13, 2026, issue of the *Texas Register* (51 TexReg 815). These rules will not be republished.

BACKGROUND AND JUSTIFICATION

The repeals and new sections are necessary to (1) comply with Texas Human Resources Code (HRC) §42.042(b); (2) implement an HHSC regulatory reform initiative created by Senate Bill (SB) 593, 88th Legislature, Regular Session, 2023; (3) implement House Bill (HB) 1403, 89th Legislature, Regular Session, 2025; and (4) implement HB 2789, 89th Legislature, Regular Session, 2025.

HRC §42.042(b) requires HHSC Child Care Regulation (CCR) to conduct a comprehensive review of minimum standards at least once every six years. SB 593 required HHSC to contract with an independent entity to assess HHSC rules, minimum standards, Texas Department of Family and Protective Services (DFPS) contract requirements, and standards or oversight requirements prescribed by law. The independent contractor completed an assessment and found that existing minimum standards were overly detailed, repetitive, or administrative in nature and could be streamlined while maintaining protections for the health and safety of children in care.

HB 1403 amended HRC §42.042 to ensure the confidentiality of foster homes related to firearms. HRC §42.042 prohibits HHSC or a child-placing agency (CPA) from requiring a foster home to (1) disclose the specific types of firearms that are present in the home; or (2) notify the CPA if there is any change in the types of firearms present in the home.

Section 2 of HB 2789 amended HRC §42.043 to remove the requirement for a child in care to have a tuberculosis test.

Additionally, the rules are in plain language to improve understanding and effectiveness.

COMMENTS

The 31-day comment period ended March 16, 2026.

During this period, HHSC received comments regarding the proposed rules from 16 commenters. HHSC received comments from The Sanctuary Foster Care Services, Alliance for Children, Arrow Child & Family Ministries, Texas Alliance of Child and Family Services, Texas Council on Family Violence, and 11 individuals. A summary of comments relating to the rules and HHSC's responses follows.

Comment: One commenter noted that the subchapter titles needed to be updated in the proposed rules as published in the *Texas Register*.

Response: HHSC acknowledges the comment. The subchapter titles will be updated in Texas Administrative Code (TAC) when the new rules become effective.

Comment: Two commenters expressed support for the proposed rule changes and approved the comprehensive, multi-year effort to modernize foster home minimum standards. The commenters noted that the revisions simplify and streamline requirements, reduce prescriptiveness, and reflect an approach to regulatory reform using earlier rule drafts, workgroup discussions, and input from the organization's regulatory committee. The commenters appreciated the reduced detail for physical home environment requirements, increased flexibility for providers and foster families, and better-aligned standards with principles of normalcy and prudent parenting. The commenters also highlighted reductions in administrative burden, which includes eliminating the 72-hour service plan requirement, extending the orientation timeline to seven days, and allowing greater efficiency in staff visits. Lastly, the commenters support changes to medication administration requirements, noting that removing documentation requirements for non-prescription medications for youth over age five reduces unnecessary paperwork while maintaining appropriate oversight.

Response: HHSC acknowledges this comment.

Comment: One commenter wanted HHSC to allow extended implementation and monitoring timelines due to the scope of the proposed changes. While supporting the reforms and kin-specific verification standards, the commenter noted that providers are still implementing those earlier changes and will now face successive major revisions to foster home standards, CPA administrative standards, and, for some, general residential operations (GRO) standards. The commenter stated that implementation requires extensive updates to training, curricula, policies, educational materials, quality assurance systems, and monitoring tools, affecting nearly all aspects of CPA operations. The commenter noted that because HHSC took more than a year to develop the proposed rules following SB 593, CPAs will need even more time, training, and technical assistance to implement them. The commenter cited legislative direction to solicit cost, benefit, and implementation impact input from regulated entities and emphasized that provider feedback, especially on implementation timelines and barriers, should be given significant weight.

Response: HHSC acknowledges the comment. Throughout the rule development process, HHSC collected stakeholder feedback through workgroup meetings, public comments, and other stakeholder engagement opportunities. HHSC considered this feedback in developing the adopted rules. HHSC does not anticipate that the rules for this project will impose additional costs for operations. The adopted rules simplify, consolidate, and reorganize requirements while maintaining protections for children in care. For this reason, HHSC has determined that no rule changes are necessary in response to the comment. After the rule changes are adopted, HHSC will inform operations of the adopted rules and when the rules will be effective to support implementation.

Comment: One commenter asked for general clarification for definitions in the proposed rules, emphasizing that clear and precise definitions are essential to ensure consistent interpretation and application statewide.

Response: HHSC acknowledges the comment. The commenter does not identify specific definitions that require clarification. Definitions for CPAs are in §749.43, which was not part of this rule project.

Comment: One commenter raised concern about subjective language in the proposed rules, noting that terms like "clean" and "inaccessible" could lead to inconsistent interpretation and enforcement. The commenter recommended clarifying these terms or replacing them with more objective criteria to ensure consistency across providers and regulators.

Response: HHSC acknowledges the comment and declines to revise the rules. HHSC determines that the standard meanings for the terms the commenter mentioned are sufficient. Terms like "clean" and "inaccessible" are intended to provide the flexibility that providers need to meet the intent of the standard without being unnecessarily prescriptive.

Comment: Two commenters stated that the proposed rules do not clearly explain how the new minimum standards will be weighted and urged HHSC to provide an opportunity for public input on those weights. The commenters stated that public input gives providers with direct responsibility for 24-hour care and supervision of children an opportunity to share their expertise and best practices on which deficiencies are risks to child safety.

Response: HHSC disagrees with the comment and declines to revise the rules in response to this comment. During a public comment period, HHSC considered stakeholder input, including recommendations related to rule weights, before assigning weights based on the level of risk of harm to children associated with noncompliance.

Comment: The commenter urges HHSC to add a stand-alone rule addressing Interstate Compact for the Placement of Children (ICPC) foster home placements, noting that existing standards do not adequately cover records and activities outside a CPA's authority. The commenter emphasized that the need for a specific ICPC provision remains despite updates to other standards. If it cannot be included in the current proposal, the commenter strongly encouraged addressing it in the upcoming comprehensive review project for 26 TAC Chapter 749 or through a separate update to the kin-specific rules in Subchapter W of Chapter 749.

Response: HHSC disagrees with the comment, and no new rule is needed. Rules relating to ICPCs are in 40 TAC Chapter 700, Subchapter S, which the Texas Department of Family and Protective Services maintains.

Comment: Regarding §749.821 and §749.823, two commenters asked for clarification on employee training requirements, including compliance expectations and required documentation. The commenters also expressed concern about the employee orientation requirement, noting that orientation cannot reasonably occur before an employee begins work and recommending a 30-day timeframe to complete orientation to align with typical agency scheduling practices.

Response: HHSC agrees with the comment and amended §749.821 to clarify that employee orientation takes place "before beginning job duties," which is necessary to make sure employees are prepared to do their jobs and follow minimum standards. CPA employees are required to comply with all training requirements in new Subchapter F, Training Requirements. Employee training documentation is in new Subchapter F, Division 3, Employee and Caregiver Training Documentation Requirements.

Comment: Regarding §749.823, one commenter requested clarification of the definition of "caregiver," including whether related definitions have changed under the new standards and apply to adoptive parents.

Response: HHSC disagrees with the comment and determines that no rule change is needed because the definition for "caregiver" appears in §749.43, which was not part of this rule project. The existing rule already specifies that an adoptive parent is not considered a caregiver.

Comment: Regarding §749.823(d) and §749.831(a) and (e), one commenter was concerned that the proposed language appears to require only cardiopulmonary resuscitation (CPR) and first aid training before an employee acts as a caregiver. The commenter recommended replacing "job-related" with broader language such as "relevant skills" to clearly apply to both employees and caregivers. The commenter suggested changing "before" to "on or before" to avoid shortening the annual renewal period.

Response: HHSC disagrees with the comment. Caregivers, including employees, must follow all training requirements in new Subchapter F, Division 1, Caregiver Training Requirements. The term "job-related" is used correctly. The rules require employees to complete CPR and first aid training before acting as caregivers. However, HHSC did revise §749.831(e) by changing "renew before the expiration date" to "renew by the expiration date."

Comment: Regarding §749.825 and §748.831, two commenters opposed the proposed CPA employee annual training requirements, stating the requirements are overly burdensome and duplicative of existing professional licensing requirements. The commenters cited concerns about the lack of training hour carryover, misalignment with biennial license renewal cycles, and increased administrative tracking-particularly for professionals holding multiple licenses or working across agencies. The commenters also criticized assumptions that training must be conducted in-house, warning this would disproportionately burden smaller agencies and disregard valid external professional training already completed by licensed staff.

Response: HHSC disagrees and declines to revise the rules in response to this comment. Sections 749.825 and 749.831 do not require training to be conducted in-house or prohibit the use of external or licensure-based training. The rules require that training be job-related, include an assessment of learning, and be consistently documented and tracked. These requirements are necessary to ensure staff competency, accountability, and child safety and to allow CPAs flexibility to align training with existing professional education requirements, provided the training meets the rule criteria.

Comment: Regarding §749.901(b), one commenter recommended clarifying and tying the language to §749.933 or otherwise defining what constitutes a "major life change" to ensure the list is exhaustive.

Response: HHSC agrees with the comment and defines a "major life change" for foster care services in §749.901.

Comment: Regarding §749.901(b), one commenter noted that providers have received citations for home changes that do not meaningfully affect verification, such as adding a swimming pool. The commenter asked for distinctions between when an addendum is sufficient and when a full update to the home screening is required, emphasizing that these concepts need clearer definition to prevent inconsistent enforcement.

Response: HHSC disagrees with the comment and declines to revise the rule in response to this comment. A change such as the addition of a swimming pool affects the home's verification because §749.923 requires documentation of outdoor areas, including bodies of water, and an evaluation of safety risks in the home. Section 749.901(b) requires the CPA to complete an addendum when a change affects the home verification, and the scope of the update depends on the nature of the change. Section 749.1101(c) describes changes that invalidate the verification and require the CPA to provide a new or temporary verification.

Comment: Regarding §749.901(c)(4), two commenters requested clarification of the home screening standard, specifically whether the requirement to document relationship history applies only to current relationships or also includes past relationships, and the extent to which prior relationships must be included. The commenters recommended rewording the paragraph for clarity by referencing "family relationships" earlier in the rule, noting that listing marital and similar relationships first is confusing.

Response: HHSC agrees with the commenters and edited §749.901(c)(4), updating history of interpersonal relationships from "current" to "former and current." This change requires prospective foster parents to discuss prior relationships to the extent those relationships involved a shared domestic life or family relationship. HHSC also references "family relationships" earlier in the rule.

Comment: Regarding §749.901(c)(6)(A)(ii), one commenter recommended adding language to explicitly exclude biological parents or family members of a child in care from background or registry check requirements when their presence in the home is permitted under the child's service plan.

Response: HHSC disagrees with the comment and declines to revise the rule in response to this comment. HRC §42.056 does not provide exceptions based on biological or familial relationship or a child's service plan. HHSC does not have the authority to waive statutory requirements.

Comment: Regarding §749.901(c)(7)(B), two commenters recommended removing the proposed domestic violence reporting requirement, asserting that it is an overreach. The commenters requested clarification on the purpose and scope of the requirement, including what incidents must be reported, whether all incidents must be reported regardless of severity, whether existing reporting systems already address these concerns, and how reports submitted to HHSC within the two-day timeframe would be used and handled. The commenters also questioned why a CPA would be required to report domestic violence history to CCR for a home the CPA does not verify and expresses concern that CCR lacks authority over, and a need for, such information.

Response: HHSC disagrees with the comments and declines to revise the rule in response to these comments. Family violence reporting is required by statute. HRC §42.0449 authorizes HHSC to adopt rules specifying the actions a child-placing agency must take after receiving notice of a family violence report to ensure the health, safety, and welfare of each child in a foster home. In addition, HRC §42.0561 requires a CPA to obtain information relating to each family violence report. This requirement is necessary to allow CCR to carry out its statutorily assigned oversight responsibilities and aligns with the requirement in §749.4503(c)(7) for CPAs to report information obtained about a kinship foster family's domestic violence history. HHSC does not have the authority to waive statutory requirements.

Comment: Regarding §749.901(c)(7)(B), one commenter stated that the phrase "as applicable" is unclear and requested clarification on what information must be reported and under what circumstances.

Response: HHSC agrees with the comment and revised §749.901(c)(7)(B) by replacing the phrase "as applicable" with "if any" for clarity.

Comment: Regarding §749.901(c)(7)(B) and §749.1103(b)(3), one commenter supported HHSC safety goals and recommended requiring CPA employees to provide family violence resource information to all prospective caregivers during initial foster home screening. While supporting the consolidation of screening requirements in proposed §749.901 and HHSC recognition that family violence should be considered in caregiver assessments, the commenter expressed concern that the proposal focuses on reporting family violence to CCR without addressing safe responses when violence is identified. The commenter noted that disclosure can increase risk for survivors, especially if certification is denied and support is lost. Citing §749.1103 and recent and upcoming victim-protection laws, including HB 1610 and the Natalia Cox Act, the commenter recommended a universal approach requiring CPA employees to provide written family violence resource information to all applicants at screening, which reduces risk by avoiding singling out survivors and allows safer access to resources.

Response: HHSC disagrees with the comment and declines to revise the rules in response to this comment. The adopted rules require CPAs to obtain, assess, and document information relevant to a prospective foster home's suitability for verification, including information regarding interpersonal relationships and domestic violence history. CPAs must report domestic violence history to CCR per §749.901 and evaluate family violence concerns during ongoing compliance evaluations under §749.1103. The adopted rules establish minimum standards and provide CPAs flexibility to determine what additional information, resources, and supports are appropriate based on the circumstances of a particular foster home and the needs of the individuals involved. A CPA may base implementation decisions on its assessment of the foster home, which may include providing family violence resource information, including HHSC and DFPS resources, to prospective or verified foster parents when the CPA determines it is appropriate.

Comment: Regarding §749.901(c)(14), one commenter noted that language related to "before approving and verifying" is duplicated in the rule and suggests removing one instance to improve clarity and avoid unnecessary repetition.

Response: HHSC agrees with the comment and revised §749.901(c)(14) to remove the duplication.

Comment: Regarding §749.921(a), one commenter acknowledged that CPAs may impose more stringent standards under the rule but expressed concern that some CPAs may be less cautious due to a lack of institutional memory regarding past challenges associated with verifying foster homes where the parents are under 21.

Response: HHSC acknowledges the comment. Section 749.921(a) establishes the minimum age requirement for a foster parent while allowing a CPA to impose more restrictive requirements when appropriate. The adopted rules require CPAs to assess the suitability of each prospective foster home, including the characteristics, capabilities, and circumstances of the prospective foster parents, before making a verification decision. The minimum age requirement is consistent with the National Model Foster Family Home Licensing Standards. CPAs can customize the requirements for each foster home based on the background and needs of the home and the children in care.

Comment: Regarding §749.923(a)(2)(A), one commenter said the word "to" is missing.

Response: HHSC agrees with the comment and added "to" before "use" in §749.923(a)(2)(A).

Comment: Regarding §749.925(c), one commenter recommended replacing "foster home" with "foster family."

Response: HHSC agrees with the comment and revised §749.925(c) to say "foster family."

Comment: Regarding §749.931(b)(3), one commenter said they assumed that "records of deficiencies and resolutions" means documentation included in the closing summary, rather than requiring a CPA to create and share separate copies of those records with another CPA.

Response: HHSC disagrees with the comment and declines to revise the rule in response to this comment. New §749.931 maintains the requirement in the repealed §749.2475. This record may be included in the closing summary or in the transfer summary if the home is not closed.

Comment: Regarding §749.931(c) and §749.937(d), one commenter urged HHSC to strengthen enforcement and penalties related to this rule, citing concerns that it lacks sufficient impact when a prior CPA's history may directly affect child safety. The commenter specifically recommended stronger consequences for non-compliant CPAs to ensure compliance and protection of children. The commenter requested clarification on whether the timeline is measured in calendar days or business days and asked for guidance on how the requirement should be handled if the prior CPA is no longer operating.

Response: HHSC acknowledges the comment and declines to revise the rules in response to this comment. The enforcement rules, in 26 TAC Chapter 745, Subchapter L, allow HHSC to take action appropriate to the severity of the violation, but these rules are not a part of this rule project. According to the definition in §749.43, days are calendar days unless otherwise stated. The rules provide required timelines for releasing background information, transfer summaries, and closing summaries to ensure continuity of information relevant to child safety. These requirements apply to the extent the prior CPA remains operational and maintains the required records.

Comment: Regarding §749.951(c), one commenter said that the wording in this rule seems clearer and appreciates the clarification that young adults in care count toward capacity but raised concern that this may represent a change from current practice. If it is a change, the commenter noted it could have significant impacts on children and young adults living in foster homes. The commenter also highlighted ongoing confusion about how capacity is calculated, particularly in relation to DFPS Texas Child-Centered Care requirements and suggested further clarification.

Response: HHSC acknowledges the comment, and no rule changes are needed. The requirement to count young adults in care toward a foster home capacity is not new; it was in the repealed §749.2651(b). Rules describing how to calculate capacity were in the repealed Subchapter M, Division 5, Capacity and Child-Caregiver Ratio, and are now in new Subchapter G, Division 3, Capacity and Supervision.

Comment: Regarding §749.1001(a), one commenter stated that, overall, the proposed rules are a significant improvement as they are less prescriptive and detailed. The commenter recommended removing the word "clean" from the language in subsection (a) because it invites subjective interpretation by inspectors. The commenter suggested focusing the standard more narrowly on objective, safety-related concerns, consistent with the intent of the following subsections.

Response: HHSC acknowledges the comment and declines to revise the rules in response to this comment. HHSC determines The standard meaning of "clean" is sufficient.

Comment: Regarding §§749.1031, 749.1033, and 749.1035, multiple commenters opposed the proposed rules and the provisions tied to HB 1403, arguing that removing the requirement for foster homes to disclose firearms endangers children. Commenters asserted that identifying the presence of firearms and ensuring safe storage are basic safety standards necessary to protect vulnerable foster children. The commenters cited unsafe firearm storage, accidental shootings involving children, gun-related injuries and deaths, and increased mental health risks as reasons the rules threaten child safety. Several commenters stated that firearms pose a serious and well-documented danger to children and argued that safe storage cannot be assumed without disclosure and verification. Commenters expressed concern that the rules reduce transparency, limit the ability of foster agencies to assess risk, and prioritize gun-related interests over child welfare.

Response: HHSC disagrees with the comments and declines to revise the rules in response to this comment. HRC §42.042 prohibits HHSC and CPAs from requiring foster homes to disclose specific types of firearms or to report changes in firearm types. However, CPAs may ask whether firearms are present in the home and how those firearms are secured. New §§749.1031, 749.1033, 749.1035, and 749.1037 implement these statutory requirements while maintaining child safety standards. The rules require each CPA to adopt and enforce a policy addressing the presence of weapons, firearms, explosive materials, and projectiles; ensure that children in care do not have unsupervised access to such items, including through locked storage; assess appropriateness based on the individual child; and document the presence of these items and the specific precautions used to ensure safety. CPAs must review these requirements with prospective foster parents during screening and evaluate ongoing compliance annually. HHSC does not have the authority to waive statutory requirements.

Comment: Regarding §749.1051(c)(2), one commenter suggested using the term "sleeping space" instead of "bedroom" to improve consistency and reduce confusion. The commenter noted that the previous rules consistently use "bedroom" and clearly define what qualifies, expressing uncertainty about changing the term. The commenter believed this issue may be connected to kinship rules language and identified it as an additional reason to clarify whether any definitions were updated in the new rules.

Response: HHSC agrees with the comment and revised §749.1051(c)(2) to use "sleeping space," which is consistent with the term used in this rule.

Comment: Regarding §749.1063(e), one commenter requested additional guidance on the swimming skills or assessment requirements, specifically asking whether a standardized assessment is expected and how providers should document compliance.

Response: HHSC acknowledges the comment, and no rule changes are needed. Section 749.1063(e) requires caregivers to assess a child's swimming skills before allowing access to a swimming pool, hot tub, or other body of water and requires the CPA to document how the caregiver made that assessment. The rule does not require a standardized assessment or prescribe a specific documentation format.

Comment: Regarding §749.1103, one commenter asked for clarification on the distinction between an "allegation" and a "confirmed finding" to ensure consistent enforcement and provider understanding.

Response: HHSC acknowledges the comment and declines to revise the rules in response to this comment. HHSC determines The standard meaning of "allegation" is sufficient. Section 749.1103 does not use the term "confirmed finding." The CPA must evaluate a home's compliance with relevant laws and rules each time there is an allegation of a deficiency in the home. The evaluation is intended to determine whether a violation of a minimum standard, administrative rule, or statute occurred and whether the CPA must take corrective action.

Comment: Regarding §749.1103(a) and (b)(3), one commenter assumed that the requirement in §749.1103(a) already exists in the current rules and notes that, if it does not, the standard would represent a significant change. The commenter found the standard in §749.1103(b)(3) somewhat unclear or unusual but noted it may already exist in the current rules and recommend additional clarification.

Response: HHSC disagrees with the comment and declines to revise the rule in response to this comment. The requirements in §749.1103(a) and (b)(3) were previously included in the repealed §749.2801. The rule continues the requirement for a CPA to evaluate foster home compliance but changes the frequency from biennial to annual. In addition, the requirement in §749.1103(b)(3) implements HRC §42.0561, which requires a CPA to obtain and consider information relating to family violence.

Comment: Regarding §749.1211, one commenter requested clarification on the pre-placement home visit requirement, noting that completing a visit before every placement can be impractical due to urgent placements and geographic challenges. The commenter asked whether a variance would be required in such cases and whether alternative methods of verification would be acceptable.

Response: HHSC acknowledges the comment and declines to revise the rule in response to this comment. Section 749.1211(b) allows for emergency placements. No variance is needed for emergency situations. Variance requests for non-emergency situations will be considered in accordance with Chapter 745, Subchapter J, based on the situation described by the CPA.

Comment: Regarding §749.1211(b), one commenter noted that infants may need time to adjust to new caregivers and suggested the language may be too restrictive. The commenter recommended either removing the requirement or adding technical assistance guidance encouraging relationship-building for children of all ages. The commenter advised against making the requirement overly rigid and suggested adding flexibility or caveats, including consideration of virtual visits where appropriate.

Response: HHSC disagrees with the comment and declines to revise the rule in response to this comment. The requirement in §749.1211(b) is not new. The wording in the repealed §749.1251 was updated in new §749.1211. Neither allow for virtual visits. HHSC will consider providing technical assistance.

Comment: Regarding §749.1213, one commenter requested clarification on whether some required post-placement contacts may be conducted virtually.

Response: HHSC agrees with the comment and revised the rule for clarity. The term "face-to-face contact" is revised to "in person visits" to clarify that the required Post-placement interaction must occur in person.

Comment: Regarding §749.1233(e), one commenter viewed the change as generally positive but recommended seeking input to determine whether the requirement aligns with existing Single Source Continuum Contractor (SSCC) and DFPS timelines. The commenter noted that advocacy may be needed if timelines are not consistent and raise concern that, despite its benefits, the change may not fully align with requirements of other regulatory bodies.

Response: HHSC disagrees with this comment and declines to revise the rule in response to this comment. Section 749.1233(e) establishes a minimum standard for completing an initial service plan. The rule does not prevent a CPA from following the more stringent timeframe imposed by SSCC requirements, DFPS requirements, or the CPA's own policies, when those requirements are consistent with this chapter.

Comment: Regarding §749.1403(f) and §749.1405(f), one commenter expressed concern that the standard is overly broad, as a cited deficiency may not be relevant or concerning to other parents. The commenter suggested that the issue warrants further exploration and refinement, noting that prior attempts to modify the language have been unsuccessful. The commenter proposed limiting or modifying the requirement for private placements, since references to "parent" typically mean DFPS, which would already have access to the relevant information.

Response: HHSC disagrees with the comment and declines to revise the rules in response to this comment. Sections 749.1403(f) and 749.1405(f) require notification to the parent of a child in care when specific safe sleep deficiencies are cited in a foster home. HRC §42.0429(b) also requires that a licensed facility provide written notice to the parent or legal guardian if HHSC determines that the facility has violated a safe sleeping standard.

Comment: Regarding §749.1501(e), one commenter supported the proposal and sees it as a clear improvement over the current standards.

Response: HHSC acknowledges the comment. No rule changes are needed.

Comment: Regarding §749.1501(e), one commenter is concerned that some of the language is too vague, which could allow for inconsistent interpretation or application by investigators and others responsible for enforcement.

Response: HHSC acknowledges the comment and declines to revise the rule in response to this comment. The requirement in §749.1501(e) is clear, requiring the CPA to follow medication label instructions for storage and keep medications inaccessible to children.

Comment: Regarding §749.1505(a)(1), one commenter said that a prior version limited the requirement to documentation of emergency visits or hospitalizations and suggested that it may be appropriate to return to that narrower scope to mirror kinship standards.

Response: HHSC disagrees with the comment and declines to revise the rule in response to this comment. The documentation requirement in §749.1505(a)(1) reflects current foster care standards and supports the oversight of children's medical care in foster homes. Kinship foster home standards are specific to kinship placements and do not apply to unrelated foster homes. The broader scope is appropriate and consistent with federal requirements in 45 CFR Parts 1355 and 1356.

Comment: Regarding §749.1505(b)(1), one commenter said that a prior version limited the requirement to prescription and psychotropic medications and suggested that it may be appropriate to return to that narrower scope to mirror kinship standards.

Response: HHSC disagrees with the comment and declines to revise the rule in response to this comment. The documentation requirements in §749.1505(b)(1) reflect current foster care standards and support medication safety for children in care. Kinship foster home standards are specific to kinship placements and do not apply to unrelated foster homes. The broader documentation requirement is appropriate and consistent with federal requirements under 45 CFR Parts 1355 and 1356.

Comment: Regarding §749.1505(a)(3), one commenter viewed the revision of this rule as an improvement over the prior version, noting that it removes the requirement for the CPA to ensure there are no contraindicated medications. The commenter indicated that the prior obligation was inappropriate because it falls outside the CPA's professional expertise.

Response: HHSC acknowledges the comment. No rule changes are needed.

Comment: Regarding §749.1601(a), one commenter was confused on what qualifies as an emergency behavior intervention (EBI) "recognized by Child Care Regulation," noting it is unclear where such types are defined or listed. The commenter questioned whether the intent is simply to exclude prohibited practices like chemical restraints and requested clarification. Additionally, the commenter raised concern that the requirement could create delays if new or emerging EBI interventions must wait for DFPS approval before being used.

Response: HHSC agrees with the comment and revised §749.1601(a) to clarify that CPAs must use an EBI program that complies with all regulatory requirements. CCR evaluates the CPA's EBI program for compliance with the minimum standards during the application process per §745.243.

Comment: Regarding §§749.803, 749.807, 749.823, and 749.825, one commenter recommended requiring training on family and dating violence for CPA employees and caregivers. The commenter noted that training on family violence dynamics is missing, despite CPAs being required to share domestic violence history with regulators. The commenter emphasized that family violence includes coercive control, economic, psychological, and technology-facilitated abuse, and that without proper training, staff may fail to identify or appropriately respond to it. The commenter also highlighted the heightened risk of dating violence for teens and foster youth, noting that technology and social media can intensify abuse and that caregivers of older youth lack adequate guidance without targeted training. The commenter recommended adding family violence training for new CPA employees and annual continuing education. The commenter also recommended requiring dating violence training for caregivers of children age 12 and older in both general and additional caregiver training.

Response: HHSC disagrees with the comment and declines to revise the rules in response to this comment. The adopted rules establish required training topics for caregivers and employees while allowing CPAs flexibility to address additional topics related to the needs of children in care and the circumstances of individual foster homes. During the foster home screening process, CPAs must obtain, discuss, assess, and document information regarding prospective foster parents, including emotional stability, character, motivation, and the ability to provide a caring environment and appropriate supervision. Section 749.807 requires CPAs to annually evaluate foster homes, including the household's immediate needs, compliance history, investigation history, and the health, safety, and well-being of each child in care. If concerns are identified, the CPA must provide additional training to address those concerns. This allows CPAs to require additional training tailored to concerns identified through the foster home screening process, annual evaluations, compliance reviews, investigation history, or the specific needs of children in care, without imposing a new mandatory training requirement on all caregivers and employees. In addition, §749.825 allows CPAs flexibility in selecting employee annual training topics beyond those specifically required by the rules.

Comment: Regarding §749.1033(b) and §749.1035(d) and (e), and the repeal of §749.2961(b) and §749.2965(b), one commenter urged HHSC to address the risk firearms pose in family violence situations and expand related training requirements. The commenter noted that firearms are the leading cause of domestic violence homicides, their presence increases homicide risk by up to 500 percent, and data shows most domestic homicide victims, many children, are killed with firearms. The commenter highlighted the impact of these deaths on children, including foster children, and notes that Texas law already restricts firearm possession for individuals with family violence convictions or protective orders. The commenter raised concern that the rules lack guidance on responding when a caregiver is legally prohibited from possessing a firearm, creating safety risks. The commenter recommended requiring training for CPA employees and caregivers on the connection between firearms and domestic violence lethality, recognizing heightened risk, and understanding Texas firearms laws related to family violence.

Response: HHSC disagrees with the comment and declines to revise the rules in response to this comment. Section 749.807 requires CPAs to address home-specific safety concerns by providing additional caregiver training. CPAs must annually evaluate each foster home. If the CPA identifies areas of non-compliance or safety concerns, the CPA must provide additional training appropriate to address those concerns. The CPA can require targeted training that is relevant to a particular foster home, without imposing a new mandatory training topic on all caregivers. HHSC declines to add a separate mandatory training requirement because the adopted rules allow CPAs flexibility to address firearm-related safety concerns when they are identified.

HHSC made minor editorial changes to correct grammar and use of acronyms and to make clarifying and plain language edits in §§749.801, 749.803, 749.805, 749.821, 749.831, 749.923, 749.931, 749.951, 749.955, 749.957, 749.973, 749.1003, 749.1005, 749.1007, 749.1009, 749.1013, 749.1103, 749.1231, 749.1251, 749.1303, 749.1419 and 749.1603. HHSC also made a minor change to revise the title of §749.1213, to "Post-Placement Visits" to standardize use of a term and §749.1235 to "Service Plan Requirements for Psychosocial Assessment" to align the title with the content of the rule.

HHSC also made minor editorial changes to ensure consistency in defining "foster home (home)" across §§749.831, 749.923, 749.929, 749.935, 749.937, 749.951, 749.953, 749.1009, 749.1035, 749.1109, 749.1201, and 749.1211.

HHSC revised §§749.1001, 749.1007, 749.1009, 749.1051, 749.1501, and 749.1505 to reflect the updated National Model Foster Family Home Licensing Standards.

Additionally, HHSC made changes to align wording in §749.807 with §749.831; correct "kinship parent" to "prospective foster parent" in §749.901; clarify that the six months in §749.925(b) is from the date the temporary verification was issued; clarify the wording for what a transfer and closing summary must include and add that a transfer summary must include the CPA's recommendation whether to reopen a home in §749.937; clarify by adding "child" in front of "day care" in §749.935; clarify DFPS "legal custody" in §749.1201; simplify §749.1215 to reflect statutory language; add that a home must report active criminal or DFPS investigations in §749.1101; clarify "and law" related to child safety seat guidelines in §749.1017; and clarify that EBI must not be used "as punishment" in §749.1303.

SUBCHAPTER F. TRAINING AND PROFESSIONAL DEVELOPMENT

DIVISION 1. DEFINITIONS

26 TAC §749.801

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602986
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. OVERVIEW OF TRAINING AND EXPERIENCE REQUIREMENTS

26 TAC §749.811, §749.813

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

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TRD-202602987
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Effective date: August 10, 2026
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DIVISION 3. ORIENTATION

26 TAC §749.831, §749.833

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602988
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. PRE-SERVICE EXPERIENCE AND TRAINING

26 TAC §§749.861, 749.863 - 749.865, 749.867 - 749.869

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602989
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 5. CURRICULUM COMPONENTS FOR PRE-SERVICE TRAINING

26 TAC §§749.881 - 749.883, 749.885, 749.887, 749.889

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602990
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 6. PEDIATRIC FIRST AID AND PEDIATRIC CPR CERTIFICATION

26 TAC §§749.911, 749.913, 749.915

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

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Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602991
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 7. ANNUAL TRAINING

26 TAC §§749.930 - 749.933, 749.935, 749.937, 749.939

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602992
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 8. TOPICS AND CURRICULUM COMPONENTS FOR ANNUAL TRAINING

26 TAC §§749.941, 749.943 - 749.945, 749.947, 749.949

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602993
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER G. CHILDREN'S RIGHTS

26 TAC §§749.1001, 749.1003, 749.1005, 749.1007, 749.1009, 749.1011, 749.1013, 749.1015, 749.1017, 749.1019, 749.1021

STATUTORY AUTHORITY

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Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602994
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER H. FOSTER CARE SERVICES: ADMISSION AND PLACEMENT

DIVISION 1. ADMISSIONS

26 TAC §§749.1101, 749.1103, 749.1105, 749.1107, 749.1109, 749.1111, 749.1113, 749.1115

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602995
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. ADMISSION ASSESSMENT

26 TAC §§749.1131, 749.1133, 749.1135, 749.1137

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602996
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. REQUIRED ADMISSION INFORMATION

26 TAC §§749.1151, 749.1153, 749.1155

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602997
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. EMERGENCY ADMISSION

26 TAC §§749.1181, 749.1183, 749.1185, 749.1187, 749.1189

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602998
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

♦ ♦ ♦

DIVISION 5. FOSTER CARE PLACEMENT

26 TAC §§749.1251, 749.1253, 749.1255

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602999
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 6. SUBSEQUENT PLACEMENT

26 TAC §749.1281

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603000
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 7. POST-PLACEMENT CONTACT

26 TAC §749.1291

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603001

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER I. FOSTER CARE SERVICES: SERVICE PLANNING, DISCHARGE

DIVISION 1. SERVICE PLANS

26 TAC §§749.1301, 749.1305, 749.1307, 749.1309, 749.1311 - 749.1313, 749.1315, 749.1317, 749.1319, 749.1321, 749.1323

STATUTORY AUTHORITY

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The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603002
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. SERVICE PLAN REVIEW AND UPDATES

26 TAC §§749.1331, 749.1333, 749.1335 - 749.1337, 749.1339

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603003
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

♦ ♦ ♦

DIVISION 3. DISCHARGE AND TRANSFER PLANNING

26 TAC §§749.1361, 749.1363, 749.1365, 749.1367, 749.1369, 749.1371, 749.1373, 749.1377

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603004
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER J. FOSTER CARE SERVICES: MEDICAL AND DENTAL

DIVISION 1. MEDICAL AND DENTAL CARE

26 TAC §§749.1401, 749.1403, 749.1405, 749.1409, 749.1411, 749.1413, 749.1415, 749.1417, 749.1421, 749.1423, 749.1425, 749.1427, 749.1429, 749.1431, 749.1433, 749.1435, 749.1437

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603005
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. ADMINISTRATION OF MEDICATION

26 TAC §§749.1461, 749.1463, 749.1469

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603006
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. SELF-ADMINISTRATION OF MEDICATION

26 TAC §749.1501, §749.1503

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603007
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. MEDICATION STORAGE AND DESTRUCTION

26 TAC §749.1521

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603008
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 5. MEDICATION RECORDS

26 TAC §§749.1541, 749.1543, 749.1545

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603009
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 6. MEDICATION AND LABEL ERRORS

26 TAC §§749.1561, 749.1563, 749.1565

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603010
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 7. SIDE EFFECTS AND ADVERSE REACTIONS TO MEDICATION

26 TAC §749.1581, §749.1583

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603011
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 8. USE OF PSYCHOTROPIC MEDICATION

26 TAC §§749.1603, 749.1605, 749.1607, 749.1609, 749.1611

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603012
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 9. PROTECTIVE DEVICES

26 TAC §§749.1641, 749.1643, 749.1645, 749.1647

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603013

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 10. SUPPORTIVE DEVICES

26 TAC §§749.1671, 749.1673, 749.1675

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603014
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER K. FOSTER CARE SERVICES: DAILY CARE, PROBLEM MANAGEMENT

DIVISION 1. ADDITIONAL REQUIREMENTS FOR INFANT CARE

26 TAC §§749.1801, 749.1803, 749.1805, 749.1807, 749.1809, 749.1811, 749.1813, 749.1815, 749.1817, 749.1819, 749.1821

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603015
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. ADDITIONAL REQUIREMENTS FOR TODDLER CARE

26 TAC §749.1841

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603016
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. ADDITIONAL REQUIREMENTS FOR PREGNANT CHILDREN

26 TAC §§749.1861, 749.1863, 749.1865

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603017

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. EDUCATIONAL SERVICES

26 TAC §§749.1891, 749.1893, 749.1895

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603018
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 5. RECREATIONAL SERVICES

26 TAC §§749.1921, 749.1923, 749.1925, 749.1927

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603019
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Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 6. DISCIPLINE AND PUNISHMENT

26 TAC §§749.1951, 749.1953, 749.1955, 749.1957, 749.1959, 749.1961

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603020
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER L. FOSTER CARE SERVICES: EMERGENCY BEHAVIOR INTERVENTION

DIVISION 1. DEFINITIONS

26 TAC §749.2001

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603021

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. TYPES OF EMERGENCY BEHAVIOR INTERVENTION THAT MAY BE ADMINISTERED

26 TAC §§749.2051, 749.2053, 749.2055, 749.2059, 749.2061, 749.2063

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603022
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. ORDERS

26 TAC §§749.2101, 749.2103, 749.2105, 749.2107

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603023
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. RESPONSIBILITIES DURING ADMINISTRATION OF ANY TYPE OF EMERGENCY BEHAVIOR INTERVENTION

26 TAC §749.2151, §749.2153

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603024
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 5. ADDITIONAL RESPONSIBILITIES DURING ADMINISTRATION OF A PERSONAL RESTRAINT

26 TAC §§749.2201, 749.2203, 749.2205

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603025
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 6. COMBINATIONS OF EMERGENCY BEHAVIOR INTERVENTION

26 TAC §749.2231, §749.2233

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603026
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 7. TIME RESTRICTIONS FOR EMERGENCY BEHAVIOR INTERVENTION

26 TAC §749.2281, §749.2283

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603027
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 8. GENERAL CAREGIVER RESPONSIBILITIES, INCLUDING DOCUMENTATION, AFTER THE ADMINISTRATION OF EMERGENCY BEHAVIOR INTERVENTION

26 TAC §§749.2301, 749.2303, 749.2305, 749.2307

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603028
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 9. TRIGGERED REVIEWS

26 TAC §§749.2331, 749.2333, 749.2335, 749.2337, 749.2339

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603029
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 10. OVERALL OPERATION EVALUATION

26 TAC §749.2381, §749.2383

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603030
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER M. FOSTER HOMES: SCREENINGS AND VERIFICATIONS

DIVISION 1. GENERAL REQUIREMENTS

26 TAC §§749.2401, 749.2403, 749.2405, 749.2407

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603031
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. FOSTER HOME SCREENINGS

26 TAC §§749.2445, 749.2447, 749.2449, 749.2451, 749.2453

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603032
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. VERIFICATION OF FOSTER HOME

26 TAC §§749.2470, 749.2473, 749.2475, 749.2477, 749.2479, 749.2481, 749.2483, 749.2485, 749.2487 - 749.2489, 749.2491, 749.2493, 749.2495, 749.2497

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603033

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. TEMPORARY, TIME-LIMITED, AND PROVISIONAL VERIFICATIONS

26 TAC §§749.2520, 749.2521, 749.2523, 749.2525 - 749.2527, 749.2529, 749.2531, 749.2533, 749.2535, 749.2537, 749.2539

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603034
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 5. CAPACITY AND CHILD/CAREGIVER RATIO

26 TAC §§749.2550, 749.2551, 749.2555, 749.2557

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603035
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 6. SUPERVISION

26 TAC §§749.2591, 749.2593, 749.2595, 749.2597, 749.2599

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603036
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 7. NORMALCY

26 TAC §§749.2601, 749.2603, 749.2605, 749.2607

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603037

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 8. RESPITE CHILD-CARE SERVICES

26 TAC §§749.2621, 749.2623, 749.2625, 749.2627, 749.2629, 749.2631, 749.2633, 749.2635

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603038
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 9. AGENCY--FOSTER FAMILY RELATIONSHIPS

26 TAC §§749.2651, 749.2653, 749.2655

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603039
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER N. FOSTER HOMES: MANAGEMENT AND EVALUATION

26 TAC §§749.2801, 749.2803, 749.2805, 749.2807, 749.2809, 749.2811, 749.2813 - 749.2815, 749.2817, 749.2819, 749.2821, 749.2823, 749.2825

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603040
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER O. FOSTER HOMES: HEALTH AND SAFETY REQUIREMENTS, ENVIRONMENT, SPACE AND EQUIPMENT
DIVISION 1. HEALTH AND SAFETY

26 TAC §§749.2901 - 749.2905, 749.2907 - 749.2909, 749.2911, 749.2913, 749.2915, 749.2917

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603041
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. TOBACCO AND E-CIGARETTE USE

26 TAC §749.2931

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603042
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. WEAPONS, FIREARMS, EXPLOSIVE MATERIALS, AND PROJECTILES

26 TAC §§749.2961, 749.2963, 749.2965, 749.2967

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603043
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. SPACE AND EQUIPMENT

26 TAC §§749.3021, 749.3023, 749.3025, 749.3027, 749.3029, 749.3031, 749.3033, 749.3035, 749.3037, 749.3039, 749.3041, 749.3043

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603044
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 5. NUTRITION AND FOOD PREPARATION

26 TAC §§749.3061, 749.3063, 749.3065, 749.3067, 749.3069, 749.3071, 749.3073, 749.3075, 749.3077, 749.3079, 749.3081

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603045
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 6. TRANSPORTATION

26 TAC §§749.3101, 749.3103, 749.3105, 749.3107, 749.3109, 749.3111

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603046
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 7. SWIMMING POOLS, BODIES OF WATER, SAFETY

26 TAC §§749.3131, 749.3133, 749.3135, 749.3137, 749.3139, 749.3141, 749.3143, 749.3145, 749.3147, 749.3149, 749.3151

STATUTORY AUTHORITY

The repeals are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202603047
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER F. TRAINING REQUIREMENTS

DIVISION 1. CAREGIVER TRAINING REQUIREMENTS

26 TAC §§749.801, 749.803, 749.805, 749.807

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.801. Caregiver Pre-Verification Training Requirements.

Before foster home verification, the child-placing agency (CPA) must ensure each caregiver completes:

(1) an overview of the relevant and applicable laws and rules of this chapter;

(2) the CPA's philosophy, organizational structure, policies, services, and programs the CPA provides;

(3) a review of the reasonable and prudent parent standard, and how the standard ensures child safety;

(4) a review of the CPA and foster parent verification agreements; and

(5) a review of the Child Care Regulation Statement of Foster Parent and Child-Placing Agency Rights and Responsibilities form, or a form created by the CPA with the same information.

§749.803. General Caregiver Training Requirements.

(a) Before a child-placing agency (CPA) places a child in the care of the foster home (home), at least one foster parent must complete:

(1) four hours of general caregiver training;

(2) six hours emergency behavior intervention (EBI) training; and

(3) safe sleeping training, if the home will care for a child in care younger than two years old.

(b) Other caregivers, including the second foster parent, must complete the training required under subsection (a) of this section within 90 days after the CPA places the child in the care of the home.

(c) All caregivers who provide psychotropic medication must finish training for administering psychotropic medication before administering a psychotropic medication.

(d) General caregiver training must include:

(1) topics appropriate to the needs of each child for whom the caregiver will be providing care;

(2) trauma informed care;

(3) measures to prevent, recognize, and report suspected occurrences of child abuse, including sexual abuse;

(4) procedures to follow in emergencies, such as weather-related emergencies, volatile persons, and severe injury or illness of a child or adult; and

(5) preventing the spread of communicable diseases.

(e) EBI training, safe sleeping training, and psychotropic medication training must include curriculum determined by the CPA.

(f) The CPA may decide not to require a foster parent to take EBI training if the CPA determines the training does not directly apply to the:

(1) ages of each child in care, and

(2) types of services the home will provide.

§749.805. Pediatric First Aid and Pediatric Cardiopulmonary Resuscitation (CPR) Requirements.

(a) One foster parent must be certified in pediatric first aid and pediatric cardiopulmonary resuscitation (CPR) before a child-placing agency (CPA) issues the foster home verification. Other caregivers, including a second foster parent, must be certified in pediatric first aid and CPR within 90 days after the CPA verifies the home.

(b) Pediatric first aid must include training related to rescue breathing and choking.

(c) Pediatric CPR training must adhere to the guidelines for CPR established by the American Heart Association.

§749.807. Additional Caregiver Training Requirements.

(a) From the date a child-placing agency (CPA) verifies a foster home (home), the CPA must annually evaluate the home to identify any areas of non-compliance with minimum standards. The CPA will evaluate the following:

(1) immediate needs of the household;

(2) compliance history of the home;

(3) investigation history of the home; and

(4) health, safety, and well-being of each child in care.

(b) If the CPA identifies areas of non-compliance in the home, the CPA must provide all caregivers in that home with additional training appropriate to address the areas of non-compliance.

(c) For each home that provides care to a child receiving treatment services for emotional disorders, intellectual disabilities, or autism spectrum disorder, the CPA must provide at least one hour of annual training to each caregiver relating to the treatment services the child in care receives, regardless of whether the CPA identifies concerns in the home.

(d) Except for the training required in subsection (c) of this section, the CPA may decide not to require additional training for all caregivers if no concerns are found during the annual check.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602962
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. EMPLOYEE TRAINING REQUIREMENTS

26 TAC §§749.821, 749.823, 749.825

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.821. Employee Orientation Requirements.

Before beginning job duties in a child-placing agency (CPA) each employee must go through an orientation that includes:

(1) an overview of the relevant and applicable laws and rules of this chapter;

(2) information about how the CPA is organized, its rules, and the services and programs it offers; and

(3) the characteristics and expected needs of the children the CPA serves.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602963
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. EMPLOYEE AND CAREGIVER TRAINING DOCUMENTATION REQUIREMENTS

26 TAC §749.831

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas

Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.831. Employee and Caregiver Documentation of Required Trainings.

(a) A child-placing agency (CPA) must ensure that all training teaches job-related skills. The CPA must document how the CPA determined the training met this requirement.

(b) A test must be given at the end of every training that shows the caregiver's or employee's understanding of how to apply the skills in the foster home (home) or work environment. The test must be signed and dated by the caregiver or employee.

(c) The CPA must document and maintain proof in the caregiver's or employee's record that the caregiver or employee completed the following training:

(1) for all caregivers:

(A) pre-verification training;

(B) caregiver training;

(C) pediatric first aid and pediatric cardiopulmonary resuscitation (CPR) training; and

(D) additional training topics covered, including:

(i) the results of the annual evaluation for concerns about health, safety, and well-being of each child in care; and

(ii) if the CPA determines that a home requires additional training to address areas of non-compliance identified during the CPA's annual evaluation of the home, an explanation of how the CPA chose the training topics for each caregiver's additional training; or

(iii) when the CPA does not find any areas of non-compliance, the reasoning the CPA used for each caregiver for not requiring annual training for each caregiver; and

(2) for all employees:

(A) orientation;

(B) new employee training;

(C) pediatric first aid and pediatric CPR training, if applicable; and

(D) annual training, including a statement signed by the employee that the abuse, neglect, and exploitation training requirements were met.

(d) If the CPA determines that a caregiver is not required to complete an annual training not required by statute, the CPA must document the reason the training was not required.

(e) Certificates for pediatric first aid and pediatric CPR must have an expiration date, and the training documented on the certificate must be renewed by the expiration date.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602964

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER G. FOSTER HOME SCREENINGS AND VERIFICATIONS
DIVISION 1. FOSTER HOME SCREENINGS

26 TAC §§749.901, 749.903, 749.905

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.901. Foster Home Screenings.

(a) A child-placing agency (CPA) must complete a foster home (home) screening as detailed in this section before verifying a home.

(b) The CPA must update the home screening with an addendum any time there is a major life change in the foster family or a change that affects the home's verification. A major life change includes:

(1) marriage, divorce, separation, death, birth, adoption, or any other change to who lives in the household;

(2) a serious health problem or significant change that affects the ability of a foster parent to care for a child in care; and

(3) when one foster parent is away for a long time, such as military service or working out of town.

(c) Through interviewing each prospective foster parent or completing a joint interview, the CPA must obtain, discuss, assess, and document the following information about a prospective home.

(1) The age of each prospective foster parent and any other member of the household.

(2) The basic competency of each prospective foster parent, including ensuring and documenting that each prospective foster parent:

(A) can meet basic competencies, including basic reading, writing, and math; or

(B) have a support system in place that can immediately assist with these competencies.

(3) The personal characteristics of the prospective foster parents, including an assessment of each parent's:

(A) emotional stability, character, health, and ability to manage adult responsibility;

(B) motivation and willingness to provide foster care, including the parents' expectations for the child in care and willingness to adjust those expectations based on the needs of the child in care; and

(C) ability to provide a caring environment, appropriate supervision, and responsible discipline.

(4) History of former and current family and interpersonal relationships, including marriages, common-law marriages, and other relationships between people who share or have shared a domestic life without being married, including:

(A) the current relationship status and quality of the relationship between the prospective foster parents; and

(B) the quality of the relationship between the prospective foster parents and the prospective foster parents' children living in or out of the home, including:

(i) strengths and problems in all relationships; and

(ii) how strengths and problems may impact a child placed in the care of the home.

(5) The financial status of the prospective foster parents, including:

(A) discussing with the prospective foster parents the current reimbursement process, if applicable, and ensuring the prospective foster parents' understanding of that process; and

(B) the CPA's determination that the prospective foster parents have or have reasonable access to sufficient resources to support the household and all children in care.

(6) The results of criminal history and central registry background checks conducted on the prospective foster parents and on any non-client 14 years old or older who regularly or frequently stays at or is present in the home, including:

(A) confirmation that the required Child Care Regulation (CCR) background checks were conducted and assessed on:

(i) each prospective foster parent; and

(ii) any non-client who is at least 14 years old or older who will be regularly or frequently staying at or is present in the home, excluding children or young adults in care;

(B) documentation the CPA assessed all background check results received from CCR and any background check information self-disclosed by the prospective foster parents and any person connected to the home;

(C) documentation, including the background check Eligibility Determination provided by the Texas Health and Human Services Commission; and

(D) the CPA must not include any background check results received from CCR in the home screening document.

(7) A history of the prospective foster parents' residence, including the length of time spent at each residence for the last two years. The history must include each full street address, and the CPA must:

(A) ask the prospective foster parents if the police have come to any of the homes in the past two years;

(i) if the police have come to any of the prospective foster parents' homes, obtain service call information from the appropriate law enforcement agency for each of the prospective foster parents' addresses over the past two years; and

(ii) regardless of background check results, if the prospective foster parents report any incident requiring the police to come to any of the homes, request background information from each law enforcement agency that responded, and discuss the incident and any additional background information that the CPA obtains with the prospective foster parents; and

(B) report to CCR the information obtained about the prospective foster family's domestic violence history, if any. The CPA must report this information regardless of whether the CPA verifies the home. This report must be made to CCR within two days of learning about the history.

(8) Health status of all persons living in the home, including:

(A) information about the current and previous physical and mental health status (including substance abuse history) of all persons living in the home in relation to the family's ability to provide foster care; and

(B) whether any noted health-related issue may affect the prospective foster parents' ability to care for a child placed in the care of the home.

(9) The prospective foster parents' values, feelings, and practices regarding child-care and discipline, including:

(A) each prospective foster parent's experience caring for children;

(B) the ways each prospective foster parent was disciplined as a child and the prospective foster parent's reactions to the discipline;

(C) each prospective foster parent's discipline styles, techniques, and ability to recognize and respect differences in children and use discipline methods suitable to an individual child; and

(D) the CPA's approved disciplinary methods, and if a prospective foster parent's current discipline methods are different from those the CPA approves the CPA must discuss and assess how the foster parent would change child care discipline practices to conform to the CPA's approved methods.

(10) Each prospective foster parent's sensitivity to and feelings about a child in care who may have been subjected to abuse, neglect, or exploitation, including each prospective foster parent's:

(A) understanding of the dynamics of child abuse, neglect, and exploitation;

(B) understanding and methods of dealing with the prospective foster parents' own past experiences of abuse and neglect, if the prospective foster parents have any; and

(C) understanding of how these issues and experiences may affect the prospective foster parents, other family members of the prospective foster parents, and a child in care.

(11) The attitude of other household members about the prospective foster parents' plan to provide foster care, including each household member's:

(A) involvement in the care of a child in care;

(B) attitudes toward a child in care; and

(C) acceptance of the verification and of being a foster family for a child in care.

(12) Support systems available to each prospective foster parent, and support the family may receive from these resources, including information about any person who may provide support as a caregiver during an unexpected event or crisis, such as an illness or disability of a prospective foster parent, loss of transportation, or death of an immediate family member.

(13) Prospective foster parent's ability to work with specific kinds of behaviors and backgrounds, including each prospective foster parent's:

(A) willingness and ability to:

(i) work with children who have challenging behaviors;

(ii) care for children of a specific sex and age range;

(iii) care for a specific number of children, including children who are part of the same sibling group; and

(iv) provide additional services, such as respite care; and

(B) understanding of the:

(i) concepts of trauma informed care and how to use those concepts in the care, treatment, and management of a child placed in the home; and

(ii) dynamics of separation and loss and the effects of these experiences on a child.

(14) Obtain and assess background information from all CPAs that have previously verified the home and document the reason the home was closed. Before approving and verifying the home, the receiving CPA must address the closure or any identified risk indicators, with the prospective foster parents if the background information indicates the home:

(A) was closed by the previous CPA;

(B) had potential risk indicators that the previous CPA did not adequately address; or

(C) was recommended for closure by the Texas Health and Human Services Commission.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602965
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. FOSTER HOME VERIFICATION

26 TAC §§749.921, 749.923, 749.925, 749.927, 749.929, 749.931, 749.933, 749.935, 749.937

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.923. Verifying a Foster Home.

(a) A child-placing agency (CPA) must take the following steps to verify a foster home (home).

(1) Complete and document the requirements in this division.

(2) Obtain:

(A) a floor plan, photo, or other documentation of the home that shows the purposes of all rooms in the home and identifies the indoor areas for a child in care to use; and

(B) a floor plan or photo of the outside areas that shows the buildings, driveways, fences, storage areas, gardens, recreation areas, and bodies of water.

(3) Evaluate all applicable laws and rules of this chapter by:

(A) completing an inspection of the home in person to ensure the home meets applicable rules relating to Daily Care, Education, Discipline, and Health and Safety Requirements of this chapter;

(B) making recommendations about the home's overall ability to keep a child in care safe, paying specific attention to areas of substantial safety risk to a child in care and how the CPA addressed areas of identified safety risks with the prospective foster parent before approving and verifying the home; and

(C) documenting in the home file the details of the inspection of the home, any identified safety risks, and explain how those risks were corrected.

(4) Obtain the review and approval of the home screening, and the recommended verification of the home from the child placement management staff.

(5) Issue a verification certificate that must be posted at the home or be made immediately available for review that includes:

(A) the name and address of the foster family;

(B) the home's total capacity and foster care capacity, including ages and sex of each child in care; and

(C) the types of services the home provides.

(b) A new verification certificate must be issued to a home any time there is a change that affects the verification.

§749.925. Temporary Foster Home Verifications.

(a) A child-placing agency (CPA) may issue a temporary foster home (home) verification when a foster family moves from one residence to another.

(b) The temporary verification is valid for a maximum of six months from the date the temporary verification was issued and cannot be extended.

(c) Within 30 days after the foster family moves to the new residence, the CPA must inspect the new residence for compliance with health and safety requirements in this chapter.

(d) Before issuing the non-expiring home verification, the CPA must ensure the home meets all the requirements in this chapter.

(e) The CPA cannot place a new child in the care of the home until the non-expiring verification is issued.

§749.929. Previously Verified Foster Homes.

(a) For a foster home (home) previously verified by another child-placing agency (CPA), the receiving CPA must conduct and complete a new home screening as required in this subchapter.

(b) If a home is transferring from another CPA, the receiving CPA must request information about the home by submitting a written request to the agency that transferred the home.

(c) If the home is transferring from another CPA with a child in care, the receiving CPA may verify the home before completion of the background check.

§749.931. Releasing Information About a Previously Verified Foster Home.

(a) A child-placing agency (CPA) must release background information about a current or previous foster home (home) to:

(1) another CPA conducting a home screening, pre-adoptive home screening, or post-placement adoptive report; or

(2) an independent contractor who is hired or required by the court to conduct a social study under Texas Family Code, Chapter 107, Subchapter D.

(b) Background information includes:

(1) the home screening and any related documentation or addendums;

(2) documentation of supervisory visits and evaluations for the past year;

(3) records of deficiencies and resolutions for the past year, including information regarding pending investigations and unresolved deficiencies;

(4) the most current fire and health inspections or checklists;

(5) the transfer or closing summary for the home;

(6) copies of any current or previous plans to achieve compliance or other type of development plan implemented by Child Care Regulation or the CPA for the past two years, if applicable;

(7) copies of any current or previous corrective action or adverse action plans for the past two years, if applicable; and

(8) information of any pending investigations and any unresolved deficiencies.

(c) A CPA must release the background information to the requesting CPA or independent contractor by the 10th day after receiving the written request, including informing the requesting agency of any pending investigations and unresolved deficiencies. By the 10th day after completion of any pending investigations and unresolved deficiencies, the CPA must release to the requesting agency the:

(1) outcome of any investigations and any resulting deficiencies cited; and

(2) resolution of any deficiencies.

§749.935. Foster Homes that Provide Day Care.

A foster home (home) may provide child day care in addition to foster care under the following conditions:

(1) the home meets all relevant laws and rules related to the care the home is providing;

(2) the child-placing agency completes a written assessment, signed by child placement management staff, of the:

(A) needs of each child in care of the home and how the needs of the children receiving day care services may impact each child receiving foster care services; and

(B) basis for determining no conflict of care exists in providing multiple types of care; and

(3) Child Care Regulation approves the child day care services provided.

§749.937. Transferring or Closing a Foster Home.

(a) A child-placing agency (CPA) must complete a transfer summary or closing summary when a foster home (home) transfers to another CPA or closes.

(b) A transfer summary and a closing summary must include:

(1) a copy of the verification certificate;

(2) the home's addresses for the past two years and, as needed, directions for rural addresses;

(3) the length of time the foster parents have been verified by the CPA;

(4) for the last two years, the:

(A) number of children fostered;

(B) type of treatment services provided to each child in care; and

(C) reason for the discharge of each child in care;

(5) a description of any limitations on the verification that were in place for the home in caring for and working with a child in care;

(6) a description of any risk indicators to a child in care at the time of the transfer or closing;

(7) any plan to achieve compliance or other type of development plan that was in place within the previous 12 months of the date of transfer or closing;

(8) any Texas Health and Human Services Commission Agency Home Closure Recommendation form, corrective action plan, or adverse action plan that was in place at the time of transfer or closing; and

(9) a statement concerning whether the CPA would recommend the home for verification in the future, including whether the CPA would recommend any limitations or restrictions on the verification, and the basis of the CPA's recommendation.

(c) A transfer summary must also:

(1) include pending investigations or unresolved deficiencies;

(2) be completed by the 10th day after a CPA receives a written request to transfer and the transferring CPA must forward it immediately to the requesting CPA.

(d) A closing summary must also:

(1) include the reason the home is closing, including whether the CPA required the home to close;

(2) include a description of any pending investigations and unresolved deficiencies

(3) include the CPA's recommendation whether to reopen a home; and

(4) be completed by the 20th day after a home is closed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602966
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. CAPACITY AND SUPERVISION

26 TAC §§749.951, 749.953, 749.955, 749.957, 749.959

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.951. Capacity and Child/Caregiver Ratio.

(a) A one-parent or two-parent foster home (home) may care for up to six children, with the following guidelines:

(1) if a home cares for infants, the home may care for up to six children with:

(A) a maximum of two infants; and

(B) no more than four children less than six years old.

(2) If a home cares for a child receiving treatment services for primary medical needs requiring total care and has two caregivers (two foster parents or one foster parent and a live-in caregiver), the home may care for up to:

(A) six children, with up to three children who receive treatment services for primary medical needs requiring total care; or

(B) four children if all children receive treatment services for primary medical needs requiring total care.

(3) If the home cares for a child receiving treatment services for primary medical needs requiring total care and has one foster parent, the home may care for up to:

(A) four children, with a maximum of one child who receives treatment services for primary medical needs requiring total care; or

(B) two children, if all children receive treatment services for primary medical needs requiring total care.

(b) The exceptions in subsection (a) of this section do not apply to:

(1) placements that are necessary to maintain a sibling group; or

(2) homes verified to provide treatment services to a child with primary medical needs before January 1, 2015.

(c) The capacity of a home includes children in care, as well as adopted and biological children living in the home, children receiving respite services, and children for whom the home provides daycare. Young adults in care also count towards the capacity.

(d) The child-placing agency must check and document in the home record the reason the home can take care of the number of children allowed in the home, including how the CPA considered the following:

(1) number of caregivers;

(2) services being provided and the needs of the children in the home;

(3) developmental age and any medical needs of the children in the home and in placement; and

(4) physical space and bathroom accommodations in the home.

§749.953. Expanding Capacity of a Foster Home.

A foster home (home) may care for seven or eight children as recommended by a child-placing agency (CPA) and approved by Child Care Regulation (CCR). To approve expanding the home's capacity, the CPA must:

(1) complete the CCR Foster Family Home Capacity Exception Form; and

(2) request and obtain a variance from CCR.

§749.955. Supervision.

(a) The child placement management staff must ensure that supervision of a child in care adequately accounts for:

(1) the specific needs of the child in care, including any history of high-risk behaviors that would require additional supervision; and

(2) the environment where the supervision is taking place.

(b) A caregiver is responsible for:

(1) knowing which children in care the caregiver is responsible for;

(2) providing the level of supervision necessary to ensure the health, safety and well-being of each child in care, including auditory and/or visual awareness of the ongoing activity of each child in care as appropriate;

(3) being available and able to intervene when necessary to ensure the safety of each child in care; and

(4) being aware of any special supervision needs based on the developmental age, maturity, and service plan restrictions of the child in care.

(c) When a child in care participates in an unsupervised childhood activity, the caregiver must know:

(1) where the child in care is scheduled to be and who the child in care will be with; and

(2) how and when the child in care will be returning home.

§749.957. Supervision with Video Cameras.

(a) Video cameras may only be used to supervise, or watch live, a child in care, who is an infant or toddler, unless:

(1) the parents or individual legally allowed to provide permission for the child in care agree to using video cameras; and

(2) the service plan for the child in care notes that using video cameras to help manage risky behaviors or other situations that need extra supervision is acceptable.

(b) If video cameras are allowed:

(1) the video cameras must be placed so that the child in care can have privacy when changing clothes and using the bathroom; and

(2) the video cameras may not be used to record the child in care.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602967

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Effective date: August 10, 2026

Proposal publication date: February 13, 2026

For further information, please call: (512) 438-3269

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DIVISION 4. BABYSITTING, OVERNIGHT CARE, AND RESPITE CARE

26 TAC §§749.973, 749.975, 749.977

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.973. Children in Care as Babysitters.

(a) A child, including a child in care, may serve as a babysitter for another child in the foster home if the child placement management staff approves the child to babysit and establishes limits with duration and frequency.

(b) A child-placing agency must consider:

(1) the developmental age of the child who will provide the babysitting; and

(2) any known history of high-risk behaviors of the child providing the babysitting and the child in the care of the babysitter.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602968

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Health and Human Services Commission

Effective date: August 10, 2026

Proposal publication date: February 13, 2026

For further information, please call: (512) 438-3269

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SUBCHAPTER H. HEALTH AND SAFETY REQUIREMENTS

DIVISION 1. PHYSICAL ENVIRONMENT SAFETY

26 TAC §§749.1001, 749.1003, 749.1005, 749.1007, 749.1009, 749.1011, 749.1013, 749.1015, 749.1017, 749.1019

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1001. Physical Environment of a Foster Home.

(a) The foster home (home) and all structures and equipment on the property's grounds must be kept in a clean, safe, and sanitary condition and be in a reasonable state of repair.

(b) A home must ensure that indoor and outdoor space and equipment do not pose an undue safety risk to children in care.

(c) Caregivers must provide adequate supervision to prevent access to space or equipment that poses a safety risk to a child in care as needed based on the age, maturity, and service plan restrictions of a child in care.

(d) A home must have heating and cooling that is appropriate for the season and geographic region.

(e) A home must maintain first aid supplies.

§749.1003. Health Inspections.

(a) A foster home (home) must have either:

(1) a health inspection conducted by the local health authority; or

(2) a health and safety evaluation conducted by the child-placing agency's child placement staff using the Environmental Health Checklist for Foster Homes form.

(b) A home must correct any deficiencies documented during any inspection or evaluation and comply with any timeframe, conditions, or restrictions specified by the inspector or evaluator.

§749.1005. Fire Inspections.

(a) A foster home (home) must have either:

(1) a fire inspection conducted by a state or local fire authority; or

(2) when a state or local fire authority cannot conduct the inspection, a fire safety evaluation developed and conducted by the child-placing agency's child placement staff.

(b) A home must correct any deficiencies documented during any inspection or evaluation and comply with any conditions or restrictions specified by the inspector or evaluator.

§749.1007. Fire Safety.

(a) A foster home (home) must have working smoke detectors in the following areas:

(1) the kitchen;

(2) hallways or open areas outside of sleeping spaces; and

(3) on each level of a home with multiple levels.

(b) If the home has a gas appliance, propane space heater, fireplace, wood stove, or attached garage, the home must have at least one carbon monoxide detector.

(c) The home must have one non-expired, operational fire extinguisher that is easily accessible in case of emergency.

(d) A home must have an exit, either a door or window, from the home and each child's sleeping space that is:

(1) unblocked;

(2) large enough for a child to get through; and

(3) an exit to the outside.

§749.1009. Emergency Plans.

(a) A foster home (home) must have a written plan for handling potential disasters and emergencies, including fire and severe weather. This plan can be made using a template provided by the child-placing agency (CPA).

(b) The CPA that verified the home must annually review and evaluate the plan with all caregivers and children in care. All reviews of the plan must be communicated in a way that each caregiver and child in care understands.

(c) A home must practice the emergency plan with children in care within the first month of placement.

§749.1013. Tobacco and E-Cigarette Use.

Household members and visitors are not allowed to smoke tobacco products, cigarettes, e-cigarettes, or vaporizers in front of a child in care inside the foster home or motor vehicle while transporting children in care.

§749.1017. Transportation.

(a) Caregivers must utilize safe and reliable transportation for a child in care.

(b) Special provisions must be made for transporting non-ambulatory and non-mobile children in care. When necessary, this includes locks for wheelchairs and hydraulic lifts.

(c) A caregiver must secure each child in care in an infant safety seat, rear-facing convertible child safety seat, forward-facing child safety seat, child booster seat, safety vest, harness, or a safety belt, as appropriate to the age, height, and weight of the child in care and according to the manufacturer's instructions and law.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602969
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. WEAPONS, FIREARMS, EXPLOSIVE MATERIALS, AND PROJECTILES

26 TAC §§749.1031, 749.1033, 749.1035, 749.1037

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1035. Determining if Weapons, Firearms, Explosive Materials, or Projectiles are Present in a Foster Home.

(a) When a child-placing agency (CPA) completes a foster home (home) screening, the CPA must ask whether weapons, firearms, explosive materials, or projectiles are present in the home. If these items are present, the CPA must review the CPA's weapons, firearms, explosive materials, and projectiles policy and requirements with the prospective foster parents.

(b) The home record must include documentation on:

(1) whether weapons, firearms, explosive materials, or projectiles are present in the home; and

(2) specific precautions the caregivers will take to ensure children in care do not have unsupervised access.

(c) The annual evaluation of the home's compliance with this chapter must include a discussion of whether the home has weapons, firearms, explosive materials, or projectiles, and if so, how these items are stored.

(d) In complying with this rule, a CPA may not require the home to disclose the specific types of firearms that are stored or otherwise present in the home.

(e) In complying with this rule, a CPA may not require the home to notify the CPA if there is any change in the types of firearms that are present in the home.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602970
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. SLEEPING SPACE AND BATHROOM REQUIREMENTS

26 TAC §749.1051, §749.1053

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1051. Indoor Space: Sleeping Spaces and Sleeping Surfaces.

(a) Each child in care must have a designated sleeping space with an individual sleeping surface, such as a bed or mattress, and linens. Up to four children may share a sleeping space with approval from the child placement management staff (CPMS).

(b) Sleeping spaces and surfaces must fit the needs, developmental level, and age of the child in care.

(c) Before approving a child in care to share a sleeping space or sleeping surface, the CPMS must determine and document in the service plan of the child in care there is no known risk of harm to the child in care by sharing a sleeping space or sleeping surface with the other individual after assessing:

(1) the relationship between the child in care and the individual;

(2) the ages and developmental levels of the child in care and the individual, noting that after the 18th birthday of the child in care, the child in care may share a sleeping space with another youth who is 16 years old or older, provided the age difference does not exceed two years;

(3) the behaviors of the child in care and the individual;

(4) any history of possible sexual trauma or sexually inappropriate behaviors of the child in care or the individual; and

(5) any other identifiable factors that may affect the appropriateness of the individual and the child in care sharing a sleeping space.

(d) CPMS may not approve an infant to share a sleeping surface.

(e) A child in care over the age of five must not share a room used as a sleeping space with a child of the opposite sex.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602971
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 4. POOLS AND WATER ACTIVITIES

26 TAC §§749.1061, 749.1063, 749.1065

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602972
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER I. FOSTER HOME MANAGEMENT AND EVALUATION

26 TAC §§749.1101, 749.1103, 749.1105, 749.1107, 749.1109

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1101. Foster Home Verification Change Management.

(a) A child-placing agency (CPA) must monitor a foster home (home) for changes that invalidate the home's verification.

(b) If something happens that makes a home's verification invalid, a new or temporary verification must be given after the CPA checks that the home follows the laws and rules in this chapter.

(c) Changes that automatically invalidate a home's verification include:

(1) marriage, divorce, separation, death, birth, or any other change in household composition;

(2) changes in the home's address or location;

(3) changes in the number of children a home may have in care;

(4) changes in the ages or sex of children for whom the home is authorized to provide care; and

(5) changes in the types of services the home will provide.

(d) A home must notify its respective CPA of an active criminal investigation or an investigation by the Texas Department of Family and Protective Services.

§749.1103. Foster Home Compliance Evaluation.

(a) A child-placing agency (CPA) must complete an annual evaluation to ensure a foster home (home) is following all the laws and rules that apply to the home.

(b) The CPA must evaluate a home's compliance with relevant laws and rules each time:

(1) there is an allegation of a deficiency in the home;

(2) there is a major life change in the home that invalidates the verification; or

(3) the CPA receives a report of family violence at the home from the Texas Department of Family and Protective Services.

(c) When a deficiency is found during an evaluation, the CPA must:

(1) develop a plan to achieve compliance that includes:

(A) a list of all the actions or changes the home needs to make to correct deficiencies, including:

(i) how much time the home has to correct the deficiencies; and

(ii) what will happen if the deficiencies are not corrected; and

(B) a decision about whether a child in care may stay in the home and if the home may accept a new child into care before the deficiencies are corrected; and

(2) ensure the home corrects any deficiencies by either inspecting the home again or obtaining proof that issues are corrected.

§749.1109. Ongoing Monitoring Documentation Requirements.

A child-placing agency (CPA) must document and maintain the following information in the foster home's (home's) record.

(1) When checking the home for compliance or completing a supervisory visit:

(A) the date the evaluation or supervisory visit was completed and the household members present;

(B) a summary of the topics talked about, which rules were checked, and any deficiencies found, signed by each foster parent present;

(C) the CPA's plan to correct any deficiencies found; and

(D) a follow-up plan including proof that all deficiencies have been corrected.

(2) For a home on inactive status:

(A) the agreement between the CPA and foster parents that the home will be placed on inactive status and will not accept placement; and

(B) when a home on inactive status wishes to return to active status, the CPA must check and ensure that the home is following all laws and rules in this chapter and has done the necessary background checks. The CPA must document this before a child can be placed in the home.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602973
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER J. ADMISSION AND PLACEMENT

26 TAC §§749.1201, 749.1203, 749.1205, 749.1207, 749.1209, 749.1211, 749.1213, 749.1215, 749.1217

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1201. Admission Criteria.

(a) A child-placing agency (CPA) may admit a child or young adult for placement in a foster home (home) after ensuring:

(1) the child or young adult meets the CPA's admission policy;

(2) the CPA and home can provide the services the child or young adult requires; and

(3) the home can meet the child or young adult's specific needs.

(b) The CPA may admit a young adult into the care of a home if the young adult:

(1) comes immediately from another residential child-care operation;

(2) will continue to need the same level of care and is unlikely to physically or intellectually progress over time; and

(3) is in the legal custody of the Texas Department of Family and Protective Services.

(c) A child, at least 14 years old, or young adult may be admitted to a CPA's transitional living program as a non-emergency admission.

§749.1211. Pre-Placement Requirements.

(a) Before placement, child placement staff must:

(1) ensure the placement is suitable for the needs and behaviors of the child in care by using the initial admission information and the home study for the foster home (home); and

(2) talk to the child in care about why the child in care is being placed and confirm the understanding and response of the child in care.

(b) For non-emergency placements, a child at least six months of age or older in care must visit the home at least once before placement.

(c) During the pre-placement visit, child placement staff must observe the interaction between the child in care and household members.

(d) There must be time between the pre-placement visit and placement to allow the child in care and foster parents to each meet privately with child placement staff to discuss and consider placement.

§749.1213. Post-Placement Visits.

(a) Child placement staff must have monthly in-person visits with each child in care.

(b) Monthly visits must meet the following requirements.

(1) At least half of the visits must occur in the foster home.

(2) The child placement staff must ensure the child in care is safe and the basic needs of the child in care are being met.

(3) The visits must:

(A) be for a length of time to address the needs and behaviors of a child in care who is verbal, or observe the child in care if they are non-verbal;

(B) provide an opportunity to meet privately; and

(C) provide an opportunity for the child in care to discuss feelings about how the placement is working out.

§749.1215. Ongoing Placement of Young Adults.

When a young adult continues living in a foster home or child-placing agency after turning 18 years old, the young adult may share a sleeping space with a youth who is 16 years of age or older, provided the age difference between the youth and young adult does not exceed two years.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602974
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER K. SERVICE PLANNING AND DISCHARGE

DIVISION 1. SERVICE PLANNING

26 TAC §§749.1231, 749.1233, 749.1235, 749.1237

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1231. General Service Plan Requirements.

(a) A child-placing agency (CPA) must use and follow the most recent service plan for a child in care.

(b) To meet service plan requirements, the CPA must:

(1) use the most recent service plan for the child in care, developed by the agency that referred the child in care for placement, if the plan meets the criteria established in this division; or

(2) complete the initial service plan and service plan reviews using the criteria established in this division.

(c) The CPA must allow a child in care to help develop the service plan for the child in care.

(d) The CPA must provide the service plan to the child in care, the caregivers for the child in care, and the professional service providers working with the child in care within five days after the plan is completed.

§749.1235. Service Plan Requirements for Psychosocial Assessment.

For a child in care receiving treatment services for emotional disorders, autism spectrum disorder, or intellectual disabilities, the child-placing agency must obtain a written, dated, and signed psychosocial assessment, or equivalent assessment or evaluation, completed within:

(1) 14 months after the date of admission, if the child in care is coming from another regulated residential child-care operation; or

(2) six months after the date of admission if the child in care is not coming from another regulated residential child-care operation.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602975
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. DISCHARGE AND TRANSFER PLANNING

26 TAC §749.1251, §749.1253

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas

Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1251. Discharge and Transfer Requirements.

(a) The child-placing agency (CPA) must:

(1) have at least one person from the service planning team for the child in care help with planning the discharge or transfer for the child in care;

(2) consult with the service planning team about whether the child in care should be told in advance about the discharge or transfer and follow the team's recommendations; and

(3) if the service planning team decides the child in care should be told in advance about the discharge or transfer, inform the child in care at least four days before the date of discharge or transfer.

(b) The CPA may discharge a child in care to:

(1) the parent of the child in care;

(2) anyone with written authorization from the parent; or

(3) a person authorized by a court or by law to assume custody of the child in care.

(c) When discharging or transferring a child in care the CPA must:

(1) ensure one of the caregivers for the child in care or child placement staff goes with the child in care to the new placement unless the parent of the child in care or law enforcement is transporting the child in care;

(2) provide the prescribed medications for the child in care to the person the child in care is discharged or transferred to; and

(3) provide the belongings of the child in care to the child, the parent of the child in care, or the person the child in care is discharged or transferred to.

(d) The CPA must provide a discharge or transfer summary to the receiving placement or caregiver within 15 days after the child in care is discharged or transferred, which includes:

(1) a summary of:

(A) services provided to the child in care;

(B) an assessment of the current behaviors and needs of the child in care, and recommended services to meet those needs;

(C) upcoming appointments; and

(D) identified resources to support the child in care with the transition, including contact information; and

(2) The background information of the child in care, including unresolved incidents or investigations, and previous assessments and evaluations performed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602976

Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER L. CHILD RIGHTS

26 TAC §§749.1301, 749.1303, 749.1305, 749.1307

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1303. Child Rights.

The rights of a child in care include any other rights given by law or other Child Care Regulation rules. A child-placing agency (CPA) must follow the child's rights, which include the following.

(1) Safety and care.

(A) The right to care and treatment that meets the needs of the child in care in the most family-like setting possible.

(B) The right to be free from abuse, neglect, and exploitation.

(C) The right to fair treatment.

(2) Family contacts. The right to maintain regular contact with the parents, siblings, and other extended family of the child in care, unless restrictions are necessary to protect the health, safety, or well-being of the child in care, as determined by the service plan or a court order.

(3) Living a normal life.

(A) The right to communicate in the way the child in care prefers. The CPA must make every reasonable effort to place the child in the care of foster parents who can communicate with the child.

(B) The right to receive educational services appropriate to the age and developmental level of the child in care.

(C) The right to have the religious needs of the child in care met.

(D) The right to participate in childhood activities, including those with the foster family and other activities outside the home, suitable for the age and development of the child in care.

(E) The right to privacy, which includes sending and receiving unopened mail, making and receiving phone calls, keeping a personal journal, and having visitors, unless it is necessary to limit these activities to keep the health, safety, or well-being of the child in care protected, as determined by the service plan or a court order.

(F) The right to personal care, hygiene, grooming equipment and supplies, and training in how to use them.

(G) The right to have comfortable clothes, including shoes, that fit well and are similar to what other children in the community wear and teenagers should have opportunities to pick out their own clothes.

(H) The right to clothing and shoes that protect the child in care against the weather.

(I) The right to have personal items at the foster home of the child in care and to get additional personal items when needed.

(J) The right to personal space in the sleeping space of the child in care to store clothes and belongings.

(K) The right to be informed of search policies and free of unreasonable searches and unreasonable removal of personal items.

(L) Depending on the age and maturity of the child in care, the right to seek employment, keep money belonging to the child in care, and have a bank account in the name of the child in care.

(M) The right to consent in writing before taking part in any publicity or fund-raising activity for the home or the CPA, including the use of the photograph of the child in care, and to withdraw the consent.

(N) The right to refuse to make public statements showing gratitude to the home or the CPA.

(O) The right to not be pressured to make a medical decision about a pregnancy, give up a child for adoption, or parent the child, if applicable.

(4) Discipline.

(A) The right to be free from any harsh, cruel, unusual, unnecessary, demeaning, or humiliating treatment or punishment; this means the child in care must not be:

(i) shaken;

(ii) subjected to or threatened with corporal punishment, including spanking or hitting the child in care;

(iii) forced to be outside in excessive heat or cold for excessive periods;

(iv) forced to do unproductive work that serves no purpose except to demean the child in care, such as moving rocks from one pile to another or digging a hole and then filling it in;

(v) denied food, sleep, a bathroom, mail, or family visits as punishment;

(vi) subjected to remarks that belittle or ridicule the child in care or the family of the child in care;

(vii) threatened with the loss of placement or shelter as punishment;

(viii) subjected to demeaning behavior to embarrass, control, harm, intimidate, or isolate the child, "demeaning behavior" may include using physical force, rumors, threats, or inappropriate comments; and

(ix) subjected to emergency behavior intervention as punishment, aversive conditioning, or rebirthing, hug, or holding therapy.

(B) The right to discipline that is appropriate to the age, maturity, and developmental level of the child in care.

(C) The right to have restrictions or disciplinary policies explained to the child in care at admittance and when the measures are imposed.

(5) Plans for the child while in care.

(A) The right to have a comprehensive service plan that addresses the needs of the child in care, including transitional and discharge planning.

(B) The right to actively participate in the development of the service plan within the limits of the comprehension of the child in care. The child in care has the right to a copy or summary of the plan. A child 14 years old or older in care has the right to review and sign the service plan.

(6) Medical care and records.

(A) The right to medical, dental, vision, and mental health care and developmental services that adequately meet the needs of the child in care.

(B) The right to request that the care or services be separate from adults (other than young adults in care) who are receiving services.

(C) The right to be free of unnecessary or excessive medication.

(D) The right to confidential care and treatment, including keeping medical records and agency records private and only discussing the records when necessary to provide the child with care.

(7) Complaints.

(A) The right to make anonymous calls, reports, or complaints without interference, coercion, punishment, retaliation, or threats of punishment or retaliation.

(B) The child in care has the right to contact:

(i) the Texas Department of Family and Protective Services Abuse/Neglect Hotline;

(ii) the Texas Health and Human Services Commission Ombudsman for Children and Youth in Foster Care;

(iii) the DFPS Office of Consumer Affairs; and

(iv) Disability Rights Texas.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602977
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER M. DAILY CARE, EDUCATION, AND DISCIPLINE

26 TAC §§749.1401, 749.1403, 749.1405, 749.1407, 749.1409, 749.1411, 749.1413, 749.1415, 749.1417, 749.1419, 749.1421, 749.1423

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1419. Normalcy and Reasonable and Prudent Parent Requirements.

A foster parent must ensure a child in care can participate in childhood activities, including unsupervised activities, using the reasonable and prudent parent standard. For a child in care, the foster parent must consider the:

(1) age, level of maturity, overall abilities and developmental level, and desires; and

(2) behavioral history and ability to safely participate in a proposed activity considering the surrounding circumstances, hazards, risks, and supervision of the activity.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602978
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER N. MEDICAL AND DENTAL REQUIREMENTS

26 TAC §§749.1501, 749.1503, 749.1505

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1501. General Medical, Dental, and Medication Requirements.

(a) A child in care must receive timely routine and emergency medical and dental care.

(b) At admission, a child-placing agency (CPA) must verify whether a child in care has had a medical examination within the past year and a dental examination within the past year, if the child in care is at least six months old. If the CPA determines that a child in care has not had one of these examinations during that time frame, the CPA must schedule any medical or dental examinations the child in care may need.

(c) Only someone who is trained and allowed to provide medicine can do so.

(d) The CPA must ensure caregivers follow orders and recommendations from a physician or other health-care professional.

(e) All medications must be stored securely and properly according to the label's instructions and in a way that makes the medications inaccessible to children in care.

(f) A child in care may only self-administer medication after the CPA:

(1) obtains written parental consent for the child in care to self-administer medication;

(2) updates the service plan to include the self-administration of medication and any requirements for caregiver supervision; and

(3) consults with the health-care professional who prescribed the medication and notes any concerns of the health-care professional in the record for the child in care.

§749.1505. Documentation Requirements for Medical and Dental Care.

(a) A child-placing agency (CPA) must verify that the following is documented either in the record or in the health passport, if applicable, of a child in care:

(1) each medical and dental visit or hospitalization, including a discharge summary;

(2) applicable immunization requirements; and

(3) any known contraindicated prescription, non-prescription medications, and supplements.

(b) The foster home (home) must document and maintain in the record of a child in care:

(1) a daily medication log for each prescription medication administered to a child in care of any age, and non-prescription medication or supplement dispensed to a child in care under five years old; and

(2) documentation of all medication errors, adverse reactions, and side effects of a medication.

(c) The CPA must provide the daily medication log to the foster parents. The log must include:

(1) the name of the child in care and the person who administered the medication or supplement;

(2) the name, strength, and dosage of the medication or supplement administered; and

(3) the date and time the medication or supplement was administered.

(d) The CPA must provide the documentation form for medication errors, adverse reactions, and side effects to the foster parents. The form must include:

(1) the name of the child in care;

(2) the name of the medication;

(3) a description of the error, adverse reaction, or side effect; and

(4) how the caregiver ensured the safety of the child in care.

(e) When a child in care self-administers a dose of medication, the home must review the medication and record the daily dosage.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602979
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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SUBCHAPTER O. EMERGENCY BEHAVIOR INTERVENTION REQUIREMENTS
DIVISION 1. ADMINISTERING EMERGENCY BEHAVIOR INTERVENTION

26 TAC §§749.1601, 749.1603, 749.1605, 749.1607

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

§749.1601. Types of Emergency Behavior Intervention (EBI).

(a) A child-placing agency (CPA) must use an emergency behavior intervention (EBI) program that meets the requirements of this chapter.

(b) EBI may only be used in a situation where preventative de-escalation and redirection has not effectively reduced the risk of injury, so immediate intervention is necessary to prevent:

(1) imminent probable death or substantial physical injury to the child in care; or

(2) imminent physical harm to another individual because of the overt actions of a child in care.

(c) A caregiver may only implement EBI using personal restraints, short personal restraints, and emergency medication. A caregiver may not use chemical restraints, mechanical restraints or seclusion.

(d) A personal restraint uses physical force to restrict free movement of all or part of the body of a child in care to control physical activity. Only a caregiver allowed by the CPA's policies and trained in the CPA's EBI curriculum may administer a personal restraint.

(e) A transitional hold is a temporary restraint technique that lasts no longer than one minute as part of the continuation of a longer personal restraint.

(f) Short personal restraints are personal restraints lasting no longer than one minute that are used in urgent situations. Any caregiver may administer a short personal restraint.

(g) Emergency medications to modify the behavior of a child in care. Only a caregiver allowed by the CPA's policies and trained in the CPA's EBI curriculum may administer an emergency medication.

§749.1603. Administering Emergency Behavior Intervention (EBI) Requirements.

(a) Before administering an emergency behavior intervention (EBI), a caregiver must determine an emergency situation exists.

(b) During an EBI, the caregiver must:

(1) use the minimal amount of reasonable and necessary physical force;

(2) protect the health, safety and well-being of a child in care; and

(3) explain to the child in care what behaviors are necessary to be released from the short personal or personal restraint and consider actions the caregiver can take to help the child in care de-escalate.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602980
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 2. FOLLOW-UP ACTIONS AND DOCUMENTATION

26 TAC §§749.1621, 749.1623, 749.1625

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602981
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Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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DIVISION 3. TRIGGERED REVIEWS AND ANNUAL OPERATION EVALUATION

26 TAC §§749.1631, 749.1633, 749.1635

STATUTORY AUTHORITY

The new sections are authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services agencies, and Texas Government Code §524.0005, which provides the executive commissioner of HHSC with broad rulemaking authority. In addition, HRC §42.042(a) requires HHSC to adopt rules to carry out the requirements of Texas Human Resources Code Chapter 42.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026.

TRD-202602982
Karen Ray
Chief Counsel
Health and Human Services Commission
Effective date: August 10, 2026
Proposal publication date: February 13, 2026
For further information, please call: (512) 438-3269

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 10. TEXAS WATER DEVELOPMENT BOARD

CHAPTER 356. GROUNDWATER MANAGEMENT

The Texas Water Development Board (TWDB) adopts 31 Texas Administrative Code (TAC) §§356.32, 356.42, 356.52, and 356.54. The proposal is adopted without changes as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2496). The rules will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED AMENDMENT.

The TWDB proposes amendments to Subchapters C. D, and E, 31 TAC Chapter 356, containing the agency's rules related to Groundwater Management. The TWDB proposes to amend the rules to implement relevant provisions of House Bill 2078, 89th Regular Session (HB 2078) and Senate Bill 1583, 89th Regular Session (SB 1583). TWDB is proposing this rulemaking primarily to modernize, update, and clarify rule language to facilitate groundwater management in the state and to clarify requirements for groundwater conservation districts.

HB 2078 amended Chapter 36 of the Water Code by requiring groundwater conservation district representatives within a groundwater management area to review each district's management plan at least once during each five-year planning period. In reviewing management plans, districts in the groundwater management area must consider the degree to which each district is achieving desired future conditions through the implementation of its management plan and rules. Additionally, the districts and district representatives within a groundwater management area are required to adopt and identify interim values for the desired future conditions for each 50-year planning period. This proposed rulemaking implements HB 2078's additional responsibilities of the groundwater conservation district representatives.

HB 2078 amended Chapter 36 of the Water Code by adding additional information that groundwater conservation districts must include in a groundwater management plan. The groundwater management plan must include an explanation in plain language of how the district monitors and tracks desired future conditions and how the district has performed in achieving the desired future conditions of the preceding five-year joint planning period. SB 1583 amended Chapter 36 of the Water Code by requiring groundwater conservation districts to include the most recently approved desired future conditions in the groundwater management plan. This proposed rulemaking implements HB 2078's and SB 1583's additional groundwater management plan requirements.

SB 1583 amended Chapter 36 of the Water Code by clarifying which desired future condition and modeled available groundwater amounts a groundwater conservation district must include in its management plan in the event a petition is filed challenging the reasonableness of a groundwater conservation district's adopted desired future condition. The groundwater conservation district management plan is considered administratively complete by the TWDB Executive Administrator if the plan includes, in addition to the information required by Section 36.1071(a) and (e), the most recently approved desired future conditions, the amount of modeled available groundwater corresponding to those desired future conditions, and a statement on the status of the petition. This applies until a final order is issued or the desired future condition is found to be unreasonable and a new desired future condition is adopted. This proposed rulemaking implements SB 1583's clarification for which desired future condition and modeled available groundwater amounts should be included for an administratively complete groundwater conservation district management plan in the event there is a contested desired future condition.

SB 1583 amended Chapter 36 of the Water Code by requiring a groundwater conservation district to amend the management plan prior to the second anniversary of adopting new desired future conditions. This proposed rulemaking implements SB 1583's required approval for a groundwater conservation district management plan.

SECTION BY SECTION DISCUSSION OF ADOPTED AMENDMENTS.

Section 356.32. Desired Future Conditions Package.

The amendment proposes to add §356.32(b) to implement HB 2078's additional responsibilities of the groundwater conservation district representatives in adopting desired future conditions. An amendment is also proposed to rename §356.32 to §356.32(a) for clarification.

Section 356.42. Petition: Mediation of Issues.

The amendment proposes adding §356.42(e) to implement SB 1583's clarification of management plan requirements for administrative completeness in the event that a desired future condition is challenged for reasonableness.

The amendment proposes adding 356.42(f) to implement SB 1583, which establishes application of the management review process when a desired future condition is challenged.

Section 356.52. Required Content of Management Plan.

The amendment proposes to add §356.52(a)(8) to implement SB 1583's most recently approved desired future conditions requirement for a groundwater conservation district's groundwater management plan. The amendment proposes to add §356.52(a)(9) to implement HB 2078's additional groundwater management plan requirements. Amendments are also proposed for §356.52(a)(6)(A) to account for the addition of proposed criterion and for §356.52(c) to correct an error.

Section 356.54. Approval.

The amendment proposes §356.54(a) to implement SB 1583's requirements for an administratively complete groundwater conservation district management plan, including management plans with petitions challenging the reasonableness of a desired future condition.

The amendment proposes to add §356.54(d) to implement SB 1583's required amended management plan prior to the second anniversary of the adoption of desired future conditions.

REGULATORY IMPACT ANALYSIS DETERMINATION (Texas Government Code §2001.0225)

The TWDB reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and determined that the rulemaking is not subject to Texas Government Code §2001.0225, because it does not meet the definition of a "major environmental rule" as defined in the Administrative Procedure Act. A "major environmental rule" is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure, a rule that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the adopted rulemaking is to implement legislation.

Even if the adopted rulemakings were a major environmental rule, Texas Government Code §2001.0225 still would not apply to this rulemaking because Texas Government Code §2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: (1) does not exceed any federal law; (2) does not exceed an express requirement of state law; (3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and (4) is not proposed solely under the general powers of the agency, but rather Texas Water Code §§15.001, 16.012, 36.101, 36.1071, 36.1072, 36.1073, 36.108, 36.1083 and 36.1085. Therefore, this rulemaking does not fall under any of the applicability criteria in Texas Government Code §2001.0225.

TAKINGS IMPACT ASSESSMENT (Texas Government Code §2007.043)

The TWDB evaluated this rulemaking and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rulemaking is to update and clarify existing rules that are necessary for groundwater management in the state and certain requirements for groundwater conservation districts. The adopted rulemaking would substantially advance this stated purpose by aligning definitions with agency and industry practice and providing greater detail for desired future conditions packages and required elements of groundwater management plans.

The TWDB's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this adopted rulemaking because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code §2007.003(b)(4). The TWDB is the agency that reviewed groundwater conservation management plans for the applicable financial assistance programs.

Nevertheless, the TWDB further evaluated this rulemaking and performed an assessment of whether it constitutes a taking under Texas Government Code Chapter 2007. Promulgation and enforcement of this rulemaking would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject proposed regulation does not affect a landowner's rights in private real property because this rulemaking does not burden, restrict, or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the regulation. In other words, this rule updates the state's existing rules that facilitate groundwater management without burdening or restricting or limiting the owner's right to property and reducing its value by 25% or more. Therefore, the adopted rulemaking does not constitute a taking under Texas Government Code, Chapter 2007.

PUBLIC COMMENTS (Texas Government Code §2001.033(a)(1))

The TWDB received two public comments, which resulted in no modifications to the proposed language. Belding Farms submitted a comment recommending the groundwater conservation districts be required to disclose efforts to enforce or implement water use and/or permit-required curtailments specifically designed to ensure desired future conditions compliance and protection and preservation of groundwater in the plain language explanation of monitoring and tracking desired future conditions. The TWDB can provide this type of guidance through technical assistance provided to groundwater conservation districts as they draft updates to their management plans. The Greater Edwards Aquifer Alliance submitted a comment supporting TWDB's proposed amendments.

SUBCHAPTER C. SUBMISSION OF DESIRED FUTURE CONDITIONS

31 TAC §356.32

STATUTORY AUTHORITY (Texas Government Code §2001.024(a)(3))

The amendment is adopted under the authority of Texas Water Code §6.101, which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and also under the authority of Texas Water Code Sections 15.001, 16.012, 36.101, 36.1071, 36.1072, 36.1073, 36.108, 36.1083 and 36.1085.

Additionally, this rulemaking is adopted under the authority of Texas Water Code Chapters 15 and 16.

This rulemaking affects Water Code, Chapters 15, 16, and 36.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 24, 2026.

TRD-202603136
Ashley Harden
General Counsel
Texas Water Development Board
Effective date: August 13, 2026
Proposal publication date: April 17, 2026
For further information, please call: (512) 475-1673

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SUBCHAPTER D. APPEALING ADOPTION OF DESIRED FUTURE CONDITIONS

31 TAC §356.42

STATUTORY AUTHORITY (Texas Government Code §2001.024(a)(3))

The amendment is adopted under the authority of Texas Water Code §6.101, which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and also under the authority of Texas Water Code Sections 15.001, 16.012, 36.101, 36.1071, 36.1072, 36.1073, 36.108, 36.1083 and 36.1085.

Additionally, this rulemaking is adopted under the authority of Texas Water Code Chapters 15 and 16.

This rulemaking affects Water Code, Chapters 15, 16, and 36.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 24, 2026.

TRD-202603137
Ashley Harden
General Counsel
Texas Water Development Board
Effective date: August 13, 2026
Proposal publication date: April 17, 2026
For further information, please call: (512) 475-1673

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SUBCHAPTER E. GROUNDWATER MANAGEMENT PLAN APPROVAL

31 TAC §356.52, §356.54

STATUTORY AUTHORITY (Texas Government Code §2001.024(a)(3))

The amendment is adopted under the authority of Texas Water Code §6.101, which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and also under the authority of Texas Water Code Sections 15.001, 16.012, 36.101, 36.1071, 36.1072, 36.1073, 36.108, 36.1083 and 36.1085.

Additionally, this rulemaking is adopted under the authority of Texas Water Code Chapters 15 and 16.

This rulemaking affects Water Code, Chapters 15, 16, and 36.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 24, 2026.

TRD-202603138
Ashley Harden
General Counsel
Texas Water Development Board
Effective date: August 13, 2026
Proposal publication date: April 17, 2026
For further information, please call: (512) 475-1673

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CHAPTER 358. STATE WATER PLANNING GUIDELINES

SUBCHAPTER B. DATA COLLECTION

31 TAC §358.6

The Texas Water Development Board (TWDB) adopts the repeal of 31 Texas Administrative Code §358.6 as part of a reorganization. The proposal is adopted without changes as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2501). The rule will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED AMENDMENT.

This rulemaking implements House Bill (HB) 29 from the 89th Texas Legislative Session, codified as Texas Water Code §16.0122. HB 29 created certain new responsibilities for municipally owned utilities that provide potable water through more than 150,000 service connections. This rulemaking covers the portions of Texas Water Code §16.0122 that deal with the Texas Water Development Board's responsibilities.

In a separate filing with the Texas Register, the TWDB adopts new sections within 31 TAC Chapter 358, within a new Subchapter C (relating to Water Loss Audits). With that rulemaking, the TWDB will reorganize the subchapter. The existing text of §358.6, with some amendments, will remain in those new sections.

SECTION BY SECTION DISCUSSION OF ADOPTED AMENDMENTS.

Section 358.6. Water Loss Audits.

TWDB adopts the repeal of this section to renumber the section with adopted changes to the text filed separately in this issue of the *Texas Register*.

REGULATORY IMPACT ANALYSIS DETERMINATION (Texas Government Code §2001.0225)

The TWDB reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and determined that the rulemaking is not subject to Texas Government Code §2001.0225, because it does not meet the definition of a "major environmental rule" as defined in the Administrative Procedure Act. A "major environmental rule" is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the rulemaking is to clarify requirements for TWDB borrowers and other stakeholders by better organizing these rules.

Even if the rule were a major environmental rule, Texas Government Code §2001.0225 still would not apply to this rulemaking because Texas Government Code §2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: (1) does not exceed any federal law; (2) does not exceed an express requirement of state law; (3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and (4) is not adopted solely under the general powers of the agency, but rather Texas Water Code §16.0121. Therefore, this rule does not fall under any of the applicability criteria in Texas Government Code §2001.0225.

TAKINGS IMPACT ASSESSMENT (Texas Government Code §2007.043)

The TWDB evaluated this rule and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rule is to clarify requirements for TWDB borrowers and other stakeholders. The rule would substantially advance this stated purpose by reorganizing the rules in an easier to read manner.

The TWDB's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this rule because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code §2007.003(b)(4). The TWDB is the agency that implements certain provisions related to water loss audits and validations included in HB 29.

Nevertheless, the TWDB further evaluated this rule and performed an assessment of whether it constitutes a taking under Texas Government Code Chapter 2007. Promulgation and enforcement of this rule would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject rule does not affect a landowner's rights in private real property because this rulemaking does not burden, restrict, or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the rule. In other words, this rule repeals certain sections for renumbering. Therefore, the rule does not constitute a taking under Texas Government Code, Chapter 2007.

PUBLIC COMMENTS (Texas Government Code §2001.033(a)(1))

The comment period ended on May 18, 2026. No comments were received on this repeal. Comments were received on the associated proposed amendments and will be addressed in that rulemaking filed elsewhere in this issue of the *Texas Register*.

STATUTORY AUTHORITY (Texas Government Code §2001.033(a)(2))

The repeal is adopted under the authority of Texas Water Code §6.101, which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and also under the authority of Texas Water Code §16.0121.

This rulemaking affects Water Code, Chapter 16.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603129
Ashley Harden
General Counsel
Texas Water Development Board
Effective date: August 12, 2026
Proposal publication date: April 17, 2026
For further information, please call: (512) 475-1673

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SUBCHAPTER C. WATER LOSS AUDITS

31 TAC §§358.10 - 358.15

The Texas Water Development Board (TWDB) adopts 31 Texas Administrative Code §§358.10 - 358.15. Sections 358.10 - 358.12 and 358.15 are adopted with changes to the proposed text as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2502) and will be republished. Sections 385.13 and 358.14 are adopted without changes to the proposed text and will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED AMENDMENT.

This rulemaking implements House Bill (HB) 29 from the 89th Texas Legislative Session, codified as Texas Water Code §16.0122. HB 29 created certain new responsibilities for municipally owned utilities that provide potable water through more than 150,000 service connections. This rulemaking covers the portions of Texas Water Code §16.0122 that deal with the TWDB's responsibilities.

In a separate filing with the *Texas Register*, the TWDB adopts a repeal within 31 TAC Chapter 358. With this rulemaking, the TWDB will reorganize that chapter and add a new subchapter. The existing text of §358.6, with some amendments, will remain in the new sections adopted in this rulemaking.

SECTION BY SECTION DISCUSSION OF ADOPTED AMENDMENTS.

Subchapter C. Water Loss Audits.

This adoption adds a new subchapter within chapter 358 to better organize the chapter.

Section 358.10 Definitions.

The TWDB adopts the definitions for the subchapter for ease of reading. All but one of these definitions were previously included in old §358.6. The definitions are reordered alphabetically. This adoption adds one new defined term in subsection (6) for "Large Municipally Owned Utilities." As some requirements from HB 29 only apply to certain utilities, the TWDB adopts a defined term for "large municipally owned utilities" to cover the applicability of those statutory requirements. This term will be defined as "A municipally owned utility, as defined by Texas Water Code §13.002, that provides potable water through more than 150,000 service connections," which directly implements the language of HB 29.

Pursuant to public comment, the TWDB also amends the definition of "Executive Administrator" to include "or a designated representative," which is consistent with TWDB's other rules. Pursuant to public comment, the TWDB amends the definition of "validation" with non-substantive changes for clarity purposes.

Section 358.11. Water Loss Audits.

This adoption moves previously numbered §358.6 to new §358.11. This adoption moves the defined terms to a new definitions section. The TWDB moves the provisions related to water loss audit validations, water loss thresholds, and technical assistance to separate sections within the same chapter.

This adoption updates the language within new §358.11 to correct cross references for the provisions that the TWDB moved. Pursuant to public comment, the rulemaking removes a duplicate reference to "water loss audits" for clarity purposes. This rulemaking does not include any other changes to the text of previously numbered §358.6.

Section 358.12. Water Loss Audit Validations.

This adoption moves previously numbered §358.6(b)(5) to its own new section. The TWDB will extend the deadline for water loss audit validations from 3 months to 180 days to better align with HB 29. This adoption adds the requirements from HB 29 to this rule text. This adoption also updates internal cross references and adds clarifying language. New subsection (b) within this new section reflects the new requirements from HB 29. Pursuant to public comment, the TWDB changes "will be required" to "must" throughout this section for clarity purposes. The rulemaking also makes other non-substantive changes for clarity purposes, pursuant to public comment. The TWDB received a public comment requesting a change to the reference to annual water loss audits. To avoid confusion, the adoption uses the statutory language from HB 29 to reference annual water loss audit requirements.

Section 358.13. Water Loss Thresholds.

This adoption moves previously numbered §358.6(e) and (f) to their own new section related to water loss thresholds. The only language changes are to change the reference to "total water loss" to reference "real or apparent water loss," which matches agency practice and to update internal cross-references based on renumbering.

Section 358.14. Water Loss Audit Technical Assistance.

This adoption moves previously numbered §358.6(g) and (h) to their own new section related to water loss technical assistance. This adoption does not include any changes to the language.

Section 358.15. Water Loss Mitigation Plan.

This adoption adds new §358.15 to include a new requirement for water loss mitigation plans from HB 29. The TWDB received a public comment requesting a change to the reference to annual water loss audits. To avoid confusion, the adoption uses the statutory language from HB 29 to reference annual water loss audit requirements.

REGULATORY IMPACT ANALYSIS DETERMINATION (Texas Government Code §2001.0225)

The TWDB reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and determined that the rulemaking is not subject to Texas Government Code §2001.0225, because it does not meet the definition of a "major environmental rule" as defined in the Administrative Procedure Act. A "major environmental rule" is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the rulemaking is to clarify requirements for certain municipally owned utilities and encourage better data and analysis related to water loss.

Even if the rule were a major environmental rule, Texas Government Code §2001.0225 still would not apply to this rulemaking because Texas Government Code §2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: (1) does not exceed any federal law; (2) does not exceed an express requirement of state law; (3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and (4) is not adopted solely under the general powers of the agency, but rather Texas Water Code §16.0121. Therefore, this rule does not fall under any of the applicability criteria in Texas Government Code §2001.0225.

TAKINGS IMPACT ASSESSMENT (Texas Government Code §2007.043)

The TWDB evaluated this rule and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rule is to clarify requirements for certain municipally owned utilities and encourage better data and analysis related to water loss. The rule would substantially advance this stated purpose by reorganizing the subchapter in a clearer way and delineating responsibilities and duties for different utilities.

The TWDB's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this rule because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code §2007.003(b)(4). The TWDB is the agency that receives water loss audits, receives and conducts certain water loss audit validations, establishes water loss thresholds, and receives and reviews water conservation plans.

Nevertheless, the TWDB further evaluated this rule and performed an assessment of whether it constitutes a taking under Texas Government Code Chapter 2007. Promulgation and enforcement of this rule would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject rule does not affect a landowner's rights in private real property because this rulemaking does not burden, restrict, or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the rule. In other words, this rule implements legislation that requires certain municipally owned water utilities to conduct water loss audit validations and develop water loss mitigation plans. Therefore, the rule does not constitute a taking under Texas Government Code, Chapter 2007.

PUBLIC COMMENTS (Texas Government Code §2001.033(a)(1))

The TWDB received three public comments, which resulted in some modifications to the proposed language. The remaining suggested changes were not made to avoid repeating statue in administrative rules, stay in bounds with statute, and keep terms broad. The public comment period for this rulemaking ended on May 18, 2026.

The Greater Edwards Aquifer Alliance is supportive of the rulemaking and suggested no changes. The Sierra Club Lone Star Chapter is also supportive of the rules and appreciates the transparency of the TWDB by publishing the water loss data in the water loss dashboard. The Sierra Club would like the five requirements for mitigation plans to be specifically listed in rules, and for future mitigation plans to clearly differentiate between real and apparent water loss efforts. The National Wildlife Federation provided several specific text changes to the rules for clarity.

The following is a compilation of the comments received including a response to each.

Section 358.10

Comment:

The National Wildlife Federation commented to include "executive administrator's staff" in the definition of Executive Administrator.

Response:

The TWDB added "designated representative" to the definition and aligned the language with that used in other TWDB's administrative rules.

Comment:

The National Wildlife Federation commented to add "among other potential actions" to the mitigation definition to clarify that their other type of mitigation activities from the three listed.

Response:

The TWDB acknowledges the comment. No changes were made to the rules in response because "may include" suggests the list is not exhaustive.

Comment:

The National Wildlife Federation commented to modify the definition of validation to indicate "applying appropriate methodology."

Response:

The TWDB made the modification to the rules.

Section 358.11

Comment:

The National Wildlife Federation commented to reference "paragraph (1) or (2)" to determine the schedule of when to undertake and file an audit and delete the use of "water loss audit" twice.

Response:

The TWDB acknowledges the comment and will delete the duplication of water loss audit but will specify who needs to file an audit instead of referencing it.

Comment:

The National Wildlife Federation commented on specifying a timeframe for renewing their water loss audit training to ensure familiarity with audit methodologies.

Response:

The TWDB acknowledges the comment. No changes were made to the rules in response because the agency does not have the authority to impose more than statue.

Comment:

The National Wildlife Federation commented on indicating the missing or incomplete audit to avoid a utility skipping multiple cycles of audits without any impact on eligibility for financial assistance.

Response:

The TWDB acknowledges the comment. No changes were made to the rules in response because the current rules allow the ability to require the delinquent and/or future audit depending on where we are in the reporting cycle.

Section 358.12

Comment:

The National Wildlife Federation commented on changing certain words or phrases in the water loss audit validation requirements to make the language more straightforward.

Response:

The TWDB made those changes to the rules.

Comment:

The National Wildlife Federation commented on deleting a qualifying statement in the large municipally owned utilities requirements to make the language more straightforward.

Response:

The TWDB made those changes to the rules.

Section 358.15

Comment:

The Sierra Club Lone Star Chapter commented that §358.15. Water Loss Mitigation Plans, "could be expanded to list the requirements of the Water Loss Mitigation Plan found in HB 29 itself, which would avoid any confusion."

Response:

The TWDB acknowledges the comment. No changes were made to the rules in response, to avoid repeating plan requirements in administrative rules that already exist in statue.

STATUTORY AUTHORITY (Texas Government Code §2001.033(a)(2))

The amendment is adopted under the authority of Texas Water Code §6.101, which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and also under the authority of Water Code §16.0121 and §16.0122.

This rulemaking affects Texas Water Code, Chapter 16.

§358.10. Definitions.

Unless otherwise indicated, in this subchapter the following terms shall have the meanings assigned.

(1) Allowed apparent loss--A unique number for allowable apparent loss calculated for each utility.

(2) Annual real loss--A unique number calculated for each utility based on the utility's real loss on an annualized basis.

(3) Apparent loss--Unauthorized consumption, meter inaccuracy, billing adjustments, and waivers.

(4) Average system operating pressure--System operating pressure in pounds per square inch calculated using a weighted average approach as identified in the American Water Works Association M36 Manual.

(5) Executive Administrator--The executive administrator of the board or a designated representative.

(6) Large Municipally Owned Utility--A municipally owned utility, as defined by Texas Water Code §13.002, that provides potable water through more than 150,000 service connections.

(7) Mitigation--An action or actions taken by a retail public utility to reduce the amount of total water loss in a system. Mitigation may include a detailed water loss assessment, pipe or meter replacement, or addition or improvement of monitoring devices to detect water loss.

(8) Real loss--Loss from main breaks and leaks, storage tank overflows, customer service line breaks, and line leaks.

(9) Retail public utility or utility--A retail public utility as defined by Texas Water Code §13.002.

(10) Service connection density--The number of a retail public utility's connections on a per mile basis.

(11) Total water loss--The sum of a utility's real loss and apparent loss.

(12) Validation--The process of examining water loss audit inputs to identify and correct inaccuracies in water loss audit data and of applying appropriate methodology to evaluate and communicate the uncertainty inherent in water loss audit data.

§358.11. Water Loss Audits.

(a) A retail public utility that provides potable water shall perform and file with the executive administrator a water loss audit computing the utility's system water loss during the preceding calendar year, unless a different 12-month period is allowed by the executive administrator. The water loss audit may be submitted electronically.

(1) Audit required annually. The utility must file the water loss audit with the executive administrator annually by May 1st if the utility:

(A) has more than 3,300 connections; or

(B) is receiving financial assistance from the board, regardless of the number of connections. A retail public utility is receiving financial assistance from the board if it has an outstanding loan, loan forgiveness agreement, or grant agreement from the board.

(2) Audit required every five years. The utility must file the water loss audit with the executive administrator by May 1, 2016, and every five years thereafter by May 1st if the utility has 3,300 or fewer connections and is not receiving financial assistance from the board.

(3) The water loss audit must be performed in accordance with methodologies developed by the executive administrator based on the population served by the utility and taking into consideration the financial feasibility of performing the water loss audit, population density in the service area, the retail public utility's source of water supply, the mean income of the service population, and any other factors determined by the executive administrator. The executive administrator will provide the necessary forms and methodologies to the retail public utility.

(4) A water loss audit must be performed by a person who has completed water loss audit training developed by the executive administrator. The executive administrator will make such training available without charge on the agency website and may also provide such training in person or by video.

(b) The executive administrator shall determine if the water loss audit is administratively complete. A water loss audit is administratively complete if all required responses are provided, the audit is completed by a person who has been trained to conduct water loss auditing as described in subsection (a)(4) of this section, and the audit has been validated as described in §358.12 of this subchapter (relating to Water Loss Audit Validations). In the event the executive administrator determines that a retail public utility's water loss audit is incomplete, the executive administrator shall notify the utility.

(c) A retail public utility that provides potable water that fails to submit a water loss audit or that fails to correct a water loss audit that is not administratively complete within the timeframe provided by the executive administrator is ineligible for financial assistance for water supply projects under Texas Water Code, Chapter 15, Subchapters C, D, E, F, G, H, J, O, Q, and R; Chapter 16, Subchapters E and F; and Chapter 17, Subchapters D, I, K, and L. The retail public utility will remain ineligible for financial assistance until a complete water loss audit has been filed with and accepted by the executive administrator.

(d) The executive administrator shall publicly post on the board's official website a summary of:

(1) the information included in the water audits required by Texas Water Code §16.0121(b) and §16.0121(b-1) according to category of retail public utility and according to regional water planning area;

(2) the measures taken by retail public utilities to reduce water loss; and

(3) a list of those retail public utilities receiving technical assistance as established under §358.14 of this subchapter (relating to Water Loss Technical Assistance), including details related to use of the board's financial assistance to mitigate a retail public utility's total water loss.

§358.12. Water Loss Audit Validations.

(a) A retail public utility that provides potable water required to submit a water loss audit annually as described in §358.11(a)(1)(B) of this subchapter (relating to Water Loss Audits) or that is applying for financial assistance must have its most current water loss audit validated within 180 days of submittal or prior to consideration of a request for financial assistance from the board, whichever is earlier, in accordance with TWDB's validation guidance. The executive administrator will validate the submitted water loss audit in consultation with the retail public utility. Alternatively, the utility may elect to have the water loss audit validated by a person other than the executive administrator. Should a water loss audit be validated by a person other than the executive administrator, validation must follow TWDB's validation guidelines and be performed by a person other than the person submitting the water loss audit, who has completed water loss audit validation training and is certified to conduct such validation.

(b) A large municipally owned utility that has filed an annual water audit under Texas Water Code §16.0121 must have its most current water loss audit for the current reporting year validated within 180 days of submittal. The validation must be conducted by someone other than the executive administrator. Validation must follow TWDB's validation guidelines and be performed by a person other than the person submitting the water loss audit, who has completed water loss audit validation training and is certified to conduct such validation. A validation conducted under this subsection can be used to satisfy the requirements of subsection (a) of this section if done according to the deadlines in subsection (a) of this section.

§358.15. Water Loss Mitigation Plans.

A large municipally owned utility that has filed an annual water audit under Texas Water Code §16.0121 must develop and submit to the board a water loss mitigation plan, that meets the requirements of Texas Water Code §16.0122, not later than the first anniversary of the date the audit was filed.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 24, 2026.

TRD-202603134
Ashley Harden
General Counsel
Texas Water Development Board
Effective date: August 13, 2026
Proposal publication date: April 17, 2026
For further information, please call: (512) 475-1673

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CHAPTER 363. FINANCIAL ASSISTANCE PROGRAMS
SUBCHAPTER A. GENERAL PROVISIONS
DIVISION 2. GENERAL APPLICATION PROCEDURES

31 TAC §363.12, §363.15

The Texas Water Development Board (TWDB) adopts amendments to 31 Texas Administrative Code §363.12 and §363.15. The amendments are adopted without changes as published in the April 17, 2026, issue of the *Texas Register* (51 TexReg 2506) and will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED AMENDMENT.

This rulemaking implements House Bill (HB) 29 from the 89th Texas Legislative Session, codified as Texas Water Code §16.0122. HB 29 created certain new responsibilities for municipally owned utilities that provide potable water through more than 150,000 service connections, including changes to those entities' water conservation plans. This rulemaking covers the portions of Texas Water Code §16.0122 that deal with the TWDB's responsibilities.

SECTION BY SECTION DISCUSSION OF ADOPTED AMENDMENTS.

Section 363.12. General, Legal, and Fiscal Information.

The TWDB adopts renumbering of certain sections within Chapter 358 of this Title in a separate filing within this issue of the *Texas Register*. The TWDB will amend this section to update a cross-reference that is renumbered in that separate filing.

Section 363.15. Required Water Conservation Plan.

The TWDB adopts added language to §363.15 to implement HB 29. HB 29 requires large municipally owned utilities to develop water loss mitigation plans and incorporate those plans into their water conservation plans. Those utilities must also incorporate their progress in implementing that water loss mitigation plan in their annual reports. These new requirements included in Texas Water Code §16.0122 by HB 29 are included in the TWDB's rule on water conservation plans.

REGULATORY IMPACT ANALYSIS DETERMINATION (Texas Government Code §2001.0225)

The TWDB reviewed the rulemaking in light of the regulatory analysis requirements of Texas Government Code §2001.0225 and determined that the rulemaking is not subject to Texas Government Code §2001.0225, because it does not meet the definition of a "major environmental rule" as defined in the Administrative Procedure Act. A "major environmental rule" is defined as a rule with the specific intent to protect the environment or reduce risks to human health from environmental exposure and that may adversely affect in a material way the economy or a sector of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state. The intent of the rulemaking is to clarify requirements for certain municipally owned utilities and encourage better data and analysis related to water loss and water conservation plans.

Even if the rule were a major environmental rule, Texas Government Code §2001.0225 still would not apply to this rulemaking because Texas Government Code §2001.0225 only applies to a major environmental rule, the result of which is to: (1) exceed a standard set by federal law, unless the rule is specifically required by state law; (2) exceed an express requirement of state law, unless the rule is specifically required by federal law; (3) exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; or (4) adopt a rule solely under the general powers of the agency instead of under a specific state law. This rulemaking does not meet any of these four applicability criteria because it: (1) does not exceed any federal law; (2) does not exceed an express requirement of state law; (3) does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program; and (4) is not adopted solely under the general powers of the agency, but rather Texas Water Code §16.0121. Therefore, this rule does not fall under any of the applicability criteria in Texas Government Code §2001.0225.

TAKINGS IMPACT ASSESSMENT (Texas Government Code §2007.043)

The TWDB evaluated this rule and performed an analysis of whether it constitutes a taking under Texas Government Code, Chapter 2007. The specific purpose of this rule is to clarify requirements for certain municipally owned utilities and encourage better data and analysis related to water loss and water conservation plans. The rule would substantially advance this stated purpose by delineating responsibilities and duties for certain utilities to clarify new requirements in statute.

The TWDB's analysis indicates that Texas Government Code, Chapter 2007 does not apply to this rule because this is an action that is reasonably taken to fulfill an obligation mandated by state law, which is exempt under Texas Government Code §2007.003(b)(4). The TWDB is the agency that reviews water conservation plans.

Nevertheless, the TWDB further evaluated this rule and performed an assessment of whether it constitutes a taking under Texas Government Code Chapter 2007. Promulgation and enforcement of this rule would be neither a statutory nor a constitutional taking of private real property. Specifically, the subject rule does not affect a landowner's rights in private real property because this rulemaking does not burden, restrict, or limit the owner's right to property and reduce its value by 25% or more beyond that which would otherwise exist in the absence of the rule. In other words, this rule implements legislation that requires certain municipally owned water utilities to develop water loss mitigation plans and incorporate those into their water conservation plans and report progress in implementing those water loss mitigation plans in their annual reports. Therefore, the rule does not constitute a taking under Texas Government Code, Chapter 2007.

PUBLIC COMMENTS (Texas Government Code §2001.033(a)(1))

The comment period ended on May 18, 2026. No comments were received on this chapter. Comments were received on the associated proposed amendments to Chapter 358 and will be addressed in that rulemaking filed elsewhere in this issue of the *Texas Register*.

STATUTORY AUTHORITY (Texas Government Code §2001.033(a)(2))

The amendments are adopted under the authority of Texas Water Code §6.101, which provides the TWDB with the authority to adopt rules necessary to carry out the powers and duties in the Water Code and other laws of the State, and also under the authority of Texas Water Code §16.402 and §16.4021.

This rulemaking affects Water Code, Chapter 16.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 24, 2026.

TRD-202603135
Ashley Harden
General Counsel
Texas Water Development Board
Effective date: August 13, 2026
Proposal publication date: April 17, 2026
For further information, please call: (512) 475-1673

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TITLE 34. PUBLIC FINANCE

PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

CHAPTER 41. HEALTH CARE AND INSURANCE PROGRAMS

SUBCHAPTER A. RETIREE HEALTH CARE BENEFITS (TRS-CARE)

34 TAC §41.17

The board of trustees of the Teacher Retirement System of Texas (TRS) adopts amended §41.17 relating to the Limited-Time Enrollment Opportunity for Medicare-eligible Retirees, of Subchapter A, Chapter 41, Title 34, Part 3, of the Texas Administrative Code, without any changes to the proposed text as originally published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3690). The rule will not be republished.

REASONED JUSTIFICATION

TRS adopts the amendments to §41.17 to open another Limited-Time Enrollment Opportunity for Medicare-eligible retirees and their eligible dependents, surviving spouses and surviving dependent children to return the TRS-Care Medicare Advantage (TRS-Care MA) plan to take advantage of the plan's reduced premiums for the 2027 plan year.

In 2024, TRS created §41.17 after receiving direction from legislative leadership to use the growth in the TRS-Care fund to reduce premiums and allow for a limited-time enrollment opportunity for eligible TRS-Care Medicare Advantage (TRS-Care MA) participants. Rule 41.17 established the enrollment period, eligibility requirements, and coverage effective dates. The enrollment opportunity ran from Oct. 1, 2024, through March 31, 2026.

As the TRS-Care trust fund continues to experience significant growth, TRS is able to maintain low premiums and amends §41.17 to offer another limited-time enrollment opportunity that will begin on Oct. 1, 2026, and end on March 31, 2028. The amendments also make a nonsubstantive change to correct a typographical spacing error in the existing rule language.

COMMENTS

No comments on the proposed amendments were received.

STATUTORY AUTHORITY

Amended §41.17 is adopted under the authority of Chapter 1575 of the Insurance Code, which establishes the Texas Public School Retired Employees Group Benefits Act (TRS-CARE), §1575.052, which allows the trustee to adopt rules, plans, procedures, and orders reasonably necessary to implement Chapter 1575; Chapter 825, Government Code, which governs the administration of TRS, and §825.102 of the Government Code, which authorizes the board of trustees to adopt rules for the transaction of its business.

CROSS-REFERENCE TO STATUTE

Amended §41.17 implements Insurance Code §1575.1582(b), concerning Eligibility for Group Health Benefit Plans.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603100
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Effective date: August 12, 2026
Proposal publication date: May 29, 2026
For further information, please call: (512) 542-3528

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SUBCHAPTER C. TEXAS SCHOOL EMPLOYEES GROUP HEALTH (TRS-ACTIVECARE)

34 TAC §41.38

The Board of Trustees of the Teacher Retirement System of Texas (TRS) adopts amended §41.38 relating to Termination of Coverage, of Subchapter C, Chapter 41, Title 34, Part 3, of the Texas Administrative Code, without any changes to the proposed text as originally published in the May 29, 2026, issue of the *Texas Register* (51 TexReg 3692). The rule will not be republished.

REASONED JUSTIFICATION

TRS adopts amendments to §41.38 to delete §41.38(a)(7) to eliminate participants' ability to voluntarily terminate their TRS-ActiveCare enrollment in the middle of the plan year. As trustee of the program, TRS adopts this amendment to protect the fiscal health and stability of the trust fund and, in turn, the interests of all plan participants due to the following factors.

First, allowing a participant to leave TRS-ActiveCare mid-year is inconsistent with industry standards. Enrollees generally must remain in a health plan through the end of the plan year unless a qualifying mid-year life event under HIPAA permits a change, such as termination of employment, reduced work hours, death, divorce, marriage, or the birth or adoption of a child.

Second, allowing TRS-ActiveCare participants to drop coverage during the plan year undermines rate setting and premium collection. TRS sets premiums under the expectation that enrollment will remain consistent during the plan year for which the premium is set. Furthermore, participants who leave after receiving high-cost services stop contributing to the risk pool, increasing premium pressure on those who remain. Likewise, healthier participants who drop coverage for financial reasons shift costs to higher-cost participants and contribute to premium increases in future plan years.

Finally, allowing participants to leave the TRS-ActiveCare program in the middle of the plan year increases the administrative burden of managing the program, driving up administrative costs.

Therefore, TRS adopts the proposed amended §41.38 to remove §41.38(a)(7) from §41.38 and renumber the rest of the rule accordingly.

COMMENTS

No comments on the proposed amended rule were received.

STATUTORY AUTHORITY

Amended §41.38 is adopted under the authority of Chapter 1579 of the Insurance Code, which establishes the Texas School Employees Group Health Act (TRS-ACTIVECARE), §1579.052, which allows the trustee to adopt rules, plans, procedures, and orders reasonably necessary to implement Chapter 1579; Chapter 825, Government Code, which governs the administration of TRS, and §825.102 of the Government Code, which authorizes the board of trustees to adopt rules for the transaction of its business.

CROSS-REFERENCE TO STATUTE

Amended §41.38 implements Insurance Code §1579.052, concerning the Authority to Adopt Rules and Procedures; Other Authority, which authorizes the trustee to adopt rules, plans, procedures, and orders reasonably necessary to implement Chapter 1579, including periods of enrollment and coverage selection and outlines the procedures for enrolling and exercising options under the group program.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603128
Don Green
Chief Financial Officer
Teacher Retirement System of Texas
Effective date: August 12, 2026
Proposal publication date: May 29, 2026
For further information, please call: (512) 542-3528

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 13. TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 427. TRAINING FACILITY CERTIFICATION

The Texas Commission on Fire Protection (Commission) adopts amendments to 37 TAC §427.11 and §427.211, concerning Reference Material; §427.301, concerning General Provisions for Training Programs--On-Site and Distance Training Providers; and §427.403, concerning Financial Standards, without changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2882). The rules will not be republished.

JUSTIFICATION FOR RULE ACTION

The Commission adopts these amendments to update requirements for certified training facilities and distance training providers under Chapter 427. The amendments to §427.11 and §427.211 clarify that a facility's required reference library may be maintained in physical or digital format and update the description of required reference materials to align with the applicable curriculum. The amendment to §427.301 adds a new subsection requiring training providers to report all injuries and burn injuries that occur during training through the Commission's injury report system. The amendment to §427.403 removes an outdated renewal requirement under which entities certified under Subchapter D were required to submit a balance sheet with a sworn statement upon application for renewal.

HOW THE RULE WILL FUNCTION

As adopted, §427.11 and §427.211 permit a training facility's or distance training provider's reference library to be maintained in physical or digital form and require the library to contain each of the required and recommended references identified in the applicable curriculum. Section 427.301 requires on-site and distance training providers to report all injuries and burn injuries occurring during training via the TCFP injury report system. Section 427.403 no longer requires entities certified under Subchapter D to submit a balance sheet with a sworn statement as part of a renewal application.

SUMMARY OF COMMENTS

The Commission did not receive any comments regarding adoption of these amendments.

SUBCHAPTER A. ON-SITE CERTIFIED TRAINING PROVIDER

37 TAC §427.11

STATUTORY AUTHORITY

The amendment to §427.11 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603133
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 12, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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SUBCHAPTER B. DISTANCE TRAINING PROVIDER

37 TAC §427.211

STATUTORY AUTHORITY

The amendment to §427.211 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603131
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 12, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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SUBCHAPTER C. TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

37 TAC §427.301

STATUTORY AUTHORITY

The amendment to §427.301 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603132
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 12, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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SUBCHAPTER D. CERTIFIED TRAINING FACILITIES

37 TAC §427.403

STATUTORY AUTHORITY

The amendment to §427.403 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 23, 2026.

TRD-202603130
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 12, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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CHAPTER 435. FIRE FIGHTER SAFETY

The Texas Commission on Fire Protection (Commission) adopts amendments to 37 TAC §435.23, concerning Fire Protection Personnel Injuries; §435.25, concerning Courage to be Safe So Everyone Goes Home Program; §435.29, concerning Federal Highway Administration Traffic Incident Management Program; and §435.31, concerning Firefighter Cancer Support Network Cancer Awareness Training Program, without changes to the proposed text as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2884). The rules will not be republished.

JUSTIFICATION FOR RULE ACTION

The Commission adopts these amendments to clarify and strengthen firefighter safety requirements administered by the Commission. The amendment to §435.23 updates the definition of investigable injuries to better reflect current injury reporting needs, including burns sustained from emergency operations or training. The amendments to §§435.25, 435.29, and 435.31 convert existing one-time training requirements into recurring five-year renewal requirements for the Courage to be Safe So Everyone Goes Home, Federal Highway Administration Traffic Incident Management, and Firefighter Cancer Support Network Cancer Awareness programs, ensuring that fire protection personnel remain current on critical safety topics throughout their careers. The amendment to §435.31 also removes outdated date references that have passed.

HOW THE RULE WILL FUNCTION

As adopted, §435.23 expands the categories of investigable fire protection personnel injuries to include burns sustained from emergency operations or training and the top three injuries identified from the annual injury report. As adopted, §§435.25, 435.29, and 435.31 require fire protection personnel to complete the applicable safety training within one year of appointment and to renew that training at least every five years, and regulated entities will have three years from adoption to come into compliance. Completion continues to be reported through the Commission's web-based reporting system, and failure to complete the training by the required deadline remains a violation of the continuing education rules in Chapter 441 of this title (relating to Continuing Education).

SUMMARY OF COMMENTS

The Commission did not receive any comments regarding adoption of these amendments.

37 TAC §435.23

STATUTORY AUTHORITY

The amendment to §435.23 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603169
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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37 TAC §435.25

STATUTORY AUTHORITY

The amendment to §435.25 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603170
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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37 TAC §435.29

STATUTORY AUTHORITY

The amendment to §435.29 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603171
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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37 TAC §435.31

STATUTORY AUTHORITY

The amendment to §435.31 is adopted under Texas Government Code §§419.008 and 419.032, which authorize the Commission to adopt rules for the administration of its statutory responsibilities.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603172
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (512) 936-3812

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CHAPTER 437. FEES

37 TAC §437.7

The Texas Commission on Fire Protection (Commission) adopts an amendment to 37 TAC §437.7, concerning Standards Manual and Certification Curriculum Manual Fees, without changes to the proposed text as published in the May 22, 2026, issue of the *Texas Register* (51 TexReg 3542). The rule will not be republished.

JUSTIFICATION FOR RULE ACTION

The Commission adopts this amendment to remove outdated language referencing Thomson West as a source for printed copies of the Commission's standards manuals and to direct individuals to obtain official printed copies from authorized legal publishers or by downloading the publicly available digital versions from the Texas Secretary of State website.

HOW THE RULE WILL FUNCTION

As adopted, §437.7 continues to provide that current versions of the Standards Manual for Fire Protection Personnel and Certification Curriculum Manual are available on the commission's website. The amendment updates subsection (b) to remove the outdated Thomson West contact information and to direct individuals seeking printed copies to authorized legal publishers or to the publicly available digital versions on the Texas Secretary of State website.

SUMMARY OF COMMENTS

The Commission did not receive any comments regarding adoption of the amendment.

STATUTORY AUTHORITY

The amendment is adopted under Texas Government Code §419.008, which authorizes the Commission to adopt rules for the administration of its powers and duties.

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

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603148
Mike Wisko
Agency Chief
Texas Commission on Fire Protection
Effective date: August 16, 2026
Proposal publication date: May 22, 2026
For further information, please call: (512) 936-3812

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 804. JOBS AND EDUCATION FOR TEXANS (JET) GRANT PROGRAM

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 804, relating to the Jobs and Education for Texans (JET) Grant Program:

Subchapter A. Definitions, §804.1

Subchapter B. Advisory Board Composition, Meeting Guidelines, §804.12 and §804.13

Subchapter C. Grant Program, §804.21 and §804.24

Subchapter D. Grants to Educational Institutions for Career and Technical Education Programs, §804.41

TWC adopts the following new section to Chapter 804, relating to the Jobs and Education for Texans (JET) Grant Program:

Subchapter B. Advisory Board Composition, Meeting Guidelines, §804.14

Amended §§804.1, 804.12, 804.13, 804.21, 804.24, and 804.41, and new 804.14 are adopted without changes to the proposal, as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2889), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 804 rule change is to implement Senate Bill 1728, enacted by the 89th Texas Legislature, Regular Session, 2025, by including the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as eligible applicants for the Jobs and Education for Texans grant program.

The rule change also adds a new section to reference a concurrent proposed new rule in 40 TAC Chapter 800, Subchapter E, establishing an abolishment date for the JET Advisory Council.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER A. DEFINITIONS

TWC adopts the following amendments to Subchapter A:

§804.1. Definitions

Section 804.1 is amended to add definitions for the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments.

SUBCHAPTER B. ADVISORY BOARD COMPOSITION, MEETING GUIDELINES

TWC adopts the following amendments to Subchapter B:

The subchapter's title is changed to "Subchapter B. Advisory Board's General Provisions."

§804.12. Meetings Required

Section 804.12 is amended to add the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as entities from which the advisory board may receive and review applications.

§804.13. General Advisory Board Responsibilities

Section 804.13 is amended to add the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as entities that the advisory board shall provide advice to and recommend the manner in which they apply for JET grants.

§804.14. Duration of Advisory Board

New §804.14 is added to provide a reference to 40 TAC Chapter 800, Subchapter E, which establishes an abolishment date for the JET Advisory Board, as allowed under Texas Government Code, §2110.008.

SUBCHAPTER C. GRANT PROGRAM

TWC adopts the following amendments to Subchapter C:

§804.21. General Statement of Purpose

Section 804.21 is amended to add the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as eligible entities to apply for JET grants.

§804.24. Reporting Requirements

Section 804.24 is amended to include the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as entities that must comply with all reporting requirements should they receive a grant under Chapter 804.

SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

TWC adopts the following amendments to Subchapter D:

§804.41. Grants for Career and Technical Education Programs

Section 804.41 is amended to include the Texas Juvenile Justice Department, juvenile boards, and juvenile probation departments as entities under Chapter 804, Subchapter D.

PART III. PUBLIC COMMENTS

The comment period ended on June 1, 2026. No comments were received.

SUBCHAPTER A. DEFINITIONS

40 TAC §804.1

PART IV. STATUTORY AUTHORITY

The rule is adopted under the authority of:

--Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rule relates to Texas Education Code, Chapter 134.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603149
Les Trobman
General Counsel
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Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (737) 301-9662

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SUBCHAPTER B. ADVISORY BOARD'S GENERAL PROVISIONS

40 TAC §§804.12 - 804.14

The rules are adopted under the authority of:

--Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Texas Education Code, Chapter 134.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603150
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General Counsel
Texas Workforce Commission
Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (737) 301-9662

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SUBCHAPTER C. GRANT PROGRAM

40 TAC §804.21, §804.24

The rules are adopted under the authority of:

--Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Texas Education Code, Chapter 134.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603151
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General Counsel
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Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (737) 301-9662

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SUBCHAPTER D. GRANTS TO EDUCATIONAL INSTITUTIONS FOR CAREER AND TECHNICAL EDUCATION PROGRAMS

40 TAC §804.41

The rule is adopted under the authority of:

--Texas Education Code, §134.008, which requires TWC to adopt rules for the administration of the JET grant program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rule relates to Texas Education Code, Chapter 134.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603152
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General Counsel
Texas Workforce Commission
Effective date: August 16, 2026
Proposal publication date: May 1, 2026
For further information, please call: (737) 301-9662

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CHAPTER 812. RURAL WORKFORCE DEVELOPMENT GRANT PROGRAM

The Texas Workforce Commission (TWC) adopts new Chapter 812, relating to the Rural Workforce Development Grant Program, comprising the following subchapters:

Subchapter A. General Provisions, §§812.1 - 812.3

Subchapter B. Program Administration, §§812.11 - 812.15

New §§812.1 - 812.3 and 812.11 - 812.15 are adopted without changes to the proposal, as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1802), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the new Chapter 812 is to establish the Rural Workforce Development Grant Program and set forth TWC's procedures for administering the new grant program.

Senate Bill 2448 (SB 2448), 89th Texas Legislature, Regular Session, 2025, amended Texas Labor Code, Chapter 302, by adding Subchapter J relating to the creation of the Rural Workforce Development Grant Program.

The Rural Workforce Development Grant Program allows TWC to award grants to one or more nonprofit organizations to provide technical assistance and support to institutions of higher education and school districts located in rural areas of the state in aligning and delivering workforce training and higher education programs to address skills gaps to meet urgent workforce demands of rural areas.

SB 2448 requires TWC, in consultation with the Texas Education Agency and the Texas Higher Education Coordinating Board, to establish and administer the program. SB 2448 also requires TWC to adopt rules necessary to administer the program and to periodically verify that grant money awarded to a nonprofit organization under the program is being used appropriately. In addition to any money appropriated for the program, TWC may solicit and accept gifts, grants, and donations from any public or private source for the program.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

TWC adopts new Subchapter A, General Provisions, as follows:

§812.1. Purpose and Goal

New §812.1(a) sets forth the purpose of the Rural Workforce Development Grant Program.

New §812.1(b) sets forth the goals of the Rural Workforce Development Grant Program.

§812.2. Definitions

New §812.2 defines terms used in this chapter.

§812.3. Program Funding

New §812.3 allows TWC to solicit and accept funding for the Rural Workforce Development Grant Program in addition to any money appropriated.

SUBCHAPTER B. PROGRAM ADMINISTRATION

TWC adopts new Subchapter B, Program Administration as follows:

§812.11. Grant Eligibility

New §812.11 establishes the eligibility requirements for potential grant applicants.

§812.12. Grant Application

New §812.12 establishes the application requirements for eligible applicants.

§812.13. Grant Requirements

New §812.13 establishes the grant requirements for the Rural Workforce Development Grant Program.

§812.14. Review and Reporting Requirements

New §812.14 sets forth the requirements for rules and grant recipient award review.

§812.15. Annual Report

New §812.15 sets forth TWC's reporting requirements.

PART III. PUBLIC COMMENTS

The comment period ended on April 20, 2026.

TWC received a comment from The Scaffold Initiative.

COMMENT: The Scaffold Initiative, a national 501(c)(4) dedicated to expanding AI and digital workforce readiness for displaced workers, expressed its support for establishing the Rural Workforce Development Grant Program. To address unique rural workforce challenges, Scaffold Initiative recommends integration of AI and digital literacy into grant priorities for §812.1(b). According to the commenter, this is crucial because rural sectors like agriculture, health care, and energy are rapidly adopting AI-driven technologies, requiring workers to develop AI competency to operate augmented tools effectively. Without this, the organization says rural communities risk falling behind. They suggested TWC include a preference for proposals that incorporate AI and digital skills into workforce training. Additionally, to ensure accessibility for nationally operating nonprofits, the Initiative recommended flexibly interpreting §812.11 to allow applicants to demonstrate equivalent rural workforce development experience from comparable settings outside Texas, thereby broadening the pool of qualified organizations. The Initiative also offered to provide data on the positive impact of AI and digital skills in workforce programs.

RESPONSE: TWC appreciates the comment and appreciates the recommendation and offer to provide supporting data on program impact. TWC also appreciates the Scaffold Initiative's expertise and commitment to workforce development. No changes were made in response to this comment; however, these valuable suggestions will be considered as we move forward with implementation of the program.

SUBCHAPTER A. GENERAL PROVISIONS

40 TAC §§812.1 - 812.3

PART IV. STATUTORY AUTHORITY

The new rules are adopted under the authority of:

--Texas Labor Code, §302.306(1), as added by SB 2448, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration of the Rural Workforce Development Grant Program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules implement Title 4, Texas Labor Code, Chapter 302, Subchapter J.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603153
Les Trobman
General Counsel
Texas Workforce Commission
Effective date: August 16, 2026
Proposal publication date: March 20, 2026
For further information, please call: (737) 301-9662

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SUBCHAPTER B. PROGRAM ADMINISTRATION

40 TAC §§812.11 - 812.15

The new rules are adopted under the authority of:

--Texas Labor Code, §302.306(1), as added by SB 2448, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the administration of the Rural Workforce Development Grant Program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules implement Title 4, Texas Labor Code, Chapter 302, Subchapter J.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603154
Les Trobman
General Counsel
Texas Workforce Commission
Effective date: August 16, 2026
Proposal publication date: March 20, 2026
For further information, please call: (737) 301-9662

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CHAPTER 814. ADVANCED NUCLEAR ENERGY WORKFORCE DEVELOPMENT PROGRAM

The Texas Workforce Commission (TWC) adopts new Chapter 814, relating to Advanced Nuclear Energy Workforce Development Program, comprising the following subchapters:

Subchapter A. General Provisions, §814.1

Subchapter B. Program Administration, §§814.11 - 814.13

New §§814.1 and 814.11 - 814.13 are adopted without changes to the proposal, as published in the March 20, 2026, issue of the *Texas Register* (51 TexReg 1805), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the new Chapter 814 rules is to establish and administer the Advanced Nuclear Energy Workforce Development Program.

Senate Bill 1535 (SB 1535), 89th Texas Legislature, Regular Session, 2025, amended Texas Labor Code, Chapter 302, Subchapter A, by adding §302.0081 relating to the creation of the Advanced Nuclear Energy Workforce Development Program.

SB 1535 tasks TWC, in collaboration with the Texas Education Agency (TEA) and the Texas Higher Education Coordinating Board (THECB), and in consultation with representatives designated by the Public Utility Commission of Texas (PUCT), to establish and administer the program. TWC will also work with the newly established Texas Advanced Nuclear Energy Office, which is responsible for overall planning, coordinating, promoting, and providing other supports to develop the nuclear energy industry in Texas.

SB 1535 also requires TWC to adopt rules as necessary to administer the program for the purpose of addressing urgent skilled labor demands in the advanced nuclear energy industry in Texas. The program will involve creating a strategic plan that meets SB 1535 requirements and developing curriculum requirements in collaboration with TEA and THECB.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

SUBCHAPTER A. GENERAL PROVISIONS

TWC adopts new Subchapter A, General Provisions, as follows:

§814.1. Purpose and Goal

New §814.1 states the Advanced Nuclear Energy Workforce Development Program's purpose and goal.

SUBCHAPTER B. PROGRAM ADMINISTRATION

TWC adopts new Subchapter B, Program Administration, as follows:

§814.11. Strategic Plan

New §814.11 details the requirements for the Advanced Nuclear Energy Workforce Development Program's strategic plan.

§814.12. Curriculum Development

New §814.12 outlines the requirements for curriculum development.

§814.13. Annual Report

New §814.13 details reporting requirements for TWC in consultation with TEA and THECB.

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

PART III. PUBLIC COMMENTS

The comment period ended on April 20, 2026.

TWC received comments from the following:

--Gulf Coast Workforce Board

--Workforce Solutions Gulf Coast

--The Scaffold Initiative

COMMENT: The Gulf Coast Workforce Board and Workforce Solutions Gulf Coast jointly expressed their support for the proposed rules for the Advanced Nuclear Energy Workforce Development Program. Highlighting the Gulf Coast region's existing groundwork in industry-aligned workforce models and its experience in deploying successful training programs in technical fields, the commenters provided recommendations on how to strengthen program implementation by leveraging the existing workforce system, aligning curriculum with employer demand, incorporating work-based learning, and using outcome-based reporting for continuous improvement.

RESPONSE: The Commission appreciates the comment and support for the Advanced Nuclear Energy Workforce Development Program. TWC and the Texas Workforce Solutions network remain committed to the program's successful implementation and ongoing administration. No changes were made in response to the comment.

COMMENT: The Scaffold Initiative expressed its support for the Advanced Nuclear Energy Program and submitted the following recommendations: integrate artificial intelligence (AI) and automation competencies into existing curricula, which is vital for worker effectiveness in the AI-reliant nuclear sector; expand curriculum consultation to include community-based workforce organizations, thereby leveraging their expertise in adult learning; and establish coordination between the Advanced Nuclear Energy Workforce Development Program and the Rural Workforce Development Grant Program (Chapter 812) to ensure integrated support for rural communities near planned nuclear sites.

RESPONSE: The Commission appreciates the support and recommendations for the Advanced Nuclear Energy Workforce Development Program, as well as the organization's insights regarding the integration of AI and digital literacy into training programs. No changes were made in response to this comment; however, these valuable suggestions will be considered as we move forward with implementation of the program.

SUBCHAPTER A. GENERAL PROVISIONS

40 TAC §814.1

PART IV. STATUTORY AUTHORITY

The new rule is adopted under the authority of:

--Texas Labor Code, §302.0081(b), as added by SB 1535, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the establishment and administration of the Advanced Nuclear Energy Workforce Development Program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rule relates to Title 4, Texas Labor Code, Chapter 302, Subchapter A.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603155
Les Trobman
General Counsel
Texas Workforce Commission
Effective date: August 16, 2026
Proposal publication date: March 20, 2026
For further information, please call: (737) 301-9662

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SUBCHAPTER B. PROGRAM ADMINISTRATION

40 TAC §§814.11 - 814.13

The new rules are adopted under the authority of:

--Texas Labor Code, §302.0081(b), as added by SB 1535, 89th Texas Legislature, Regular Session, 2025, which requires TWC to adopt rules for the establishment and administration of the Advanced Nuclear Energy Workforce Development Program.

--Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The adopted rules relate to Title 4, Texas Labor Code, Chapter 302, Subchapter A.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 27, 2026.

TRD-202603156
Les Trobman
General Counsel
Texas Workforce Commission
Effective date: August 16, 2026
Proposal publication date: March 20, 2026
For further information, please call: (737) 301-9662

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CHAPTER 815. UNEMPLOYMENT INSURANCE

SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

40 TAC §815.20, §815.28

The Texas Workforce Commission (TWC) adopts amendments to the following sections of Chapter 815, relating to Unemployment Insurance:

Subchapter B. Benefits, Claims, and Appeals, §815.20 and §815.28

Amended §815.20 and §815.28 are adopted without changes to the proposal, as published in the May 1, 2026, issue of the *Texas Register* (51 TexReg 2893), and, therefore, the adopted rule text will not be published.

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the Chapter 815 rule change is to implement the provisions of House Bill 3698 (HB 3698), enacted by the 89th Texas Legislature, Regular Session, 2025, relating to participation in reemployment services as a condition of eligibility for unemployment benefits.

HB 3698 amended Texas Labor Code, §207.021(a), to expand participation in reemployment services under the federal Reemployment Services and Eligibility Assessment (RESEA) Program. HB 3698 revised the conditions under which such participation is required for unemployment compensation eligibility.

Additionally, the rule amendments will:

--increase the minimum number of required weekly work search contacts from three to five;

--add a requirement for claimants to verify their identity;

--add additional groups of individuals who are exempt from the work registration and work search requirements; and

--correct outdated references.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER B. BENEFITS, CLAIMS, AND APPEALS

TWC adopts the following amendments to Subchapter B:

Section 815.20. Claim for Benefits

Section 815.20(7) is amended to conform with Texas Labor Code, §207.021(a), as amended by HB 3698, relating to the expansion of participation in reemployment services, and to correct a Texas Labor Code reference.

Section 815.20(8) is amended to add two new categories of unemployment benefits claimants who are exempt from the requirement to register for work. This change is necessary to align §815.28 with §815.28, as amended.

Additionally, new §815.20(11) formalizes TWC's existing identity verification requirements to provide clarity and increase understanding by parties to a claim. These requirements are critical to protect the integrity of the unemployment compensation system from identity fraud. This amendment is based on TWC's existing authority under Texas Labor Code, §207.021(a)(1) and does not expand that authority or create new requirements for claimants.

Section 815.28. Work Search Requirements

Section 815.28 is amended to increase a claimant's TWC-required minimum number of weekly work search contacts from three to five. This adjustment reflects the efficiency of modern online job searching and the abundance of job opportunities in the thriving Texas economy. The increased requirement encourages active engagement in the labor market and facilitates quicker reemployment. This establishes a statewide minimum while preserving the Local Workforce Development Boards' authority, as approved by the Commission, to recommend higher requirements based on regional labor market conditions.

Section 815.28 is also amended to add limited exemptions to the work search requirement for certain individuals in areas affected by a disaster and certain federal employees in temporary layoff status due to a government furlough or shutdown. This amendment is made in response to a recommendation from the US Department of Labor.

PART III. PUBLIC COMMENTS

The comment period ended on June 1, 2026. No comments were received.

PART IV. STATUTORY AUTHORITY

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

The adopted rules relate to Texas Labor Code, Title 4.

The agency certifies that legal counsel has reviewed the adoption and found it to be a valid exercise of the agency's legal authority.

Filed with the Office of the Secretary of State on July 21, 2026

TRD-202602961
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Texas Workforce Commission
Effective date: August 10, 2026
Proposal publication date: May 1, 2026
For further information, please call: (737) 301-9662

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