

PROPOSED RULES

Proposed rules include new rules, amendments to existing rules, and repeals of existing rules. A state agency shall give at least 30 days' notice of its intention to adopt a rule before it adopts the rule. A state agency shall give all interested persons a reasonable opportunity to

submit data, views, or arguments, orally or in writing (Government Code, Chapter 2001).

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

TITLE 16. ECONOMIC REGULATION

PART 1. RAILROAD COMMISSION OF TEXAS

CHAPTER 7. GAS SERVICES

SUBCHAPTER H. INTERIM RATE ADJUSTMENTS

16 TAC §7.7102

The Railroad Commission of Texas (Commission) proposes new §7.7102, relating to Regulatory Asset for Certain Costs Associated with Gross Plant. The Commission proposes the new rule pursuant to House Bill 4384, 89th Legislative Session (2025) which creates a new §104.302 in Subchapter G, Interim Cost Recovery and Rate Adjustment, of the Texas Utilities Code.

House Bill (HB) 4384 authorizes a gas utility to recover certain costs from customers related to new capital investment, or gross plant, placed in service. These costs, defined in HB 4384 and further clarified in proposed §7.7102(a), are recoverable by a gas utility when booked in a regulatory asset account and approved by the Commission in an interim rate adjustment (IRA) order pursuant to §7.7101 of this title (relating to Interim Rate Adjustments). Specifically, new §104.302 allows a gas utility to defer for future recovery from customers in a regulatory asset account (1) post-in service carrying costs; (2) depreciation associated with the unrecovered gross plant; and (3) ad valorem taxes associated with the unrecovered gross plant. Authorized costs associated with unrecovered gross plant included in a regulatory asset account as authorized by HB 4384 and proposed §7.7102 must be included in a Localized Distribution Company's annual IRA filing as required §104.302(c). Proposed §7.7102 implements HB 4384 creates a process that gas utilities must follow if they elect to recover the allowable costs from customers.

Proposed new subsection (a) defines gross plant, post in-service carrying costs, recovery, unrecovered gross plant, and unrecovered gross plant regulatory asset. These terms are also defined in the legislation with the exception of the definitions of unrecovered gross plant regulatory asset and recovery. The Commission proposes to define unrecovered gross plant regulatory asset as a regulatory asset authorized by §104.302, Utilities Code, so that it is clear that §7.7102 is referring only to a regulatory asset authorized by HB 4384.

Proposed new subsection (b) outlines the parameters associated with the allowable costs related to unrecovered gross plant that may be deferred into a regulatory asset account. A gas utility must include an unrecovered gross plant regulatory asset in its IRA filing, and shall include in such IRA filing a workpaper,

formulas intact, using a form approved by the Commission and found in the Gas Services section of its website.

Proposed new subsection (c) clarifies that any costs allowed by the proposed rule in the unrecovered gross plant regulatory asset are fully subject to review for reasonableness and prudence by the Commission in the subsequent rate case filed by the gas utility or initiated by the Commission. Proposed new subsection (c) also clarifies that if the Commission by order disallows costs included in an unrecovered plant regulatory asset, the disallowed costs are subject to refund to the customers with interest. Interest shall be calculated at the gas utility's pre-tax weighed average cost of capital.

Proposed subsection (d) clarifies that after including an unrecovered gross plant regulatory asset in an IRA, the gas utility shall make appropriate accounting adjustments to its books and records to reflect the recovery in rates.

Mark Evarts, Director, Gas Services Department, has determined that during the first five years the proposed new rule would be in effect, there will be no costs to the Commission for implementation. There will be no other additional cost to state government as a result of administering the new rule. There is no fiscal effect on local government.

Mr. Evarts has determined that for each year of the first five years that the proposed new rule would be in effect, the primary public benefit will be implementing required legislation.

Mr. Evarts has determined that for each year of the first five years the proposed new rule is in effect, there will be no increase in economic cost for the gas utility industry.

In accordance with Texas Government Code, §2006.002, the Commission has determined there will be no adverse economic effect on rural communities, small businesses or micro-businesses resulting from the new rule. The proposed new rule applies to gas utilities, which do not meet the definition of a rural community, small business, or micro-business in §2006.001. Therefore, the Commission has not prepared the economic impact statement or regulatory flexibility analysis required under §2006.002(c).

The Commission has also determined that the proposed new rule will not affect a local economy. Therefore, the Commission has not prepared a local employment impact statement pursuant to Texas Government Code §2001.022.

The Commission has determined that the proposed new rule does not meet the statutory definition of a major environmental rule as set forth in Texas Government Code §2001.0225(a); therefore, a regulatory analysis conducted pursuant to that section is not required.

During the first five years that the new rule would be in effect, the proposed new rule would not: create or eliminate a government program; create new employee positions or eliminate any existing employee positions; increase or decrease future legislative appropriations to the agency; require an increase or decrease in fees paid to the agency; increase or decrease the number of individuals subject to the rule's applicability; or affect the state's economy. The proposed new rule would create a new regulation in that it complies with HB 4834's requirement to adopt a new rule allowing gas utilities to recover certain costs associated with unrecovered gross plant.

The Commission reviewed the proposed new rule and found that it is not identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(4), and it would not affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(a)(3). Therefore, the proposed new rule is not subject to the Texas Coastal Management Program.

Comments on the proposal may be submitted to Rules Coordinator, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at <https://rrc.texas.gov/general-counsel/rules/comment-form-for-proposed-rulemakings/>; or by electronic mail to The Commission will accept comments until 5:00 p.m. on Monday, November 17, 2025. The Commission finds that this comment period is reasonable because the proposal and an online comment form will be available on the Commission's website prior to *Texas Register* publication of the proposal, giving interested persons additional time to review, analyze, draft, and submit comments. The Commission cannot guarantee that comments submitted after the deadline will be considered. For further information, call Mark Evarts, Director, Gas Services Department, at (512) 463-9663. The status of Commission rulemakings in progress is available at [counsel/rules/proposed-rules](https://rrc.texas.gov/counsel/rules/proposed-rules).

The Commission proposes the new rule pursuant to Texas Utilities Code §104.302, which gives gas utilities the ability to book certain costs related to unrecovered gross plant in a regulatory asset account. Section 104.302 also mandates that the Commission adopt a rule no later than 270 days after the effective date of HB 4834.

Statutory authority: Texas Utilities Code §104.302.

Cross-reference to statute: Texas Utilities Code, Chapters 101-104.

§7.7102. Regulatory Asset for Certain Costs Associated with Gross Plant.

(a) Definitions.

(1) Gross plant--A gas utility's plant, facilities, or equipment that has been placed in service and is used and useful.

(2) Post in-service carrying costs--The product of unrecovered gross plant multiplied by a gas utility's pre-tax weighted average cost of capital established in the Commission's final order in the gas utility's most recent rate case until recovery.

(3) Recovery--Inclusion of an unrecovered gross plant regulatory asset adjusted for accumulated depreciation in the same manner as an interim rate adjustment cost recovery mechanism under §7.7101 of this title (relating to Interim Rate Adjustments).

(4) Unrecovered gross plant--Gross plant whose cost is not yet being recovered in a gas utility's rates and not already being deferred to a regulatory asset.

(5) Unrecovered gross plant regulatory asset--A regulatory asset as authorized by 104.302, Utilities Code and this section.

(b) Deferral of certain costs associated with gross plant.

(1) A gas utility shall only defer for future recovery the following costs in an unrecovered gross plant regulatory asset:

(A) post in-service carrying costs;

(B) depreciation associated with the unrecovered gross plant; and

(C) ad valorem taxes associated with the unrecovered gross plant and incurred prior to the interim rate adjustment calendar year end.

(2) An unrecovered gross plant regulatory asset shall be included in the Commission's interim rate adjustment cost recovery mechanism under §7.7101 of this title.

(3) A gas utility that defers for recovery an unrecovered gross plant regulatory asset shall include in its interim rate adjustment filing made pursuant to §7.7101 of this title a workpaper, with formulas intact, on a form approved by the Commission and found in the Gas Services' section of the Commission's website.

(c) Review in general rate proceeding.

(1) Any costs included in a regulatory asset authorized under this section and recovered through an interim rate adjustment tariff or rate schedule shall be fully subject to review for reasonableness and prudence by the Commission in the subsequent rate case filed by the gas utility or initiated by the Commission.

(2) If the Commission by order disallows unrecovered plant regulatory asset costs that were previously recovered through an interim rate adjustment tariff or rate schedule, the disallowed costs are subject to refund with interest. Interest shall be calculated at the gas utility's pre-tax weighted average cost of capital.

(d) Accounting adjustments. Upon inclusion of an unrecovered gross plant regulatory asset in an interim rate adjustment, the gas utility shall make appropriate accounting adjustments to its books and records to reflect the recovery in rates.

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

Filed with the Office of the Secretary of State on September 30, 2025.

TRD-202503498

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Railroad Commission of Texas

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 475-1295



TITLE 19. EDUCATION

PART 7. STATE BOARD FOR EDUCATOR CERTIFICATION

CHAPTER 231. REQUIREMENTS FOR PUBLIC SCHOOL PERSONNEL ASSIGNMENTS

The State Board for Educator Certification (SBEC) proposes amendments to §§231.1, 231.3, 231.5, 231.7, 231.9, 231.11, 231.13, 231.15, 231.17, 231.21, 231.23, 231.25, 231.27, 231.31, 231.41, 231.43, 231.45, 231.47, 231.49, 231.51, 231.57, 231.61, 231.63, 231.67, 231.69, 231.71, 231.73, 231.75, 231.77, 231.91, and 231.753; and new §§231.131, 231.133, 231.135, 231.137, 231.139, 231.141, 231.143, 231.145, 231.161, 231.163, 231.181, 231.183, 231.185, 231.187, 231.189, 231.191, 231.193, 231.195, 231.211, 231.213, 231.215, 231.231, 231.233, 231.235, 231.237, 231.239, 231.241, 231.243, 231.245, 231.247, 231.249, 231.251, 231.271, 231.281, 231.291, 231.301, 231.303, 231.305, 231.307, 231.309, 231.311, 231.313, 231.331, 231.333, 231.335, 231.337, 231.339, 231.351, 231.353, 231.355, 231.357, 231.359, 231.361, 231.381, 231.383, 231.385, 231.387, 231.389, 231.391, 231.393, 231.395, 231.421, 231.423, 231.441, 231.461, 231.463, 231.465, 231.467, 231.469, 231.471, 231.473, 231.475, 231.477, 231.479, 231.481, 231.483, 231.485, 231.487, 231.489, 231.491, 231.511, 231.513, 231.531, 231.533, 231.535, 231.551, 231.553, 231.555, 231.557, 231.559, 231.571, 231.573, 231.575, 231.577, 231.591, 231.593, 231.595, 231.597, 231.599, 231.621, 231.623, 231.625, 231.641, and 231.643, concerning requirements for public school personnel assignments. The proposal would provide requirements related to the criteria for school districts to make personnel assignments based on the correlating certification requirements.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 231 establish the personnel assignments that correlate with appropriate certifications and are organized as follows: Subchapter A, Criteria for Assignment of Public School Personnel; Subchapter B, Prekindergarten-Grade 6 Assignments; Subchapter C, Grades 6-8 Assignments; Subchapter D, Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12 Assignments; Subchapter E, Grades 9-12 Assignments; Subchapter F, Special Education-Related Services Personnel Assignments; and Subchapter G, Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments.

These subchapters offer guidance to school districts and educators by providing the list of courses by grade level and subject area and identifying the corresponding certificates and other requirements for the placement of individuals into classroom and/or campus assignments. This information assists districts with hiring and personnel assignment decisions.

The proposed revisions to 19 TAC Chapter 231, Subchapters A-E and Subchapter G, are described below and identify the appropriate certificates for placement in particular classroom assignments and/or role(s) within the district.

Subchapter A. Criteria for Assignment of Public School Personnel

The proposed amendment to §231.1(e) would add language to ensure that a non-certified individual employed by a school district as a substitute teacher has the appropriate knowledge and skills to serve in the assignment.

Subchapter B. Prekindergarten-Grade 6 Assignments

The proposed amendments to Subchapter B would add the new set of Core EC-6 certificates to the appropriate assignments to align with recent SBEC rule changes in Chapter 230 and Chapter 233 to establish the new certificates. Changes to the following sections would update the appropriate certificates to teach those

courses, strike redundant references to assignments, and apply technical edits to alphabetize and renumber information in each section.

The proposed amendments to §231.3, General Education, Prekindergarten, §231.9, General Education, Kindergarten, and §231.15, Elementary, Prekindergarten-Grade 6, would add the following certificates: "Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6"; and "Core with the Science of Teaching Reading: Early Childhood-Grade 6,"

The proposed amendments to §231.5, Bilingual, Prekindergarten, and §231.11, Bilingual, Prekindergarten-Grade 6, would add the following certificate: "Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6."

The proposed amendment to §231.17, Reading, Prekindergarten-Grade 6, would add the following certificates: "Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6";

"Core with the Science of Teaching Reading: Early Childhood-Grade 6"; "English Language Arts and Reading with the Science of Teaching Reading: Grades 4-8"; and "English Language Arts and Reading with the Science of Teaching Reading/Social Studies: Grades 4-8."

The proposed amendments to §231.21, Art, Prekindergarten-Grade 6; §231.23, Music, Prekindergarten-Grade 6; §231.25, Theatre, Prekindergarten-Grade 6; §231.27, Physical Education, Prekindergarten-Grade 6; and §231.31, Health Education, Prekindergarten-Grade 6, would add the following certificate: "Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6."

The proposed amendments to §231.7, English as a Second Language, Prekindergarten, and §231.13, English as a Second Language, Prekindergarten-Grade 6, would add the following certificates to specify supplemental certificate assignments: "Bilingual Education Supplemental: American Sign Language," "Bilingual Education Supplemental: Arabic," "Bilingual Education Supplemental: Japanese," "Bilingual Education Supplemental: Mandarin Chinese," "Bilingual Education Supplemental: Spanish," "Bilingual Education Supplemental: Vietnamese," "Bilingual Special Education Supplemental: Early Childhood-Grade 12," "Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6," and "Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6."

Subchapter C. Grades 6-8 Assignments

The proposed amendments to Subchapter C would add the new set of Core EC-6 certificates to the appropriate assignments for Grade 6 to align with recent SBEC rule changes in Chapter 230 and Chapter 233 to establish the new certificates. Changes to

the following sections would update the appropriate certificates to teach those courses, strike redundant references to assignments, and apply technical edits to alphabetize and renumber information in each section.

The proposed amendments to §231.41, Self-Contained, Grades 6-8; §231.43, All General Subjects, Grade 6; §231.45, English Language Arts, Grades 6-8; §231.49, Reading (At or Above Grade Level), Grades 6-8; §231.51, Reading Improvement (One Year or More Below Grade Level), Grades 6-8; §231.57, Social Studies, Grade 6; §231.61, Mathematics, Grades 6-8; and §231.63, Science, Grades 6-8, would add the following certificates: "Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core/Special Education with the Science of Teaching Reading: Early Childhood-Grade 6"; and "Core with the Science of Teaching Reading: Early Childhood-Grade 6."

The proposed amendments to §231.67, Health, Grades 6-8; §231.69, Physical Education, Grades 6-8; §231.71, Art, Middle School 1-3; and §231.73, Music, Middle School 1-3, would add the following certificate: "Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6."

The proposed amendments to §231.75, Theatre, Middle School 1-3, would add the following certificates: "Core/Fine Arts/Physical Education/Health with the Science of Teaching Reading: Early Childhood-Grade 6"; "Core Subjects: Early Childhood-Grade 6"; and "Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6."

The proposed amendments to §231.47, English as a Second Language, Grades 6-8, would add the following list of certificates considered appropriate for English as a Second Language, Grades 6-8, to specify supplemental certificate assignments: "Bilingual Education Supplemental: American Sign Language"; "Bilingual Education Supplemental: Arabic"; "Bilingual Education Supplemental: Japanese"; "Bilingual Education Supplemental: Mandarin Chinese"; "Bilingual Education Supplemental: Spanish"; "Bilingual Education Supplemental: Vietnamese"; "Bilingual Special Education Supplemental: Early Childhood-Grade 12"; "Core/Bilingual Education Spanish with the Science of Teaching Reading: Early Childhood-Grade 6"; and "Core/English as a Second Language Supplemental with the Science of Teaching Reading: Early Childhood-Grade 6".

Subchapter D. Electives, Disciplinary Courses, Local Credit Courses, and Innovative Courses, Grades 6-12

The proposed amendment to §231.91, Reserve Officer Training Corps, Grades 6-12, would provide technical edits to add the term "Junior" in the section title and in other places where the assignment appears and would add a "J" to the acronym in each place where it appears.

Subchapter E. Grades 9-12 Assignments

The proposed new Subchapter E would reorganize the structure of certificate assignments for Grades 9-12.

The following table summarizes the divisions in repealed Subchapter E that would be merged in proposed new Subchapter E.

Figure: 19 TAC Chapter 231 - Preamble

The explanation below describes the changes in proposed new 19 TAC Chapter 231, Subchapter E, that would be made to the Grades 9-12 Assignments listed in the proposed repeal of Subchapter E, which can be found in the Proposed Rules section of this issue of the *Texas Register*.

Proposed New Division 1. English Language Arts and Reading, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 1, English Language Arts and Reading, Grades 9-12 Assignments, with the following updates.

Proposed new §231.133, English I and II for Speakers of Other Languages, Grades 9-12, and §231.135, English as a Second Language, Grades 9-12, would add the following certificates: "Bilingual Education Supplemental: American Sign Language"; "Bilingual Education Supplemental: Arabic"; "Bilingual Education Supplemental: Japanese"; "Bilingual Education Supplemental: Mandarin Chinese"; "Bilingual Education Supplemental: Spanish"; "Bilingual Education Supplemental: Vietnamese"; and "Bilingual Special Education Supplemental: Early Childhood-Grade 12".

Proposed New Division 2. Languages Other Than English, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 2, Languages Other Than English, Grades 9-12 Assignments.

Proposed New Division 3. Social Studies, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 3, Social Studies, Grades 9-12 Assignments.

Proposed New Division 4. Mathematics, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 4, Mathematics, Grades 9-12 Assignments.

Proposed New Division 5. Science, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 5, Science, Grades 9-12 Assignments, and with the following updates.

Proposed new §231.239, Physics for Engineering, Grades 9-12, would update the title to align with related course offerings in the section.

Proposed new §231.243, Earth Systems Science, Grades 9-12, would update the title of this section to match the new course title adopted by the State Board of Education (SBOE).

Proposed new §231.249, Scientific Research and Design, Grades 9-12, would remove references to §233.13, Career and Technical Education (Certificates not requiring experience and preparation in a skill area), and §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), to ensure that previous SBEC-issued certificates for Career and Technical Education are appropriate for placement in assignments as deemed appropriate by the school district.

Proposed New Division 6. Health and Physical Education, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 6, Health and Physical Education, Grades 9-12 Assignments.

Proposed New Division 7. Fine Arts, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 7, Fine Arts, Grades 9-12 Assignments.

Proposed New Division 8. Career Development, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 9, Career Development, Grades 9-12 Assignments, with the following updates.

Proposed new §231.291, Career Development, Grades 9-12, would update course titles from Career Preparation I to Career Preparation General and Career Preparation II to Career Preparation for Programs of Study to align with course offerings and would remove references to §233.13, Career and Technical Education (Certificates not requiring experience and preparation in a skill area), and §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), in paragraph (2) and subsections (b)(1) and (c)(1) to ensure that previous SBEC-issued certificates for Career and Technical Education are appropriate for placement in assignments as deemed appropriate by the school district.

Proposed New Division 9. Agriculture, Food, and Natural Resources, Grades 9-12 Assignments

The proposal would retain a subset of course information from repealed Division 10, Agriculture and Construction, with the following updates.

Proposed new §231.301, Agriculture, Food, and Natural Resources, Grades 9-12, would update course titles to align with course offerings; would merge the Practicum and Extended Practicum in Agriculture, Food, and Natural Resources in subsection (b) into subsection (a) with the same certificates allowed to streamline the section; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.303, Sciences in Agriculture, Grades 9-12, would update the title of the section to align with course offerings.

Proposed new §231.307, Mathematics in Agriculture, Grades 9-12, would update the title of the section to align with course offerings.

Proposed new to §231.309, Agricultural Mechanics, Grades 9-12, would update the title of the section to align with course offerings.

Proposed new §231.311, Floral Design, Grades 9-12, would add new SBOE-approved course, Advanced Floral Design, and specify the certificates appropriate to serve in the assignments.

Proposed New Division 10. Architecture and Construction, Grades 9-12 Assignments

The proposal would retain a subset of course information from repealed Division 10, Agriculture and Construction, with the following updates.

Proposed new §231.331, Architecture and Construction, Grades 9-12, would merge §231.307, Construction Management; Construction Technology, Grades 9-12, and §231.309, Building Maintenance Technology, Grades 9-12, into this section with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; would update the title of the section to align with course offerings; would remove the "Any home economics or homemaking certificate" and "Family and Consumer Sciences, Composite: Grades 6-12"

certificates, since they no longer align with the course offerings, maintaining consistency between certification areas and the courses offered; and would add a new subsection to ensure that school districts are accountable for verifying that teachers assigned to Practicum or Extended Practicum courses have received appropriate training in state and federal work-based learning and safety requirements.

Proposed new §231.333, Interior Design, Grades 9-12, would merge the Practicum and Extended Practicum in Interior Design in subsection (b) into subsection (a) with the same certificates allowed; would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.335, Architectural Design, Grades 9-12, would remove the "Any home economics or homemaking certificate" and "Family and Consumer Sciences, Composite: Grades 6-12" certificates in subsection (b), since they no longer align with the course offerings, maintaining consistency between certification areas and the courses offered; would merge the Practicum and Extended Practicum in Architectural Design in subsection (b) into subsection (a) with the same certificates allowed; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.339, Construction Trades, Grades 9-12, would update the title of the section to align with course offerings; would merge the Practicum and Extended Practicum in Masonry Technology in subsection (b) into subsection (a) with the same certificates allowed; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed New Division 11. Arts, Audio/Visual Technology, and Communications, Grades 9-12 Assignments

The proposal would retain a subset of course information from repealed Division 12, Arts, Audio/Video Technology, and Communications, Grades 9-12 Assignments, with the following updates. Proposed new Division 11 would promote consistency in terminology and support clearer information sharing and knowledge alignment across related content areas.

Proposed new §231.351, Professional Communications, Grades 9-12, would remove references to §233.13, Career and Technical Education (Certificates not requiring experience and preparation in a skill area), and §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), in §231.351(3) to ensure that previous SBEC-issued certificates for Career and Technical Education are appropriate for placement in assignments as deemed appropriate by the school district.

Proposed new §231.353, Principles of Arts, Audio Visual Technology, and Communications, Grades 9-12, would update the title to align with course offerings; and would remove certificates "Any home economics or homemaking certificate" and "Family and Consumer Sciences, Composite: Grades 6-12" since they no longer align with the course offerings, maintaining consistency between certification areas and the courses offered.

Proposed new §231.355, Animation, Production, and Graphic Design, Grades 9-12, would merge §231.337, Audio/Video Production; Graphic Design and Illustration, Grades 9-12, into subsection (a) with the same certificates allowed to streamline the organization of certification assignments, eliminate redun-

dancy, and ensure clarity in credential alignment with course offerings; would change the section title to align with course offerings; would remove the "Any business or office education certificate," the "Business and Finance: Grades 6-12" certificate, and the "Business Education: Grades 6-12" certificate since they no longer align with the course offerings, maintaining consistency between certification areas and the courses offered; would merge the Practicum and Extended Practicum in Animation and the Practicums and Extended Practicums in Audio/Video Production and Graphic Design and Illustration in subsection (b) into subsection (a) with the same certificates allowed; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.357, Photography, Grades 9-12, would merge the Practicum and Extended Practicum in Commercial Photography in subsection (b) into subsection (a) with the same certificates allowed and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.359, Printing and Imaging Technology, Grades 9-12, would merge the Practicum and Extended Practicum in Printing and Imaging Technology in subsection (b) into subsection (a) with the same certificates allowed and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.361, Fashion Design, Grades 9-12, would merge the Practicum and Extended Practicum in Fashion Design in subsection (b) into subsection (a) with the same certificates allowed and re-alphabetized the subsections and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed New Division 12. Business, Marketing, and Finance, Grades 9-12 Assignments

The proposal would merge the contents of repealed Division 15, Finance, Grades 9-12 Assignments, and repealed Division 23, Marketing, Grades 9-12 Assignments, into proposed new Division 12 to streamline the organization of certification assignments, eliminate redundancy, ensure clarity in credential alignment with course offerings, promote consistency in terminology, and support clearer information sharing and knowledge alignment across related content areas.

Proposed new §231.381, Business Management, Grades 9-12, would update the title to align with course offerings; would merge the courses, Business Information Management II, Business Law, Touch System Data Entry, and Practicum and Extended Practicum in Business Management into subsection (a) and merge §231.363, Business Management; Business Lab; Global Business; Human Resources Management; Principles of Business, Marketing, and Finance; and Virtual Business, Grades 9-12, into subsection (a) with the same certificates allowed, adding the "Any marketing or distributive education certificate" to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings. The update would also remove "Health Science Education: Grades 6-12." This assignment requires appropriate work approval" and "Health Science Technology Education: Grades 8-12." This assignment requires appropriate work approval" certificates, since they no longer align with the course offerings, to maintain consistency between certification areas and the courses offered; and would streamline new

subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.383, Business English, Grades 9-12, would update language in subsection (a) to clarify that the provisions in the subsection are contingent upon the specific conditions or limitations outlined in subsection (b), ensuring accurate interpretation and application of certification requirements.

Proposed new §231.385, Advertising and Marketing, Grades 9-12, would merge §231.543, Advertising, Grades 9-12, and add the "Trade and Industrial Education: Grades 6-12 and Grades 8-12" certificates and the "Trade and Industrial Workforce Training: Grades 6-12" certificate to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; would update the title of the section to align with course offerings; would merge Advanced Marketing and Practicum and Extended Practicum in Marketing into subsection (a) with the same certificates allowed to streamline the section and eliminate redundancy; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.389, Entrepreneurship, Grades 9-12, would add new SBOE-approved courses, Entrepreneurship II and Practicum in Entrepreneurship and Extended Practicum in Entrepreneurship into rule and specify the certificates appropriate to serve in these assignments; and would add a new subsection with language to ensure that school districts are accountable for verifying that teachers assigned to Practicum or Extended Practicum courses have received appropriate training in state and federal work-based learning and safety requirements.

Proposed new §231.391, Financial Services, Grades 9-12, would merge §231.393, Accounting I; Financial Analysis; Insurance Operations; and Securities and Investments, Grades 9-12, into this section with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; and would update the title of the section to align with course offerings.

Proposed new §231.395, Business Mathematics, Grades 9-12, would merge the §231.395, Financial Mathematics, Grades 9-12, into this section that already shares similar certificate information to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; and would update the title of the section to align with course offerings.

Proposed New Division 13. Education and Training, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 14, Education and Training, Grades 9-12 Assignments, with the following updates.

Proposed new §231.423, Human Growth and Development, Grades 9-12, would merge §231.385, Child Development, Child Guidance, or Child Development Associates Foundation, Grades 9-12, into this section with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings.

Proposed New Division 14. Energy, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 26, Energy, Grades 9-12 Assignments.

Proposed New Division 15. Engineering, Grades 9-12 Assignments

The proposal would retain a subset of course information from repealed Division 24, Science, Technology, Engineering, and Mathematics, Grades 9-12 Assignments, with the following updates.

Proposed new Division 15 would include engineering-specific courses and their associated certificates, streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings.

Proposed new §231.461, Principles of Applied Engineering, Grades 9-12, would remove the following certificates that no longer align with course offerings to maintain consistency between certification areas and the courses offered: "Agriculture, Food, and Natural Resources: Grades 6-12"; "Agricultural Science and Technology: Grades 6-12"; "Any vocational agriculture certificate"; "Health Science: Grades 6-12"; "Health Science Technology Education: Grades 8-12"; "Vocational Health Occupations"; and "Vocational Health Science Technology."

Proposed new §231.467, Electronics and Engineering Design and Presentation, Grades 9-12, would merge §231.571, AC/DC Electronics; Solid State Electronics, Grades 9-12, into this section with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; would update the title of the section to align with course offerings; and would update the course title Engineering Design and Presentation I to Engineering Design and the course title Presentation and Engineering Design and Presentation II to Advanced Engineering Design and Presentation, as adopted by the SBOE; would remove subsections (b) and (c) since the Practicum and Extended Practicum courses were repealed effective September 9, 2024, as approved by the SBOE.

Proposed new §231.469, Engineering Mathematics and Robotics II, Grades 9-12, would include the "Vocational Trades and Industry" certificate. This assignment requires appropriate work approval, based on the Texas Essential Knowledge and Skills (TEKS) for Robotics II, which has a foundation in technical, mechanical, and engineering principles and falls within the instructional scope of educators certified in Vocational Trades and Industry, which also requires work approval.

Proposed new §231.471, Physics for Engineering, Grades 9-12, would replace the Principles of Technology course and update the title of the section to align with course offerings.

Proposed new §231.473, Engineering Design and Problem Solving and Engineering Science, Grades 9-12, would merge §231.579, Engineering Science, Grades 9-12, into this section with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; and would update the title of the section to align with course offerings.

Proposed new §231.475, Scientific Research and Design, Grades 9-12, would remove references to §233.13, Career and Technical Education (Certificates not requiring experience and preparation in a skill area), and §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), in subsection (a)(1) to ensure that previous SBEC-issued certificates for Career and Technical Education

are appropriate for placement in assignments as deemed appropriate by the school district.

Proposed new §231.487, Mobile Applications Development, Grades 9-12, would include the following certificates: "Any business or office education certificate"; "Business and Finance: Grades 6-12"; "Business Education: Grades 6-12"; "Marketing: Grades 6-12"; and "Marketing Education: Grades 8-12."

Proposed New Division 16. Health Science, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 17, Health Science, Grades 9-12 Assignments, with the following updates.

Proposed new §231.511, Health Science, Grades 9-12, would merge §231.427, Health Informatics, Grades 9-12, and §231.429, Healthcare Administration and Management; Leadership and Management in Nursing, Grades 9-12, in subsection (c) into subsection (a), and merge §231.423, Anatomy and Physiology, Medical Microbiology, Pathophysiology, Respiratory Therapy I, Respiratory Therapy II, Grades 9-12, into subsection (b) with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; would streamline new subsection (c) to enhance readability by removing redundant language and simplifying complex phrasing; and would add new subsection (d) to ensure that all teachers assigned to these courses are adequately prepared through Texas Education Agency (TEA)-approved training.

Proposed New Division 17. Hospitality and Tourism, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 18, Hospitality and Tourism, Grades 9-12 Assignments, with the following updates.

Proposed new §231.531, Hospitality and Tourism, Grades 9-12, would merge the Practicum and Extended Practicum in Hospitality Services in subsection (b) into subsection (a) with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.533, Culinary Arts, Grades 9-12, would merge the Practicum and Extended Practicum in Culinary Arts in subsection (b) into subsection (a) with the same certificates allowed and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed New Division 18. Human Services, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 19, Human Services, Grades 9-12 Assignments, with the following update.

Proposed new §231.551, Human Services, Grades 9-12, would merge the Practicum and Extended Practicum in Human Services in subsection (b) into subsection (a) with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed New Division 19. Information Technology, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 20, Information Technology, Grades 9-12 Assignments, with the following updates.

Proposed new §231.573, Digital Communications, Grades 9-12, would merge §231.485, Web Communications, Web Design, Grades 9-12, and related certificates to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; and would update the title of the section to align with course offerings.

Proposed new §231.575, Computer Maintenance and Technician, Grades 9-12, would merge with §231.489, Computer Technician; Information Technology, Grades 9-12, and related certificates to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; would update the title of the section to align with course offerings; and would add a new subsection to ensure that school districts are accountable for verifying that teachers assigned to Practicum or Extended Practicum courses have received appropriate training in state and federal work-based learning and safety requirements.

Proposed new §231.577, Independent Study in Evolving/Emerging Technologies and Independent Study in Technology Applications, Grades 9-12, would remove references to §233.13, Career and Technical Education (Certificates not requiring experience and preparation in a skill area), and §233.14, Career and Technical Education (Certificates requiring experience and preparation in a skill area), to ensure that previous SBEC-issued certificates for Career and Technical Education are appropriate for placement in assignments as deemed appropriate by the school district.

Proposed New Division 20. Law and Public Service, Grades 9-12 Assignments

The proposal would retain all information from repealed Division 16, Government and Public Administration, Grades 9-12 Assignments, and repealed Division 21, Law, Public Safety, Corrections, and Security, Grades 9-12 Assignments, with the following updates.

Proposed new Division 20 would merge the contents of repealed Divisions 16 and 21 to update the title, streamline the organization of certification assignments, eliminate redundancy, ensure consistency in terminology and clarity in credential alignment with course offering, and maintain alignment across related content areas.

Proposed new §231.591, Law, Public Safety, Corrections, and Security, Grades 9-12, would merge the Practicum and Extended Practicum in Law, Public Safety, Corrections, and Security in subsection (b) into subsection (a) with the same certificates allowed; and would streamline new subsection (b) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed new §231.595, Government and Public Administration, Grades 9-12, would merge the Practicum and Extended Practicum in Local, State, and Federal Government in subsection (b) into subsection (a) with the same certificates allowed to streamline the organization of certification assignments, eliminate redundancy, and ensure clarity in credential alignment with course offerings; and would streamline new subsection (b) to

enhance readability by removing redundant language and simplifying complex phrasing.

Proposed New Division 21. Manufacturing, Grades 9-12 Assignments

The proposal would retain all information in repealed Division 22, Manufacturing, Grades 9-12 Assignments, with the following update.

Proposed new §231.621, Manufacturing, Grades 9-12, would streamline subsection (c) to enhance readability by removing redundant language and simplifying complex phrasing.

Proposed New Division 22. Transportation, Distribution, and Logistics, Grades 9-12 Assignments

The proposal would retain all information in repealed Division 25, Transportation, Distribution, and Logistics, Grades 9-12 Assignments, with the following update.

Proposed new §231.641, Transportation, Distribution, and Logistics, Grades 9-12, would include the new SBOE-approved Aircraft Maintenance Technology course in the section and specify the certificates appropriate to serve in these assignments; and would streamline subsection (c) to enhance readability by removing redundant language and simplifying complex phrasing.

Subchapter G. Paraprofessional Personnel, Administrators, and Other Instructional and Professional Support Assignments

The proposed amendment to §231.753 would add "Principal as Instructional Leader" to the list of certificates appropriate to serve in the assignment of principal and assistant principal. The proposal would also add Educational Diagnostician, Early Childhood-Grade 12 as the certificate appropriate to serve in the assignment of Educational Diagnostician; and Reading Specialist, Early Childhood-Grade 12 as the certificate appropriate to serve in the assignment of Reading Specialist.

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee posi-

tions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease in fees paid to the agency; would create a new regulation by proposing new Chapter 231, Subchapter E, and introducing provisions for new courses with related certificates designed to broaden placement opportunities for individuals across a wider range of assignments; would limit and expand an existing regulation by eliminating certain certificates tied to specific assignments, thereby restricting the placement of educators who previously held those certificates; would not repeal an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

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

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins on October 17, 2025, and ends November 17, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the December 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

SUBCHAPTER A. CRITERIA FOR ASSIGNMENT OF PUBLIC SCHOOL PERSONNEL

19 TAC §231.1

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing edu-

cation, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.1. Criteria for Assignment of Public School Personnel.

(a) A public school employee must have the appropriate credentials for his or her current assignment specified in this chapter and in other rules of the State Board for Educator Certification (SBEC), unless the appropriate permit has been issued under Chapter 230, Subchapter F, of this title (relating to Permits).

(b) The assignment requirements in this chapter apply to the holders of certificates issued on the basis of 1955, 1972, 1984, and 1987 Standards for Teacher Education as well as certificates issued on the basis of standards aligned with the Texas essential knowledge and skills curriculum, adopted by the State Board of Education, as specified in Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates).

(c) An elementary certificate may be appropriate for teaching high school students if the level of instruction is comparable to that in elementary grades. When such an assignment is made, course outlines must be maintained in the school district files.

(d) Professional personnel employed in federally funded programs and innovative programs must have the qualifications and meet the assignment requirements specified in this chapter and in other rules of the SBEC.

(e) The assignment requirements in this chapter apply to substitute teachers. If a school district must employ a substitute teacher who is not certified, the district must ensure the individual has the appropriate knowledge and skills to serve in the assignment. A [a] list of the substitute teachers shall be retained in the school district files.

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

Filed with the Office of the Secretary of State on October 6, 2025.

TRD-202503580

Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

Earliest possible date of adoption: November 16, 2025

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



SUBCHAPTER B. PREKINDERGARTEN- GRADE 6 ASSIGNMENTS

19 TAC §§231.3, 231.5, 231.7, 231.9, 231.11, 231.13, 231.15, 231.17, 231.21, 231.23, 231.25, 231.27, 231.31

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.3. *General Education, Prekindergarten.*

~~[(a) All-level certification in art, health education, music, physical education, speech communication and theatre arts, or theatre may be assigned to teach in the certified area(s) in Prekindergarten-Grade 12.]~~

~~[(b)]~~ An assignment for General Education, Prekindergarten, is allowed with one of the following certificates.

- (1) Bilingual Generalist: Early Childhood-Grade 4.
- (2) Bilingual Generalist: Early Childhood-Grade 6.
- (3) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.
- (4) ~~[(3)]~~ Core Subjects: Early Childhood-Grade 6.
- (5) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.
- (6) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
- (7) ~~[(4)]~~ Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.
- (8) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.
- (9) Core with Science of Teaching Reading: Early Childhood-Grade 6.
- (10) ~~[(5)]~~ Early Childhood: Prekindergarten-Grade 3.
- (11) ~~[(6)]~~ Early Childhood Education (Prekindergarten and Kindergarten).
- (12) ~~[(7)]~~ Elementary--General; Elementary--General (Grades 1-6); Elementary General (Grades 1-8); Elementary Self-Contained (Grades 1-8).

(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited

to child development or language acquisition, by September 1, 1993, to be eligible for assignment.

(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.

~~[(8) Elementary--General (Grades 1-6).]~~

~~[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]~~

~~[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.]~~

~~[(9) Elementary--General (Grades 1-8).]~~

~~[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]~~

~~[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.]~~

~~[(13) [(40)] Elementary Early Childhood Education (Prekindergarten-Grade 6).]~~

~~[(11) Elementary Self-Contained (Grades 1-8).]~~

~~[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]~~

~~[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.]~~

~~[(14) [(12)] English as a Second Language Generalist: Early Childhood-Grade 4.]~~

~~[(15) [(13)] English as a Second Language Generalist: Early Childhood-Grade 6.]~~

~~[(16) [(14)] Generalist: Early Childhood-Grade 4.]~~

~~[(17) [(15)] Generalist: Early Childhood-Grade 6.]~~

~~[(18) [(16)] Kindergarten.]~~

~~[(19) [(17)] Legacy Master Mathematics Teacher (Early Childhood-Grade 4) [(Mathematics only)].]~~

~~[(20) [(18)] Legacy Master Reading Teacher (Early Childhood-Grade 12) [(Reading only)].]~~

~~[(21) [(19)] Legacy Master Science Teacher (Early Childhood-Grade 4) [(Science only)].]~~

~~[(22) [(20)] Prekindergarten-Grade 5.]~~

~~[(23) [(21)] Prekindergarten-Grade 6.]~~

~~[(24) [(22)] Teacher of Young Children--General.]~~

§231.5. *Bilingual, Prekindergarten.*

(a) An assignment for Bilingual, Prekindergarten, is allowed with one of the following certificates.

(1) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus any bilingual education certificate or endorsement.

(2) [(4)] Bilingual Generalist: Early Childhood-Grade 4.

(3) [(2)] Bilingual Generalist: Early Childhood-Grade 6.

[(3) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus any bilingual education certificate or endorsement.]

(4) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(5) [(4)] Early Childhood Education (Prekindergarten and Kindergarten); Elementary Early Childhood Education (Prekindergarten-Grade 6).

(A) Initial assignments beginning with the 1991-1992 school year require the bilingual education delivery system or endorsement.

(B) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the Texas Education Agency (TEA) by September 1, 1993, to be eligible for assignment.

(6) [(5)] Elementary--General; Elementary--General (Grades 1-6); Elementary--General (Grades 1-8).

(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.

(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement and the bilingual education delivery system or endorsement.

(C) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.

[(6) Elementary--General (Grades 1-6).]

[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]

[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement and the bilingual education delivery system or endorsement.]

[(C) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.]

[(7) Elementary--General (Grades 1-8).]

[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]

[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement and the bilingual education delivery system or endorsement.]

[(C) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.]

[(8) Elementary Early Childhood Education (Prekindergarten-Grade 6).]

[(A) Initial assignments beginning with the 1991-1992 school year require the bilingual education delivery system or endorsement.]

[(B) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.]

(7) [(9)] Elementary Self-Contained (Grades 1-8); Elementary teacher certification with Bilingual Endorsement.

(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.

(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.

[(10) Elementary teacher certification with Bilingual Endorsement.]

[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]

[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.]

(8) [(11)] Kindergarten; Prekindergarten-Grade 5--General; Prekindergarten-Grade 6--General; Teacher of Young Children--General.

(A) Initial assignments beginning with the 1991-1992 school year require the bilingual education delivery system or endorsement.

(B) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.

[(12) Prekindergarten-Grade 6--General.]

[(A) Initial assignments beginning with the 1991-1992 school year require the bilingual education delivery system or endorsement.]

[(B) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.]

(9) [(13)] Prekindergarten-Grade 6--Bilingual/English as a Second Language.

(10) [(14)] Prekindergarten-Grade 12--Bilingual/English as a Second Language.

[(15) Kindergarten.]

[(A) Initial assignments beginning with the 1991-1992 school year require the bilingual education delivery system or endorsement.]

[(B) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.]

[(16) Teacher of Young Children--General.]

[(A) Initial assignments beginning with the 1991-1992 school year require the bilingual education delivery system or endorsement.]

[(B) Teachers assigned prior to the 1991-1992 school year are required to verify oral and written proficiency in the language of the target population as measured by examinations approved by the TEA by September 1, 1993, to be eligible for assignment.]

(b) An assignment for the English component only of a dual language immersion/one-way or two-way bilingual education program model for Prekindergarten is allowed with a valid classroom teaching certificate appropriate for the grade level and subject areas taught plus a bilingual education certificate or endorsement or an English as a Second Language certificate or endorsement.

§231.7. *English as a Second Language, Prekindergarten.*

An assignment for English as a Second Language, Prekindergarten, is allowed with one of the following certificates.

(1) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following.

(A) Bilingual Education Supplemental.

(B) Bilingual Education Supplemental: American Sign Language.

(C) Bilingual Education Supplemental: Arabic.

(D) Bilingual Education Supplemental: Japanese.

(E) Bilingual Education Supplemental: Mandarin Chinese.

(F) Bilingual Education Supplemental: Spanish.

(G) Bilingual Education Supplemental: Vietnamese.

(H) Bilingual Education Supplemental (Early Childhood-Grade 4).

(I) Bilingual Education Supplemental (Grades 4-8).

(J) Bilingual Endorsement.

(K) Bilingual/English as a Second Language Endorsement.

(L) Bilingual Special Education Supplemental: Early Childhood-Grade 12.

(M) English as a Second Language Endorsement.

(N) English as a Second Language Supplemental.

(2) [(1)] Bilingual Generalist: Early Childhood-Grade 4.

(3) [(2)] Bilingual Generalist: Early Childhood-Grade 6.

[(3) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following.]

[(A) Bilingual Education Supplemental.]

[(B) Bilingual Education Supplemental (Early Childhood-Grade 4).]

[(C) Bilingual Education Supplemental (Grades 4-8).]

[(D) Bilingual Endorsement.]

[(E) Bilingual/English as a Second Language Endorsement.]

[(F) English as a Second Language Endorsement.]

[(G) English as a Second Language Supplemental.]

(4) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/English as a Second Language with Science of Teaching Reading: Early Childhood-Grade 6.

(6) [(4)] Early Childhood Education (Prekindergarten and Kindergarten). Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.

(7) [(5)] Elementary--General; Elementary--General (Grades 1-6); Elementary--General (Grades 1-8).

(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.

(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.

(C) Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.

[(6) Elementary--General (Grades 1-6).]

[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]

[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.]

[(C) Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.]

[(7) Elementary--General (Grades 1-8).]

[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]

[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.]

[(C) Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.]

(8) Elementary Early Childhood Education (Prekindergarten-Grade 6); Kindergarten; Prekindergarten-Grade 5--General; Prekindergarten-Grade 6--General; Teacher of Young Children--General. Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.

(9) Elementary Self-Contained (Grades 1-8); Elementary teacher certificate with Bilingual or English as a Second Language Endorsement.

(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.

(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.

[(10) Elementary teacher certificate with Bilingual or English as a Second Language Endorsement.]

[(A) Teachers assigned prior to the 1991-1992 school year are required to complete a minimum of 90 clock-hours of in-service training (may be advanced academic training) or six semester credit hours in early childhood education, inclusive of but not limited to child development or language acquisition, by September 1, 1993, to be eligible for assignment.]

[(B) Initial assignments beginning with the 1991-1992 school year require the early childhood education delivery system or endorsement.]

(10) [(11)] English as a Second Language Generalist: Early Childhood-Grade 4.

(11) [(12)] English as a Second Language Generalist: Early Childhood-Grade 6.

[(13) Prekindergarten-Grade 5--General. Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.]

[(14) Prekindergarten-Grade 6--General. Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.]

(12) [(15)] Prekindergarten-Grade 6--Bilingual/English as a Second Language.

(13) [(16)] Prekindergarten-Grade 12--Bilingual/English as a Second Language.

(14) [(17)] Prekindergarten-Grade 12--English as a Second Language.

[(18) Kindergarten. Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.]

[(19) Teacher of Young Children--General. Initial assignments beginning with the 1991-1992 school year require the English as a Second Language endorsement or the bilingual education delivery system or endorsement.]

§231.9. General Education, Kindergarten.

[(a) All-level certification in art, health education, music, physical education, speech communication and theatre arts, or theatre may be assigned to teach in the certified area(s) in Prekindergarten-Grade 12.]

[(b)] An assignment for General Education, Kindergarten, is allowed with one of the following certificates.

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

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

(3) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(4) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(7) [(3)] Core Subjects: Early Childhood-Grade 6.

(8) [(4)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.

(9) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(10) [(5)] Early Childhood: Prekindergarten-Grade 3.

(11) [(6)] Early Childhood Education (Prekindergarten and Kindergarten).

(12) [(7)] Elementary Early Childhood Education (Prekindergarten-Grade 6).

(13) [(8)] English as a Second Language Generalist: Early Childhood-Grade 4.

(14) [(9)] English as a Second Language Generalist: Early Childhood-Grade 6.

(15) [(10)] Generalist: Early Childhood-Grade 4.

(16) [(11)] Generalist: Early Childhood-Grade 6.

(17) [(12)] Kindergarten.

(18) [(13)] Legacy Master Mathematics Teacher (Early Childhood-Grade 4) [(Mathematics only)].

(19) [(14)] Legacy Master Reading Teacher (Early Childhood-Grade 12) [(Reading only)].

(20) [(15)] Legacy Master Science Teacher (Early Childhood-Grade 4) [(Science only)].

- (21) [(46)] Prekindergarten-Grade 5--General.
- (22) [(47)] Prekindergarten-Grade 6--General.
- (23) [(48)] Teacher of Young Children--General.

§231.11. *Bilingual, Prekindergarten-Grade 6.*

(a) An assignment for Bilingual, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) A valid classroom teaching certificate appropriate for the grade level and subject areas taught, plus any bilingual education certificate or endorsement.

(2) [(4)] Bilingual Generalist: Early Childhood-Grade 4 [(Kindergarten-Grade 4 only)].

(3) [(2)] Bilingual Generalist: Early Childhood-Grade 6.

(4) [(3)] Bilingual Generalist: Grades 4-8 [(Grades 4-6 only)].

[(4) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus any bilingual education certificate or endorsement.]

(5) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(6) [(5)] Prekindergarten-Grade 5--Bilingual/English as a Second Language [(Prekindergarten-Grade 5 only)].

(7) [(6)] Prekindergarten-Grade 6--Bilingual/English as a Second Language.

(8) [(7)] Prekindergarten-Grade 12--Bilingual/English as a Second Language.

(b) An assignment for the English component only of a dual language immersion/one-way or two-way bilingual education program model for Prekindergarten-Grade 6 is allowed with a valid classroom teaching certificate appropriate for the grade level and subject areas taught plus a bilingual education certificate or endorsement or an English as a Second Language certificate or endorsement.

§231.13. *English as a Second Language, Prekindergarten-Grade 6.*

An assignment for English as a Second Language, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) An elementary certified teacher with a valid English as a Second Language supplemental certificate or endorsement or bilingual education supplemental certificate or endorsement may be assigned to teach English as a Second Language at the kindergarten level.

(2) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following.

(A) Bilingual Education Supplemental.

(B) Bilingual Education Supplemental: American Sign Language.

(C) Bilingual Education Supplemental: Arabic.

(D) Bilingual Education Supplemental: Japanese.

(E) Bilingual Education Supplemental: Mandarin Chinese.

(F) Bilingual Education Supplemental: Spanish.

(G) Bilingual Education Supplemental: Vietnamese.

(H) [(B)] Bilingual Education Supplemental (Early Childhood-Grade 4).

(I) [(C)] Bilingual Education Supplemental (Grades 4-8).

(J) [(D)] Bilingual Endorsement.

(K) [(E)] Bilingual/English as a Second Language Endorsement.

(L) Bilingual Special Education Supplemental: Early Childhood-Grade 12.

(M) [(F)] English as a Second Language Endorsement.

(N) [(G)] English as a Second Language Supplemental.

(3) Bilingual Generalist: Early Childhood-Grade 4 [(Kindergarten-Grade 4 only)].

(4) Bilingual Generalist: Early Childhood-Grade 6.

(5) Bilingual Generalist: Grades 4-8 [(Grades 4-6 only)].

(6) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(7) Core/English as a Second Language with Science of Teaching Reading: Early Childhood-Grade 6.

(8) [(6)] English as a Second Language Generalist: Early Childhood-Grade 4 [(Kindergarten-Grade 4 only)].

(9) [(7)] English as a Second Language Generalist: Early Childhood-Grade 6.

(10) [(8)] English as a Second Language Generalist: Grades 4-8 [(Grades 4-6 only)].

(11) [(9)] Prekindergarten-Grade 5--Bilingual/English as a Second Language [(Prekindergarten-Grade 5 only)].

(12) [(40)] Prekindergarten-Grade 6--Bilingual/English as a Second Language.

(13) [(44)] Prekindergarten-Grade 12--English as a Second Language.

(14) [(42)] Prekindergarten-Grade 12--Bilingual/English as a Second Language.

(15) [(43)] Teacher certificate appropriate for grade level of assignment and assigned to teach English as a Second Language in an approved English as a Second Language program during the 1981-1982 school year in the same school district.

§231.15. *Elementary, Prekindergarten-Grade 6.*

An assignment for Elementary, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) Bilingual Generalist: Early Childhood-Grade 4 [(Grades 1-4 only)].

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

(3) Bilingual Generalist: Grades 4-8 [(Grades 4-6 only)].

(4) Core Subjects: Early Childhood-Grade 6.

(5) Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Early Childhood: Prekindergarten-Grade 3 [(Prekindergarten-Grade 3 only)].

(7) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(8) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(9) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(10) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(11) [(7)] Core Subjects: Grades-8 [(Grades 4-6 only)].

(12) [(8)] Core Subjects with Science of Teaching Reading: Grades 4-8 [(Grades 4-6 only)].

(13) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(14) [(9)] Elementary--General.

(15) [(10)] Elementary--General (Grades 1-6).

(16) [(11)] Elementary--General (Grades 1-8).

(17) [(12)] Elementary Early Childhood Education (Prekindergarten-Grade 6).

(18) [(13)] Elementary Self-Contained (Grades 1-8).

(19) [(14)] English as a Second Language Generalist: Early Childhood-Grade 4 [(Grades 1-4 only)].

(20) [(15)] English as a Second Language Generalist: Early Childhood-Grade 6.

(21) [(16)] English as a Second Language Generalist: Grades 4-8 [(Grades 4-6 only)].

(22) [(17)] Generalist: Early Childhood-Grade 4 [(Grades 1-4 only)].

(23) [(18)] Generalist: Early Childhood-Grade 6.

(24) [(19)] Generalist: Grades 4-8 [(Grades 4-6 only)].

(25) [(20)] Legacy Master Mathematics Teacher (Early Childhood-Grade 4) [(Mathematics in Grades 1-4 only)].

(26) [(21)] Legacy Master Mathematics Teacher (Grades 4-8) [(Mathematics in Grades 4-6 only)].

(27) [(22)] Legacy Master Reading Teacher (Early Childhood-Grade 12) [(Reading in Grades 1-6 only)].

(28) [(23)] Legacy Master Science Teacher (Early Childhood-Grade 4) [(Science in Grades 1-4 only)].

(29) [(24)] Legacy Master Science Teacher (Grades 4-8) [(Science in Grades 4-6 only)].

(30) [(25)] Prekindergarten-Grade 5--General [(Grades 1-5 only)].

(31) [(26)] Prekindergarten-Grade 6--General.

(32) [(27)] Teacher of Young Children--General [(Grades 1-3 only)].

§231.17. Reading, Prekindergarten-Grade 6.

An assignment for Reading, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) A teacher certificate that matches the subject and grade level of the assignment (Prekindergarten-Grade 6).

(2) An elementary teacher certificate appropriate for Grades 1-6 assignment.

(3) Bilingual Generalist: Early Childhood-Grade 4 [(Grades 1-4 only)].

(4) Bilingual Generalist: Early Childhood-Grade 6.

(5) Bilingual Generalist: Grades 4-8 [(Grades 4-6 only)].

(6) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(7) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(8) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(9) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(10) [(6)] Core Subjects: Early Childhood-Grade 6.

(11) Core Subjects: Grades 4-8.

(12) [(7)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.

(13) Core Subjects with Science of Teaching Reading: Grades 4-8.

(14) Core with Science of Teaching: Early Childhood-Grade 6.

(15) [(8)] Early Childhood: Prekindergarten-Grade 3 [(Prekindergarten-Grade 3 only)].

[(9) Core Subjects: Grades 4-8 (Grades 4-6 only).]

[(10) Core Subjects with Science of Teaching Reading: Grades 4-8 (Grades 4-6 only).]

(16) [(11)] English as a Second Language Generalist: Early Childhood-Grade 4 [(Grades 1-4 only)].

(17) [(12)] English as a Second Language Generalist: Early Childhood-Grade 6.

(18) [(13)] English as a Second Language Generalist: Grades 4-8 [(Grades 4-6 only)].

(19) [(14)] English Language Arts and Reading: Grades 4-8 [(Grades 4-6 only)].

(20) [(15)] English Language Arts and Reading/Social Studies: Grades 4-8 [(Grades 4-6 only)].

(21) English Language Arts and Reading with Science of Teaching Reading: Grades 4-8.

(22) English Language Arts and Reading with Science of Teaching Reading/Social Studies: Grades 4-8.

(23) [(16)] Generalist: Early Childhood-Grade 4 [(Grades 1-4 only)].

(24) [(17)] Generalist: Early Childhood-Grade 6.

(25) [(18)] Generalist: Grades 4-8 [(Grades 4-6 only)].

(26) [(19)] Legacy Master Reading Teacher (Early Childhood-Grade 12).

(27) [(20)] Reading Specialist.

(28) [(21)] Reading Specialist (Early Childhood-Grade 12).

§231.21. Art, Prekindergarten-Grade 6.

An assignment for Art, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) A teacher certificate that matches the subject and grade level of the assignment (Prekindergarten-Grade 6).

(2) All-Level Art.

(3) All-Level Art (Prekindergarten-Grade 12).

(4) Art: Early Childhood-Grade 12.

(5) Bilingual Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(6) Bilingual Generalist: Early Childhood-Grade 6.

(7) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(8) [~~(7)~~] Core Subjects: Early Childhood-Grade 6.

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

(10) [~~(9)~~] Early Childhood: Prekindergarten-Grade 3 [~~(Prekindergarten-Grade 3 only)~~].

(11) [~~(10)~~] Early Childhood Education [~~(Prekindergarten and Kindergarten only)~~].

(12) [~~(11)~~] English as a Second Language Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(13) [~~(12)~~] English as a Second Language Generalist: Early Childhood-Grade 6.

(14) [~~(13)~~] Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(15) [~~(14)~~] Generalist: Early Childhood-Grade 6.

§231.23. *Music, Prekindergarten-Grade 6.*

An assignment for Music, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) A teacher certificate that matches the subject and grade level of the assignment (Prekindergarten-Grade 6).

(2) All-Level Music.

(3) All-Level Music (Prekindergarten-Grade 12).

(4) Bilingual Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(5) Bilingual Generalist: Early Childhood-Grade 6.

(6) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(7) [~~(6)~~] Core Subjects: Early Childhood-Grade 6.

(8) [~~(7)~~] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.

(9) [~~(8)~~] Early Childhood: Prekindergarten-Grade 3 [~~(Prekindergarten-Grade 3 only)~~].

(10) [~~(9)~~] Early Childhood Education [~~(Prekindergarten and Kindergarten only)~~].

(11) [~~(10)~~] English as a Second Language Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(12) [~~(11)~~] English as a Second Language Generalist: Early Childhood-Grade 6.

(13) [~~(12)~~] Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(14) [~~(13)~~] Generalist: Early Childhood-Grade 6.

(15) [~~(14)~~] Music: Early Childhood-Grade 12.

§231.25. *Theatre, Prekindergarten-Grade 6.*

An assignment for Theatre, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) All-Level Speech and Drama.

(2) All-Level Speech Communications/Theatre Arts.

(3) All-Level Theatre Arts.

(4) An elementary teacher certificate appropriate for Prekindergarten-Grade 6 assignment.

(5) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(6) [~~(5)~~] Early Childhood: Prekindergarten-Grade 3 [~~(Prekindergarten-Grade 3 only)~~].

(7) [~~(6)~~] Early Childhood Education [~~(Prekindergarten and Kindergarten only)~~].

(8) [~~(7)~~] Theatre: Early Childhood-Grade 12.

§231.27. *Physical Education, Prekindergarten-Grade 6.*

An assignment for Physical Education, Prekindergarten-Grade 6, is allowed with one of the following certificates.

(1) A teacher certificate that matches the subject and grade level of the assignment (Prekindergarten-Grade 6).

(2) All-Level Health and Physical Education.

~~{(2) All-Level Physical Education.}~~

(3) All-Level Physical Education.

~~{(3) All-Level Health and Physical Education.}~~

(4) An elementary teacher certificate appropriate for Prekindergarten-Grade 6 assignment.

(5) Bilingual Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(6) Bilingual Generalist: Early Childhood-Grade 6.

(7) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(8) [~~(7)~~] Core Subjects: Early Childhood-Grade 6.

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

(10) [~~(9)~~] Early Childhood: Prekindergarten-Grade 3 [~~(Prekindergarten-Grade 3 only)~~].

(11) [~~(10)~~] Early Childhood Education [~~(Prekindergarten and Kindergarten only)~~].

(12) [~~(11)~~] English as a Second Language Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(13) [~~(12)~~] English as a Second Language Generalist: Early Childhood-Grade 6.

(14) [~~(13)~~] Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].

(15) [~~(14)~~] Generalist: Early Childhood-Grade 6.

(16) [~~(15)~~] Physical Education: Early Childhood-Grade 12.

§231.31. *Health Education, Prekindergarten-Grade 6.*

An assignment for Health Education, Prekindergarten-Grade 6, is allowed with one of the following certificates.

- (1) A teacher certificate that matches the subject and grade level of the assignment (Prekindergarten-Grade 6).
- (2) All-Level Physical Education.
- (3) All-Level Health and Physical Education.
- (4) An elementary teacher certificate appropriate for Prekindergarten-Grade 6 assignment.
- (5) Bilingual Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].
- (6) Bilingual Generalist: Early Childhood-Grade 6.
- (7) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
- (8) [~~(7)~~] Core Subjects: Early Childhood-Grade 6.
- (9) [~~(8)~~] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.
- (10) [~~(9)~~] Early Childhood: Prekindergarten-Grade 3 [~~(Prekindergarten-Grade 3 only)~~].
- (11) [~~(10)~~] Early Childhood Education [~~(Prekindergarten and Kindergarten only)~~].
- (12) [~~(11)~~] English as a Second Language Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].
- (13) [~~(12)~~] English as a Second Language Generalist: Early Childhood-Grade 6.
- (14) [~~(13)~~] Generalist: Early Childhood-Grade 4 [~~(Early Childhood-Grade 4 only)~~].
- (15) [~~(14)~~] Generalist: Early Childhood-Grade 6.
- (16) [~~(15)~~] Physical Education: Early Childhood-Grade 12.

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

Filed with the Office of the Secretary of State on October 6, 2025.
 TRD-202503581
 Cristina De La Fuente-Valadez
 Director, Rulemaking
 State Board for Educator Certification
 Earliest possible date of adoption: November 16, 2025
 For further information, please call: (512) 475-1497



SUBCHAPTER C. GRADES 6-8 ASSIGNMENTS

19 TAC §§231.41, 231.43, 231.45, 231.47, 231.49, 231.51, 231.57, 231.61, 231.63, 231.67, 231.69, 231.71, 231.73, 231.75, 231.77

STATUTORY AUTHORITY. The amendments are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate

and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The amendments implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.41. *Self-Contained, Grades 6-8.*

(a) Self-contained is defined as a class in which one teacher teaches all or most subjects to one class of students.

(b) An assignment in a self-contained classroom for All General Subjects, Grades 6-8, is allowed with one of the following certificates.

- (1) Bilingual Generalist: Early Childhood-Grade 6 [~~(Grade 6 only)~~].
- (2) Bilingual Generalist: Grades 4-8 (English language arts, mathematics, science, and social studies only).
- (3) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.
- (4) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.
- (5) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
- (6) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.
- (7) [~~(3)~~] Core Subjects: Early Childhood-Grade 6 [~~(Grade 6 only)~~].
- (8) Core Subjects: Grades 4-8 (English language arts, mathematics, science, and social studies only).
- (9) [~~(4)~~] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [~~(Grade 6 only)~~].
- [(5) Core Subjects: Grades 4-8 (English language arts, mathematics, science, and social studies only).]
- (10) [~~(6)~~] Core Subjects with Science of Teaching Reading: Grades 4-8 (English language arts, mathematics, science, and social studies only).
- (11) Core with Science of Teaching Reading: Early Childhood-Grade 6.
- (12) [~~(7)~~] Elementary--General.
- (13) [~~(8)~~] Elementary--General (Grades 1-6) [~~(Grade 6 only)~~].
- (14) [~~(9)~~] Elementary--General (Grades 1-8).
- (15) [~~(10)~~] Elementary Early Childhood Education (Prekindergarten-Grade 6) [~~(Grade 6 only)~~].
- (16) [~~(11)~~] Elementary Self-Contained (Grades 1-8).

(17) [(12)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(18) [(13)] English as a Second Language Generalist: Grades 4-8 (English language arts, mathematics, science, and social studies only).

(19) [(14)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(20) [(15)] Generalist: Grades 4-8 (English language arts, mathematics, science, and social studies only).

(21) [(16)] Prekindergarten-Grade 6--General [(Grade 6 only)].

§231.43. *All General Subjects, Grade 6.*

(a) An assignment in a departmentalized classroom for All General Subjects, Grade 6, for a holder of a valid elementary level certificate is allowed with one of the following certificates.

(1) Any elementary teacher certificate appropriate for Grade 6.

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

(3) Bilingual Generalist: Grades 4-8 (English language arts, mathematics, science, and social studies only).

(4) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(7) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(8) [(4)] Core Subjects: Early Childhood-Grade 6.

(9) Core Subjects: Grades 4-8 (English language arts, mathematics, science, and social studies only).

(10) [(5)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.

[(6) Core Subjects: Grades 4-8 (English language arts, mathematics, science, and social studies only).]

(11) [(7)] Core Subjects with Science of Teaching Reading: Grades 4-8 (English language arts, mathematics, science, and social studies only).

(12) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(13) [(8)] English as a Second Language Generalist: Early Childhood-Grade 6.

(14) [(9)] English as a Second Language Generalist: Grades 4-8 (English, language arts, mathematics, science, and social studies only).

(15) [(10)] Generalist: Early Childhood-Grade 6.

(16) [(11)] Generalist: Grades 4-8 (English language arts, mathematics, science, and social studies only).

(b) Requirements for a holder of a secondary or all-level certificate in a departmentalized Grades 6-8 assignment are specified for each subject area in this subchapter.

§231.45. *English Language Arts, Grades 6-8.*

An assignment in a departmentalized classroom for English Language Arts, Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

(1) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(2) Bilingual Generalist: Grades 4-8.

(3) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(4) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(7) [(3)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].

(8) Core Subjects: Grades 4-8.

(9) [(4)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].

[(5) Core Subjects: Grades 4-8.]

(10) [(6)] Core Subjects with Science of Teaching Reading: Grades 4-8.

(11) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(12) [(7)] Elementary English (Grades 1-8).

(13) [(8)] Elementary teacher certificate plus 18 semester credit hours in English.

(14) [(9)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(15) [(10)] English as a Second Language Generalist: Grades 4-8.

(16) [(11)] English Language Arts and Reading: Grades 4-8.

(17) [(12)] English Language Arts and Reading with Science of Teaching Reading: Grades 4-8.

(18) [(13)] English Language Arts and Reading/Social Studies: Grades 4-8.

(19) [(14)] English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8.

(20) [(15)] English Language Arts and Reading: Grades 7-12 [(Grades 7 and 8 only)].

(21) [(16)] English Language Arts and Reading: Grades 8-12 [(Grade 8 only)].

(22) [(17)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(23) [(18)] Generalist: Grades 4-8.

(24) [(19)] Grades 6-12 or Grades 6-8--English.

(25) [(20)] Grades 6-12 or Grades 6-8--English Language Arts, Composite.

(26) [(21)] Junior High School or High School--English.

(27) [(22)] Junior High School or High School--English Language Arts, Composite.

(28) [(23)] Secondary English (Grades 6-12).

(29) [(24)] Secondary English Language Arts, Composite (Grades 6-12).

(30) [(25)] Secondary or all-level teacher certificate plus 18 semester credit hours in English.

§231.47. *English as a Second Language, Grades 6-8.*

An assignment in a departmentalized classroom for English as a Second Language, Grades 6-8, English Learners Language Arts, Grade 7, and English Learners Language Arts, Grade 8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

(1) A valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following.

(A) Bilingual Education Supplemental.

(B) Bilingual Education Supplemental: American Sign Language.

(C) Bilingual Education Supplemental: Arabic.

(D) Bilingual Education Supplemental: Japanese.

(E) Bilingual Education Supplemental: Mandarin Chinese.

(F) Bilingual Education Supplemental: Spanish.

(G) Bilingual Education Supplemental: Vietnamese.

(H) [(B)] Bilingual Education Supplemental (Early Childhood-Grade 4).

(I) [(C)] Bilingual Education Supplemental (Grades 4-8).

(J) [(D)] Bilingual Endorsement.

(K) [(E)] Bilingual/English as a Second Language Endorsement.

(L) Bilingual Special Education Supplemental: Early Childhood-Grade 12.

(M) [(F)] English as a Second Language Endorsement.

(N) [(G)] English as a Second Language Supplemental.

(2) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(3) Bilingual Generalist: Grades 4-8.

(4) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(6) [(4)] Elementary Bilingual/English as a Second Language (Grades 1-8).

(7) [(5)] Elementary teacher certificate and assigned to teach English as a Second Language in an approved English as a Second Language program during 1981-1982 school year in the same school district.

(8) [(6)] Elementary Bilingual.

(9) [(7)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(10) [(8)] Junior High School or High School--Bilingual/English as a Second Language.

(11) [(9)] Prekindergarten-Grade 6--Bilingual/English as a Second Language [(Grade 6 only)].

(12) [(10)] Prekindergarten-Grade 12--Bilingual/English as a Second Language.

(13) [(11)] Prekindergarten-Grade 12--English as a Second Language.

(14) [(12)] Secondary Bilingual/English as a Second Language (Grades 6-12).

§231.49. *Reading (At or Above Grade Level), Grades 6-8.*

An assignment in a departmentalized classroom for Reading (at or above grade level), Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

(1) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(2) Bilingual Generalist: Grades 4-8.

(3) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(4) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(7) [(3)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].

(8) Core Subjects: Grades 4-8.

(9) [(4)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].

[(5) Core Subjects: Grades 4-8.]

(10) [(6)] Core Subjects with Science of Teaching Reading: Grades 4-8.

(11) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(12) [(7)] Elementary English (Grades 1-8); Secondary English (Grades 6-8); Secondary English (Grades 6-12). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

(13) [(8)] Elementary Reading (Grades 1-8).

(14) [(9)] Elementary teacher certificate; Secondary, or all-level teacher certificate plus 18 semester credit hours in English and nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

(15) [(10)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(16) [(11)] English as a Second Language Generalist: Grades 4-8.

(17) [(12)] English Language Arts and Reading: Grades 4-8.

(18) [(13)] English Language Arts and Reading with Science of Teaching Reading: Grades 4-8.

(19) [(14)] English Language Arts and Reading: Grades 7-12 [(Grades 7 and 8 only)].

(20) [(15)] English Language Arts and Reading: Grades 8-12 [(Grade 8 only)].

(21) [(16)] English Language Arts and Reading/Social Studies: Grades 4-8.

(22) [(17)] English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8.

(23) [(18)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(24) [(19)] Generalist: Grades 4-8.

(25) [(20)] Junior High School or High School--English.

(26) [(21)] Junior High School or High School--English Language Arts, Composite; Secondary English Language Arts, Composite (Grades 6-8); Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

(27) [(22)] Junior High School or High School--Reading.

(28) [(23)] Legacy Master Reading Teacher (Early Childhood-Grade 12).

(29) [(24)] Reading Specialist.

(30) [(25)] Reading Specialist (Early Childhood-Grade 12).

[(26) Secondary English (Grades 6-8). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

[(27) Secondary English Language Arts, Composite (Grades 6-8). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

(31) [(28)] Secondary Reading (Grades 6-8).

[(29) Secondary English (Grades 6-12). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

[(30) Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

(32) [(31)] Secondary Reading (Grades 6-12).

[(32) Secondary or all-level teacher certificate plus 18 semester credit hours in English and nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

§231.51. *Reading Improvement (One Year or More Below Grade Level), Grades 6-8.*

An assignment in a departmentalized classroom for Reading Improvement (one year or more below grade level), Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

(1) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(2) Bilingual Generalist: Grades 4-8.

(3) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(4) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(7) [(3)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].

(8) Core Subjects: Grades 4-8.

(9) [(4)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].

[(5) Core Subjects: Grades 4-8.]

(10) [(6)] Core Subjects with Science of Teaching Reading: Grades 4-8.

(11) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(12) [(7)] Elementary English (Grades 1-8); Grades 6-12 or Grades 6-8--English; Junior High School or High School--English; Secondary English (Grades 6-12). This assignment requires verifiable preparation in teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

(13) [(8)] Elementary Reading (Grades 1-8).

(14) [(9)] Elementary teacher certificate plus 18 semester credit hours in English and nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

(15) [(10)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(16) [(11)] English as a Second Language Generalist: Grades 4-8.

(17) [(12)] English Language Arts and Reading: Grades 4-8.

(18) [(13)] English Language Arts and Reading with Science of Teaching Reading: Grades 4-8.

(19) [(14)] English Language Arts and Reading: Grades 7-12 [(Grades 7 and 8 only)].

(20) [(15)] English Language Arts and Reading: Grades 8-12 [(Grade 8 only)].

(21) [(16)] English Language Arts and Reading/Social Studies: Grades 4-8.

(22) [(17)] English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8.

(23) [(18)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(24) [(19)] Generalist: Grades 4-8.

[(20) Grades 6-12 or Grades 6-8--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

(25) [(21)] Grades 6-12 or Grades 6-8--English Language Arts, Composite; Junior High School or High School--English Language Arts, Composite; Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

(26) [(22)] Grades 6-12 or Grades 6-8--Reading.

[(23) Junior High School or High School--English. This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

[(24) Junior High School or High School--English Language Arts, Composite. This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

(27) [(25)] Junior High School or High School--Reading.

(28) [(26)] Legacy Master Reading Teacher (Early Childhood-Grade 12).

(29) [(27)] Reading Specialist.

(30) [(28)] Reading Specialist (Early Childhood-Grade 12).

[(29) Secondary English (Grades 6-12). This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

[(30) Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours of reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.]

(31) [(31)] Secondary Reading (Grades 6-12).

(32) [(32)] Teacher certificate plus 9 semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

§231.57. *Social Studies, Grade 6.*

An assignment in a departmentalized classroom for Social Studies, Grade 6, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

(1) Any elementary teacher certificate appropriate for Grade 6.

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

(3) Bilingual Generalist: Grades 4-8.

(4) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(7) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(8) [(4)] Core Subjects: Early Childhood-Grade 6.

(9) Core Subjects: Grades 4-8.

(10) [(5)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.

[(6) Core Subjects: Grades 4-8.]

(11) [(7)] Core Subjects with Science of Teaching Reading: Grades 4-8.

(12) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(13) [(8)] English as a Second Language Generalist: Early Childhood-Grade 6.

(14) [(9)] English as a Second Language Generalist: Grades 4-8.

(15) [(10)] English Language Arts and Reading/Social Studies: Grades 4-8.

(16) [(11)] English Language Arts and Reading/Social Studies with Science of Teaching Reading: Grades 4-8.

(17) [(12)] Generalist: Early Childhood-Grade 6.

(18) [(13)] Generalist: Grades 4-8.

(19) [(14)] Grades 6-12 or Grades 6-8--Economics.

(20) [(15)] Grades 6-12 or Grades 6-8--Geography.

(21) [(16)] Grades 6-12 or Grades 6-8--Government.

(22) [(17)] Grades 6-12 or Grades 6-8--History.

(23) [(18)] Grades 6-12 or Grades 6-8--Psychology.

(24) [(19)] Grades 6-12 or Grades 6-8--Sociology.

(25) [(20)] Grades 6-12 or Grades 6-8--Social Studies.

(26) [(21)] Grades 6-12 or Grades 6-8--Social Studies, Composite.

- (27) [(22)] Junior High School or High School--Anthropology.
- (28) [(23)] Junior High School or High School--Economics.
- (29) [(24)] Junior High School or High School--Geography.
- (30) [(25)] Junior High School or High School--Government-Political Science.
- (31) [(26)] Junior High School or High School--History.
- (32) [(27)] Junior High School or High School--Psychology.
- (33) [(28)] Junior High School or High School--Sociology.
- (34) [(29)] Junior High School or High School--Social Science, Composite.
- (35) [(30)] Secondary Economics (Grades 6-12).
- (36) [(31)] Secondary Geography (Grades 6-12).
- (37) [(32)] Secondary Government (Grades 6-12).
- (38) [(33)] Secondary History (Grades 6-12).
- (39) [(34)] Secondary Psychology (Grades 6-12).
- (40) [(35)] Secondary Sociology (Grades 6-12).
- (41) [(36)] Secondary Social Studies (Grades 6-12).
- (42) [(37)] Secondary Social Studies, Composite (Grades 6-12).
- (43) [(38)] Secondary or all-level teacher certificate plus 18 semester credit hours in social studies.
- (44) [(39)] Social Studies: Grades 4-8.

§231.61. *Mathematics, Grades 6-8.*

An assignment in a departmentalized classroom for Mathematics, Grades 6-8, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

- (1) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (2) Bilingual Generalist: Grades 4-8.
- (3) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.
- (4) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.
- (5) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
- (6) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.
- (7) [(3)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].
- (8) Core Subjects: Grades 4-8.
- (9) [(4)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].
- [(5) Core Subjects: Grades 4-8.]
- (10) [(6)] Core Subjects with Science of Teaching Reading: Grades 4-8.

(11) Core with Science of Teaching Reading: Early Childhood-Grade 6.

- (12) [(7)] Elementary Mathematics (Grades 1-8). A teacher holding an Elementary Mathematics (Grades 1-8) certificate may teach Algebra I at the middle school level for high school graduation credit.
- (13) [(8)] Elementary teacher certificate plus 18 semester credit hours in mathematics.
- (14) [(9)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (15) [(10)] English as a Second Language Generalist: Grades 4-8.
- (16) [(11)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (17) [(12)] Generalist: Grades 4-8.
- (18) [(13)] Grades 6-12 or Grades 6-8--Mathematics.
- (19) [(14)] Junior High School or High School--Mathematics.
- (20) [(15)] Junior High School or High School--Mathematical Science, Composite.
- (21) [(16)] Legacy Master Mathematics Teacher (Grades 4-8).
- (22) [(17)] Legacy Master Mathematics Teacher (Grades 8-12) [(Grade 8 only)].
- (23) [(18)] Mathematics: Grades 4-8. A teacher holding a Mathematics: Grades 4-8 certificate may teach Algebra I at the middle school level for high school graduation credit.
- (24) [(19)] Mathematics: Grades 7-12 [(Grades 7 and 8 only)].
- (25) [(20)] Mathematics: Grades 8-12 [(Grade 8 only)].
- (26) [(21)] Mathematics/Physical Science/Engineering: Grades 6-12.
- (27) [(22)] Mathematics/Physical Science/Engineering: Grades 8-12 [(Grade 8 only)].
- (28) [(23)] Mathematics/Science: Grades 4-8.
- (29) [(24)] Physics/Mathematics: Grades 7-12 [(Grades 7 and 8 only)].
- (30) [(25)] Physics/Mathematics: Grades 8-12 [(Grade 8 only)].
- (31) [(26)] Secondary Mathematics (Grades 6-12).
- (32) [(27)] Secondary or all-level teacher certificate plus 18 semester credit hours in mathematics.

§231.63. *Science, Grade 6.*

An assignment in a departmentalized classroom for Science, Grade 6, for a holder of a valid elementary, secondary, or all-level certificate is allowed with one of the following certificates.

- (1) Any elementary teacher certificate appropriate for Grade 6.
- (2) Bilingual Generalist: Early Childhood-Grade 6.
- (3) Bilingual Generalist: Grades 4-8.

(4) Core/Bilingual Education Spanish with Science of Teaching Reading: Early Childhood-Grade 6.

(5) Core/English as a Second Language Supplemental with Science of Teaching Reading: Early Childhood-Grade 6.

(6) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(7) Core/Special Education with Science of Teaching Reading: Early Childhood-Grade 6.

(8) [(4)] Core Subjects: Early Childhood-Grade 6.

(9) Core Subjects: Grades 4-8.

(10) [(5)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.

[(6) Core Subjects: Grades 4-8.]

(11) [(7)] Core Subjects with Science of Teaching Reading: Grades 4-8.

(12) Core with Science of Teaching Reading: Early Childhood-Grade 6.

(13) [(8)] English as a Second Language Generalist: Early Childhood-Grade 6.

(14) [(9)] English as a Second Language Generalist: Grades 4-8.

(15) [(10)] Generalist: Early Childhood-Grade 6.

(16) [(11)] Generalist: Grades 4-8.

(17) [(12)] Grades 6-12 or Grades 6-8--Biology.

(18) [(13)] Grades 6-12 or Grades 6-8--Chemistry.

(19) [(14)] Grades 6-12 or Grades 6-8--Earth Science.

(20) [(15)] Grades 6-12 or Grades 6-8--Life/Earth Science.

(21) [(16)] Grades 6-12 or Grades 6-8--Physical Science.

(22) [(17)] Grades 6-12 or Grades 6-8--Physics.

(23) [(18)] Grades 6-12 or Grades 6-8--Science.

(24) [(19)] Grades 6-12 or Grades 6-8--Science, Composite.

(25) [(20)] Junior High School or High School--Biology.

(26) [(21)] Junior High School or High School--Chemistry.

(27) [(22)] Junior High School or High School--Earth Science.

(28) [(23)] Junior High School or High School--Life/Earth Science.

(29) [(24)] Junior High School or High School--Life/Earth Middle-School Science.

(30) [(25)] Junior High School or High School--Physical Science.

(31) [(26)] Junior High School or High School--Physics.

(32) [(27)] Junior High School or High School--Science.

(33) [(28)] Junior High School or High School--Science, Composite.

(34) [(29)] Legacy Master Science Teacher (Grades 4-8).

(35) [(30)] Mathematics/Science: Grades 4-8.

(36) [(31)] Science: Grades 4-8.

(37) [(32)] Secondary Biology (Grades 6-12).

(38) [(33)] Secondary Chemistry (Grades 6-12).

(39) [(34)] Secondary Earth Science (Grades 6-12).

(40) [(35)] Secondary Life/Earth Science (Grades 6-12).

(41) [(36)] Secondary Physical Science (Grades 6-12).

(42) [(37)] Secondary Physics (Grades 6-12).

(43) [(38)] Secondary Science (Grades 6-12).

(44) [(39)] Secondary Science, Composite (Grades 6-12).

(45) [(40)] Secondary or all-level teacher certificate plus 18 semester credit hours in any combination of sciences.

§231.67. Health, Grades 6-8.

An assignment in a departmentalized classroom for Health, Grades 6-8, is allowed with one of the following certificates.

(1) All-Level Health and Physical Education.

(2) All-Level Physical Education.

(3) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(4) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.

(5) [(4)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].

(6) [(5)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].

(7) [(6)] Elementary Health.

(8) [(7)] Elementary Health and Physical Education.

(9) [(8)] Elementary Physical Education.

(10) [(9)] Elementary Health (Grades 1-8).

(11) [(10)] Elementary Health and Physical Education (Grades 1-8).

(12) [(11)] Elementary Physical Education (Grades 1-8).

(13) [(12)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(14) [(13)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].

(15) [(14)] Grades 6-12 or Grades 6-8--Health.

(16) [(15)] Grades 6-12 or Grades 6-8--Physical Education.

(17) [(16)] Health: Early Childhood-Grade 12.

(18) [(17)] Junior High School or High School--Health.

(19) [(18)] Junior High School or High School--Health and Physical Education.

(20) [(19)] Junior High School or High School--Physical Education.

(21) [(20)] Physical Education: Early Childhood-Grade 12.

(22) [(21)] Secondary Health (Grades 6-12).

(23) [(22)] Secondary Physical Education (Grades 6-12).

§231.69. *Physical Education, Grades 6-8.*

An assignment in a departmentalized classroom for Physical Education, Grades 6-8, is allowed with one of the following certificates.

- (1) All-Level Health and Physical Education.
- (2) All-Level Physical Education.
- (3) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (4) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
- (5) [(4)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].
- (6) [(5)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].
- (7) [(6)] Elementary Health and Physical Education.
- (8) [(7)] Elementary Physical Education.
- (9) [(8)] Elementary Physical Education (Grades 1-8).
- (10) [(9)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (11) [(10)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (12) [(11)] Grades 6-12 or Grades 6-8--Physical Education.
- (13) [(12)] Junior High School or High School--Health and Physical Education.
- (14) [(13)] Junior High School or High School--Physical Education.
- (15) [(14)] Physical Education: Early Childhood-Grade 12.
- (16) [(15)] Secondary Physical Education (Grades 6-12).

§231.71. *Art, Middle School 1-3.*

An assignment in a departmentalized classroom for Art, Middle School 1-3, is allowed with one of the following certificates.

- (1) All-Level Art.
- (2) Art: Early Childhood-Grade 12.
- (3) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (4) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
- (5) [(4)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].
- (6) [(5)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].
- (7) [(6)] Elementary Art (Grades 1-8).
- (8) [(7)] Elementary teacher certificate plus 18 semester credit hours in art.
- (9) [(8)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (10) [(9)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
- (11) [(10)] Grades 6-12 or Grades 6-8--Art.
- (12) [(11)] Junior High School or High School--Art.

(13) [(12)] Secondary Art (Grades 6-12).

(14) [(13)] Secondary or all-level teacher certificate plus 18 semester credit hours in art.

§231.73. *Music, Middle School 1-3.*

An assignment in a departmentalized classroom for Music, Middle School 1-3, is allowed with one of the following certificates.

- (1) All-Level Music.
 - (2) Bilingual Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
 - (3) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
 - (4) [(3)] Core Subjects: Early Childhood-Grade 6 [(Grade 6 only)].
 - (5) [(4)] Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6 [(Grade 6 only)].
 - (6) [(5)] Elementary Music.
 - (7) [(6)] Elementary Music (Grades 1-8).
 - (8) [(7)] Elementary teacher certificate plus 18 semester credit hours in music.
 - (9) [(8)] English as a Second Language Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
 - (10) [(9)] Generalist: Early Childhood-Grade 6 [(Grade 6 only)].
 - (11) [(10)] Grades 6-12 or Grades 6-8--Music.
 - (12) [(11)] Junior High School or High School--Music.
 - (13) [(12)] Music: Early Childhood-Grade 12.
 - (14) [(13)] Secondary Music (Grades 6-12).
 - (15) [(14)] Secondary or all-level teacher certificate plus 18 semester credit hours in music.
- §231.75. *Theatre, Middle School 1-3.*
- An assignment in a departmentalized classroom for Theatre, Middle School 1-3, is allowed with one of the following certificates.
- (1) All-Level Speech and Drama.
 - (2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).
 - (3) Core/Fine Arts/Physical Education/Health with Science of Teaching Reading: Early Childhood-Grade 6.
 - (4) Core Subjects: Early Childhood-Grade 6.
 - (5) Core Subjects with Science of Teaching Reading: Early Childhood-Grade 6.
 - (6) [(3)] Elementary Drama.
 - (7) [(4)] Elementary Theatre Arts (Grades 1-8).
 - (8) [(5)] Elementary teacher certificate plus 18 semester credit hours in theatre arts/drama.
 - (9) [(6)] Grades 6-12 or Grades 6-8--Theatre Arts.
 - (10) [(7)] Junior High School or High School--Drama.
 - (11) [(8)] Junior High School or High School--Speech and Drama.
 - (12) [(9)] Secondary Theatre Arts (Grades 6-12).

(13) [(10)] Secondary or all-level teacher certificate plus 18 semester credit hours in theatre arts/drama.

(14) [(11)] Theatre: Early Childhood-Grade 12.

§231.77. *Technology Applications, Grades 6-8.*

An assignment in a departmentalized classroom for Technology Applications, Grades 6-8, is allowed with one of the following certificates.

(1) Elementary teacher certificate plus verification of competency to teach computer literacy.

(2) Grades 6-12 or Grades 6-8--Computer Information Systems.

(3) Information Processing Technologies Endorsement (Level I or II).

(4) Junior High School or High School--Computer Information Systems.

(5) Mathematics/Physical Science/Engineering: Grades 6-12.

(6) Mathematics/Physical Science/Engineering: Grades 8-12.

(7) [(5)] Secondary Computer Information Systems (Grades 6-12).

(8) [(6)] Secondary teacher certificate plus verification of competency to teach computer literacy.

(9) [(7)] Technology Applications: Early Childhood-Grade 12.

(10) [(8)] Technology Applications: Grades 8-12 [(Grade 8 only)].

[(9) Mathematics/Physical Science/Engineering: Grades 6-12.]

[(10) Mathematics/Physical Science/Engineering: Grades 8-12.]

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SUBCHAPTER D. ELECTIVES,
DISCIPLINARY COURSES, LOCAL CREDIT
COURSES, AND INNOVATIVE COURSES,
GRADES 6-12 ASSIGNMENTS

19 TAC §231.91

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school

district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.91. *Junior Reserve Officer Training Corps.*

(a) An assignment for Junior Reserve Officer Training Corps (JROTC) [(ROTC)], Grades 6-12, is allowed with one of the following credentials.

(1) Junior Reserve Officer Training Corps: Grades 6-12 certificate.

(2) Emergency permit for Junior Reserve Officer Training Corps (JROTC) [(ROTC)], Grades 6-12.

(b) An emergency permit for JROTC [(ROTC)] may not be renewed, but must be reissued every year as specified in §230.77(g)(4) of this title (relating to Specific Requirements for Initial Emergency Permits).

(c) School districts must apply and pay for reissuance of a new JROTC [(ROTC)] instructor emergency permit each year the instructor serves.

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

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SUBCHAPTER E. GRADES 9-12
ASSIGNMENTS
DIVISION 1. ENGLISH LANGUAGE ARTS
AND READING, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.131, 231.133, 231.135, 231.137, 231.139,
231.141, 231.143, 231.145

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator,

educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.131. English I-IV, Grades 9-12.

An assignment for English I-IV, Grades 9-12, is allowed with one of the following certificates.

- (1) English Language Arts and Reading: Grades 7-12.
- (2) English Language Arts and Reading: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--English.
- (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite.
- (5) Junior High School (Grades 9-10 only) or High School--English.
- (6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
- (7) Secondary English (Grades 6-12).
- (8) Secondary English Language Arts, Composite (Grades 6-12).

§231.133. English I and II for Speakers of Other Languages, Grades 9-12.

(a) An assignment for English I and II for Speakers of Other Languages and English Language Development and Acquisition (ELDA), Grades 9-12, is allowed with one of the following certificates plus a valid English as a Second Language or bilingual education certificate, supplemental certificate, or endorsement listed in subsection (b) of this section.

- (1) English Language Arts and Reading: Grades 7-12.
- (2) English Language Arts and Reading: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--English.
- (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite.
- (5) Junior High School (Grades 9-10 only) or High School--English.
- (6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
- (7) Secondary English (Grades 6-12).
- (8) Secondary English Language Arts, Composite (Grades 6-12).

(b) An assignment for English I and II for Speakers of Other Languages and English Language Development and Acquisition (ELDA), Grades 9-12, is allowed with one of the following English as a Second Language or bilingual education certificate, supplemental certificate, or endorsement plus a valid certificate listed in subsection (a) of this section.

- (1) Bilingual Education Supplemental.
- (2) Bilingual Education Supplemental: American Sign Language.
- (3) Bilingual Education Supplemental: Arabic.
- (4) Bilingual Education Supplemental: Japanese.
- (5) Bilingual Education Supplemental: Mandarin Chinese.
- (6) Bilingual Education Supplemental: Spanish.
- (7) Bilingual Education Supplemental: Vietnamese.
- (8) Bilingual Education Supplemental (Early Childhood-Grade 4).
- (9) Bilingual Education Supplemental (Grades 4-8).
- (10) Bilingual Endorsement.
- (11) Bilingual/English as a Second Language Endorsement.
- (12) Bilingual Special Education Supplemental: Early Childhood-Grade 12.
- (13) English as a Second Language Endorsement.
- (14) English as a Second Language Supplemental.
- (15) Junior High School (Grades 9-10 only) or High School--Bilingual/English as a Second Language.
- (16) Prekindergarten-Grade 12--Bilingual/English as a Second Language.
- (17) Prekindergarten-Grade 12--English as a Second Language.
- (18) Secondary Bilingual/English as a Second Language (Grades 6-12).

(c) At the discretion of the employing school district, persons assigned to teach English for Speakers of Other Languages (ESOL) I or ESOL II prior to June 21, 2009, may continue in the assignment without holding an English, English Language Arts Composite, or English Language Arts and Reading certificate. If a person is reassigned and later returns to teach in an ESOL I or ESOL II assignment, current rules will apply.

§231.135. English as a Second Language, Grades 9-12.

An assignment for English as a Second Language, Grades 9-12, is allowed with a valid classroom teaching certificate appropriate for the grade level and subject areas taught plus one of the following certificates.

- (1) Bilingual Education Supplemental.
- (2) Bilingual Education Supplemental: American Sign Language.
- (3) Bilingual Education Supplemental: Arabic.
- (4) Bilingual Education Supplemental: Japanese.
- (5) Bilingual Education Supplemental: Mandarin Chinese.
- (6) Bilingual Education Supplemental: Spanish.

- (7) Bilingual Education Supplemental: Vietnamese.
- (8) Bilingual Education Supplemental (Early Childhood-Grade 4).
- (9) Bilingual Education Supplemental (Grades 4-8).
- (10) Bilingual Endorsement.
- (11) Bilingual/English as a Second Language Endorsement.
- (12) Bilingual Special Education Supplemental: Early Childhood-Grade 12.
- (13) English as a Second Language Endorsement.
- (14) English as a Second Language Supplemental.
- (15) Junior High School (Grades 9-10 only) or High School--Bilingual/English as a Second Language.
- (16) Prekindergarten-Grade 12--Bilingual/English as a Second Language.
- (17) Prekindergarten-Grade 12--English as a Second Language.
- (18) Secondary Bilingual/English as a Second Language (Grades 6-12).

§231.137. Reading I, II, and III, Grades 9-12.

An assignment for Reading I, II, and III, Grades 9-12, is allowed with one of the following certificates.

- (1) English Language Arts and Reading: Grades 7-12.
- (2) English Language Arts and Reading: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--English, Junior High School (Grades 9-10 only) or High School--English, Secondary English (Grades 6-12). This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite, Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite, Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (5) Grades 6-12 or Grades 9-12--Reading.
- (6) Junior High School (Grades 9-10 only) or High School--Reading.
- (7) Legacy Master Reading Teacher (Early Childhood-Grade 12).
- (8) Reading Specialist.
- (9) Reading Specialist (Early Childhood-Grade 12).
- (10) Secondary Reading (Grades 6-12).
- (11) Secondary or all-level teacher certificate plus nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques. Initial assignments beginning with the 1990-1991 school year require a teaching field in English plus nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.

§231.139. College Readiness and Study Skills, Grades 9-12.

An assignment for College Readiness and Study Skills, Grades 9-12, is allowed with one of the following certificates.

- (1) English Language Arts and Reading: Grades 7-12.
- (2) English Language Arts and Reading: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--English, Junior High School (Grades 9-10 only) or High School--English, Secondary English (Grades 6-12). This assignment requires verifiable preparation in the teaching of reading such as in-service, seminar, or college course in reading. Initial assignments beginning with the 1990-1991 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite, Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite, Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours in reading. Initial assignments beginning with the 2003-2004 school year require nine semester credit hours of upper-division coursework in reading with at least one course in diagnostic reading techniques.
- (5) Grades 6-12 or Grades 9-12--Reading.
- (6) Junior High School (Grades 9-10 only) or High School--Reading.
- (7) Legacy Master Reading Teacher (Early Childhood-Grade 12).
- (8) Reading Specialist.
- (9) Reading Specialist (Early Childhood-Grade 12).
- (10) Secondary Reading (Grades 6-12).

§231.141. Writing, Grades 9-12.

An assignment for Research and Technical Writing, Creative Writing, Practical Writing Skills, Literary Genres, Humanities, Independent Study in English, Visual Media Analysis and Production, or Contemporary Media, Grades 9-12, is allowed with one of the following certificates.

- (1) English Language Arts and Reading: Grades 7-12.
- (2) English Language Arts and Reading: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--English.
- (4) Grades 6-12 or Grades 9-12--English Language Arts, Composite.
- (5) Junior High School (Grades 9-10 only) or High School--English.
- (6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
- (7) Secondary English (Grades 6-12).
- (8) Secondary English Language Arts, Composite (Grades 6-12).

§231.143. Speech, Grades 9-12.

An assignment for Oral Interpretation I, II, and III, Debate I, II, and III, Public Speaking I, II, and III, Independent Study in Speech, or Communications Applications, Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Speech and Drama.

(2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).

(3) Grades 6-12 or Grades 9-12--Speech Communications.

(4) Junior High School (Grades 9-10 only) or High School--Speech.

(5) Junior High School (Grades 9-10 only) or High School--Speech and Drama.

(6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite. This assignment includes at least six semester hours in speech.

(7) Secondary Speech Communications (Grades 6-12 or Grades 9-12).

(8) Speech: Grades 7-12.

(9) Speech: Grades 8-12.

§231.145. Journalism, Grades 9-12.

An assignment for Journalism, Advanced Journalism, Yearbook I-III, Literary Magazine, Newspaper I-III, Photojournalism, Advanced Broadcast Journalism I-III, or Independent Study in Journalism, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Journalism.

(2) Grades 6-12 or Grades 9-12--English Language Arts, Composite. This assignment includes at least six semester credit hours in Journalism.

(3) Journalism: Grades 7-12.

(4) Journalism: Grades 8-12.

(5) Junior High School (Grades 9-10 only) or High School--Journalism.

(6) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite. This assignment includes at least six semester credit hours in Journalism.

(7) Secondary Journalism (Grades 6-12).

(8) Secondary English Language Arts, Composite (Grades 6-12). This assignment includes at least six semester credit hours in Journalism.

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DIVISION 2. LANGUAGES OTHER THAN ENGLISH, GRADES 9-12 ASSIGNMENTS

19 TAC §231.161, §231.163

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states

that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.161. Languages Other Than English, Grades 9-12.

An assignment for Languages Other Than English, Levels I-VII, Classical Languages, Levels I-VII, Discovering Languages and Cultures, Seminars in Languages Other Than English, Seminar in Classical Languages, Advanced Language for Career Exploration, or Special Topics in Language and Culture, Grades 9-12, is allowed with one of the following certificates.

(1) Languages Other Than English certificate in the appropriate language (Early Childhood-Grade 12).

(2) Secondary teacher certificate in the appropriate language of assignment.

§231.163. American Sign Language, Grades 9-12.

(a) An assignment for American Sign Language, Levels I-IV or American Sign Language, Advanced Independent Study, Grades 9-12, is allowed with one of the following certificates.

(1) American Sign Language.

(2) American Sign Language: Early Childhood-Grade 12.

(b) The Texas Assessment of Sign Communication-American Sign Language (TASC-ASL) is required for an American Sign Language assignment.

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

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DIVISION 3. SOCIAL STUDIES, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.181, 231.183, 231.185, 231.187, 231.189, 231.191, 231.193, 231.195

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.181. History, Grades 9-12.

An assignment for History, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--History.
- (2) Grades 6-12 or Grades 9-12--Social Studies.
- (3) Grades 6-12 or Grades 9-12--Social Studies, Composite.
- (4) History: Grades 7-12.
- (5) History: Grades 8-12.
- (6) Junior High School (Grades 9-10 only) or High School--History.
- (7) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.
- (8) Secondary History (Grades 6-12).
- (9) Secondary Social Studies (Grades 6-12).
- (10) Secondary Social Studies, Composite (Grades 6-12).
- (11) Social Studies: Grades 7-12.
- (12) Social Studies: Grades 8-12.

§231.183. Geography, Grades 9-12.

An assignment for Geography, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Geography.
- (2) Grades 6-12 or Grades 9-12--Social Studies.
- (3) Grades 6-12 or Grades 9-12--Social Studies, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Geography.

(5) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(6) Secondary Geography (Grades 6-12).

(7) Secondary Social Studies (Grades 6-12).

(8) Secondary Social Studies, Composite (Grades 6-12).

(9) Social Studies: Grades 7-12.

(10) Social Studies: Grades 8-12.

§231.185. Government, Grades 9-12.

An assignment for Government, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Government.

(2) Grades 6-12 or Grades 9-12--Social Studies.

(3) Grades 6-12 or Grades 9-12--Social Studies, Composite.

(4) Junior High School (Grades 9-10 only) or High School--Government-Political Science.

(5) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(6) Secondary Government (Grades 6-12).

(7) Secondary Social Studies (Grades 6-12).

(8) Secondary Social Studies, Composite (Grades 6-12).

(9) Social Studies: Grades 7-12.

(10) Social Studies: Grades 8-12.

§231.187. Psychology, Grades 9-12.

An assignment for Psychology, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Psychology.

(2) Grades 6-12 or Grades 9-12--Social Studies.

(3) Grades 6-12 or Grades 9-12--Social Studies, Composite.

(4) Junior High School (Grades 9-10 only) or High School--Psychology.

(5) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(6) Secondary Psychology (Grades 6-12).

(7) Secondary Social Studies (Grades 6-12).

(8) Secondary Social Studies, Composite (Grades 6-12).

(9) Social Studies: Grades 7-12.

(10) Social Studies: Grades 8-12.

§231.189. Sociology, Grades 9-12.

An assignment for Sociology, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Sociology.

(2) Grades 6-12 or Grades 9-12--Social Studies.

(3) Grades 6-12 or Grades 9-12--Social Studies, Composite.

(4) Junior High School (Grades 9-10 only) or High School--Sociology.

(5) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(6) Secondary Sociology (Grades 6-12).

(7) Secondary Social Studies (Grades 6-12).

(8) Secondary Social Studies, Composite (Grades 6-12).

(9) Social Studies: Grades 7-12.

(10) Social Studies: Grades 8-12.

§231.191. Special Topics in Social Studies, Grades 9-12.

An assignment for Social Studies Advanced Studies, Special Topics in Social Studies, or Social Studies Research Methods, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Economics.

(2) Grades 6-12 or Grades 9-12--Geography.

(3) Grades 6-12 or Grades 9-12--Government.

(4) Grades 6-12 or Grades 9-12--History.

(5) Grades 6-12 or Grades 9-12--Psychology.

(6) Grades 6-12 or Grades 9-12--Social Studies.

(7) Grades 6-12 or Grades 9-12--Social Studies, Composite.

(8) Grades 6-12 or Grades 9-12--Sociology.

(9) History: Grades 7-12.

(10) History: Grades 8-12.

(11) Junior High School (Grades 9-10 only) or High School--Anthropology.

(12) Junior High School (Grades 9-10 only) or High School--Economics.

(13) Junior High School (Grades 9-10 only) or High School--Geography.

(14) Junior High School (Grades 9-10 only) or High School--Government-Political Science.

(15) Junior High School (Grades 9-10 only) or High School--History.

(16) Junior High School (Grades 9-10 only) or High School--Psychology.

(17) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(18) Junior High School (Grades 9-10 only) or High School--Sociology.

(19) Secondary Economics (Grades 6-12).

(20) Secondary Geography (Grades 6-12).

(21) Secondary Government (Grades 6-12).

(22) Secondary History (Grades 6-12).

(23) Secondary Psychology (Grades 6-12).

(24) Secondary Social Studies (Grades 6-12).

(25) Secondary Social Studies, Composite (Grades 6-12).

(26) Secondary Sociology (Grades 6-12).

(27) Social Studies: Grades 7-12.

(28) Social Studies: Grades 8-12.

§231.193. Economics and Personal Financial Literacy, Grades 9-12.
An assignment for Economics with Emphasis on the Free Enterprise System and Its Benefits, Economics Advanced Studies, Personal Financial Literacy, or Personal Financial Literacy and Economics, Grades 9-12, is allowed with one of the following certificates.

(1) Any business certificate.

(2) Grades 6-12 or Grades 9-12--Economics.

(3) Grades 6-12 or Grades 9-12--Social Studies.

(4) Grades 6-12 or Grades 9-12--Social Studies, Composite.

(5) Junior High School (Grades 9-10 only) or High School--Economics.

(6) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(7) Secondary Economics (Grades 6-12).

(8) Secondary Social Studies (Grades 6-12).

(9) Secondary Social Studies, Composite (Grades 6-12).

(10) Social Studies: Grades 7-12.

(11) Social Studies: Grades 8-12.

§231.195. Ethnic Studies, Grades 9-12.

An assignment for Ethnic Studies: Mexican American Studies or Ethnic Studies: African American Studies, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--History.

(2) Grades 6-12 or Grades 9-12--Social Studies.

(3) Grades 6-12 or Grades 9-12--Social Studies, Composite.

(4) History: Grades 7-12.

(5) History: Grades 8-12.

(6) Junior High School (Grades 9-10 only) or High School--History.

(7) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(8) Secondary History (Grades 6-12).

(9) Secondary Social Studies (Grades 6-12).

(10) Secondary Social Studies, Composite (Grades 6-12).

(11) Social Studies: Grades 7-12.

(12) Social Studies: Grades 8-12.

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

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DIVISION 4. MATHEMATICS, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.211, 231.213, 231.215

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.211. Mathematics, Grades 9-12.

An assignment for Mathematics, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Mathematics.
- (2) Junior High School (Grades 9-10 only) or High School--Mathematics.
- (3) Junior High School (Grades 9-10 only) or High School--Mathematical Science, Composite.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Mathematics (Grades 6-12).

§231.213. Algebraic Reasoning, Grades 9-12.

An assignment for Algebraic Reasoning, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Mathematics.
- (2) Junior High School (Grades 9-10 only) or High School--Mathematics.

(3) Junior High School (Grades 9-10 only) or High School--Mathematical Science, Composite.

- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Mathematics (Grades 6-12).

§231.215. Statistics, Grades 9-12.

An assignment for Statistics, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Mathematics.
- (2) Junior High School (Grades 9-10 only) or High School--Mathematics.
- (3) Junior High School (Grades 9-10 only) or High School--Mathematical Science, Composite.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.
- (8) Mathematics/Physical Science/Engineering: Grades 8-12.
- (9) Physics/Mathematics: Grades 7-12.
- (10) Physics/Mathematics: Grades 8-12.
- (11) Secondary Mathematics (Grades 6-12).

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DIVISION 5. SCIENCE, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.231, 231.233, 231.235, 231.237, 231.239, 231.241, 231.243, 231.245, 231.247, 231.249, 231.251

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator,

educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.231. *Biology, Grades 9-12.*

An assignment for Biology, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Biology.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Biology.
- (5) Junior High School (Grades 9-10 only) or High School--Science.
- (6) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (7) Life Science: Grades 7-12.
- (8) Life Science: Grades 8-12.
- (9) Legacy Master Science Teacher (Grades 8-12).
- (10) Science: Grades 7-12.
- (11) Science: Grades 8-12.
- (12) Secondary Biology (Grades 6-12).
- (13) Secondary Science (Grades 6-12).
- (14) Secondary Science, Composite (Grades 6-12).

§231.233. *Chemistry, Grades 9-12.*

An assignment for Chemistry, Grades 9-12, is allowed with one of the following certificates.

- (1) Chemistry: Grades 7-12.
- (2) Chemistry: Grades 8-12.
- (3) Grades 6-12 or Grades 9-12--Chemistry.
- (4) Grades 6-12 or Grades 9-12--Science.
- (5) Grades 6-12 or Grades 9-12--Science, Composite.
- (6) Junior High School (Grades 9-10 only) or High School--Chemistry.
- (7) Junior High School (Grades 9-10 only) or High School--Science.

(8) Junior High School (Grades 9-10 only) or High School--Science, Composite.

(9) Legacy Master Science Teacher (Grades 8-12).

(10) Mathematics/Physical Science/Engineering: Grades 6-12.

(11) Mathematics/Physical Science/Engineering: Grades 8-12.

(12) Physical Science: Grades 6-12.

(13) Physical Science: Grades 8-12.

(14) Science: Grades 7-12.

(15) Science: Grades 8-12.

(16) Secondary Chemistry (Grades 6-12).

(17) Secondary Science (Grades 6-12).

(18) Secondary Science, Composite (Grades 6-12).

§231.235. *Physics, Grades 9-12.*

An assignment for Physics, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Physics.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.
- (4) Junior High School (Grades 9-10 only) or High School--Physics.
- (5) Junior High School (Grades 9-10 only) or High School--Science.
- (6) Junior High School (Grades 9-10 only) or High School--Science, Composite.
- (7) Legacy Master Science Teacher (Grades 8-12).
- (8) Mathematics/Physical Science/Engineering: Grades 6-12.
- (9) Mathematics/Physical Science/Engineering: Grades 8-12.
- (10) Physical Science: Grades 6-12.
- (11) Physical Science: Grades 8-12.
- (12) Physics/Mathematics: Grades 7-12.
- (13) Physics/Mathematics: Grades 8-12.
- (14) Science: Grades 7-12.
- (15) Science: Grades 8-12.
- (16) Secondary Physics (Grades 6-12).
- (17) Secondary Science (Grades 6-12).
- (18) Secondary Science, Composite (Grades 6-12).

§231.237. *Integrated Physics and Chemistry, Grades 9-12.*

An assignment for Integrated Physics and Chemistry, Grades 9-12, is allowed with one of the following certificates.

- (1) Grades 6-12 or Grades 9-12--Physical Science.
- (2) Grades 6-12 or Grades 9-12--Science.
- (3) Grades 6-12 or Grades 9-12--Science, Composite.

(4) Junior High School (Grades 9-10 only) or High School--Chemistry, if issued prior to September 1, 1976.

(5) Junior High School (Grades 9-10 only) or High School--Physical Science.

(6) Junior High School (Grades 9-10 only) or High School--Physics, if issued prior to September 1, 1976.

(7) Junior High School (Grades 9-10 only) or High School--Science.

(8) Junior High School (Grades 9-10 only) or High School--Science, Composite.

(9) Legacy Master Science Teacher (Grades 8-12).

(10) Mathematics/Physical Science/Engineering: Grades 6-12.

(11) Mathematics/Physical Science/Engineering: Grades 8-12.

(12) Physical Science: Grades 6-12.

(13) Physical Science: Grades 8-12.

(14) Science: Grades 7-12.

(15) Science: Grades 8-12.

(16) Secondary Physical Science (Grades 6-12).

(17) Secondary Science (Grades 6-12).

(18) Secondary Science, Composite (Grades 6-12).

(19) Secondary or All-Level classroom teaching certificate dated between September 1, 1966, and September 1, 1976, plus 24 semester credit hours in a combination of sciences completed prior to September 1, 1976.

§231.239. Physics for Engineering, Grades 9-12.

(a) An assignment for Physics for Engineering, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Industrial Arts.

(2) Grades 6-12 or Grades 9-12--Industrial Technology.

(3) Grades 6-12 or Grades 9-12--Physics.

(4) Grades 6-12 or Grades 9-12--Science.

(5) Grades 6-12 or Grades 9-12--Science, Composite.

(6) Junior High School (Grades 9-10 only) or High School--Industrial Arts.

(7) Junior High School (Grades 9-10 only) or High School--Physics.

(8) Junior High School (Grades 9-10 only) or High School--Science, Composite.

(9) Legacy Master Science Teacher (Grades 8-12).

(10) Mathematics/Physical Science/Engineering: Grades 6-12.

(11) Mathematics/Physical Science/Engineering: Grades 8-12.

(12) Physical Science: Grades 6-12.

(13) Physical Science: Grades 8-12.

(14) Physics/Mathematics: Grades 7-12.

(15) Physics/Mathematics: Grades 8-12.

(16) Science: Grades 7-12.

(17) Science: Grades 8-12.

(18) Secondary Industrial Arts (Grades 6-12).

(19) Secondary Industrial Technology (Grades 6-12).

(20) Secondary Physics (Grades 6-12).

(21) Secondary Science (Grades 6-12).

(22) Secondary Science, Composite (Grades 6-12).

(23) Technology Education: Grades 6-12.

(b) An assignment for Physics for Engineering, Grades 9-12, may also be taught with a vocational agriculture certificate or a trades and industry certificate with verifiable physics applications experience in business and industry, if assigned prior to the 1998-1999 school year. Six semester credit hours of college physics, chemistry, or electricity/electronics may be substituted for the business and industry experience.

§231.241. Astronomy, Grades 9-12.

An assignment for Astronomy, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Earth Science.

(2) Grades 6-12 or Grades 9-12--Science.

(3) Grades 6-12 or Grades 9-12--Science, Composite.

(4) Junior High School (Grades 9-10 only) or High School--Earth Science.

(5) Junior High School (Grades 9-10 only) or High School--Science.

(6) Junior High School (Grades 9-10 only) or High School--Science, Composite.

(7) Legacy Master Science Teacher (Grades 8-12).

(8) Mathematics/Physical Science/Engineering: Grades 6-12.

(9) Mathematics/Physical Science/Engineering: Grades 8-12.

(10) Physical Science: Grades 6-12.

(11) Physical Science: Grades 8-12.

(12) Physics/Mathematics: Grades 7-12.

(13) Physics/Mathematics: Grades 8-12.

(14) Science: Grades 7-12.

(15) Science: Grades 8-12.

(16) Secondary Earth Science (Grades 6-12).

(17) Secondary Physics (Grades 6-12).

(18) Secondary Science (Grades 6-12).

(19) Secondary Science, Composite (Grades 6-12).

§231.243. Earth Systems Science, Grades 9-12.

An assignment for Earth Systems Science, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Earth Science.

(2) Grades 6-12 or Grades 9-12--Science.

(3) Grades 6-12 or Grades 9-12--Science, Composite.

(4) Junior High School (Grades 9-10 only) or High School--Earth Science.

(5) Junior High School (Grades 9-10 only) or High School--Science.

(6) Junior High School (Grades 9-10 only) or High School--Science, Composite.

(7) Legacy Master Science Teacher (Grades 8-12).

(8) Mathematics/Physical Science/Engineering: Grades 6-12.

(9) Mathematics/Physical Science/Engineering: Grades 8-12.

(10) Physical Science: Grades 6-12.

(11) Physical Science: Grades 8-12.

(12) Science: Grades 7-12.

(13) Science: Grades 8-12.

(14) Secondary Earth Science (Grades 6-12).

(15) Secondary Science (Grades 6-12).

(16) Secondary Science, Composite (Grades 6-12).

§231.245. *Environmental Systems, Environmental Science, and Aquatic Science, Grades 9-12.*

(a) An assignment for Environmental Systems, Advanced Placement (AP) Environmental Science, International Baccalaureate (IB) Environmental Systems, or Aquatic Science, Grades 9-12, is allowed with one of the following certificates.

(1) Chemistry: Grades 7-12.

(2) Chemistry: Grades 8-12.

(3) Grades 6-12 or Grades 9-12--Biology.

(4) Grades 6-12 or Grades 9-12--Earth Science.

(5) Grades 6-12 or Grades 9-12--Science.

(6) Grades 6-12 or Grades 9-12--Science, Composite.

(7) Junior High School (Grades 9-10 only) or High School--Biology.

(8) Junior High School (Grades 9-10 only) or High School--Earth Science.

(9) Junior High School (Grades 9-10 only) or High School--Science.

(10) Junior High School (Grades 9-10 only) or High School--Science, Composite.

(11) Legacy Master Science Teacher (Grades 8-12).

(12) Life Science: Grades 7-12 or Grades 8-12.

(13) Science: Grades 7-12.

(14) Science: Grades 8-12.

(15) Secondary Biology (Grades 6-12).

(16) Secondary Earth Science (Grades 6-12).

(17) Secondary Science (Grades 6-12).

(18) Secondary Science, Composite (Grades 6-12).

(b) An assignment for Environmental Systems, AP Environmental Science, or IB Environmental Systems, Grades 9-12, is allowed

with a valid secondary or all-level teacher certificate plus 24 semester credit hours in science, including at least 12 semester credit hours in environmental science and/or ecology if assigned prior to the 1989-1990 school year or any science teaching certificate with 12 semester credit hours in environmental science and/or ecology.

§231.247. *Anatomy and Physiology, Medical Microbiology, and Pathophysiology, Grades 9-12.*

An assignment for Anatomy and Physiology, Medical Microbiology, or Pathophysiology, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Biology.

(2) Grades 6-12 or Grades 9-12--Science.

(3) Grades 6-12 or Grades 9-12--Science, Composite.

(4) Health Science: Grades 6-12.

(5) Health Science Technology.

(6) Health Science Technology Education: Grades 8-12.

(7) Junior High School (Grades 9-10 only) or High School--Biology.

(8) Junior High School (Grades 9-10 only) or High School--Science.

(9) Junior High School (Grades 9-10 only) or High School--Science, Composite.

(10) Legacy Master Science Teacher (Grades 8-12).

(11) Life Science: Grades 7-12.

(12) Life Science: Grades 8-12.

(13) Science: Grades 7-12.

(14) Science: Grades 8-12.

(15) Secondary Biology (Grades 6-12).

(16) Secondary Science (Grades 6-12).

(17) Secondary Science, Composite (Grades 6-12).

(18) Vocational Handicapped Health.

(19) Vocational Health Occupations.

(20) Vocational Health Occupations/Cooperative Training.

(21) Vocational Health Occupations/Pre-employment Lab.

§231.249. *Scientific Research and Design, Grades 9-12.*

An assignment for Scientific Research and Design, Grades 9-12, is allowed with one of the following certificates.

(1) Any science certificate valid for Grades 6-12, Grades 7-12, or Grades 8-12.

(2) Any secondary science teaching field.

(3) Any vocational or career and technical education certificate valid for the subject and grade level taught. This assignment requires a bachelor's degree and 18 semester credit hours in any combination of sciences.

(4) Legacy Master Science Teacher (Grades 8-12).

§231.251. *Specialized Topics in Science, Grades 9-12.*

An assignment for Specialized Topics in Science, Grades 9-12, is allowed with one of the following certificates.

(1) Any science certificate valid for Grades 6-12, Grades 7-12, or Grades 8-12.

- (2) Any secondary science teaching field.
- (3) Legacy Master Science Teacher (Grades 8-12).

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DIVISION 6. HEALTH AND PHYSICAL EDUCATION, GRADES 9-12 ASSIGNMENTS

19 TAC §231.271

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.271. Health and Physical Education, Grades 9-12.

(a) An assignment for Health, Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Health and Physical Education.
- (2) Grades 6-12 or Grades 9-12--Health.
- (3) Health: Early Childhood-Grade 12.
- (4) Junior High School (Grades 9-10 only) or High School--Health.
- (5) Junior High School (Grades 9-10 only) or High School--Health and Physical Education.
- (6) Secondary Health (Grades 6-12).

(b) An assignment for Physical Education, Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Health and Physical Education.
- (2) All-Level Physical Education.
- (3) Grades 6-12 or Grades 9-12--Physical Education.
- (4) Junior High School (Grades 9-10 only) or High School--Physical Education.
- (5) Junior High School (Grades 9-10 only) or High School--Health and Physical Education.
- (6) Physical Education: Early Childhood-Grade 12.
- (7) Secondary Physical Education (Grades 6-12).

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DIVISION 7. FINE ARTS, GRADES 9-12 ASSIGNMENTS

19 TAC §231.281

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.281. Art, Music, Theatre, and Dance, Grades 9-12.

(a) An assignment for Art, Grades 9-12, is allowed with one of the following certificates.

- (1) All-Level Art.
- (2) Art: Early Childhood-Grade 12.
- (3) Grades 6-12 or Grades 9-12--Art.

(4) Junior High School (Grades 9-10 only) or High School--Art.

(5) Secondary Art (Grades 6-12).

(b) An assignment for Music, including Music Studies, Grades 9-12, is allowed with one of the following certificates.

(1) All-Level Music.

(2) Grades 6-12 or Grades 9-12--Music.

(3) Junior High School (Grades 9-10 only) or High School--Music.

(4) Music: Early Childhood-Grade 12.

(5) Secondary Music (Grades 6-12).

(c) An assignment for Theatre, including Musical Theatre and Technical Theatre, Grades 9-12, is allowed with one of the following certificates.

(1) All-Level Speech/Drama.

(2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).

(3) All-Level Theatre Arts (Prekindergarten-Grade 12).

(4) Grades 6-12 or Grades 9-12--Theatre Arts.

(5) Junior High School (Grades 9-10 only) or High School--Drama.

(6) Junior High School (Grades 9-10 only) or High School--Speech and Drama.

(7) Secondary Theatre Arts (Grades 6-12).

(8) Theatre: Early Childhood-Grade 12.

(d) An assignment for Dance, Grades 9-12, is allowed with one of the following certificates.

(1) Dance: Grades 8-12.

(2) Dance: Grades 6-12.

(3) Grades 6-12 or Grades 9-12--Dance.

(4) Junior High School (Grades 9-10 only) or High School--Dance.

(5) Secondary Dance (Grades 6-12).

(e) An assignment for International Baccalaureate Film Standard Level and Higher Level, Grades 9-12, is allowed with one of the following certificates.

(1) All-Level Speech/Drama.

(2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).

(3) All-Level Theatre Arts (Prekindergarten-Grade 12).

(4) English Language Arts and Reading: Grades 7-12.

(5) English Language Arts and Reading: Grades 8-12.

(6) Grades 6-12 or Grades 9-12--English.

(7) Grades 6-12 or Grades 9-12--English Language Arts, Composite.

(8) Grades 6-12 or Grades 9-12--Theatre Arts.

(9) Secondary English (Grades 6-12).

(10) Secondary English Language Arts, Composite (Grades 6-12).

(11) Secondary Theatre Arts (Grades 6-12).

(12) Theatre: Early Childhood-Grade 12.

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Cristina De La Fuente-Valadez

Director, Rulemaking

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



DIVISION 8. CAREER DEVELOPMENT, GRADES 9-12 ASSIGNMENTS

19 TAC §231.291

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.291 Career Development, Grades 9-12.

(a) Subject to the requirements in subsection (c) of this section, an assignment for Career Preparation General, Career Preparation for Programs of Study, or Extended Career Preparation, Grades 9-12, is allowed with one of the following certificates.

(1) Any special education certificate so long as, beginning with the 2020-2021 school year, the special education-certified teacher assigned to teach this course shall complete Texas Education Agency-approved training found at tea.texas.gov/cte prior to teaching this course.

(2) Any vocational or career and technical education (CTE) classroom teaching certificate valid for the subject and grade level taught.

(3) Mathematics/Physical Science/Engineering: Grades 6-12.

(4) Mathematics/Physical Science/Engineering: Grades 8-12.

(5) Technology Applications: Early Childhood-Grade 12.

(6) Technology Applications: Grades 8-12.

(b) An assignment for Project-Based Research, Grades 9-12, is allowed with one of the following certificates.

(1) Any vocational or CTE classroom teaching certificate valid for the subject and grade level taught.

(2) Technology Applications: Early Childhood-Grade 12.

(3) Technology Applications: Grades 8-12.

(c) An assignment for Applied Mathematics for Technical Professionals, Grades 9-12, is allowed with one of the following certificates.

(1) Any vocational or CTE classroom teaching certificate valid for the subject and grade level taught. This assignment requires a bachelor's degree.

(2) Computer Science: Grades 8-12.

(3) Grades 6-12 or Grades 9-12--Computer Information Systems.

(4) Grades 6-12 or Grades 9-12 Mathematics.

(5) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.

(6) Legacy Master Mathematics Teacher (Grades 8-12).

(7) Mathematics: Grades 7-12.

(8) Mathematics: Grades 8-12.

(9) Mathematics/Physical Science/Engineering: Grades 6-12.

(10) Mathematics/Physical Science/Engineering: Grades 8-12.

(11) Physics/Mathematics: Grades 7-12.

(12) Physics/Mathematics: Grades 8-12.

(13) Secondary Mathematics (Grades 6-12).

(14) Secondary Computer Information Systems (Grades 6-12).

(15) Technology Applications: Grades 8-12.

(16) Technology Applications: Early Childhood-Grade 12.

(d) All teachers assigned to Applied Mathematics for Technical Professionals shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

(e) The school district is responsible for ensuring that each teacher assigned to Career Preparation I, Career Preparation II, or Extended Career Preparation, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

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

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DIVISION 9. AGRICULTURE, FOOD, AND NATURAL RESOURCES, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.301, 231.303, 231.305, 231.307, 231.309, 231.311, 231.313

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.301. Agriculture, Food, and Natural Resources, Grades 9-12.

(a) An assignment for Advanced Energy and Natural Resource Technology, Agriculture Laboratory and Field Experience, Equine Science, Food Processing, Food Technology and Safety, Forestry and Woodland Ecosystems, Greenhouse Operation and Production, Horticultural Science, Landscape Design and Management, Livestock and Poultry Production, Principles of Agriculture, Food, and Natural Resources, Professional Standards and Communication in Agribusiness, Range Ecology and Management, Small Animal Management, Turf Grass Management, Veterinary Science, Wildlife, Fisheries, and Ecology Management, Practicum in Agriculture, Food, and Natural Resources, or Extended Practicum in Agriculture, Food, and Natural Resources, Grades 9-12, is allowed with one of the following certificates.

(1) Agriculture, Food, and Natural Resources: Grades 6-12.

(2) Agricultural Science and Technology: Grades 6-12.

(3) Any vocational agriculture certificate.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades

9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.303. Sciences in Agriculture, Grades 9-12.

(a) Subject to the requirements in subsection (b) of this section, an assignment for Advanced Animal Science or Advanced Plant and Soil Science, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Legacy Master Science Teacher (Grades 8-12).
- (5) Life Science: Grades 7-12.
- (6) Life Science: Grades 8-12.
- (7) Science: Grades 7-12.
- (8) Science: Grades 8-12.
- (9) Secondary Biology (Grades 6-12).
- (10) Secondary Science, Composite (Grades 6-12).

(b) All teachers assigned to these courses shall participate in Texas Education Agency-approved training prior to teaching these courses effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.305. Agribusiness Management and Marketing, Grades 9-12.
An assignment for Agribusiness Management and Marketing, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any business or office education certificate.
- (4) Any marketing or distributive education certificate.
- (5) Any vocational agriculture certificate.
- (6) Business and Finance: Grades 6-12.
- (7) Business Education: Grades 6-12.
- (8) Marketing: Grades 6-12.
- (9) Marketing Education: Grades 8-12.

§231.307. Mathematics in Agriculture, Grades 9-12.

(a) Subject to the requirements in subsection (b) of this section, an assignment for Mathematical Applications in Agriculture, Food, and Natural Resources, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Mathematics: Grades 7-12.
- (6) Mathematics: Grades 8-12.
- (7) Mathematics/Physical Science/Engineering: Grades 6-12.

(8) Mathematics/Physical Science/Engineering: Grades 8-12.

(9) Physics/Mathematics: Grades 7-12.

(10) Physics/Mathematics: Grades 8-12.

(11) Secondary Mathematics (Grades 6-12).

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.309. Agricultural Mechanics, Grades 9-12.

An assignment for Agricultural Equipment Design and Fabrication, Agricultural Structures Design and Fabrication, Agricultural Mechanics and Metal Technologies, or Agricultural Power Systems, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (6) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (7) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.311. Floral Design, Grades 9-12.

An assignment for Floral Design or Advanced Floral Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) All-Level Art.
- (4) Any vocational agriculture certificate.
- (5) Art: Early Childhood-Grade 12.
- (6) Grades 6-12 or Grades 9-12--Art.
- (7) Junior High School (Grades 9-10 only) or High School--Art.
- (8) Secondary Art (Grades 6-12).
- (9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (11) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (12) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.313. Energy and Natural Resource Technology, Grades 9-12.

An assignment for Energy and Natural Resource Technology, Grades 9-12, is allowed with one of the following certificates.

- 6-12. (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Life Science: Grades 7-12.
- (5) Life Science: Grades 8-12.
- 6-12. (6) Mathematics/Physical Science/Engineering: Grades 6-12.
- 8-12. (7) Mathematics/Physical Science/Engineering: Grades 8-12.
- (8) Secondary Industrial Arts (Grades 6-12).
- (9) Secondary Industrial Technology (Grades 6-12).
- (10) Technology Education: Grades 6-12.
- (11) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (12) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (13) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

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DIVISION 10. ARCHITECTURE AND CONSTRUCTION, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.331, 231.333, 231.335, 231.337, 231.339

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master

teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.331. Architecture and Construction, Grades 9-12.

(a) An assignment for Principles of Architecture, Principles of Construction, Building Maintenance Technology I, or Building Maintenance Technology II, Construction Management I, Construction Management II, Construction Technology I, Construction Technology II, Practicum in Construction Management, Practicum in Construction Technology, Extended Practicum in Construction Management, or Extended Practicum in Construction Technology, Grades 9-12, is allowed with one of the following certificates.

- 6-12. (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- 6-12. (4) Mathematics/Physical Science/Engineering: Grades 6-12.
- 8-12. (5) Mathematics/Physical Science/Engineering: Grades 8-12.
- (6) Secondary Industrial Arts (Grades 6-12).
- (7) Secondary Industrial Technology (Grades 6-12).
- (8) Technology Education: Grades 6-12.
- (9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (11) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (12) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.333. Interior Design, Grades 9-12.

(a) An assignment for Interior Design I, Interior Design II, Practicum in Interior Design, or Extended Practicum in Interior Design, Grades 9-12, is allowed with one of the following certificates.

- 6-12. (1) Any home economics or homemaking certificate.
- (2) Family and Consumer Sciences, Composite: Grades 6-12.
- (3) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (4) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (5) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (6) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.335. Architectural Design, Grades 9-12.

(a) An assignment for Architectural Design I, Architectural Design II, Practicum in Architectural Design, or Extended Practicum in Architectural Design, Grades 9-12, is allowed with one of the following certificates.

(1) Mathematics/Physical Science/Engineering: Grades 6-12.

(2) Mathematics/Physical Science/Engineering: Grades 8-12.

(3) Secondary Industrial Arts (Grades 6-12).

(4) Secondary Industrial Technology (Grades 6-12).

(5) Technology Education: Grades 6-12.

(6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(8) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(9) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.337. Mill and Cabinetmaking Technology, Grades 9-12.

An assignment for Mill and Cabinetmaking Technology, Grades 9-12, is allowed with one of the following certificates.

(1) Secondary Industrial Arts (Grades 6-12).

(2) Secondary Industrial Technology (Grades 6-12).

(3) Technology Education: Grades 6-12.

(4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(6) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(7) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.339. Construction Trades, Grades 9-12.

(a) An assignment for Electrical Technology I, Electrical Technology II, Heating, Ventilation, and Air Conditioning (HVAC) and Refrigeration I, Heating, Ventilation, and Air Conditioning (HVAC) and Refrigeration II, Masonry Technology I, Masonry Technology II, Plumbing Technology I, Plumbing Technology II, Practicum in Masonry Technology, or Extended Practicum in Masonry Technology, Grades 9-12, is allowed with one of the following certificates.

(1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(3) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(4) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

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

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DIVISION 11. ARTS, AUDIO VISUAL TECHNOLOGY, AND COMMUNICATIONS, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.351, 231.353, 231.355, 231.357, 231.359, 231.361

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.351. Professional Communications, Grades 9-12.

An assignment for Professional Communications, Grades 9-12, is allowed with one of the following certificates.

(1) All-Level Speech and Drama.

(2) All-Level Speech Communications/Theatre Arts (Prekindergarten-Grade 12).

(3) Any vocational or career and technical education classroom teaching certificate valid for the subject and grade level taught. The school district is responsible for ensuring that each teacher assigned to Professional Communications, Grades 9-12, has completed appropriate education and/or training in effective communication strategies and demonstrates proficiency in oral and written communication.

(4) Grades 6-12 or Grades 9-12--Speech Communications.

(5) Junior High School (Grades 9-10 only) or High School--Speech.

(6) Junior High School (Grades 9-10 only) or High School--Speech and Drama.

(7) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.

(8) Secondary English Language Arts, Composite (Grades 6-12).

(9) Secondary Speech (Grades 6-12).

(10) Secondary Speech Communications (Grades 6-12).

(11) Speech: Grades 7-12.

(12) Speech: Grades 8-12.

(13) Technology Applications: Early Childhood-Grade 12.

(14) Technology Applications: Grades 8-12.

§231.353. Principles of Arts, Audio Visual Technology, and Communications, Grades 9-12.

An assignment for Principles of Arts, Audio Visual Technology, and Communications, Grades 9-12, is allowed with one of the following certificates.

(1) Any business or office education certificate.

(2) Business and Finance: Grades 6-12.

(3) Business Education: Grades 6-12.

(4) Secondary Industrial Arts (Grades 6-12).

(5) Secondary Industrial Technology (Grades 6-12).

(6) Technology Applications: Early Childhood-Grade 12.

(7) Technology Applications: Grades 8-12.

(8) Technology Education: Grades 6-12.

(9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(11) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(12) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.355. Animation, Production, and Graphic Design, Grades 9-12.

(a) An assignment for Animation I, Animation I Lab, Animation II, Animation II Lab, Digital Art and Animation, 3-D Modeling and Animation, Audio/Video Production I, Audio/Video Production I

Lab, Audio/Video Production II, Audio/Video Production II Lab, Digital Audio Technology I, Digital Audio Technology II, Graphic Design and Illustration I, Graphic Design and Illustration I Lab, Graphic Design and Illustration II, Graphic Design and Illustration II Lab, Video Game Design, Web Game Development, Digital Design and Media Production, Digital Communications in the 21st Century, Practicum in Animation, Extended Practicum in Animation, Practicum in Audio/Video Production, Extended Practicum in Audio/Video Production, Practicum in Graphic Design and Illustration, or Extended Practicum in Graphic Design and Illustration, Grades 9-12, is allowed with one of the following certificates.

(1) Secondary Industrial Arts (Grades 6-12).

(2) Secondary Industrial Technology (Grades 6-12).

(3) Technology Applications: Early Childhood-Grade 12.

(4) Technology Applications: Grades 8-12.

(5) Technology Education: Grades 6-12.

(6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(8) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(9) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.357. Photography, Grades 9-12.

(a) An assignment for Commercial Photography I, Commercial Photography I Lab, Commercial Photography II, Commercial Photography II Lab, Practicum in Commercial Photography or Extended Practicum in Commercial Photography, Grades 9-12, is allowed with one of the following certificates.

(1) All-Level Art.

(2) Art: Early Childhood-Grade 12.

(3) Junior High School (Grades 9-10 only) or High School--Art.

(4) Secondary Art (Grades 6-12).

(5) Secondary Industrial Arts (Grades 6-12).

(6) Secondary Industrial Technology (Grades 6-12).

(7) Technology Applications: Early Childhood-Grade 12.

(8) Technology Applications: Grades 8-12.

(9) Technology Education: Grades 6-12.

(10) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(11) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(12) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(13) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.359. Printing and Imaging Technology, Grades 9-12.

(a) An assignment for Printing and Imaging Technology I, Printing and Imaging Technology I Lab, Printing and Imaging Technology II, Printing and Imaging Technology II Lab, Practicum in Printing and Imaging Technology, or Extended Practicum in Printing and Imaging Technology, Grades 9-12, is allowed with one of the following certificates.

- (1) Secondary Industrial Arts (Grades 8-12).
- (2) Secondary Industrial Technology (Grades 6-12).
- (3) Technology Applications: Early Childhood-Grade 12.
- (4) Technology Applications: Grades 8-12.
- (5) Technology Education: Grades 6-12.
- (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (8) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (9) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.361. Fashion Design, Grades 9-12.

(a) An assignment for Fashion Design I, Fashion Design I Lab, Fashion Design II, Fashion Design II Lab, Practicum in Fashion Design, or Extended Practicum in Fashion Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- (2) Family and Consumer Sciences, Composite: Grades 6-12.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

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DIVISION 12. ARTS, AUDIO/VIDEO TECHNOLOGY, AND COMMUNICATIONS, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.381, 231.383, 231.385, 231.387, 231.389, 231.391, 231.393, 231.395

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.381. Business Management, Grades 9-12.

(a) An assignment for Business Information Management I, Business Information Management II, Business Law, Touch System Data Entry, Business Management, Business Lab, Global Business, Human Resources Management, Principles of Business, Marketing, and Finance, Virtual Business, Practicum in Business Management, or Extended Practicum in Business Management, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any marketing or distributive education certificate.
- (3) Business and Finance: Grades 6-12.
- (4) Business Education: Grades 6-12.
- (5) Marketing: Grades 6-12.
- (6) Marketing Education: Grades 8-12.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.383. Business English, Grades 9-12.

(a) Subject to the requirements in subsection (b) of this section, an assignment for Business English, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) English Language Arts and Reading: Grades 7-12.

- (5) English Language Arts and Reading: Grades 8-12.
- (6) Grades 6-12 or Grades 9-12--English.
- (7) Grades 6-12 or Grades 9-12--English Language Arts, Composite.
- (8) Junior High School (Grades 9-10 only) or High School--English.
- (9) Junior High School (Grades 9-10 only) or High School--English Language Arts, Composite.
- (10) Marketing: Grades 6-12.
- (11) Marketing Education: Grades 8-12.
- (12) Secondary English (Grades 6-12).
- (13) Secondary English Language Arts, Composite (Grades 6-12).

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.385. Advertising and Marketing, Grades 9-12.

(a) An assignment for Advertising, Social Media Marketing, Sports and Entertainment Marketing, Advanced Marketing, Practicum in Marketing, or Extended Practicum in Marketing, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any marketing or distributive education certificate.
- (3) Business and Finance: Grades 6-12.
- (4) Business Education: Grades 6-12.
- (5) Marketing: Grades 6-12.
- (6) Marketing Education: Grades 8-12.
- (7) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (8) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (9) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (10) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.387. Fashion Marketing, Grades 9-12.

An assignment for Fashion Marketing, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any home economics or homemaking certificate.
- (3) Any marketing or distributive education certificate.
- (4) Business and Finance: Grades 6-12.
- (5) Business Education: Grades 6-12.
- (6) Family and Consumer Sciences, Composite: Grades 6-12.

- (7) Marketing: Grades 6-12.
- (8) Marketing Education: Grades 8-12.

§231.389. Entrepreneurship, Grades 9-12.

(a) An assignment for Entrepreneurship I, Entrepreneurship II, Practicum in Entrepreneurship, or Extended Practicum in Entrepreneurship, Grades 9-12, is allowed with any current vocational or career and technical education classroom teaching certificate specified in §233.13 of this title (relating to Career and Technical Education (Certificates not requiring experience and preparation in a skill area)) or §233.14 of this title (relating to Career and Technical Education (Certificates requiring experience and preparation in a skill area)).

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.391. Financial Services, Grades 9-12.

An assignment for Banking and Financial Services, Accounting I, Financial Analysis, Insurance Operations, or Securities and Investments, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any marketing or distributive education certificate.
- (3) Business and Finance: Grades 6-12.
- (4) Business Education: Grades 6-12.
- (5) Marketing: Grades 6-12.
- (6) Marketing Education: Grades 8-12.

§231.393. Money Matters, Grades 9-12.

An assignment for Money Matters, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any homemaking or home economics certificate.
- (3) Any marketing or distributive education certificate.
- (4) Business and Finance: Grades 6-12.
- (5) Business Education: Grades 6-12.
- (6) Family and Consumer Sciences, Composite: Grades 6-12.
- (7) Grades 6-12 or Grades 9-12--Mathematics.
- (8) Legacy Master Mathematics Teacher.
- (9) Marketing: Grades 6-12.
- (10) Marketing Education: Grades 8-12.
- (11) Mathematics: Grades 7-12.
- (12) Mathematics: Grades 8-12.
- (13) Mathematics/Physical Science/Engineering: Grades 6-12.
- (14) Mathematics/Physical Science/Engineering: Grades 8-12.
- (15) Physics/Mathematics: Grades 7-12.
- (16) Physics/Mathematics: Grades 8-12.

§231.395. Business Mathematics, Grades 9-12.

(a) Subject to the requirements in subsection (b) of this section, an assignment for Accounting II, Statistics and Business Decision

Making or Financial Mathematics, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Legacy Master Mathematics Teacher (Grades 8-12).
- (5) Marketing: Grades 6-12.
- (6) Marketing Education: Grades 8-12.
- (7) Mathematics: Grades 7-12.
- (8) Mathematics: Grades 8-12.
- (9) Mathematics/Physical Science/Engineering: Grades 6-12.
- (10) Mathematics/Physical Science/Engineering: Grades 8-12.
- (11) Physics/Mathematics: Grades 7-12.
- (12) Physics/Mathematics: Grades 8-12.
- (13) Secondary Mathematics (Grades 6-12).

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

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

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DIVISION 13. BUSINESS MANAGEMENT AND ADMINISTRATION, GRADES 9-12 ASSIGNMENTS

19 TAC §231.421, §231.423

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules

that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.421. Education and Training, Grades 9-12.

(a) An assignment for Instructional Practices, Principles of Education and Training, or Communication and Technology in Education, Grades 9-12, is allowed with any valid classroom teacher or administrator certificate.

(b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Education and Training, Extended Practicum in Education and Training, Practicum in Early Learning, or Extended Practicum in Early Learning, Grades 9-12, is allowed with any valid classroom teacher or administrator certificate.

(c) The school district is responsible for ensuring that each teacher assigned to Practicum in Education and Training, Extended Practicum in Education and Training, Practicum in Early Learning, or Extended Practicum in Early Learning, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.423. Human Growth and Development, Grades 9-12.

An assignment for Human Growth and Development, Child Development, Child Guidance, or Child Development Associates Foundation, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- (2) Family and Consumer Sciences, Composite: Grades 6-12.
- (3) Health Science: Grades 6-12.
- (4) Health Science Technology.
- (5) Health Science Technology Education: Grades 8-12.
- (6) Human Development and Family Studies: Grades 8-12.
- (7) Vocational Health Occupations.
- (8) Vocational Health Science Technology.

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

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DIVISION 14. EDUCATION AND TRAINING, GRADES 9-12 ASSIGNMENTS

19 TAC §231.441

STATUTORY AUTHORITY. The new section is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.441. Energy, Grades 9-12.

An assignment for Oil and Gas Production I; Oil and Gas Production II; Oil and Gas Production III; Oil and Gas Production IV; Introduction to Process Technology; Foundations of Energy; or Petrochemical Safety, Health, and Environment, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (6) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (7) Vocational Trades and Industry. This assignment requires appropriate work approval.

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

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DIVISION 15. FINANCE, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.461, 231.463, 231.465, 231.467, 231.469, 231.471, 231.473, 231.475, 231.477, 231.479, 231.481, 231.483, 231.485, 231.487, 231.489, 231.491

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.461. Principles of Applied Engineering, Grades 9-12.

An assignment for Principles of Applied Engineering, Grades 9-12, is allowed with one of the following certificates.

- (1) Mathematics/Physical Science/Engineering: Grades 6-12.
- (2) Mathematics/Physical Science/Engineering: Grades 8-12.
- (3) Secondary Industrial Arts (Grades 6-12).
- (4) Secondary Industrial Technology (Grades 6-12).
- (5) Technology Education: Grades 6-12.
- (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (8) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (9) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.463. Principles of Biosciences, Grades 9-12.

An assignment for Principles of Biosciences, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Health Science: Grades 6-12.
- (5) Health Science Technology Education: Grades 8-12.

- (6) Legacy Master Science Teacher (Grades 8-12).
- (7) Life Science: Grades 7-12.
- (8) Life Science: Grades 8-12.
- (9) Mathematics/Physical Science/Engineering: Grades 6-12.
- (10) Mathematics/Physical Science/Engineering: Grades 8-12.
- (11) Science: Grades 7-12.
- (12) Science: Grades 8-12.
- (13) Secondary Biology (Grades 6-12).
- (14) Secondary Industrial Arts (Grades 6-12).
- (15) Secondary Industrial Technology (Grades 6-12).
- (16) Secondary Science (Grades 6-12).
- (17) Secondary Science, Composite (Grades 6-12).
- (18) Technology Education: Grades 6-12.
- (19) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (20) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (21) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (22) Vocational Health Occupations.
- (23) Vocational Health Science Technology.

§231.465. *Biotechnology I and Biotechnology II, Grades 9-12.*

(a) Subject to the requirements in subsection (b) of this section, an assignment for Biotechnology I or Biotechnology II, Grades 9-12, is allowed with one of the following certificates.

- (1) Agriculture, Food, and Natural Resources: Grades 6-12.
- (2) Agricultural Science and Technology: Grades 6-12.
- (3) Any vocational agriculture certificate.
- (4) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
- (5) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.
- (6) Legacy Master Science Teacher (Grades 8-12).
- (7) Life Science: Grades 7-12.
- (8) Life Science: Grades 8-12.
- (9) Science: Grades 7-12.
- (10) Science: Grades 8-12.
- (11) Secondary Biology (Grades 6-12).
- (12) Secondary Science (Grades 6-12).
- (13) Secondary Science, Composite (Grades 6-12).
- (14) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (15) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(16) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(17) Vocational Health Occupations. This assignment requires a bachelor's degree.

(18) Vocational Health Science Technology. This assignment requires a bachelor's degree.

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.467. *Electronics and Engineering Design and Presentation, Grades 9-12.*

An assignment for Engineering Design and Presentation, Advanced Engineering Design and Presentation, Electronics, AC/DC Electronics, or Solid State Electronics, Grades 9-12, is allowed with one of the following certificates.

- (1) Mathematics/Physical Science/Engineering: Grades 6-12.
- (2) Mathematics/Physical Science/Engineering: Grades 8-12.
- (3) Secondary Industrial Arts (Grades 6-12).
- (4) Secondary Industrial Technology (Grades 6-12).
- (5) Technology Education: Grades 6-12.
- (6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (8) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (9) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.469. *Engineering Mathematics and Robotics II, Grades 9-12.*

(a) Subject to the requirements in subsection (b) of this section, an assignment for Engineering Mathematics or Robotics II, Grades 9-12, is allowed with one of the following certificates.

- (1) Legacy Master Mathematics Teacher (Grades 8-12).
- (2) Mathematics: Grades 7-12.
- (3) Mathematics: Grades 8-12.
- (4) Mathematics/Physical Science/Engineering: Grades 6-12.
- (5) Mathematics/Physical Science/Engineering: Grades 8-12.
- (6) Physics/Mathematics: Grades 7-12.
- (7) Physics/Mathematics: Grades 8-12.
- (8) Secondary Mathematics (Grades 6-12).
- (9) Secondary Industrial Arts (Grades 6-12).
- (10) Secondary Industrial Technology (Grades 6-12).
- (11) Technology Education: Grades 6-12.
- (12) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(13) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(14) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(15) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.471. *Physics for Engineering, Grades 9-12.*

(a) Subject to the requirements in subsection (b) of this section, an assignment for Physics for Engineering, Grades 9-12, is allowed with one of the following certificates.

- (1) Legacy Master Science Teacher (Grades 8-12).
- (2) Mathematics/Physical Science/Engineering: Grades 6-12.
- (3) Mathematics/Physical Science/Engineering: Grades 8-12.
- (4) Physical Science: Grades 6-12.
- (5) Physical Science: Grades 8-12.
- (6) Physics/Mathematics: Grades 7-12.
- (7) Physics/Mathematics: Grades 8-12.
- (8) Science: Grades 7-12.
- (9) Science: Grades 8-12.
- (10) Secondary Industrial Arts (Grades 6-12).
- (11) Secondary Industrial Technology (Grades 6-12).
- (12) Secondary Physics (Grades 6-12).
- (13) Secondary Science, Composite (Grades 6-12).
- (14) Technology Education: Grades 6-12.
- (15) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (16) Trade and Industrial Education: Grades 8-12: This assignment requires appropriate work approval.
- (17) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(b) An assignment for Physics for Engineering, Grades 9-12, may also be taught with a vocational agriculture certificate or a trades and industry certificate with verifiable physics applications experience in business and industry, if assigned prior to the 1998-1999 school year. Six semester credit hours of college physics, chemistry, or electricity/electronics may be substituted for the business and industry experience. All teachers assigned to these courses shall participate in Texas Education Agency-approved training prior to teaching these courses effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.473. *Engineering Design and Problem Solving and Engineering Science, Grades 9-12.*

(a) Subject to the requirements in subsection (b) of this section, an assignment for Engineering Design and Problem Solving or Engineering Science, Grades 9-12, is allowed with one of the following certificates.

- (1) Legacy Master Science Teacher (Grades 8-12).
 - (2) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (3) Mathematics/Physical Science/Engineering: Grades 8-12.
 - (4) Physical Science: Grades 6-12.
 - (5) Physical Science: Grades 8-12.
 - (6) Physics/Mathematics: Grades 7-12.
 - (7) Physics/Mathematics: Grades 8-12.
 - (8) Science: Grades 7-12.
 - (9) Science: Grades 8-12.
 - (10) Secondary Industrial Arts (Grades 6-12).
 - (11) Secondary Industrial Technology (Grades 6-12).
 - (12) Secondary Physics (Grades 6-12).
 - (13) Secondary Science (Grades 6-12).
 - (14) Secondary Science, Composite (Grades 6-12).
 - (15) Technology Education: Grades 6-12.
 - (16) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
 - (17) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
 - (18) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.
- §231.475. *Scientific Research and Design, Grades 9-12.*
- (a) Subject to the requirements in subsection (b) of this section, an assignment for Scientific Research and Design, Grades 9-12, is allowed with one of the following certificates.
- (1) Any vocational or career and technical education classroom teaching certificate valid for the subject and grade level taught. This assignment requires a bachelor's degree and 18 semester credit hours in any combination of sciences.
 - (2) Any science certificate valid for the grade level of the assignment.
 - (3) Legacy Master Science Teacher (Grades 8-12).
- (b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.
- §231.477. *Digital Electronics, Grades 9-12.*
- (a) Subject to the requirements in subsection (b) of this section, an assignment for Digital Electronics, Grades 9-12, is allowed with one of the following certificates.
- (1) Legacy Master Mathematics Teacher (Grades 8-12).
 - (2) Mathematics/Physical Science/Engineering: Grades 6-12.
 - (3) Mathematics/Physical Science/Engineering: Grades 8-12.

- (4) Physics/Mathematics: Grades 7-12.
- (5) Physics/Mathematics: Grades 8-12.
- (6) Secondary Industrial Arts (Grades 6-12).
- (7) Secondary Industrial Technology (Grades 6-12).
- (8) Secondary Mathematics (Grades 6-12).
- (9) Technology Education: Grades 6-12.

(10) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(11) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(12) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.479. Robotics I, Grades 9-12.

An assignment for Robotics I, Grades 9-12, is allowed with one of the following certificates.

- (1) Mathematics/Physical Science/Engineering: Grades 6-12.
- (2) Mathematics/Physical Science/Engineering: Grades 8-12.
- (3) Physics/Mathematics: Grades 7-12.
- (4) Physics/Mathematics: Grades 8-12.
- (5) Secondary Industrial Arts (Grades 6-12).
- (6) Secondary Industrial Technology (Grades 6-12).
- (7) Technology Applications: Early Childhood-Grade 12.
- (8) Technology Applications: Grades 8-12.
- (9) Technology Education: Grades 6-12.

(10) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(11) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(12) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(13) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.481. Computer Science, Grades 9-12.

An assignment for Computer Science I, II, and III, or Digital Forensics, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).

§231.483. Fundamentals of Computer Science and Advanced Placement Computer Science Principles, Grades 9-12.

An assignment for Fundamentals of Computer Science or Advanced Placement Computer Science Principles, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).
- (5) Technology Applications: Early Childhood-Grade 12.
- (6) Technology Applications: Grades 8-12.
- (7) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.
- (8) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.
- (9) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.

§231.485. Game Programming and Design, Grades 9-12.

An assignment for Game Programming and Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Computer Science: Grades 8-12.
- (2) Grades 6-12 or Grades 9-12--Computer Information Systems.
- (3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.
- (4) Secondary Computer Information Systems (Grades 6-12).
- (5) Secondary Industrial Arts (Grades 6-12).
- (6) Secondary Industrial Technology (Grades 6-12).
- (7) Technology Applications: Early Childhood-Grade 12.
- (8) Technology Applications: Grades 8-12.
- (9) Technology Education: Grades 6-12.
- (10) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (11) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (12) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (13) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.487. Mobile Applications Development, Grades 9-12.

An assignment for Mobile Applications Development, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business Education: Grades 6-12.
- (3) Business and Finance: Grades 6-12.
- (4) Computer Science: Grades 8-12.

(5) Grades 6-12 or Grades 9-12--Computer Information Systems.

(6) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.

(7) Marketing: Grades 6-12.

(8) Marketing Education: Grades 8-12.

(9) Secondary Computer Information Systems (Grades 6-12).

(10) Technology Applications: Early Childhood-Grade 12.

(11) Technology Applications: Grades 8-12.

(12) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.

(13) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.

(14) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.

§231.489. Cybersecurity, Grades 9-12.

An assignment for Foundations of Cybersecurity, Grades 9-12, and Cybersecurity Capstone is allowed with one of the following certificates.

(1) Computer Science: Grades 8-12.

(2) Grades 6-12 or Grades 9-12--Computer Information Systems.

(3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.

(4) Secondary Computer Information Systems (Grades 6-12).

(5) Technology Applications: Early Childhood-Grade 12.

(6) Technology Applications: Grades 8-12.

(7) Technology Education: Grades 6-12.

(8) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(9) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(10) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(11) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.491. Discrete Mathematics for Computer Science, Grades 9-12.

An assignment for Discrete Mathematics for Computer Science, Grades 9-12, is allowed with one of the following certificates.

(1) Computer Science: Grades 8-12.

(2) Grades 6-12 or Grades 9-12--Computer Information Systems.

(3) Junior High School (Grades 9-10 only) or High School--Computer Information Systems.

(4) Legacy Master Mathematics Teacher (Grades 8-12).

(5) Mathematics: Grades 7-12.

(6) Mathematics: Grades 8-12.

(7) Mathematics/Physical Science/Engineering: Grades 6-12.

(8) Mathematics/Physical Science/Engineering: Grades 8-12.

(9) Physics/Mathematics: Grades 7-12.

(10) Physics/Mathematics: Grades 8-12.

(11) Secondary Computer Information Systems (Grades 6-12).

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

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DIVISION 16. GOVERNMENT AND PUBLIC ADMINISTRATION, GRADES 9-12 ASSIGNMENTS

19 TAC §231.511, §231.513

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.511. Health Science, Grades 9-12.

(a) An assignment for Health Science Theory, Health Science Clinical, Pharmacology, Pharmacy I, Pharmacy II, Principles of Health Science, World Health Research, Medical Assistant, Health Informatics, Healthcare Administration and Management, Leadership and Management in Nursing, Practicum in Health Science, Extended Practicum in Health Science, or Practicum in Nursing, Grades 9-12, is allowed with one of the following certificates.

- (1) Health Science: Grades 6-12.
- (2) Health Science Technology Education: Grades 8-12.
- (3) Vocational Health Occupations.
- (4) Vocational Health Science Technology.

(b) An assignment for Medical Terminology, Anatomy and Physiology, Medical Microbiology, Pathophysiology, Respiratory Therapy I, or Respiratory Therapy II, Grades 9-12, is allowed with one of the following certificates.

- (1) Health Science: Grades 6-12.
- (2) Health Science Technology Education: Grades 8-12.
- (3) Life Science: Grades 7-12.
- (4) Life Science: Grades 8-12.
- (5) Legacy Master Science Teacher (Grades 8-12).
- (6) Secondary Biology (Grades 6-12).
- (7) Secondary Science (Grades 6-12).
- (8) Secondary Science, Composite (Grades 6-12).
- (9) Science: Grades 7-12.
- (10) Science: Grades 8-12.
- (11) Vocational Health Occupations.
- (12) Vocational Health Science Technology.

(c) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

(d) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.513. Mathematics for Medical Professionals; Medical Coding and Billing, Grades 9-12.

(a) An assignment for Mathematics for Medical Professionals or Medical Coding and Billing, Grades 9-12, is allowed with one of the following certificates.

- (1) Health Science: Grades 6-12. This assignment requires a bachelor's degree.
- (2) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.
- (3) Legacy Master Mathematics Teacher (Grades 8-12).
- (4) Mathematics: Grades 7-12.
- (5) Mathematics: Grades 8-12.
- (6) Mathematics/Physical Science/Engineering: Grades 6-12.
- (7) Mathematics/Physical Science/Engineering: Grades 8-12.
- (8) Physics/Mathematics: Grades 7-12.
- (9) Physics/Mathematics: Grades 8-12.
- (10) Secondary Mathematics.
- (11) Vocational Health Occupations. This assignment requires a bachelor's degree.

(12) Vocational Health Science Technology. This assignment requires a bachelor's degree.

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

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

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DIVISION 17. HEALTH SCIENCE, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.531, 231.533, 231.535

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.531. Hospitality and Tourism, Grades 9-12.

(a) An assignment for Hospitality Services, Hotel Management, Principles of Hospitality and Tourism, Travel and Tourism Management, Practicum in Hospitality Services, or Extended Practicum in Hospitality Services, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- (2) Any marketing or distributive education certificate.
- (3) Family and Consumer Sciences, Composite: Grades 6-12.

8-12. (4) Hospitality, Nutrition, and Food Sciences: Grades

(5) Marketing: Grades 6-12.

(6) Marketing Education: Grades 8-12.

(7) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(8) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(9) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(10) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.533. Culinary Arts, Grades 9-12.

(a) An assignment for Introduction to Culinary Arts, Culinary Arts, Advanced Culinary Arts, Practicum in Culinary Arts, or Extended Practicum in Culinary Arts, Grades 9-12, is allowed with one of the following certificates.

(1) Any home economics or homemaking certificate.

6-12. (2) Family and Consumer Sciences, Composite: Grades

8-12. (3) Hospitality, Nutrition, and Food Sciences: Grades

(4) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(5) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(6) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(7) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.535. Food Science, Grades 9-12.

(a) Subject to the requirements in subsection (b) of this section, an assignment for Food Science, Grades 9-12, is allowed with one of the following certificates.

(1) Any home economics or homemaking certificate.

(2) Chemistry: Grades 7-12.

(3) Chemistry: Grades 8-12.

6-12. (4) Family and Consumer Sciences, Composite: Grades

8-12. (5) Hospitality, Nutrition, and Food Sciences: Grades

(6) Life Science: Grades 7-12.

(7) Life Science: Grades 8-12.

(8) Legacy Master Science Teacher (Grades 8-12).

(9) Science: Grades 7-12.

(10) Science: Grades 8-12.

(11) Secondary Biology (Grades 6-12).

(12) Secondary Chemistry (Grades 6-12).

(13) Secondary Science (Grades 6-12).

(14) Secondary Science, Composite (Grades 6-12).

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

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DIVISION 18. HOSPITALITY AND TOURISM, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.551, 231.553, 231.555, 231.557, 231.559

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.551. Human Services, Grades 9-12.

(a) An assignment for Child Development, Child Guidance, Family and Community Services, Interpersonal Studies, Principles of Human Services, Practicum in Human Services, or Extended Practicum in Human Services, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- 6-12. (2) Family and Consumer Sciences, Composite: Grades
- 8-12. (3) Human Development and Family Studies: Grades

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.553. *Lifetime Nutrition and Wellness, Grades 9-12.*

An assignment for Lifetime Nutrition and Wellness, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- 6-12. (2) Family and Consumer Sciences, Composite: Grades
- (3) Health: Early Childhood-Grade 12.
- (4) Health Science: Grades 6-12.
- (5) Health Science Technology Education: Grades 8-12.
- 8-12. (6) Hospitality, Nutrition, and Food Sciences: Grades
- 8-12. (7) Human Development and Family Studies: Grades
- (8) Vocational Health Occupations.
- (9) Vocational Health Science Technology.

§231.555. *Counseling and Mental Health, Grades 9-12.*

An assignment for Counseling and Mental Health, Grades 9-12, is allowed with one of the following certificates.

- (1) Any home economics or homemaking certificate.
- 6-12. (2) Family and Consumer Sciences, Composite: Grades
- (3) Health Science: Grades 6-12.
- (4) Health Science Technology Education: Grades 8-12.
- 8-12. (5) Human Development and Family Studies: Grades
- (6) Vocational Health Occupations.
- (7) Vocational Health Science Technology.

§231.557. *Dollars and Sense, Grades 9-12.*

An assignment for Dollars and Sense, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any home economics or homemaking certificate.
- (3) Any marketing or distributive education certificate.
- (4) Business and Finance: Grades 6-12.
- (5) Business Education: Grades 6-12.
- 6-12. (6) Family and Consumer Sciences, Composite: Grades
- 8-12. (7) Human Development and Family Studies: Grades

- (8) Marketing: Grades 6-12.

- (9) Marketing Education: Grades 8-12.

§231.559. *Cosmetology, Grades 9-12.*

An assignment for Introduction to Cosmetology, Cosmetology I, Cosmetology II, or Principles of Cosmetology Design and Color Theory, Grades 9-12, is allowed with one of the following certificates plus a valid Cosmetology Operator license or Class A Barber Operator license.

(1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(3) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(4) Vocational Trades and Industry. This assignment requires appropriate work approval.

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DIVISION 19. HUMAN SERVICES, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.571, 231.573, 231.575, 231.577

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.571. Information Technology, Grades 9-12.

An assignment for Principles of Information Technology, Networking, or Networking Lab, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Business and Finance: Grades 6-12.
- (3) Business Education: Grades 6-12.
- (4) Secondary Industrial Arts (Grades 6-12).
- (5) Secondary Industrial Technology (Grades 6-12).
- (6) Technology Applications: Early Childhood-Grade 12.
- (7) Technology Applications: Grades 8-12.
- (8) Technology Education: Grades 6-12.
- (9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (11) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (12) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.573. Digital Communications, Grades 9-12.

An assignment for Digital Media, Web Communications, or Web Design, Grades 9-12, is allowed with one of the following certificates.

- (1) Any business or office education certificate.
- (2) Any marketing certificate.
- (3) Business and Finance: Grades 6-12.
- (4) Business Education: Grades 6-12.
- (5) Secondary Industrial Arts (Grades 6-12).
- (6) Secondary Industrial Technology (Grades 6-12).
- (7) Technology Education: Grades 6-12.
- (8) Technology Applications: Early Childhood-Grade 12.
- (9) Technology Applications: Grades 8-12.
- (10) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.
- (11) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.
- (12) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.
- (13) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.575. Computer Maintenance and Technician, Grades 9-12.

(a) An assignment for Computer Maintenance or Computer Maintenance Lab, Computer Technician Practicum, Extended Computer Technician Practicum, Practicum in Information Technology, or Extended Practicum in Information Technology, Grades 9-12, is allowed with one of the following certificates.

- (1) Secondary Industrial Arts (Grades 6-12).
- (2) Secondary Industrial Technology (Grades 6-12).
- (3) Technology Applications: Early Childhood-Grade 12.

(4) Technology Applications: Grades 8-12.

(5) Technology Education: Grades 6-12.

(6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(8) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(9) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.577. Independent Study in Evolving/Emerging Technologies and Independent Study in Technology Applications, Grades 9-12.

An assignment for Independent Study in Evolving/Emerging Technologies or Independent Study in Technology Applications, Grades 9-12, is allowed with any vocational or Career and Technical Education classroom teaching certificate valid for the subject and grade level taught.

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

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DIVISION 20. INFORMATION TECHNOLOGY, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.591, 231.593, 231.595, 231.597, 231.599

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.591. Law, Public Safety, Corrections, and Security, Grades 9-12.

(a) An assignment for Correctional Services, Court Systems and Practices, Criminal Investigations, Federal Law Enforcement and Protective Services, Firefighter I and II, Law Enforcement I and II, Principles of Law, Public Safety, Corrections, and Security, Practicum in Law, Public Safety, Corrections, and Security, or Extended Practicum in Law, Public Safety, Corrections, and Security, Grades 9-12, is allowed with a valid license appropriate for the assignment plus one of the following certificates.

(1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(3) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(4) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.593. Forensic Science, Grades 9-12.

(a) Subject to the requirements in subsection (b) of this section, an assignment for Forensic Science, Grades 9-12, is allowed with one of the following certificates.

(1) Chemistry: Grades 7-12.

(2) Chemistry: Grades 8-12.

(3) Health Science: Grades 6-12. This assignment requires a bachelor's degree.

(4) Health Science Technology Education: Grades 8-12. This assignment requires a bachelor's degree.

(5) Legacy Master Science Teacher (Grades 8-12).

(6) Life Science: Grades 7-12.

(7) Life Science: Grades 8-12.

(8) Science: Grades 7-12.

(9) Science: Grades 8-12.

(10) Secondary Biology (Grades 6-12).

(11) Secondary Chemistry (Grades 6-12).

(12) Secondary Science (Grades 6-12).

(13) Secondary Science, Composite (Grades 6-12).

(14) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.

(15) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.

(16) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(17) Vocational Health Occupations. This assignment requires a bachelor's degree.

(18) Vocational Health Science Technology. This assignment requires a bachelor's degree.

(19) Vocational Trades and Industry. This assignment requires a bachelor's degree and appropriate work approval.

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching this course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

§231.595. Government and Public Administration, Grades 9-12.

(a) An assignment for Foreign Service and Diplomacy, Planning and Governance, Political Science I and II, Principles of Government and Public Administration, Public Management and Administration, Practicum in Local, State, and Federal Government, or Extended Practicum in Local, State, and Federal Government, Grades 9-12, is allowed with one of the following.

(1) Grades 6-12 or Grades 9-12--Government.

(2) Grades 6-12 or Grades 9-12--Social Studies.

(3) Junior High School (Grades 9-10 only) or High School--Government-Political Science.

(4) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(5) Secondary Government (Grades 6-12).

(6) Secondary Political Science (Grades 6-12).

(7) Secondary Social Science, Composite (Grades 6-12).

(8) Secondary Social Studies, Composite (Grades 6-12).

(9) Social Studies: Grades 7-12.

(10) Social Studies: Grades 8-12.

(11) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(12) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(13) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(14) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.597. Revenue, Taxation, and Regulation, Grades 9-12.

An assignment for Revenue, Taxation, and Regulation, Grades 9-12, is allowed with one of the following certificates.

(1) Any business or office education certificate.

(2) Business and Finance: Grades 6-12.

(3) Business Education: Grades 6-12.

(4) Grades 6-12 or Grades 9-12--Social Studies.

(5) Junior High School (Grades 9-10 only) or High School--Social Science, Composite.

(6) Secondary Social Science, Composite (Grades 6-12).

(7) Secondary Social Studies, Composite (Grades 6-12).

(8) Social Studies: Grades 7-12.

(9) Social Studies: Grades 8-12.

(10) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(11) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(12) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(13) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.599. National Security, Grades 9-12.

An assignment for National Security, Grades 9-12, is allowed with one of the following certificates.

(1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(3) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(4) Vocational Trades and Industry. This assignment requires appropriate work approval.

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

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DIVISION 21. LAW, PUBLIC SAFETY, CORRECTIONS, AND SECURITY, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.621, 231.623, 231.625

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a des-

ignation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.621. Manufacturing, Grades 9-12.

(a) An assignment for Diversified Manufacturing I, Diversified Manufacturing II, Manufacturing Engineering Technology I, Metal Fabrication and Machining I, Metal Fabrication and Machining II, Precision Metal Manufacturing I, Precision Metal Manufacturing II, Precision Metal Manufacturing II Lab, or Principles of Manufacturing, Grades 9-12, is allowed using one of the following certificates.

(1) Mathematics/Physical Science/Engineering: Grades 6-12.

(2) Mathematics/Physical Science/Engineering: Grades 8-12.

(3) Secondary Industrial Arts (Grades 6-12).

(4) Secondary Industrial Technology (Grades 6-12).

(5) Technology Education: Grades 6-12.

(6) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(7) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(8) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(9) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Manufacturing or Extended Practicum in Manufacturing, Grades 9-12, is allowed with one of the following certificates.

(1) Agriculture, Food, and Natural Resources: Grades 6-12.

(2) Agricultural Science and Technology: Grades 6-12.

(3) Any vocational agriculture certificate.

(4) Mathematics/Physical Science/Engineering: Grades 6-12.

(5) Mathematics/Physical Science/Engineering: Grades 8-12.

(6) Secondary Industrial Arts (Grades 6-12).

(7) Secondary Industrial Technology (Grades 6-12).

(8) Technology Education: Grades 6-12.

(9) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(10) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(11) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(12) Vocational Trades and Industry. This assignment requires appropriate work approval.

(c) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades

9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.623. *Welding, Grades 9-12.*

An assignment for Introduction to Welding, Welding I, Welding II, or Welding II Lab, Grades 9-12, is allowed with one of the following certificates.

6-12. (1) Agriculture, Food, and Natural Resources: Grades

(2) Agricultural Science and Technology: Grades 6-12.

(3) Any vocational agriculture certificate.

(4) Secondary Industrial Arts (Grades 6-12).

(5) Secondary Industrial Technology (Grades 6-12).

(6) Technology Education: Grades 6-12.

(7) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(8) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(9) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(10) Vocational Trades and Industry. This assignment requires appropriate work approval.

§231.625. *Manufacturing Engineering Technology II, Grades 9-12.*

(a) An assignment for Manufacturing Engineering Technology II, Grades 9-12, is allowed with one of the following certificates.

(1) Grades 6-12 or Grades 9-12--Mathematics.

(2) Legacy Master Mathematics Teacher (Grades 8-12).

(3) Mathematics: Grades 7-12.

(4) Mathematics: Grades 8-12.

6-12. (5) Mathematics/Physical Science/Engineering: Grades

8-12. (6) Mathematics/Physical Science/Engineering: Grades

(7) Physics/Mathematics: Grades 7-12.

(8) Physics/Mathematics: Grades 8-12.

(9) Secondary Industrial Arts (Grades 6-12).

(10) Secondary Industrial Arts Technology (Grades 6-12).

(11) Secondary Mathematics.

(12) Technology Education: Grades 6-12.

(13) Trade and Industrial Education: Grades 6-12. This assignment requires a bachelor's degree and appropriate work approval.

(14) Trade and Industrial Education: Grades 8-12. This assignment requires a bachelor's degree and appropriate work approval.

(15) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(16) Vocational Trades and Industry. This assignment requires a bachelor's degree and appropriate work approval.

(b) All teachers assigned to this course shall participate in Texas Education Agency-approved training prior to teaching the course effective with the 2019-2020 school year. Specific details about the required training can be found at tea.texas.gov/cte.

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

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DIVISION 22. MANUFACTURING, GRADES 9-12 ASSIGNMENTS

19 TAC §231.641, §231.643

STATUTORY AUTHORITY. The new sections are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The new sections implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.641. *Transportation, Distribution, and Logistics, Grades 9-12.*

(a) An assignment for Energy and Power of Transportation Systems, Aircraft Airframe Technology, Aircraft Powerplant Technology, Aircraft Maintenance Technology, Automotive Basics, Automotive Technology I, Maintenance and Light Repair, Automotive Technology II, Automotive Service, Advanced Transportation Systems Laboratory, Basic Collision Repair and Refinishing, Collision Repair, Paint and Refinishing, Diesel Equipment Technology I, Diesel Equipment Technology II, Distribution and Logistics, Introduction to Aircraft Technology, Principles of Distribution and Logistics, Principles of Transportation Systems, Introduction to Transportation Technology, or Management of Transportation Systems, Grades 9-12, is allowed with one of the following certificates.

(1) Technology Education: Grades 6-12.

(2) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(3) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(4) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(5) Vocational Trades and Industry. This assignment requires appropriate work approval.

(b) Subject to the requirements in subsection (c) of this section, an assignment for Practicum in Transportation Systems, Extended Practicum in Transportation Systems, Practicum in Distribution and Logistics, or Extended Practicum in Distribution and Logistics, Grades 9-12, is allowed with one of the following certificates.

(1) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(2) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(3) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(4) Vocational Trades and Industry. This assignment requires appropriate work approval.

(c) The school district is responsible for ensuring that each teacher assigned to a Practicum or Extended Practicum course, Grades 9-12, has completed appropriate training in state and federal requirements regarding work-based learning and safety.

§231.643. Small Engine Technology, Grades 9-12.

An assignment for Small Engine Technology I or Small Engine Technology II, Grades 9-12, is allowed with one of the following certificates.

(1) Agriculture, Food, and Natural Resources: Grades 6-12.

(2) Agricultural Science and Technology: Grades 6-12.

(3) Any vocational agriculture certificate.

(4) Secondary Industrial Arts (Grades 6-12).

(5) Secondary Industrial Technology (Grades 6-12).

(6) Technology Education: Grades 6-12.

(7) Trade and Industrial Education: Grades 6-12. This assignment requires appropriate work approval.

(8) Trade and Industrial Education: Grades 8-12. This assignment requires appropriate work approval.

(9) Trade and Industrial Workforce Training: Grades 6-12. This assignment requires appropriate work approval.

(10) Vocational Trades and Industry. This assignment requires appropriate work approval.

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SUBCHAPTER G. PARAPROFESSIONAL PERSONNEL, ADMINISTRATORS, AND OTHER INSTRUCTIONAL AND PROFESSIONAL SUPPORT ASSIGNMENTS

19 TAC §231.753

STATUTORY AUTHORITY. The amendment is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.753. Administrators and Other Instructional and Professional Support Personnel.

(a) Administrators.

(1) An assignment for Superintendent is allowed with one of the following certificates.

(A) Administrator.

(B) Superintendent.

(2) An assignment for Principal is allowed with one of the following certificates.

(A) Administrator.

(B) Mid-Management Administrator.

(C) Principal.

(D) Principal as Instructional Leader.

(E) ~~[(E)]~~ Superintendent.

(3) An assignment for Assistant Principal is allowed with one of the following certificates.

(A) Administrator.

(B) Assistant Principal.

(C) Mid-Management Administrator.

(D) Principal.

(E) Principal as Instructional Leader.

(F) ~~[(E)]~~ Superintendent.

(b) Athletic Director. An assignment for Athletic Director is allowed with a valid Texas classroom teacher certificate.

(c) Educational Diagnostician. An assignment for Educational Diagnostician is allowed with an Educational Diagnostician, Early Childhood-Grade 12 certificate.

(d) Reading Specialist. An assignment for Reading Specialist is allowed with a Reading Specialist, Early Childhood-Grade 12 certificate.

(e) Librarian. An assignment for Librarian is allowed with one of the following certificates.

(1) Learning Resources Endorsement.

(2) Learning Resources Specialist.

(3) Librarian.

(4) School Librarian (Early Childhood-Grade 12).

(f) [(b)] School Counselor. An assignment for School Counselor is allowed with one of the following certificates.

(1) Counselor.

(2) School Counselor (Early Childhood-Grade 12).

(3) Special Education Counselor.

(4) Vocational Counselor.

[(e) Librarian. An assignment for Librarian is allowed with one of the following certificates.]

[(1) Learning Resources Endorsement.]

[(2) Learning Resources Specialist.]

[(3) Librarian.]

[(4) School Librarian (Early Childhood-Grade 12).]

[(d) Athletic Director. An assignment for Athletic Director is allowed with a valid Texas classroom teacher certificate.]

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

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SUBCHAPTER E. GRADES 9-12 ASSIGNMENTS

The State Board for Educator Certification (SBEC) proposes the repeal of §§231.121, 231.123, 231.125, 231.127, 231.129, 231.131, 231.133, 231.135, 231.151, 231.153, 231.161, 231.163, 231.165, 231.167, 231.169, 231.171, 231.173, 231.177, 231.191, 231.193, 231.195, 231.201, 231.203, 231.205, 231.207, 231.209, 231.211, 231.213, 231.215, 231.217, 231.219, 231.221, 231.231, 231.241, 231.271, 231.281, 231.283, 231.285, 231.287, 231.289, 231.291, 231.293, 231.301, 231.303, 231.305, 231.307, 231.309,

231.311, 231.313, 231.331, 231.333, 231.335, 231.337, 231.339, 231.341, 231.343, 231.361, 231.363, 231.365, 231.381, 231.383, 231.385, 231.391, 231.392, 231.393, 231.394, 231.395, 231.397, 231.401, 231.403, 231.405, 231.421, 231.423, 231.425, 231.427, 231.429, 231.441, 231.443, 231.445, 231.461, 231.463, 231.465, 231.467, 231.469, 231.481, 231.483, 231.485, 231.487, 231.489, 231.491, 231.501, 231.503, 231.521, 231.523, 231.525, 231.541, 231.543, 231.545, 231.547, 231.561, 231.563, 231.565, 231.567, 231.569, 231.571, 231.573, 231.575, 231.577, 231.579, 231.581, 231.583, 231.585, 231.587, 231.589, 231.591, 231.593, 231.595, 231.631, 231.633, and 231.651, concerning requirements for public school personnel assignments. The proposal would repeal requirements related to the criteria for school districts to make personnel assignments for Grades 9-12.

BACKGROUND INFORMATION AND JUSTIFICATION: The SBEC rules in 19 TAC Chapter 231 establish the personnel assignments that correlate with appropriate certifications and offer guidance to school districts and educators by providing the list of courses by grade level and subject area and identifying the corresponding certificates and other requirements for the placement of individuals into classroom and/or campus assignments. This information assists districts with hiring and personnel assignment decisions. In a separate rule action, personnel assignments for Grades 9-12 are reorganized in proposed new Subchapter E, which can be found in the Proposed Rules section of this issue of the *Texas Register*. The following table summarizes the repealed divisions that would be merged in new Subchapter E.

Figure: 19 TAC Chapter 231 - Preamble

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

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

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

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

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

GOVERNMENT GROWTH IMPACT: TEA staff prepared a Government Growth Impact Statement assessment for this proposed rulemaking. During the first five years the proposed rulemaking would be in effect, it would not create or eliminate a government program; would not require the creation of new employee positions or elimination of existing employee positions; would not require an increase or decrease in future legislative appropriations to the agency; would not require an increase or decrease

in fees paid to the agency; would not create a new regulation; would repeal existing regulations and transfer some provisions to proposed new Subchapter E to accommodate new courses with related certificates designed to broaden placement opportunities for individuals across a wider range of assignments; would not limit or expand an existing regulation; would not increase or decrease the number of individuals subject to its applicability; and would not positively or adversely affect the state's economy.

PUBLIC BENEFIT AND COST TO PERSONS: Ms. McLoughlin, associate commissioner for educator preparation, certification, and enforcement, has determined that for the first five years the proposal is in effect, the public benefit anticipated would be aligning the rules with statute and reflecting current procedures. There is no anticipated economic cost to persons who are required to comply with the proposal.

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

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

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

PUBLIC COMMENTS: The SBEC requests public comments on the proposal, including, per Texas Government Code, §2001.024(a)(8), information related to the cost, benefit, or effect of the proposed rule and any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. The public comment period on the proposal begins on October 17, 2025, and ends November 17, 2025. A form for submitting public comments is available on the TEA website at [https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_\(TAC\)/Proposed_State_Board_for_Educator_Certification_Rules/](https://tea.texas.gov/About_TEA/Laws_and_Rules/SBEC_Rules_(TAC)/Proposed_State_Board_for_Educator_Certification_Rules/). Comments on the proposal may also be submitted by calling (512) 475-1497. The SBEC will also take registered oral and written comments on the proposal during the December 2025 meeting's public comment period in accordance with the SBEC board operating policies and procedures.

DIVISION 1. ENGLISH LANGUAGE ARTS AND READING, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.121, 231.123, 231.125, 231.127, 231.129, 231.131, 231.133, 231.135

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B;

TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.121. *English I-IV, Grades 9-12.*

§231.123. *English I and II for Speakers of Other Languages, Grades 9-12.*

§231.125. *English as a Second Language, Grades 9-12.*

§231.127. *Reading I, II, and III, Grades 9-12.*

§231.129. *College Readiness and Study Skills, Grades 9-12.*

§231.131. *Writing, Grades 9-12.*

§231.133. *Speech, Grades 9-12.*

§231.135. *Journalism, Grades 9-12.*

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

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DIVISION 2. LANGUAGES OTHER THAN ENGLISH, GRADES 9-12 ASSIGNMENTS

19 TAC §231.151, §231.153

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.151. *Languages Other Than English, Grades 9-12.*

§231.153. *American Sign Language, Grades 9-12.*

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

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DIVISION 3. SOCIAL STUDIES, GRADES 9-12 ASSIGNMENTS

**19 TAC §§231.161, 231.163, 231.165, 231.167, 231.169,
231.171, 231.173, 231.177**

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.161. *History, Grades 9-12.*

§231.163. *Geography, Grades 9-12.*

§231.165. *Government, Grades 9-12.*

§231.167. *Psychology, Grades 9-12.*

§231.169. *Sociology, Grades 9-12.*

§231.171. *Special Topics in Social Studies, Grades 9-12.*

§231.173. *Economics and Personal Financial Literacy, Grades 9-12.*

§231.177. *Ethnic Studies, Grades 9-12.*

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

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Director, Rulemaking

State Board for Educator Certification

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DIVISION 4. MATHEMATICS, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.191, 231.193, 231.195

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.191. *Mathematics, Grades 9-12.*

§231.193. *Algebraic Reasoning, Grades 9-12.*

§231.195. *Statistics, Grades 9-12.*

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

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DIVISION 5. SCIENCE, GRADES 9-12 ASSIGNMENTS

**19 TAC §§231.201, 231.203, 231.205, 231.207, 231.209,
231.211, 231.213, 231.215, 231.217, 231.219, 231.221**

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.201. *Biology, Grades 9-12.*

§231.203. *Chemistry, Grades 9-12.*

§231.205. *Physics, Grades 9-12.*

§231.207. *Integrated Physics and Chemistry, Grades 9-12.*

§231.209. *Principles of Technology, Grades 9-12.*

§231.211. *Astronomy, Grades 9-12.*

§231.213. *Earth and Space Science, Grades 9-12.*

§231.215. *Environmental Systems, Environmental Science, and Aquatic Science, Grades 9-12.*

§231.217. *Anatomy and Physiology, Medical Microbiology, and Pathophysiology, Grades 9-12.*

§231.219. *Scientific Research and Design, Grades 9-12.*

§231.221. *Specialized Topics in Science, Grades 9-12.*

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

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DIVISION 6. HEALTH AND PHYSICAL EDUCATION, GRADES 9-12 ASSIGNMENTS

19 TAC §231.231

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a),

which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.231. *Health and Physical Education, Grades 9-12.*

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

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DIVISION 7. FINE ARTS, GRADES 9-12 ASSIGNMENTS

19 TAC §231.241

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.241. *Art, Music, Theatre, and Dance, Grades 9-12.*

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

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DIVISION 9. CAREER DEVELOPMENT, GRADES 9-12 ASSIGNMENTS

19 TAC §231.271

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.271. *Career Development, Grades 9-12.*

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

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DIVISION 10. AGRICULTURE, FOOD, AND NATURAL RESOURCES, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.281, 231.283, 231.285, 231.287, 231.289, 231.291, 231.293

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.281. *Agriculture, Food, and Natural Resources, Grades 9-12.*

§231.283. *Advanced Animal Science and Advanced Plant and Soil Science, Grades 9-12.*

§231.285. *Agribusiness Management and Marketing, Grades 9-12.*

§231.287. *Mathematical Applications in Agriculture, Food, and Natural Resources, Grades 9-12.*

§231.289. *Agricultural Equipment Design and Fabrication; Agricultural Structures Design and Fabrication; Agricultural Mechanics and Metal Technologies; Agricultural Power Systems, Grades 9-12.*

§231.291. *Floral Design, Grades 9-12.*

§231.293. *Energy and Natural Resource Technology, Grades 9-12.*

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

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DIVISION 11. ARCHITECTURE AND CONSTRUCTION, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.301, 231.303, 231.305, 231.307, 231.309, 231.311, 231.313

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.301. *Principles of Architecture; Principles of Construction, Grades 9-12.*

§231.303. *Interior Design, Grades 9-12.*

§231.305. *Architectural Design, Grades 9-12.*

§231.307. *Construction Management; Construction Technology, Grades 9-12.*

§231.309. *Building Maintenance Technology, Grades 9-12.*

§231.311. *Mill and Cabinetmaking Technology, Grades 9-12.*

§231.313. *Electrical Technology; Heating, Ventilation, and Air Conditioning (HVAC) and Refrigeration Technology; Masonry Technology; and Plumbing Technology, Grades 9-12.*

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

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DIVISION 12. ARTS, AUDIO/VIDEO TECHNOLOGY, AND COMMUNICATIONS, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.331, 231.333, 231.335, 231.337, 231.339, 231.341, 231.343

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter

B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.331. *Professional Communications, Grades 9-12.*

§231.333. *Principles of Arts, Audio/Video Technology, and Communications, Grades 9-12.*

§231.335. *Animation, Grades 9-12.*

§231.337. *Audio/Video Production; Graphic Design and Illustration, Grades 9-12.*

§231.339. *Photography, Grades 9-12.*

§231.341. *Printing and Imaging Technology, Grades 9-12.*

§231.343. *Fashion Design, Grades 9-12.*

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

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DIVISION 13. BUSINESS MANAGEMENT AND ADMINISTRATION, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.361, 231.363, 231.365

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which

requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.361. *Business Information Management; Business Law; and Touch System Data Entry, Grades 9-12.*

§231.363. *Business Management; Business Lab; Global Business; Human Resources Management; Principles of Business, Marketing, and Finance; and Virtual Business, Grades 9-12.*

§231.365. *Business English, Grades 9-12.*

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

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DIVISION 14. EDUCATION AND TRAINING, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.381, 231.383, 231.385

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.381. *Education and Training, Grades 9-12.*

§231.383. *Human Growth and Development, Grades 9-12.*

§231.385. *Child Development, Child Guidance, or Child Development Associates Foundation, Grades 9-12.*

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

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DIVISION 15. FINANCE, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.391 - 231.395, 231.397

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.391. *Banking and Financial Services, Grades 9-12.*

§231.392. *Money Matters, Grades 9-12.*

§231.393. *Accounting I; Financial Analysis; Insurance Operations; and Securities and Investments, Grades 9-12.*

§231.394. *Statistics and Business Decision Making, Grades 9-12.*

§231.395. *Financial Mathematics, Grades 9-12.*

§231.397. *Accounting II, Grades 9-12.*

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

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DIVISION 16. GOVERNMENT AND PUBLIC ADMINISTRATION, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.401, 231.403, 231.405

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.401. *Government and Public Administration, Grades 9-12.*

§231.403. *Revenue, Taxation, and Regulation, Grades 9-12.*

§231.405. *National Security, Grades 9-12.*

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

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DIVISION 17. HEALTH SCIENCE, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.421, 231.423, 231.425, 231.427, 231.429

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate

and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.421. *Health Science, Grades 9-12.*

§231.423. *Anatomy and Physiology, Medical Microbiology, Pathophysiology, Respiratory Therapy I, Respiratory Therapy II, Grades 9-12.*

§231.425. *Mathematics for Medical Professionals; Medical Coding and Billing, Grades 9-12.*

§231.427. *Health Informatics, Grades 9-12.*

§231.429. *Healthcare Administration and Management; Leadership and Management in Nursing, Grades 9-12.*

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

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DIVISION 18. HOSPITALITY AND TOURISM, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.441, 231.443, 231.445

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which

requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.441. *Hospitality and Tourism, Grades 9-12.*

§231.443. *Culinary Arts, Grades 9-12.*

§231.445. *Food Science, Grades 9-12.*

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

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Cristina De La Fuente-Valadez

Director, Rulemaking

State Board for Educator Certification

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



DIVISION 19. HUMAN SERVICES, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.461, 231.463, 231.465, 231.467, 231.469

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.461. *Human Services, Grades 9-12.*

§231.463. *Lifetime Nutrition and Wellness, Grades 9-12.*

§231.465. *Counseling and Mental Health, Grades 9-12.*

§231.467. *Dollars and Sense, Grades 9-12.*

§231.469. *Cosmetology, Grades 9-12.*

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

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DIVISION 20. INFORMATION TECHNOLOGY, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.481, 231.483, 231.485, 231.487, 231.489, 231.491

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.481. *Information Technology, Grades 9-12.*

§231.483. *Digital Media, Grades 9-12.*

§231.485. *Web Communications, Web Design, Grades 9-12.*

§231.487. *Computer Maintenance, Grades 9-12.*

§231.489. *Computer Technician; Information Technology, Grades 9-12.*

§231.491. *Independent Study in Evolving/Emerging Technologies, Independent Study in Technology Applications, Grades 9-12.*

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

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DIVISION 21. LAW, PUBLIC SAFETY, CORRECTIONS, AND SECURITY, GRADES 9-12 ASSIGNMENTS

19 TAC §231.501, §231.503

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.501. *Law, Public Safety, Corrections, and Security, Grades 9-12.*

§231.503. *Forensic Science, Grades 9-12.*

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

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



DIVISION 22. MANUFACTURING, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.521, 231.523, 231.525

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules

that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.521. *Manufacturing, Grades 9-12.*

§231.523. *Welding, Grades 9-12.*

§231.525. *Manufacturing Engineering Technology II, Grades 9-12.*

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

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DIVISION 23. MARKETING, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.541, 231.543, 231.545, 231.547

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.541. *Marketing, Grades 9-12.*

§231.543. *Advertising, Grades 9-12.*

§231.545. *Fashion Marketing, Grades 9-12.*

§231.547. *Entrepreneurship, Grades 9-12.*

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

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DIVISION 24. SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.561, 231.563, 231.565, 231.567, 231.569, 231.571, 231.573, 231.575, 231.577, 231.579, 231.581, 231.583, 231.585, 231.587, 231.589, 231.591, 231.593, 231.595

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.561. *Principles of Applied Engineering, Grades 9-12.*

§231.563. *Principles of Biosciences, Grades 9-12.*

§231.565. *Biotechnology I; Biotechnology II, Grades 9-12.*

§231.567. *Engineering Design and Presentation, Grades 9-12.*

§231.569. *Engineering Mathematics; Robotics II, Grades 9-12.*

§231.571. *AC/DC Electronics; Solid State Electronics, Grades 9-12.*

§231.573. *Principles of Technology, Grades 9-12.*

§231.575. *Engineering Design and Problem Solving, Grades 9-12.*

§231.577. *Scientific Research and Design, Grades 9-12.*

§231.579. *Engineering Science, Grades 9-12.*

§231.581. *Digital Electronics, Grades 9-12.*

§231.583. *Robotics I, Grades 9-12.*

§231.585. *Computer Science, Grades 9-12.*

§231.587. *Fundamentals of Computer Science, Advanced Placement Computer Science Principles, Grades 9-12.*

§231.589. *Game Programming and Design, Grades 9-12.*

§231.591. *Mobile Applications Development, Grades 9-12.*

§231.593. *Cybersecurity, Grades 9-12.*

§231.595. *Discrete Mathematics for Computer Science, Grades 9-12.*

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

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DIVISION 25. TRANSPORTATION, DISTRIBUTION, AND LOGISTICS, GRADES 9-12 ASSIGNMENTS

19 TAC §§231.631, §231.633

STATUTORY AUTHORITY. The repeals are proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeals implement Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.631. *Transportation, Distribution, and Logistics, Grades 9-12.*

§231.633. *Small Engine Technology, Grades 9-12.*

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

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DIVISION 26. ENERGY, GRADES 9-12 ASSIGNMENTS

19 TAC §231.651

STATUTORY AUTHORITY. The repeal is proposed under Texas Education Code (TEC), §21.003(a), which states that a person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a school district unless the person holds an appropriate certificate or permit issued as provided by the TEC, Chapter 21, Subchapter B; TEC, §21.031(a), which states that the SBEC shall regulate and oversee all aspects of the certification, continuing education, and standards of conduct of public school educators; TEC, §21.041(b)(1), which requires the SBEC to propose rules that provide for the regulation of educators and the general administration of the TEC, Chapter 21, Subchapter B, in a manner consistent with the TEC, Chapter 21, Subchapter B; TEC, §21.041(b)(2), which requires the SBEC to propose rules that specify the classes of educator certificates to be issued, including emergency certificates; and TEC, §21.064, which requires the SBEC to stop the issuance and renewal of master teacher certificates effective September 1, 2019, to add a designation of "legacy" to each master teacher certificate issued, and to recognize these certificates until they expire.

CROSS REFERENCE TO STATUTE. The repeal implements Texas Education Code (TEC), §§21.003(a), 21.031(a), 21.041(b)(1) and (2), and 21.064.

§231.651. Energy, Grades 9-12.

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

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TITLE 22. EXAMINING BOARDS

PART 6. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

CHAPTER 131. ORGANIZATION AND ADMINISTRATION

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 131, regarding organization and administration of the board, and specifically §131.15, relating to Committees, and §§131.101, 131.103, 131.107, 109, and 131.111, relating to Engineering Advisory Opinions. Also, as part of this rulemaking, the Board proposes to reorganize the subchapters within Chapter 131 and correct an error that resulted in there not being a Subchapter F within Chapter 131. These proposed changes are referred to as "proposed rules."

BACKGROUND AND SUMMARY

The rules under 22 Texas Administrative Code, Chapter 131 implement Texas Occupations Code, Chapter 1001, the Texas Engineering Practice Act and Texas Occupations Code Chapter 1071, the Professional Land Surveying Practices Act. The proposed rules are necessary to implement the provisions of Senate Bill 1259, 89th Regular Session, specifically to address the operation of the surveying advisory committee and the ability of the Board to now offer advisory opinion on both engineering and surveying issues. The proposed rules also clarify existing Board rules.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §131.15 clarify that committees of the board meet as needed rather than as required and clarify that the Policy Advisory Opinion Committee may consider matters relating to both the Texas Engineering Practice Act and the Professional Land Surveying Practices Act. In addition, the proposed rules clarify that the Surveying Advisory Committee may prepare a written report or recommendation to the board on a surveying-related subject regulated by the board and that a written record of each topic discussed at a Surveying Advisory Committee meeting shall be kept and made available to the public.

The proposed rules also amend rules about the Advisory Opinion Process to implement amendments that were part of Senate Bill 1259.

Specifically, proposed §131.101 is amended to clarify the Board may issue an advisory opinion on the Texas Engineering Practice Act, the Professional Land Surveying Practices Act, or board rules.

Proposed §131.103 is amended to eliminate a specific reference to only engineering advisory opinions and to require that advisory opinions must include the name of the requestor. The Board has encountered issues where advisory opinion requests have been received anonymously and it is not clear what issues the opinion requestor is seeking to address. By requiring the name of the requestor, the board can reach out for clarification when needed.

Proposed §§131.107, 131.109, and 131.111 are amended to make clear these sections apply to all advisory opinions under the board's jurisdiction rather than just engineering advisory opinions.

The Board also proposes adjusting the subchapters within Chapter 131. The Board proposes a new Subchapter E to be titled Fiscal Matters that will contain §§131.61 and 131.63. The previous Subchapter E, entitled Cooperative Agreements, will be shifted to new Subchapter F, which is currently not in use. The rules within the Cooperative Agreements subchapter will remain unchanged: §§131.71 and 131.73. The Board proposes to rename Subchapter H from Engineering Advisory Opinions to only Advisory Opinions to account for Senate Bill 1259, which allows the Board to now issue advisory opinions on both engineering

and surveying issues. Finally, the Board proposes a new Subchapter I to be entitled Alternative Dispute Resolution. §131.113 will move from Subchapter H to the new Subchapter I.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Dr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of rules to be consistent with updated statutes.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

The proposed rules are not subject to the requirements of Government Code §2001.0045 because the Board is a self-directed, semi-independent agency. Additionally, the proposed rules do not impose a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

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

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

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

5. The proposed rules do not create a new regulation.

6. The proposed rules do expand an existing regulation by adding surveying to the board's advisory opinion, in order to be consistent with new legislative requirements.

7. The proposed rules do not increase the number of individuals subject to the rule's applicability.

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, Texas Board of Professional Engineers and Land Surveyors, via email to rules@pels.texas.gov; via mail to 1917 S. Interstate 35, Austin, Texas 78741, or faxed to his attention at (512) 440-0417.

SUBCHAPTER B. ADMINISTRATION AND THE BOARD

22 TAC §131.15

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§1001.216 and 1001.601

§131.15. *Committees.*

(a) The board chair shall appoint the following standing committees, composed of four board members at least one of whom is a public member. A committee quorum shall consist of three members. Committee appointments shall be made by the chair for a term of up to two years but may be terminated at any point by the chair. Committee members may be re-appointed at the discretion of the chair. The board chair shall appoint a committee chair.

(1) General Issues Committee. The committee shall meet as needed ~~[required]~~ to evaluate issues and possibly develop proposed actions for the full board on issues of importance to the board and the professions. Such issues may include engineering or land surveying ethics, professionalism in practice, legislation, board management, and engineering or land surveying business issues.

(2) Licensing and Registration Committee. The committee shall meet no less than twice each fiscal year to evaluate issues and possibly develop proposed actions for the full board on licensing and registration issues. The committee may participate in activities such as evaluating rules concerning licensing of engineers; licensing and registration of land surveyors; evaluating education and continuing education program requirements; conducting personal interviews of applicants; evaluating applications; participating in national and international engineering and land surveying licensing and registration activities on the board's behalf; providing general guidance to the executive director on licensing and registration issues; and evaluating any other issue indirectly or directly relating to engineering or land surveying licensing and registration.

(3) Compliance and Enforcement Committee. The committee shall meet as needed ~~[required]~~ to evaluate issues and possibly develop proposed actions for the full board on enforcement issues. The committee may participate in activities such as evaluating rules concerning enforcement of the Acts; reviewing the progress of enforcement activities; suggesting sanctions for violations of the Acts; participation in national and international engineering and land surveying law enforcement activities on the board's behalf; providing general guidance to the executive director on enforcement issues; evaluating continuing education program requirements; and evaluating any other issue indirectly or directly relating to engineering or land surveying law enforcement.

(4) Policy Advisory Opinion Committee. The committee shall meet as needed ~~[required]~~ to review, prepare and recommend policy advisory opinions regarding the interpretation or application of the Engineering Act or the Surveying Act and to perform related activities pursuant to board approval. The committee shall follow the process and procedures for issuing advisory opinions as prescribed in Subchapter H of this chapter (relating to Advisory Opinions).

(5) Legislative Issues Committee. The committee shall meet as needed to consider legislative matters that may affect the practice of engineering and land surveying in the state. Pursuant to the Chapter 556, Texas Government Code, the committee shall not lobby or strive to influence legislation regarding the practice of engineering but meet to consider board responses to pending legislation and assist in answering related inquiries from the Texas Legislature, Governor or other state agency or governmental entity during the legislative session.

(b) - (c) (No change.)

(d) Advisory Committees. In accordance with §1001.216, the board shall appoint a Surveying Advisory Committee and may appoint other advisory committees.

(1) The Surveying Advisory Committee may, on its own initiative or at the request of any interested person, prepare a written report or recommendation to the board on any surveying-related subject regulated by the Board.

(2) The board shall maintain a written public record of each subject discussed and action taken at the Surveying Advisory Committee's meetings.

(e) (No change.)

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

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Lance Kinney, Ph.D., P.E.

Executive Director

Texas Board of Professional Engineers and Land Surveyors

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For further information, please call: (512) 440-7723



SUBCHAPTER H. [ENGINEERING] ADVISORY OPINIONS

22 TAC §§131.101, 131.103, 131.107, 131.109, 131.111

STATUTORY AUTHORITY

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

§131.101. *Subject of an Advisory Opinion.*

On its own initiative or at the request of any interested person, the board shall prepare a written advisory opinion about:

(1) an interpretation of the Engineering Act, Surveying Act, or board rules; or

(2) the application of the Engineering Act, Surveying Act, or board rules to a person in regard to a specified existing or hypothetical factual situation.

§131.103. *Request for an Advisory Opinion.*

(a) A request for an advisory opinion shall include, at a minimum, sufficient information in order for the board to provide a complete response to the request. The requestor must provide the following, as applicable:

(1) requestor contact information including the name of the requestor;

(2) affected section(s) of the Engineering Act, Surveying Act, and/or board rules;

(3) description of the situation;

(4) reason the ~~[engineering]~~ advisory opinion is requested;

(5) parties or stakeholders that will be affected by the opinion, if known; and

(6) any known, pending litigation involving the situation.

(b) A request for an advisory opinion shall be in writing. A written request may be mailed, sent via electronic mail, hand-delivered~~[, or faxed]~~ to the board at the agency office.

(c) A request for an advisory opinion may not be submitted anonymously. A request that does not include the information required in subsection (a)(1) of this section will be rejected and a response will not be prepared.

§131.107. Receipt, Review, and Processing of a Request.

(a) (No change.)

(b) Upon receipt of a request for an [engineering] advisory opinion, executive director will date stamp the request, issue an Advisory Opinion Request (AOR) [EAOR] tracking number, and make a preliminary determination on the board's jurisdiction regarding the request.

(c) - (g) (No change.)

(h) When sufficient information exists, the policy advisory opinion committee shall draft an [engineering] advisory opinion and post the request and draft opinion on the agency website and in the Texas Register [Texas Register] for comments.

(i) Draft opinions shall be posted for at least 30 days and any interested person may submit written comments concerning an advisory opinion request. Comments submitted should reference the AOR [EAOR] number.

(j) (No change.)

(k) The full board shall review and adopt the [engineering] policy advisory opinion or determine if further revisions are required and refer the request back to the policy advisory opinion committee with guidance on proceeding with completing the request.

(l) Each final [engineering] advisory opinion adopted by the full board shall be published in summary form in the Texas Register [Texas Register].

(m) (No change.)

§131.109. Compilation of Advisory Opinions.

The board shall number and classify each final [engineering] advisory opinion issued and shall annually compile a summary of advisory opinions in a single reference document made available on the Board's website [Internet]. The executive director may also publish and provide copies of advisory opinions in other formats as may be in the public interest.

§131.111. Time Period.

The board shall respond to requests for an [engineering] advisory opinion within 180 days after the date the board receives the written request unless the board affirmatively states the board's reason for not responding to the request within 180 days or for not responding to the request at all.

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

Filed with the Office of the Secretary of State on October 1, 2025.
TRD-202503508

Lance Kinney, Ph.D., P.E.

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



CHAPTER 133. LICENSING FOR ENGINEERS SUBCHAPTER A. ENGINEER-IN-TRAINING

22 TAC §133.3

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 133, Subchapter A, regarding engineer-in-training, specifically §133.3 Engineer-in-Training Application and Certification.

BACKGROUND AND SUMMARY

The proposed rule amendment is related to the implementation of provisions of Senate Bill 1259 (89th Regular Session 2025), relating to the practice of surveying. Changes to §133.3 relate to the practice of engineering and mirror new language in §134.3 for clarity and parallel construction.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §133.3 adds clarifying language to reflect current practice that an applicant must take and pass the Fundamentals of Engineering exam as a requirement to apply for Engineer-in-Training certification.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of application requirements for an Engineer-in-Training certification.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed amendments implement the following sections of the law: Texas Occupations Code § 1001.309.

§133.3. Engineer-in-Training Application and Certification.

(a) To become enrolled as an Engineer-in-Training (EIT), an individual must:

(1) have successfully passed the examination on the Fundamentals of Engineering;

(2) [(4)] submit an EIT application in a format prescribed by the Board;;

(3) [(2)] submit an official transcript in accordance with §§133.33 or 133.35 of this chapter (relating to Proof of Educational Qualifications);; and

(4) [(3)] pay the fee as established by the Board.

(b) A certificate as an engineer-in-training expires eight years from the date of issuance. Although the certificate has an expiration date, the records of the Board will indicate that an individual has passed the Fundamentals of Engineering examination and these records will be maintained in the file indefinitely and will be made available as requested by the individual or another licensing jurisdiction.

(c) The certificate may be renewed upon receipt of an application in a format prescribed by the Board and payment of the EIT certification fee established by the Board.

(d) Effective January 1, 2002, official transcripts will be kept on file and an EIT may request its use when filing the professional engineer application.

(e) If the applicant for EIT certification does not submit all documents required within 90 days of the original application date, the application shall expire and the applicant must reapply and pay a new application fee.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503534

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



SUBCHAPTER B. PROFESSIONAL ENGINEER LICENSES

22 TAC §133.11

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 133, Subchapter B, regarding professional engineer licenses, specifically §133.11 Types of Licenses.

BACKGROUND AND SUMMARY

The proposed rule amendment is required to implement the provisions of Senate Bills 681 and 1080 (89th Regular Session 2025). In summary, SB681 requires the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to change all Professional Engineer (PE), Registered Professional Land Surveyor (RPLS), engineering firm, and surveying firm renewals from an annual cycle to a 2-year cycle. SB1080 creates a requirement that the board provide for a provisional license for applicants with a criminal convictions according to Texas Occupations Code Chapter 53.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §133.11 to remove language referring to an annual renewal to allow for the two-year renewal cycle and adds an option for a provisional license according to Texas Occupations Code Chapter 53.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be implementation of SB681 and SB1080, including two-year renewals for licensees and a provisional license for applicants with a criminal history.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic

Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

The proposed rules are proposed pursuant to Texas Occupations Code §§1001.201 and 1001.202, which authorize the Board to regulate engineering and land surveying and make

and enforce all rules and regulations and bylaws consistent with the Act as necessary for the performance of its duties, the governance of its own proceedings, and the regulation of the practices of engineering and land surveying in this state.

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 53.0211 and 1001.351.

§133.11. Types of Licenses.

The board shall receive, evaluate and process all applications for licensure as a professional engineer received from individuals who assert through the application process that they meet the minimum requirements of §1001.302 of the Act. The board shall deny a license to any applicant found not to have met all requirements of the Act and board rules.

(1) **Standard License.** Standard licenses are fully renewable ~~annually~~ until such time as the board takes specific action to prevent renewal or in accordance with ~~the provision of~~ the Texas Engineering Practice Act ~~prevents renewal~~. An application received and processed under the following sections will be considered a standard license:

(A) §133.21 of this chapter (relating to Application for a Standard License)

(B) §133.23 of this chapter (relating to Applications from Former Standard License Holders)

(C) §133.25 of this chapter (relating to Applications from Engineering Educators)

(D) §133.26 of this chapter (relating to Applications for Texas Licensure by License Holders in Another Jurisdiction)

(2) **Temporary License.**

(A) A temporary license holder shall be subject to all other rules and legal requirements to which a holder of a standard license is subject.

(B) After a temporary license has expired, a former temporary license holder may not apply for a subsequent temporary license.

(C) A current temporary license holder may initiate the standard licensure process.

(D) An application received and processed under the following sections will be considered a temporary license:

(i) §133.27 of this chapter (relating to Application for Temporary License for Engineers Currently Licensed Outside the United States)

(ii) §133.29 of this chapter (relating to Application for ~~Temporary~~ License for Military Service Members, Military Veterans, and Military Spouses ~~Who Are Licensed or Registered in Another State~~)

(3) **Provisional License.** The board may issue a provisional license in accordance with the provisions of Texas Occupations Code Section 53.0211 and may add any additional conditions the board finds necessary to ensure the health, safety, and welfare of the public ~~does not issue provisional licenses at this time~~.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503524

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723

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**SUBCHAPTER C. PROFESSIONAL
ENGINEER LICENSE APPLICATION
REQUIREMENTS**

22 TAC §133.29

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 133, subchapter C, regarding professional engineer license application requirements, specifically §133.29, relating to Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State, including retitling the section to Application for Licensure for Military Service Members, Military Veterans, and Military Spouses.

BACKGROUND AND SUMMARY

The proposed rules are necessary to implement the provisions of House Bill 5629 (HB 5629) and Senate Bill 1818 (SB 1818), passed during the 89th Regular Legislative Session. Specifically, HB 5629 and SB 1818 require the Board to provide expedited licensure processes for military service members, military veterans, or military spouses that are currently licensed in another jurisdiction.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §133.29 to implement the provisions of House Bill 5629 and SB1818. Specifically, the Board provides for expedited or streamlined processes for active-duty military service members, military veterans, or military spouses to be issued a license or to recognize their out-of-state license in accordance with the provisions of Texas Occupations Code, Chapter 55, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Dr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of rules to be consistent with updated statutes.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

The proposed rules are not subject to the requirements of Government Code §2001.0045 because the Board is a self-directed, semi-independent agency. Additionally, the proposed rules do not impose a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, Texas Board of Professional Engineers and Land Surveyors, via email to rules@pels.texas.gov; via mail to 1917 S. Interstate 35, Austin, Texas 78741, or faxed to his attention at (512) 440-0417.

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 55.004 and 55.0041.

§133.29. Application for Licensure for Military Service Members, Military Veterans, and Military Spouses. [Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State]

(a) A military service member, military veteran, or military spouse, as defined in Texas Occupations Code §55.001, may apply for Standard Licensure in accordance with §133.21 of this Chapter, relating to Application for Standard License or, if applicable, by submitting an application in accordance with §133.26 of this Chapter, relating to Applications for Texas Licensure by License Holders in Another Jurisdiction. [In accordance with §55.0041, Occupations Code, a military spouse who is currently licensed in good standing by a jurisdiction with licensing requirements that are substantially equivalent to the licensing requirements in this state may be issued a temporary license.]

(b) As applicable, a military service member, military veteran, or military spouse who holds a current professional engineer license issued by another state that is similar in scope of practice to a Texas professional engineer license and who is in good standing with that state's licensing authority or who held a Texas professional engineer license within the five years preceding the application date under this subsection, may apply for alternative licensing in accordance with the provisions of Texas Occupations Code §55.004, relating to Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses. [To be eligible for the confirmation described in Occupations Code §55.0041(b)(3), the military spouse shall provide the board:]

{(1) notice on a completed board-approved form, as required by Occupations Code §55.0041(b)(2) (relating to Application for Standard License);}

{(2) sufficient documentation to verify that the military spouse is currently licensed or registered in another jurisdiction and

has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;]

[(3) proof of the military spouse's residency in this state; and]

[(4) a copy of the military spouse's identification card.]

(c) As applicable, a military service member or military spouse who holds a current professional engineer license issued by another state that is similar in scope of practice to a Texas professional engineer license and who is in good standing with that state's licensing authority may submit an application to this board to request recognition of the out-of-state professional engineer license in accordance with the provisions of Texas Occupations Code §55.0041, related to Recognition of Out of State License of Military Service Members and Military Spouses, if: [The board will determine whether the licensing or registration requirements of another jurisdiction are substantially equivalent to the licensing or registration requirements set forth by the board. In determining substantial equivalency, the board will consider factors including education, examinations, experience, and enforcement history.]

(1) the military service member has been ordered to relocate to Texas, or

(2) the military spouse is married to a military service member who has been ordered to relocate to Texas.

(d) For the purposes of this subchapter, the Board considers professional engineer licenses issued by any U.S. state to be similar in scope of practice to the professional engineer license issued by this Board. [The board may not charge a fee for the license or registration as set forth in §133.21(d)(2) of this title (relating to Application for Standard License).]

[(e) Authority to engage in engineering or land surveying.]

[(1) An individual who receives confirmation from the board, as described in Occupations Code §55.0041(b)(3);]

[(A) may engage in the practice of engineering or land surveying only for the period during which the individual meets the requirements of Occupations Code §55.0041(d); and]

[(B) must immediately notify the board if the individual no longer meets the requirements of Occupations Code §55.0041(d).]

[(2) An individual is not required to undergo a criminal history background check to be eligible for the authority granted under this subsection.]

[(f) Temporary license.]

[(1) An individual who receives confirmation from the board, as described in Occupations Code §55.0041(b)(3); is eligible to receive a temporary license to practice engineering or a registration to practice land surveying issued by the Board if the individual:]

[(A) submits a completed application on a board-approved form; and]

[(B) undergoes and successfully passes a criminal history background check.]

[(2) A license or registration issued under this subsection expires annually and may be renewed twice, but expires on the third anniversary of the date the board provided the confirmation described in Occupations Code §55.0041(b)(3) and may not be further renewed.]

[(g) An individual who engages in the practice of engineering or land surveying under the authority, license, or registration established by this section is subject to the enforcement authority granted

under Occupations Code, Chapter 51, and the laws and regulations applicable to the practice of engineering and land surveying.]

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503540

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



SUBCHAPTER G. EXAMINATIONS

22 TAC §133.65

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 133, Subchapter G, regarding examinations, specifically §133.65 Examination on the Fundamentals of Engineering.

BACKGROUND AND SUMMARY

The proposed rule amendment is related to the implementation of provisions of Senate Bill 1259 (89th Regular Session 2025), relating to the practice of surveying. Changes to §133.65 relate to examinations required for licensure as a professional engineer and mirror the format of amendments in §134.65 for clarity and parallel construction.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §133.65 to clarify that there are no prerequisites to sit for the Fundamentals of Engineering exam and that the board uses the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering exam.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of examination requirements for Professional Engineers.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure;

thus, the Board asserts the proposed rules are not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code § 1001.304.

§133.65. Examination on the Fundamentals of Engineering.

{(a) An undergraduate student who is within two regular semesters (not including summer sessions) of graduating may take the examination on the fundamentals of engineering provided that the student is enrolled in a degree program which is:}

{(1) an engineering program accredited or approved by the EAC/ABET;}

{(2) a four year baccalaureate technical program accredited or approved by the ETAC/ABET;}

{(3) an engineering-related science program of four years or more that has been approved by the board; or}

{(4) a non-engineering related curriculum or other degree in which the student has provided evidence acceptable to the executive director as meeting the minimum requirements of §1001.302(a)(1)(A) or (B) of the Act.}

(a) [(b)] Persons [who demonstrate that they meet the educational requirements for a license and] who have not passed the examination on the fundamentals of engineering may apply to take the examination in accordance with the applicable examination registration requirements.

(b) The board shall utilize the national fundamentals of engineering examination developed and administered by NCEES to meet this requirement.

(c) The examination on the fundamentals of engineering shall be offered according to the schedule determined by the NCEES.

{(e) Persons who do not meet the criteria of subsection (a) of this section, but who need only to complete the examination on the fundamentals of engineering to fulfill the graduation requirements of a degree program that would meet the educational requirements for a license, may apply to the board to take the examinations in accordance with the applicable examination schedule.}

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



CHAPTER 134. LICENSING, REGISTRATION, AND CERTIFICATION FOR SURVEYORS

SUBCHAPTER A. SURVEYOR-IN-TRAINING

22 TAC §134.3

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 134, Subchapter A, regarding surveyor-in-training, specifically §134.3 Surveyor-in-Training Application and Certification.

BACKGROUND AND SUMMARY

The proposed rule amendment is related to the implementation of provisions of Senate Bill 1259 (89th Regular Session 2025), relating to the practice of surveying. In summary the bill clarifies language related to the practice of Professional Land Surveying in the state of Texas. This includes clarifications about the operations of the Surveying Advisory Committee (SAC), adds surveying to the purview of the Board to prepare policy advisory opinions, allows applicants to take the Fundamentals of Surveying exam (FS) while gaining experience prior to becoming a Surveyor-in-Training (SIT), and codifies the requirement to take and pass the Texas Specific Surveying Exam (TSSE).

SECTION-BY-SECTION SUMMARY

The proposed rules amend §134.3 adds language requiring that an applicant must take and pass the Fundamentals of Surveying exam as a requirement to apply for Surveyor-in-Training certification.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of application requirements for a Surveyor-in-Training certification.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure;

thus, the Board asserts the proposed rules are not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code § 1071.253.

§134.3. Surveyor-In-Training Application and Certification.

(a) To be eligible become as a surveyor-in-training (SIT), an individual must:

(1) have successfully passed the examination on the Fundamentals of Surveying;

(2) [(4)] submit an SIT application in a format prescribed by the Board;

(3) [(2)] submit an official transcript in accordance with Subchapter D of this chapter (relating to Education);

(4) [(3)] submit experience information in accordance with §134.5 of this chapter (relating to Surveyor-In-Training Experience Requirements);

(5) [(4)] submit a minimum of three reference statements conforming to §134.51 of this chapter (relating to Reference Providers); and

(6) [(5)] pay the fee as established by the Board.

[(b) Once the requirements of (a)(1) - (5) of this section have been received and approved, the applicant will be approved to take the Fundamentals of Surveying examination per §134.65 of this title (relating to Examination on the Fundamentals of Surveying).]

(b) [(e)] A certificate as a surveyor-in-training expires eight years from the date of issuance. Although the certificate has an expiration date, the records of the Board will indicate that an individual has passed the Fundamentals of Surveying examination and these records will be maintained in the file indefinitely and will be made available as requested by the individual or another licensing jurisdiction.

(c) [(d)] The certificate may be renewed upon receipt of an application in a format prescribed by the Board, payment of the SIT certification fee established by the Board, and completion of 32 hours of acceptable continuing education per §138.17 of this title (related to Continuing Education).

(d) [(e)] Effective September 1, 2019, official transcripts will be kept on file and an SIT may request its use when filing the registered professional land surveyor application.

(e) [(f)] If the applicant for SIT certification does not submit all documents required within 90 days of the original application date, the application shall expire and the applicant must reapply and pay a new application fee.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503535

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



SUBCHAPTER B. PROFESSIONAL SURVEYOR REGISTRATION

22 TAC §134.11

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 134, Subchapter B, regarding professional land surveyor registration, specifically §134.11 Types of Surveyor License and Registration.

BACKGROUND AND SUMMARY

The proposed rule amendment is required to implement the provisions of Senate Bill 1080 (89th Regular Session 2025). In summary, SB1080 creates a requirement that the board provide for a provisional license for applicants with a certain criminal convictions according to Texas Occupations Code Chapter 53.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §134.11 to add an option for a provisional license according to Texas Occupations Code Chapter 53.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be implementation of SB1080, including a provisional license for applicants with a criminal history.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure;

thus, the Board asserts the proposed rules are not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

§134.11. Types of Surveyor License and Registration.

The board shall receive, evaluate and process all applications for registration as a Registered Professional Land Surveyor (RPLS) or Licensed State Land Surveyor (LSLS) received from individuals who assert through the application process that he or she meets the minimum requirements of the Surveying Act. The board shall deny a registration or license to any applicant found not to have met all requirements of the Surveying Act and board rules.

(1) Standard Registration. All initial surveying licenses or registrations issued by the board shall be considered standard licenses or registrations.

(2) Reciprocal Registration. An applicant who holds a surveying license or registration from another U.S. jurisdiction may apply via the reciprocal registration process set forth in §134.25 of this chapter.

(3) Temporary License or Registration. The board does not issue any temporary surveyor registration at this time

(4) Provisional License or Registration. The board may issue a provisional license in accordance with the provisions of Texas Occupations Code Section 53.0211 and may add any additional conditions the board finds necessary to ensure the health, safety, and welfare of the public. [~~does not issue provisional surveyor registration at this time.~~]

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503525

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



SUBCHAPTER C. LAND SURVEYOR APPLICATION REQUIREMENTS

22 TAC §134.29

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 134, subchapter C, regarding land surveyor license application requirements, specifically §134.29, relating to Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State, including retitling the section to Application for Licensure for Military Service Members, Military Veterans, and Military Spouses.

BACKGROUND AND SUMMARY

The proposed rules are necessary to implement the provisions of House Bill 5629 (HB 5629) and Senate Bill 1818 (SB 1818), passed during the 89th Regular Legislative Session. Specifically, HB 5629 and SB 1818 require the Board to provide expedited licensure processes for military service members, military veterans, or military spouses that are currently licensed in another jurisdiction.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §134.29 to implement the provisions of HB 5629 and SB 1818. Specifically, the Board provides for expedited or streamlined processes for active-duty military service members, military veterans, or military spouses to be issued a license or to recognize their out-of-state license in accordance with the provisions of Texas Occupations Code, Chapter 55, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Dr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of rules to be consistent with updated statutes.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules.

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

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

The proposed rules are not subject to the requirements of Government Code §2001.0045 because the Board is a self-directed, semi-independent agency. Additionally, the proposed rules do not impose a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, Texas Board

of Professional Engineers and Land Surveyors, via email to rules@pels.texas.gov; via mail to 1917 S. Interstate 35, Austin, Texas 78741, or faxed to his attention at (512) 440-0417.

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 55.004 and 55.0041.

§134.29. Application for Licensure for Military Service Members, Military Veterans, and Military Spouses. [Application for Temporary License for Military Spouses Who Are Licensed or Registered in Another State]

(a) A military service member, military veteran, or military spouse, as defined in Texas Occupations Code §55.001, may apply for Standard Licensure in accordance with §134.21 of this Chapter, relating to Application for Standard Registration. [In accordance with §55.0041, Occupations Code, a military spouse who is currently licensed or registered in good standing by a jurisdiction with licensing or registration requirements that are substantially equivalent to the licensing requirements in this state may be issued a temporary license or registration.]

(b) As applicable, a military service member, military veteran, or military spouse who held a Texas professional land surveyor registration or Texas licensed state land surveyor license within the five years preceding the application date under this subsection, may apply for alternative licensing in accordance with the provisions of Texas Occupations Code §55.004, relating to Alternative Licensing for Military Service Members, Military Veterans, and Military Spouses. [To be eligible for the confirmation described in Occupations Code §55.0041(b)(3), the military spouse shall provide the board:]

[(1) notice on a completed board-approved form, as required by Occupations Code §55.0041(b)(1);]

[(2) sufficient documentation to verify that the military spouse is currently licensed or registered in another jurisdiction and has no restrictions, pending enforcement actions, or unpaid fees or penalties relating to the license or registration;]

[(3) proof of the military spouse's residency in this state; and]

[(4) a copy of the military spouse's identification card.]

(c) As it relates to the implementation of Texas Occupations Code §55.004 and §55.0041, the Board has determined that no other states professional land surveyor license is similar in scope to a Texas professional land surveyor registration or a Texas licensed state land surveyor registration. [The board will determine whether the licensing or registration requirements of another jurisdiction are substantially equivalent to the licensing or registration requirements set forth by the board. In determining substantial equivalency, the board will consider factors including education, examinations, experience, and enforcement history.]

[(d) The board may not charge a fee for the license or registration as set forth in §134.21 of this title (relating to Application for Standard License).]

[(e) Authority to engage in land surveying.]

[(1) An individual who receives confirmation from the board, as described in Occupations Code §55.0041(b)(3).]

[(A) may engage in the practice of land surveying only for the period during which the individual meets the requirements of Occupations Code §55.0041(d); and]

[(B) must immediately notify the board if the individual no longer meets the requirements of Occupations Code §55.0041(d).]

[(2) An individual is not required to undergo a criminal history background check to be eligible for the authority granted under this subsection.]

[(f) Temporary license.]

[(1) An individual who receives confirmation from the board, as described in Occupations Code §55.0041(b)(3), is eligible to receive a temporary registration to practice land surveying issued by the Board if the individual:]

[(A) submits a completed application on a board-approved form; and]

[(B) undergoes and successfully passes a criminal history background check.]

[(2) A registration issued under this subsection expires annually and may be renewed twice, but expires on the third anniversary of the date the board provided the confirmation described in Occupations Code §55.0041(b)(3) and may not be further renewed.]

[(g) An individual who engages in the practice of land surveying under the authority, license, or registration established by this section is subject to the enforcement authority granted under Occupations Code, Chapter 51, and the laws and regulations applicable to the practice of land surveying.]

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503541

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



SUBCHAPTER G. EXAMINATIONS

22 TAC §§134.61, 134.65, 134.67

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 134, Subchapter G, regarding examinations, specifically §134.61, Surveying Examinations Required for a Registration to Practice as a Professional Surveyor; §134.65, Examination on the Fundamentals of Surveying; and §134.67, Examination on the Principles and Practice of Surveying, including retitling the section to Texas Specific Surveying Examination.

BACKGROUND AND SUMMARY

The proposed rule amendments are related to the implementation of provisions of Senate Bill 1259 (89th Regular Session 2025), relating to the practice of surveying. The bill includes clarifications about the operations of the Surveying Advisory Committee (SAC), adds surveying to the purview of the Board to prepare policy advisory opinions, allows applicants to take the Fundamentals of Surveying exam (FS) while gaining experience prior to becoming a Surveyor-in-Training (SIT), and codifies the requirement to take and pass the Texas Specific Surveying Exam (TSSE).

SECTION-BY-SECTION SUMMARY

The proposed rules amend §134.61 to change a citation to the new title of §134.65 regarding the Texas Specific Surveying Examination

The proposed rules amend §134.65 to clarify that there are no prerequisites to sit for the Fundamentals of Surveying exam.

The proposed rules amend §134.67 to clarify the requirements for the Texas Specific Surveying Exam. The language concerning the Principles and Practice of Surveying exam is being moved to new rule §134.66. This reorganization is for clarity, to provide each examination with its own rule section, and to reflect the current examination process flow.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of examination requirements for Professional Surveyors.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will have no adverse economic effect on small businesses, micro-

businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 1071.254 and 1071.256.

§134.61. Surveying Examinations Required for a Registration to Practice as a Professional Surveyor.

(a) Applicants are required to take written experience and knowledge examinations, furnished and graded by the NCEES or by the board unless a waiver is granted pursuant to Texas Occupations Code section 1071.259 for Out-of-State Surveyors.

(b) All examinations shall be in the English language.

(c) Experience and knowledge examinations shall be:

(1) a Fundamentals of Surveying examination prepared by NCEES;

(2) a Principles and Practice of Surveying examination prepared by the NCEES; and

(3) a Texas Specific Surveying Examination prepared by the board.

(d) The board shall publish examination information which shall include at least the following:

(1) the places where the examinations shall be held;

(2) the dates of the examinations;

(3) the deadline date for an examinee to schedule an examination, if applicable;

(4) fees for each examination; and

(5) types of examinations offered.

(e) Examinations may be scheduled by timely submission of registration information in a format specified by the Board with the appropriate examination fee.

(f) Individuals who plan to take an examination must have their registration completed by the close of regular business on the date established by the applicable examination schedule.

(g) Applicants providing an official verification from NCEES or an NCEES member board certifying that they have passed the Fundamentals of Surveying and/or Principles and Practices of Surveying examination(s) in that state shall not be required to take the examination(s) again.

(h) Examination registration fees may be collected by the board or a contracted exam administrator and, when appropriate, shall be refunded or transferred to future examination administrations in accordance with established board or exam administrator policy and if approved by the executive director.

(i) Examination candidates who have been called into active U.S. military duty or who are re-assigned military personnel and will not be available to sit for an examination may request an extension of the approved examination period defined in §134.67 of this chapter (relating to Texas Specific Surveying Exam [Examination on the Principles and Practice of Surveying]). Such candidates shall submit adequate documentation, including copies of orders, and a request to

extend the approved examination period to the board. The candidate shall notify the board of their availability to resume the examination period within 60 days of release from active duty or when they are deployed to a location that provides a board approved examination.

(j) All examinations shall be administered to applicants with disabilities in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. §12101 et seq.), and its subsequent amendments. Special accommodations can be provided for examinees with physical or mental impairments that substantially limit life activities.

(1) Any individual with a disability who wishes to request special accommodations must submit an official request and supporting medical documentation that has been generated by an appropriate licensed health care professional in a format specified by the contracted exam administrator.

(2) The request must be submitted prior to the exam registration deadline established by the contracted exam administrator.

(3) The board or the contracted exam administrator may request additional documentation to substantiate a request for special accommodations.

(4) The requestor will be notified of approval of the request or reason for denial of the request by the board or contracted exam administrator.

(k) Pursuant to Texas Occupations Code §54.002, if an examination candidate's religious beliefs prevent the candidate from taking an examination on a religious holy day that conflicts with the normally scheduled examination date, the candidate shall submit a request to the contracted exam administrator and the board to take the examination on an alternate date.

(l) Upon successful passage of the experience and knowledge examinations an applicant shall be considered to have met the examination requirements for registration as a registered professional land surveyor in Texas.

§134.65. Examination on the Fundamentals of Surveying.

(a) Persons who have not passed the examination on the fundamentals of surveying may apply to take the examination in accordance with the applicable examination registration requirements.

~~{(a) An applicant who has met the requirements set forth in §134.3 of this chapter (relating to Surveyor-In-Training Application And Certification) and §1071.253 of the Surveying Act, and who has been approved by the executive director, shall be eligible to sit for the Fundamentals of Surveying examination. }~~

(b) The board shall utilize the national fundamentals of surveying examination developed and administered by NCEES to meet this requirement.

(c) The examination on the fundamentals of surveying shall be offered according to the schedule determined by the NCEES.

§134.67. Texas Specific Surveying Examination [Examination on the Principles and Practice of Surveying].

~~{(a) General Exam Provisions.}~~

~~{(1) To meet the examination requirements set forth in §1071.256 of the Surveying Act an applicant must pass both the NCEES Principles and Practice of Surveying examination (PS Exam) and the Texas Specific Surveying Examination (TSSE).}~~

{(2) The PS exam and TSSE are open only to applicants who have received board approval to take the exams and Texas registered professional land surveyors who wish to take the exams for record purposes.}

[(3) An applicant approved to take the PS exam and TSSE:]

[(A) shall be advised of the date he or she is eligible; and]

[(B) shall be solely responsible for timely scheduling for the examinations and any payment of examination fees.]

[(4) For the purposes of this section, exam attempt means a unique administration of an examination for which attendance is documented.]

[(5) If the applicant has not attempted to take the TSSE within the approved examination period described in subsection (c) of this section, the applicant may re-apply to take the exam after the prior approved examination period has expired under §134.21 of this chapter (relating to Application for Standard License) and may receive approval for additional exam attempts.]

(a) [(6)] The Texas Specific Surveying Examination ([PS exam and] TSSE) shall be constructed according to §1071.256 of the Surveying Act. The TSSE shall be developed by the board to supplement the NCEES PS Exam and cover any topic areas specific to the professional practice of land surveying in Texas that are not covered by the NCEES PS exam. The TSSE shall not exceed four hours in duration. [The examinations shall be written and designed to aid the Board in determining the applicant's knowledge of land surveying, mathematics, land surveying laws, and the applicant's general fitness to practice the profession as outlined in the Surveying Act.]

(b) Applicants who have been approved for examinations per §134.87 of this chapter are approved to take the TSSE.

(c) An applicant approved to take the TSSE:

(1) shall be advised of the date he or she is eligible; and

(2) shall be solely responsible for timely scheduling for the examinations and any payment of examination fees.

(d) The TSSE shall be offered according to a schedule and at a location determined by the board.

(e) For the purposes of this section, exam attempt means a unique administration of an examination for which attendance is documented.

(f) An applicant approved to take the TSSE shall be allowed not more than three examination attempts and those attempts must be completed within a four-year period starting with the date of the notification for approval to take the exam. No extensions of time shall be granted except as provided for in §134.61(i) of this chapter (relating to Surveying Examinations Required for a License to Practice as a Professional Surveyor).

(g) An applicant who does not pass the TSSE within the approved examination period described in subsection (f) of this section is considered not approved and may not re-apply for approval until he or she has obtained at least one (1) year of additional surveying experience as described in Subchapter E of this chapter (relating to Experience) or until the applicant has completed at least six (6) additional semester hours of formal college level classroom courses relevant to land surveying. The time period to obtain additional surveying experience or enroll in additional college courses commences on the date of the last TSSE exam attempt. Applicants meeting the additional experience or education requirements must reapply in accordance with §134.21 of this chapter and receive approval for additional exam attempts.

(h) If the applicant has not attempted to take the TSSE within the approved examination period described in subsection (c) of this section, the applicant may reapply to take the exam after the prior approved

examination period has expired under §134.21 of this chapter (relating to Application for Standard License) and may receive approval for additional exam attempts.

[(b) Principles and Practice of Surveying Exam]

[(1) The board shall utilize the PS Exam developed and administered by NCEES to meet this requirement.]

[(2) The PS exam shall be offered according to the schedule determined by NCEES.]

[(3) An applicant who has passed the PS exam will not be required to re-take the examination.]

[(4) Applicants who are granted certification as a Surveyor-in-Training in accordance with §134.1 of this chapter (relating to Surveyor-in-Training Designation) are approved to take the PS exam.]

[(5) Applicants who have been approved for examinations per §134.87 of this chapter (relating to Final Actions on Applications) are approved to take the PS exam.]

[(c) Texas Specific Surveying Examination (TSSE)]

[(1) The TSSE shall be developed by the board to supplement the NCEES PS Exam and cover any topic areas specific to the professional practice of land surveying in Texas that are not covered by the NCEES PS exam. The TSSE shall not exceed four hours in duration.]

[(2) The TSSE shall be offered according to a schedule and at a location determined by the board.]

[(i) [(3)] An applicant who has passed the TSSE will not be required to re-take the examination.

[(4) Applicants who have been approved for examinations per §134.87 of this chapter are approved to take the TSSE.]

[(5) An applicant approved to take the TSSE shall be allowed not more than three examination attempts and those attempts must be completed within a four-year period starting with the date of the notification for approval to take the exam. No extensions of time shall be granted except as provided for in §134.61(i) of this chapter (relating to Surveying Examinations Required for a License to Practice as a Professional Surveyor).]

[(6) An applicant who does not pass the TSSE within the approved examination period described in paragraph (5) of this subsection is considered not approved and may not re-apply for approval until he or she has obtained at least one (1) year of additional surveying experience as described in Subchapter E of this chapter (relating to Experience) or until the applicant has completed at least six (6) additional semester hours of formal college level classroom courses relevant to land surveying. The time period to obtain additional surveying experience or enroll in additional college courses commences on the date of the last TSSE exam attempt. Applicants meeting the additional experience or education requirements must apply in accordance with §134.21 of this chapter and receive approval for additional exam attempts.]

[(i) [(7)] TSSE Exam fees shall be waived for qualifying military service members, military veterans, and military spouses in accordance with Texas Occupations Code Chapter 55.

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

Filed with the Office of the Secretary of State on October 1, 2025.
TRD-202503537

Lance Kinney
Executive Director
Texas Board of Professional Engineers and Land Surveyors
Earliest possible date of adoption: November 16, 2025
For further information, please call: (512) 440-7723



22 TAC §134.66

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 134, Subchapter G, regarding examinations, specifically creating new rule §134.66 Examination on the Principles and Practice of Surveying.

BACKGROUND AND SUMMARY

The proposed rule amendment is related to the implementation of provisions of Senate Bill 1259 (89th Regular Session 2025), relating to the practice of surveying. In summary the bill clarifies language related to the practice of Professional Land Surveying in the state of Texas. This includes clarifications about the operations of the Surveying Advisory Committee (SAC), adds surveying to the purview of the Board to prepare policy advisory opinions, allows applicants to take the Fundamentals of Surveying exam (FS) while gaining experience prior to becoming a Surveyor-in-Training (SIT), and codifies the requirement to take and pass the Texas Specific Surveying Exam (TSSE).

SECTION-BY-SECTION SUMMARY

The rule proposal creates new rule §134.66 which contains language concerning the Principles and Practice of Surveying exam. This rule language was previously part of rule §134.67 which is now split into different rules for clarification.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of application requirements for a Surveyor-in-Training certification.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice,

to Lance Kinney, Ph.D., P.E., Executive Director, by email to rules@pels.texas.gov or sent by postal mail to the Texas Board of Professional Engineers, 1917 S. Interstate 35, Austin, Texas 78741.

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 1071.254 and 1071.256.

§134.66. Examination on the Principles and Practice of Surveying.

(a) The board shall utilize the Principles and Practice of Surveying Exam (PS Exam) developed and administered by NCEES to meet this requirement.

(b) Applicants who are granted certification as a Surveyor-in-Training in accordance with §134.1 of this chapter (relating to Surveyor-in-Training Designation) are approved to take the PS exam.

(b) Applicants who have been approved for examinations per §134.87 of this chapter (relating to Final Actions on Applications) are approved to take the PS exam.

(c) An applicant approved to take the PS exam:

(1) shall be advised of the date he or she is eligible; and

(2) shall be solely responsible for timely scheduling for the examinations and any payment of examination fees.

(d) The PS exam shall be offered according to the schedule determined by NCEES.

(e) An applicant who has passed the PS exam will not be required to re-take the examination.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503539

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



SUBCHAPTER H. REVIEW PROCESS OF APPLICATIONS AND REGISTRATION ISSUANCE

22 TAC §134.87

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 134, Subchapter H, regarding the review process

of applications and registration issuance, specifically §134.87 Final Action on Applications.

BACKGROUND AND SUMMARY

The proposed rule amendment is related to the implementation of provisions of Senate Bill 1259 (89th Regular Session 2025), relating to the practice of surveying. In summary the bill clarifies language related to the practice of Professional Land Surveying in the state of Texas. This includes clarifications about the operations of the Surveying Advisory Committee (SAC), adds surveying to the purview of the Board to prepare policy advisory opinions, allows applicants to take the Fundamentals of Surveying exam (FS) while gaining experience prior to becoming a Surveyor-in-Training (SIT), and codifies the requirement to take and pass the Texas Specific Surveying Exam (TSSE).

SECTION-BY-SECTION SUMMARY

The proposed rule amends §134.87 adds a reference to the Texas Specific Surveying Exam.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be clarification of application requirements for a Surveyor-in-Training certification.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rule implements the following sections of the law: Texas Occupations Code §§ 1071.254 and 1071.256.

§134.87. Final Action on Applications.

(a) Upon approval of an application by the executive director, the successful completion of the requirements of a Corrective Action Plan (CAP), or the successful completion of the requirements of the Licensing Committee and full board in a manner provided in this subchapter, the executive director shall:

(1) issue a registration subject to the applicant's taking and passing the examination on the principles and practice of surveying according to §134.66 [§134.67] of this chapter (relating to Examination on the Principles and Practice of Surveying) and the TSSE according to §134.67 of this chapter (relating to the Texas Specific Surveying Examination); or

(2) issue a registration to an applicant who has passed the examination on the principles and practice of surveying and the TSSE; and

(3) report all approved applications to the Board.

(b) The board will consider applications presented to it and recommendations it receives from the Licensing Committee.

(c) The executive director shall advise the applicant in writing of any decision of the executive director, the Licensing Committee, or the board, as applicable, within 20 days of the decision.

(d) An applicant whose application has been denied by the Board based on criminal conviction shall have 20 days from the date of the denial within which to request in writing a hearing at the State Office of Administrative Hearings (SOAH).

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503538

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



CHAPTER 135. ENGINEERING FIRM REGISTRATION

22 TAC §135.1

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 135, regarding engineering firm registration, specifically §135.1 Authority.

BACKGROUND AND SUMMARY

The proposed rule amendment is required to implement the provisions of Senate Bill 681. In summary, SB681 requires the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to change all Professional Engineer (PE), Registered Professional Land Surveyor (RPLS), engineering firm, and surveying firm renewals from an annual cycle to a 2-year cycle.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §135.1 to remove language referring to an annual renewal to allow for the two-year renewal cycle.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be implementation of SB681, including two-year renewals for engineering firms.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

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

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

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

5. The proposed rules do not create a new regulation.

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code § 1001.405.

§135.1. Authority.

The board [Texas Board of Professional Engineers] shall receive, evaluate, and process all applications for a certificate of registration issued under the authority of the Texas Engineering Practice Act (Act). Applications for the certificate of registration shall be accepted from all firms offering to engage or engaging in the practice of professional engineering for the public in Texas. For the purposes of this section, the term "public" includes but is not limited to political subdivisions of the state, business entities, and individuals. The board has the authority

under the Act to issue a [an annual] certificate of registration to applicants that, subsequent to review and evaluation, are found to have met all requirements of the Act and board rules. The board has the authority under the Act to deny a certificate of registration to any applicant found not to have met all requirements of the Act and board rules.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503526

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



CHAPTER 136. SURVEYING FIRM REGISTRATION

22 TAC §136.1

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes an amendment to 22 Texas Administrative Code, Chapter 136, regarding surveying firm registration, specifically §136.1 Authority.

BACKGROUND AND SUMMARY

The proposed rule amendment is required to implement the provisions of Senate Bill 681. In summary, SB681 requires the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to change all Professional Engineer (PE), Registered Professional Land Surveyor (RPLS), engineering firm, and surveying firm renewals from an annual cycle to a 2-year cycle.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §136.1 to remove language referring to an annual renewal to allow for the two-year renewal cycle.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be implementation of SB681, including two-year renewals for surveying firms.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rules are not brought with the specific intent to protect the environment or reduce risks to human health from environmental exposure;

thus, the Board asserts the proposed rules are not a "major environmental rule," as defined by Government Code §2001.0225. As a result, the Board asserts preparation of an environmental impact analysis, as provided by §2001.0225, is not required.

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

§136.1. Authority.

The board shall receive, evaluate, and process all applications for a firm registration issued under the authority of the Surveying Act. Applications for firm registration shall be accepted from all firms offering to engage or engaging in the practice of professional land surveying for the public in Texas. For the purposes of this section, the term "public" includes but is not limited to political subdivisions of the state, business entities, and individuals. The board has the authority under the Surveying Act to issue a [an annual] firm registration to applicants that, subsequent to review and evaluation, are found to have met all requirements of the Surveying Act and board rules. The board has the authority under the Surveying Act to deny a firm registration to any applicant found not to have met all requirements of the Surveying Act and board rules.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503527

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



CHAPTER 137. COMPLIANCE AND PROFESSIONALISM FOR ENGINEERS

SUBCHAPTER A. INDIVIDUAL AND ENGINEER COMPLIANCE

22 TAC §§137.7, 137.9, 137.13, 137.17

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 137, Subchapter A, regarding individual and engineer compliance, specifically §§137.7 License Expiration and Renewal, 137.9 Renewal for Expired License, 137.13 Inactive Status, and 137.17 Continuing Education.

BACKGROUND AND SUMMARY

The proposed rule amendments are required to implement the provisions of Senate Bills 681 (89th Regular Session 2025). In summary, SB681 requires the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to change all Professional Engineer (PE), Registered Professional Land Surveyor (RPLS), engineering firm, and surveying firm renewals from an annual cycle to a 2-year cycle.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §137.7 to remove language related to annual renewals and adds that an engineering license shall be renewed every two years. The amendment also removes a specific schedule of renewal dates and clarifies that the renewal date will be specified in board records and indicated on the renewal form.

The proposed rules amend §137.9 to remove language related to annual renewals.

The proposed rules amend §137.13 to remove language related to annual renewals.

The proposed rules amend §137.17 to remove language related to annual renewals, clarifies language related to acceptable continuing education activities, and includes a procedure for continuing education exemptions due to disability, illness, or other extenuating circumstances.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be implementation of SB681, including two-year renewals for licensees.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

There will be no adverse effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. Since the agency has determined that the proposed rules will

have no adverse economic effect on small businesses, micro-businesses, or rural communities, preparation of an Economic Impact Statement and a Regulatory Flexibility Analysis, as detailed under Texas Government Code §2006.002, is not required.

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 1001.210 and 1001.351.

§137.7. License Expiration And Renewal.

(a) Pursuant to §1001.351 of the Act, the license holder must renew the license every two years ~~annually~~ to continue to practice engineering under the provisions of the Act. If the license renewal requirements are not met by the expiration date of the license, the license shall expire and the license holder ~~shall~~ ~~may~~ not engage in engineering activities that require a license until the renewal requirements have been met.

(b) Pursuant to §1001.275 of the Act, the board will mail a renewal notice to the last recorded address of each license holder at least 30 days prior to the date a person's license is to expire. Regardless of whether the renewal notice is received, the license holder has the sole responsibility to pay the required renewal fee together with any applicable late fees at the time of payment.

(c) A license holder may renew a license by submitting:

(1) the required ~~annual~~ renewal fee. Payment may be made by personal, company, or other checks drawn on a United States bank (money order or cashier's check), or by electronic means, payable in United States currency; and

(2) the continuing education program documentation as required in §137.17 of this chapter (relating to Continuing Education Program) to the board prior to the expiration date of the license. ~~;~~ and

~~{{(3) documentation of submittal of fingerprints for criminal history record check as required by §1001.277 of the Act, unless previously submitted to the board.}}~~

(d) Licenses shall expire on the date assigned by the board and as specified in the board's records. The renewal date will be specified on the applicable renewal form.

~~{{(d) Licenses will expire according to the following schedule:}}~~

~~{{(1) Licenses originally approved in the first quarter of a calendar year will expire on December 31.}}~~

~~{{(2) Licenses originally approved in the second quarter of a calendar year will expire on March 31.}}~~

~~{{(3) Licenses originally approved in the third quarter of a calendar year June 30.}}~~

~~{{(4) Licenses originally approved in the fourth quarter of a calendar year will expire September 30.}}~~

(e) A temporary license applied for in accordance with §133.27 of this title (regarding Application for Temporary License for Engineers Currently Licensed Outside the United States) may only be renewed twice annually for a total duration of three years, after which the former license holder may apply for a standard license as provided in the current Act and applicable board rules.

(f) A license holder who, at the time of his or her ~~annual~~ renewal, has any unpaid administrative penalty owed to the Board or who has failed to comply with any term or condition of a Consent Order,

Agreed Board Order, or a Final Board Order shall not be allowed to renew his or her license to practice engineering until such time as the administrative penalty is paid in full or the term or condition is satisfied unless otherwise authorized by the Consent Order, Agreed Board Order, or a Final Board Order.

§137.9. Renewal For Expired License.

(a) A license holder may renew a license that has expired for 90 days or less by submitting to the board the required [annual] renewal fee, a late renewal fee, and the continuing education program documentation as required in §137.17 of this chapter.

(b) A license holder may renew a license that has expired for more than 90 days but less than one year by submitting to the board the required [annual] renewal fee, a late renewal fee, and the continuing education program documentation as required in §137.17 of this chapter (relating to Continuing Education Program).

(c) A license holder may renew a license that has expired for more than one year but less than two years by submitting to the board the required [annual] renewal fee, a late renewal fee, and the continuing education program documentation as required in §137.17 of this chapter for each delinquent year or part of a year.

(d) A license which has been expired for two years may not be renewed, but the former license holder may apply for a new license as provided in the current Act and applicable board rules. Military service members, as defined in Texas Occupations Code, §55.001(4), may be granted up to two years of additional time to renew a license.

(e) Renewal [Annual renewal] fees or late renewal fees will not be refunded unless incorrect fee was assessed through a documented procedural error by Board staff.

(f) In strict accordance with the provisions of the Texas Family Code, Chapter 232, pertaining to delinquent child support, if a license holder's name has been provided by the OAG (Office of the Attorney General) as being in default of child support, the board shall not renew the license of the license holder on the renewal date following such notification. The board shall not renew or reinstate said license unless the OAG certifies the individual has satisfied the requirements of the Texas Family Code, Chapter 232.

(g) Pursuant to Texas Occupations Code Chapter 55, a license holder is exempt from any penalty imposed in this section for failing to renew the license in a timely manner if the license holder provides adequate documentation, including copies of orders, to establish to the satisfaction of the board that the license holder failed to renew in a timely manner because the license holder was serving as a military service member as defined in Texas Occupations Code, §55.001(4).

§137.13. Inactive Status.

(a) A license holder may request in writing to change the status of the license to "inactive" at any time. A license holder whose license is inactive may not practice engineering. A license holder who has requested inactive status shall not receive any refunds for licensing fees previously paid to the board.

(b) A license holder whose license is inactive must pay an inactive renewal [annual] fee as established by the board at the time of the license renewal. If the inactive renewal fee is not paid by the date a person's license is to expire, the inactive renewal fee for the expired license shall be increased in the same manner as for an active license renewal fee.

(c) A license holder whose license is inactive is not required to:

(1) comply with the continuing education requirements adopted by the board; or

(2) take an examination for reinstatement to active status.

(d) To return to active status, a license holder whose license is inactive must:

(1) submit a request in writing for reinstatement to active status;

(2) pay the fee for [annual] renewal, as applicable;

(3) provide documentation of submittal of fingerprints for criminal history record check as required by §1001.277 of the Act, unless previously submitted to the board; and

(4) comply with the continuing education program requirements for inactive license holders returning to practice as prescribed in §137.17(o) of this chapter (relating to Continuing Education Program).

(e) A license holder may claim inactive status and return to active only once during the renewal [year] period determined by the renewal schedule of the license. If a license holder claims inactive status and returns to active status during the same [annual] renewal period, the license holder shall comply with the full continuing education program requirements for that renewal period [year].

(f) A license holder claiming inactive status may use any term allowed for an active license holder followed by the term "Inactive" or "Retired" on business cards, stationary and other forms of correspondence. Failure to note inactive status in this manner is a violation of the Act and board rules and is subject to disciplinary action by the board.

(g) A license holder on inactive status may provide a reference statement for an applicant for licensure.

(h) Offering or performing engineering services to the public while the license is inactive is a violation of the inactive status and is subject to disciplinary action by the board.

§137.17. Continuing Education.

(a) Each license holder shall meet the Continuing Education Program (CEP) requirements for professional development as a condition for license renewal.

(b) Terms used in this section are defined as follows:

(1) Professional Development Hour (PDH)--A contact hour (clock hour) of CEP activity. PDH is the basic unit for CEP reporting.

(2) Continuing Education Unit (CEU)--Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

(3) College/Unit Semester/Quarter Hour--Credit for course in ABET-approved program or other related college course.

(4) Course/Activity--Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the license holder's field of practice.

(5) Self-directed study--Time spent engaging in professional development that is not otherwise identified in this rule. (Examples include, but are not limited to: reading/reviewing trade magazines, [or] books or the Texas Engineering Practice Act and Board Rules; [s] watching tutorials; [s] and viewing other online content.)

(c) Every license holder is required to obtain 30 [45] PDH units during the renewal period [year].

(d) A minimum of 2 [4] PDH units per renewal period must be in the area of professional ethics, roles and responsibilities of professional engineering, or review of the Texas Engineering Practice Act and Board Rules. [PDH units carried forward may not be counted to meet the professional ethics requirement.]

(e) A license holder may not carry forward PDH units into the subsequent renewal period. [If a license holder exceeds the annual requirement in any renewal period, a maximum of 14 PDH units may be carried forward into the subsequent renewal period. Professional Development Hours must not be anticipated and cannot be used for more than one renewal period.]

(f) PDH units may be earned as follows:

(1) Successful completion or auditing of college credit courses.

(2) Successful completion of continuing education courses, either offered by a professional or trade organization, university or college, or offered in-house by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other group.

(3) Successful completion of correspondence, online, televised, videotaped, and other short courses/tutorials.

(4) Attendance of [Presenting or attending] seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences sponsored by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other group.

(5) Teaching, presenting, or instructing any of the activities [as] listed in paragraphs (1) through (4) of this subsection.

(6) Authoring published papers, articles, books, or accepted licensing examination items.

(7) Active participation in the leadership or committee activities of [in] professional or technical societies, associations, agencies, or organizations that involve the engineering profession, through:

- (A) Serving as an elected or appointed official;
- (B) Serving on a committee of the organization;
- (C) Serving in other official positions.

(8) U.S. patents [Patents] issued.

(9) Engaging in self-directed study.

(10) Active participation in formal, organized educational outreach activities in coordination with a school or organization, including activities that build awareness or skills regarding engineering, that involve K-12 or higher education students.

(11) A passing score on the NCEES Principles and Practice of Engineering examination in accordance with §133.71 [§133.73] of this title (relating to Examination For Record Purposes [Results and Analysis]).

(g) To receive PDH units, all activities described in subsection (f) of this section must be relevant to the practice of engineering and may include educational, technical, ethical, or managerial content.

(h) The conversion of other units of credit to PDH units is as follows:

- (1) 1 College or unit semester hour--15 PDH.
- (2) 1 College or unit quarter hour--10 PDH.

(3) 1 Continuing Education Unit--10 PDH.

(4) 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences--1 PDH.

(5) 1 Hour of professional development through self-directed study--1 PDH (Not to exceed 10 [5] PDH per renewal period).

(6) Each published paper, article, or book on a topic related to the practice of engineering--10 PDH.

(7) Active participation in the leadership or committee activities of a professional or technical society, association, agency, or organization that involves the engineering profession--1 PDH (Not to exceed 5 PDH per organization per calendar year and a maximum of 10 PDH per renewal period).

(8) Active participation in formal, organized educational outreach activities--1 PDH (Not to exceed 6 [3] PDH per renewal period).

(9) Each U.S. patent issued--15 PDH.

(10) Other activities shall be credited at 1 PDH for each hour of participation in the activity.

(11) A passing score on the NCEES Principles and Practice of Engineering examination in accordance with §133.71 [§133.73] of this title-- []14 PDH.

(i) Determination of Credit.

(1) The board shall be the final authority with respect to whether a course or activity meets the requirements of these rules.

(2) The board shall not pre-approve or endorse any CEP activities. It is the responsibility of each license holder to assure that all PDH credits claimed meet CEP requirements.

(3) Credit for college or community college approved courses will be based upon course credit established by the college.

(4) Credit for seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

(5) Credit for self-directed study will be based on one PDH unit for each hour of study and is not to exceed 10 [5] PDH per renewal period. Credit determination for self-directed study is the responsibility of the license holder and subject to review as required by the board.

(6) Credit determination for activities described in subsection (h)(4) of this section is the responsibility of the license holder and subject to review as required by the board.

(7) Credit for activity described in subsection (h)(7) of this section requires that a license holder serve as an officer of the organization, actively participate in a committee of the organization, or serve in other official positions. 1 PDH credit [credits] is earned for each hour of active participation. [are not earned until the end of each year of service is completed.]

(8) Credit for teaching, instructing, or presenting each unique course or seminar may only be earned once per renewal period [Teaching credit is valid for teaching a course or seminar for the first time only].

(j) The license holder is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to:

(1) information on [a log showing] the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and

(2) documentation to verify attendance [verification records] in the form of completion certificates, agendas, conference flyers or other documents supporting evidence of attendance.

(k) In accordance with §137.7(c) of this Chapter, relating to License Expiration and Renewal, the [The] license holder must certify that CEP requirements have been satisfied for that renewal period [year with the renewal application and fee]. If the CEP requirements have not been met, the license holder shall wait to renew the license until such time that they have been met or the license holder shall change the license to inactive status in accordance with §137.13, relating to Inactive Status.

(l) CEP records for each license holder must be maintained for a period of four [three] years by the license holder.

(m) CEP records for each license holder are subject to audit by the board or its authorized representative.

(1) Copies must be furnished, if requested, to the board or its authorized representative for audit verification purposes.

(2) If upon auditing a license holder, the board finds that the activities cited do not fall within the bounds of educational, technical, ethical, or professional management activities related to the practice of engineering; the board may require the license holder to acquire additional PDH as needed to fulfill the minimum CEP requirements.

(n) A license holder may be exempt from the professional development educational requirements for one of the following reasons listed in paragraphs (1) - (4) of this subsection:

(1) License [New license] holders shall be exempt prior to [for] their first renewal [period if the NCEES Principles and Practice of Engineering exam was taken within 12 months of the license issuance date].

(2) A license holder serving on active duty and deployed outside the United States, its possessions and territories, in or for the military service of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a given year of the renewal period shall be exempt from obtaining 15 hours of [the] professional development hours [required] during that year. A licensee may be eligible for an exemption for each year of the renewal period. If selected for a CEP audit, a license holder claiming an exemption by reason of serving on active duty and deployed outside the United States, its possessions and territories, shall submit supporting documentation to demonstrate the license holder's eligibility for this exemption.

(3) License holders experiencing [physical] disability, illness, or other clearly extenuating circumstances that prevented the licensee's ability to work during a substantial period of either or both years of the renewal period may qualify for a partial or full exemption from the continuing education requirements for the renewal period. [as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.]

(A) If the disability, illness, or other extenuating circumstances only occurred during one year of the renewal period, an exemption of up to 15 hours may be claimed. If the disability, illness, or other extenuating circumstances occurred during the entire renewal period, an exemption of up to 30 hours may be claimed.

(B) If selected for a CEP audit, a license holder claiming an exemption by reason of disability, illness, or other clearly extenuating circumstances shall submit supporting documentation in the

form of a sworn statement by the licensee, a statement from a licensed healthcare provider, or records documenting the disability, illness, or circumstances that prevented the licensee's participation in the continuing education program during a substantial period of the renewal period.

(C) If the board finds from the submitted documentation that good cause has been shown for a partial or full exemption, the board may exempt the licensee from the continuing education requirement for the renewal period in question.

(4) License holders who list their status as "Inactive" and who further certify that they are not providing professional engineering services in Texas shall be exempt from the professional development hours required.

(5) Documentation to support any claimed exemption must be supplied in response to a CEP audit [Exemptions must be claimed at the time of renewal].

(o) A license holder may bring an inactive license to active status by obtaining all delinquent PDH units and submitting copies of CEP records demonstrating compliance to the board or its authorized representative for verification purposes. If the license has been in inactive status for one year or less, the total number units of continuing education required to return to active status is 15. If the license has been in inactive status for more than one year [total number required to become current exceeds 30 units], then 30 units of continuing education shall be [the maximum number] required, and the hours acquired must be within the two years prior to reactivation.

(p) Noncompliance:

(1) If a license holder does not certify that CEP requirements have been met for a renewal period, the license shall be considered expired and subject to late fees and penalties.

(2) Failure to comply with CEP reporting requirements as listed in this section is a violation of board rules and shall be subject to sanctions.

(3) A determination by audit that CEP requirements or exemption eligibility have been falsely reported shall be considered to be misconduct and will subject the license holder to disciplinary action.

(4) If found to be noncompliant, the board may require additional audits of the license holder.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503528

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



22 TAC §137.11

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes the repeal of 22 Texas Administrative Code, Chapter 137, Subchapter A, specifically §137.11 regarding Expiration and Licensed in Another Jurisdiction.

BACKGROUND AND SUMMARY

During a recent rule review it was determined that this rule is no longer implemented in practice and there is no statutory directive or practical support to continue this rule. The provisions in this rule have not been used and applicants in the situation described by the rule have a pathway to licensure covered by §133.26.

Accordingly, §137.11 regarding Expiration and Licensed in Another Jurisdiction, is proposed to be repealed.

SECTION-BY-SECTION SUMMARY

The current §137.11 states that a person who was previously licensed and moved to another state and is currently licensed in another state may apply for a new license. This process is already covered by §133.26 related to Applications for Texas Licensure by License Holders in Another Jurisdiction. Therefore, §137.11 is not needed.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit will be the clarification of engineering licensure requirements and procedures.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

The proposed repeal does not have a fiscal note that imposes a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is

not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code § 1001.311.

§137.11. Expiration and Licensed in Another Jurisdiction.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503532

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



SUBCHAPTER D. FIRM AND GOVERNMENTAL ENTITY COMPLIANCE

22 TAC §137.75

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 137, Subchapter D, regarding firm and governmental entity compliance, specifically §137.75 Registration Renewal and Expiration.

BACKGROUND AND SUMMARY

The proposed rule amendments are required to implement the provisions of Senate Bill 681 (89th Regular Session 2025). In summary, SB 681 requires the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to change all Professional Engineer (PE), Registered Professional Land Surveyor (RPLS), engineering firm, and surveying firm renewals from an annual cycle to a 2-year cycle.

SECTION-BY-SECTION SUMMARY

The proposed rule amends §137.75 to remove language related to annual renewals and adds that an engineering firm registration shall be renewed every two years. The amendment also clarifies that the renewal date will be assigned and specified in board records.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rule is in effect, the public benefit will be implementation of SB 681, including two-year renewals for engineering firms.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

not constitute a taking or require a takings impact assessment under Government Code §2007.043.

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rule implements the following sections of the law: Texas Occupations Code § 1001.351.

§137.75. Registration Renewal and Expiration.

(a) The certificate of registration must be renewed every two years. The certificate of registration shall expire on the date assigned by the board and as specified in the board's records. ~~[shall be valid until the last day of the twelfth month following the date of issuance of the certificate of registration.]~~ At least one month in advance of the date of the expiration, the board shall notify each firm holding a certificate of registration of the date of the expiration and the amount of the fee that shall be required for its renewal. ~~[for one year.]~~ The renewal notice shall be mailed to the last address provided by the firm to the board. The certificate of registration may be renewed by completing the renewal application and paying the ~~[annual registration]~~ renewal fee set by the board. It is the sole responsibility of the firm to pay the required renewal fee prior to the expiration date, regardless of whether the renewal notice is received.

(b) A certificate of registration which has been expired for less than one year may be renewed by completing the renewal statement sent by the board and payment of a late renewal fee ~~[two (2) times the normal renewal fee.]~~. When renewing an expired certificate of registration, the authorized official of the firm shall submit a written statement of whether engineering services were offered, pending, or performed for the public in Texas during the time the certificate of registration was expired.

(c) If a certificate of registration has been expired for more than one year, the firm must re-apply for certification under the laws and rules in effect at the time of the new application and shall be issued a new certificate of registration serial number if the new application is approved.

(d) The renewal fee will not be refunded.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503530

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



CHAPTER 138. COMPLIANCE AND PROFESSIONALISM FOR SURVEYORS

SUBCHAPTER A. INDIVIDUAL AND SURVEYOR COMPLIANCE

22 TAC §§138.7, 138.9, 138.13, 138.17

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 138, Subchapter A, regarding individual and surveyor compliance, specifically §138.7 License or Registration Expiration and Renewal, §138.9 Renewal for Expired License or Registration, §138.13 Inactive Status, and §138.17 Continuing Education.

BACKGROUND AND SUMMARY

The proposed rule amendments are required to implement the provisions of Senate Bills 681 (89th Regular Session 2025). In summary, SB681 requires the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to change all Professional Engineer (PE), Registered Professional Land Surveyor (RPLS), engineering firm, and surveying firm renewals from an annual cycle to a 2-year cycle.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §138.7 to remove language related to annual renewals and adds that a surveying registration shall be renewed every two years. The amendment also removes a specific renewal date and clarifies that the renewal date will be specified in board records and indicated on the renewal form.

The proposed rules amend §138.9 to remove language related to annual renewals.

The proposed rules amend §138.13 to remove language related to annual renewals.

The proposed rules amend §138.17 to remove language related to annual renewals, clarifies language related to acceptable continuing education activities, and includes a procedure for continuing education exemptions due to disability, illness, or other extenuating circumstances.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be implementation of SB681, including two-year renewals for licensees.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 1071.301 and 1071.305.

§138.7. License or Registration Expiration and Renewal.

(a) A license or registration holder must renew the license every two years [~~annually~~] to continue to practice land surveying under the provisions of the Surveying Act. If the license or registration renewal requirements are not met by the expiration date of the license or registration, the license or registration shall expire and the license or registration holder may not engage in surveying activities that require a license or registration until the renewal requirements have been met.

(b) Pursuant to §1001.275 of the Act, the board will mail a renewal notice to the last recorded address on file with the board of each license or registration holder at least 30 days prior to the date a person's license or registration is to expire. Regardless of whether the renewal notice is received, the license or registration holder has the sole responsibility to pay the required renewal fee together with any applicable late fees at the time of payment.

(c) A license or registration holder may renew a license or registration by submitting:

(1) the required [~~annual~~] renewal fee. Payment may be made by personal, company, or other checks drawn on a United States bank (money order or cashier's check), or by electronic means, payable in United States currency;

(2) the continuing education program documentation as required in §138.17 of this chapter (relating to Continuing Education Program) to the board prior to the expiration date of the license; and

(3) documentation of submittal of fingerprints for criminal history record check as required by §1001.277 of the Act, unless previously submitted to the board.

(d) Licenses and registrations shall expire on the date assigned by the board and as specified in the board's records. The renewal date will be specified on the applicable renewal form [will expire on December 31].

(e) A license holder who, at the time of his or her [annual] renewal, has any unpaid administrative penalty owed to the Board or who has failed to comply with any term or condition of a Consent Order, Agreed Board Order, or a Final Board Order shall not be allowed to renew his or her license or registration to practice surveying until such time as the administrative penalty is paid in full or the term or condition is satisfied unless otherwise authorized by the Consent Order, Agreed Board Order, or a Final Board Order.

§138.9. *Renewal for Expired License or Registration.*

(a) A license or registration holder may renew a license or registration that has expired for 90 days or less by submitting to the board the required [annual] renewal fee, a late renewal fee, and the continuing professional education documentation as required in §138.17 of this chapter (relating to Continuing Professional Education).

(b) A license or registration holder may renew a license or registration that has expired for more than 90 days but less than one year by submitting to the board the required [annual] renewal fee, a late renewal fee, and the continuing professional education documentation as required in §138.17 of this chapter.

(c) A license or registration holder may renew a license or registration that has expired for more than one year but less than two years by submitting to the board the required [annual] renewal fee, a late renewal fee, and the continuing professional education documentation as required in §138.17 of this chapter for each delinquent year or part of a year.

(d) A license or registration which has been expired for two years may not be renewed, but the former license holder may apply for a new license or registration as provided in the current Surveying Act and applicable board rules. Military service members, as defined in Texas Occupations Code, §55.001(4), may be granted up to two years of additional time to renew a license or registration.

(e) Renewal [Annual renewal] fees or late renewal fees will not be refunded unless incorrect fee was assessed through a documented procedural error by Board staff.

(f) In strict accordance with the provisions of the Texas Family Code, Chapter 232, pertaining to delinquent child support, if a license or registration holder's name has been provided by the OAG (Office of the Attorney General) as being in default of child support, the board shall not renew the license or registration of the license or registration holder on the renewal date following such notification. The board shall not renew or reinstate said license or registration unless the OAG certifies the individual has satisfied the requirements of the Texas Family Code, Chapter 232.

(g) Pursuant to Texas Occupations Code Chapter 55, a license or registration holder is exempt from any penalty imposed in this section for failing to renew the license or registration in a timely manner if the license or registration holder provides adequate documentation, including copies of orders, to establish to the satisfaction of the board that the license or registration holder failed to renew in a timely man-

ner because the license or registration holder was serving as a military service member as defined in Texas Occupations Code, §55.001(4).

§138.13. *Inactive Status.*

(a) A license or registration holder may request in writing to change the status of the license or registration to "inactive" at any time. A license or registration holder whose license or registration is inactive may not practice surveying. A license or registration holder who has requested inactive status shall not receive any refunds for licensing or registration fees previously paid to the board.

(b) A license or registration holder whose license or registration is inactive must pay an inactive renewal [annual] fee as established by the board at the time of the renewal. If the inactive renewal fee is not paid by the date a person's license or registration is to expire, the inactive renewal fee for the expired license or registration shall be increased in the same manner as for an active license or registration renewal fee.

(c) A license holder whose license is inactive is not required to:

(1) comply with the continuing professional education requirements adopted by the board; or

(2) take an examination for reinstatement to active status.

(d) To return to active status, a license or registration holder whose license or registration is inactive must:

(1) submit a request in writing for reinstatement to active status;

(2) pay the fee for [annual] renewal, as applicable;

(3) provide documentation of submittal of fingerprints for criminal history record check as required by §1001.277 of the Act, unless previously submitted to the board; and

(4) comply with the continuing professional education requirements for inactive license or registration holders returning to practice as prescribed in §138.17 of this chapter (relating to Continuing Professional Education).

(e) A license or registration holder may claim inactive status and return to active status only once during the [year] period determined by the renewal schedule of the license or registration. If a license or registration holder claims inactive status and returns to active status during the same [annual] renewal period, the license or registration holder shall comply with the full continuing professional education requirements for that renewal period [year].

(f) A license or registration holder claiming inactive status may use any term allowed for an active license or registration holder followed by the term "Inactive" or "Retired" on business cards, stationery and other forms of correspondence. Failure to note inactive status in this manner is a violation of the Acts and board rules and is grounds for disciplinary action by the board.

(g) A license or registration holder on inactive status may provide a reference statement for an applicant for licensure or registration.

(h) Offering or performing surveying services to the public while the license or registration is inactive is a violation of the inactive status and is grounds for disciplinary action by the board.

§138.17. *Continuing Education.*

(a) Each license or registration holder shall meet the Continuing Education (CE) requirements for professional development as a condition for license or registration renewal.

(b) Terms used in this section are defined as follows:

(1) Professional Development Hour (PDH)--A contact hour (clock hour) of CE activity. PDH is the basic unit for CE reporting.

(2) Continuing Education Unit (CEU)--Unit of credit customarily used for continuing education courses. One continuing education unit equals 10 hours of class in an approved continuing education course.

(3) College/Unit Semester/Quarter Hour--Credit for course in ABET-approved program or other related college course.

(4) Course/Activity--Any qualifying course or activity with a clear purpose and objective which will maintain, improve, or expand the skills and knowledge relevant to the license or registration holder's field of practice.

(5) Self-directed study--Time spent engaging in professional development that is not otherwise identified in this rule. (Examples include, but are not limited to: reading/reviewing trade magazines, [or] books, or the Texas Engineering Practice Act, the Professional Land Surveying Practices Act, and Board rules; watching tutorials; [.] and viewing other online content.)

(c) Every license or registration holder is required to obtain 24 [42] PDH units during the renewal period [year].

(d) A minimum of 4 [3] PDH units per renewal period must be in the area of professional ethics, roles and responsibilities of professional surveying, case law impacting professional surveying in Texas, or review of the Acts and Board Rules. [PDH units carried forward may not be counted to meet the professional ethics requirement.]

(e) A license or registration holder may not carry forward PDH units into the subsequent renewal period. [If a license or registration holder exceeds the annual requirement in any renewal period, a maximum of 9 PDH units may be carried forward into the subsequent renewal period. Professional Development Hours must not be anticipated and cannot be used for more than one renewal period.]

(f) PDH units may be earned as follows:

(1) Successful completion or auditing of college credit courses.

(2) Successful completion of continuing education courses, either offered by a professional or trade organization, university or college, or offered in-house by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other groups.

(3) Successful completion of correspondence, on-line, televised, videotaped, and other short courses/tutorials.

(4) Attendance of [Presenting or attending] seminars, in-house courses, workshops, or professional or technical presentations made at meetings, conventions, or conferences sponsored by a corporation, other business entity, professional or technical societies, associations, agencies, or organizations, or other groups.

(5) Teaching, presenting, or instructing as listed in paragraphs (1) through (4) of this subsection.

(6) Authoring published papers, articles, books, or accepted licensing or registration examination items.

(7) Active participation in the leadership or committee activities of professional or technical societies, associations, agencies, or organizations that involve the surveying profession, through:

(A) Serving as an elected or appointed official;

(B) Serving on a committee of the organization; or

(C) Serving in other official positions.

(8) U.S. Patents issued.

(9) Engaging in self-directed study.

(10) Active participation in formal, organized educational outreach activities in coordination with a school or organization, including activities that build awareness or skills regarding surveying that involve K-12 or higher education students.

~~[(11) A passing score on the Principles and Practice of Surveying examination in accordance with §134.73 of this title (relating to Examination Results and Analysis).]~~

(g) All activities described in subsection (f) of this section shall be relevant to the practice of professional land surveying and may include educational, technical, ethical, or managerial content.

(h) The conversion of other units of credit to PDH units is as follows:

(1) 1 College or unit semester hour--15 PDH.

(2) 1 College or unit quarter hour--10 PDH.

(3) 1 Continuing Education Unit--10 PDH.

(4) 1 Hour of professional development in course work, seminars, or professional or technical presentations made at meetings, conventions, or conferences--1 PDH.

(5) 1 Hour of professional development through self-directed study--1 PDH (Not to exceed 8 [4] PDH per renewal period).

(6) Each published paper, article, or book on a topic related to the practice of professional surveying--10 PDH.

(7) Active participation in the leadership or committee activities of a professional or technical society, association, agency, or organization that involves the surveying profession--1 PDH (Not to exceed 5 PDH per organization per calendar year and a maximum of 10 PDH per renewal period).

(8) Active participation in formal, organized educational outreach activities--1 PDH (Not to exceed 6 [3] PDH per renewal period).

(9) Each U.S. patent issued--15 PDH.

(10) Other activities shall be credited at 1 PDH for each hour of participation in the activity.

~~[(11) A passing score on the Principles and Practice of Surveying examination in accordance with §134.73 of this title - 9 PDH.]~~

(i) Determination of Credit.

(1) The board shall be the final authority with respect to whether a course or activity meets the requirements of these rules.

(2) The board shall not pre-approve or endorse any CE activities. It is the responsibility of each license or registration holder to assure that all PDH credits claimed meet CE requirements.

(3) Credit for college or community college approved courses will be based upon course credit established by the college.

(4) Credit for seminars and workshops will be based on one PDH unit for each hour of attendance. Attendance at programs presented at professional and/or technical society meetings will earn PDH units for the actual time of each program.

(5) Credit for self-directed study will be based on one PDH unit for each hour of study and is not to exceed 8 [4] PDH per renewal period. Credit determination for self-directed study is the responsibility

of the license or registration holder and subject to review as required by the board.

(6) Credit determination for activities described in subsection (h)(4) of this section is the responsibility of the license or registration holder and subject to review as required by the board.

(7) Credit for activity described in subsection (h)(7) of this section requires that a license or registration holder serve as an officer of the organization, actively participate in a committee of the organization, or serve in other official positions. 1 PDH credit is earned for each hour of active participation. [credits are not earned until the end of each year of service is completed.]

(8) Credit for teaching, instructing, or presenting each unique course or seminar may only be earned once per renewal period. [Teaching credit is valid for teaching a course or seminar for the first time only.]

(j) The license or registration holder is responsible for maintaining records to be used to support credits claimed. Records required include, but are not limited to:

(1) information on [a log showing] the type of activity claimed, sponsoring organization, location, duration, instructor's or speaker's name, and PDH credits earned; and

(2) documentation to verify attendance [verification records] in the form of completion certificates, agendas, conference flyers, or other documents supporting evidence of attendance.

(k) In accordance with §138.7(c) of this chapter (relating to License or Registration Expiration or Renewal), the [The] license or registration holder must certify that CE requirements have been satisfied for that renewal period [year with the renewal application and fee]. If the CEP requirements have not been met, the registration holder shall wait to renew the registration until such time that they have been met or the registration holder shall change the registration to inactive status in accordance with Section 138.13 of this Chapter, relating to Inactive Status.

(l) CE records for each license or registration holder must be maintained for a period of four [three] years by the license holder.

(m) CE records for each license or registration holder are subject to audit by the board or its authorized representative.

(1) Copies must be furnished, if requested, to the board or its authorized representative for audit verification purposes.

(2) If upon auditing a license or registration holder, the board finds that the activities cited do not fall within the bounds of educational, technical, ethical, or professional management activities related to the practice of surveying; the board may require the license or registration holder to acquire additional PDH as needed to fulfill the minimum CE requirements.

(n) A license or registration holder may be exempt from the continuing education requirements for one of the following reasons listed in paragraphs (1) - (4) of this subsection:

(1) License or registration [New license] holders shall be exempt prior to [for] their first renewal. [period if the Principles and Practice of surveying exam was taken within 12 months of the license or registration issuance date.]

(2) A license or registration holder serving on active duty and deployed outside the United States, its possessions and territories, in or for the military service of the United States for a period of time exceeding one hundred twenty (120) consecutive days in a given year of the renewal period shall be exempt from obtaining 15 hours of pro-

fessional development hours [the continuing education hours required] during that year. A registration holder may be eligible for an exemption each year of the renewal period. If selected for a CEP audit, a registration holder claiming an exemption by reason of serving on active duty and deployed outside the United States, its possessions and territories, shall submit supporting documentation to demonstrate the registration holder's eligibility for this exemption.

(3) License or registration holders experiencing [physical] disability, illness, or other clearly extenuating circumstances that prevented the license or registration holder's ability to work during a substantial period of either or both years of the renewal period may qualify for a partial of full exemption from the continuing education requirements for the renewal period. [as reviewed and approved by the board may be exempt. Supporting documentation must be furnished to the board.]

(A) If the disability, illness, or other extenuating circumstances only occurred during one year of the renewal period, an exemption of up to 12 hours may be claimed. If the disability, illness, or other extenuating circumstances occurred during the entire renewal period, an exemption of up to 24 hours may be claimed.

(B) If selected for a CEP audit, a license or registration holder claiming an exemption by reason of disability, illness, or other clearly extenuating circumstances shall submit supporting documentation in the form of a sworn statement by the license or registration holder, a statement from a licensed healthcare provider, or records documenting the physical disability, illness, or circumstances that prevented the license or registration holder's participation in the continuing education program during a substantial period of the renewal period.

(C) If the board finds from the submitted documentation that good cause has been shown for a partial or full exemption, the board may exempt the license or registration holder from the continuing education requirement for the renewal period in question.

(4) License or registration holders who list their status as "Inactive" and who further certify that they are not providing professional surveying services in Texas shall be exempt from the continuing education hours required.

(5) Documentation to support any claimed exemption must be supplied in response to a CEP audit. [Exemptions must be claimed at the time of renewal.]

(o) A license or registration holder may bring an inactive license to active status by obtaining all delinquent PDH units and submitting copies of CE records demonstrating compliance to the board or its authorized representative for verification purposes. If the license or registration holder has been in inactive status for one year or less, the total number of units of continuing education required to return to active status is 12. If the license or registration holder has been in inactive status for more than one year, [total number required to become current exceeds 24 units,] then 24 units of continuing education shall be [the maximum number] required to return to active status, and the hours acquired must be within the two years prior to reactivation.

(p) Noncompliance:

(1) If a license or registration holder does not certify that CE requirements have been met for a renewal period, the license or registration shall be considered expired and subject to late fees and penalties.

(2) Failure to comply with CE reporting requirements as listed in this section is a violation of board rules and shall be subject to sanctions.

(3) A determination by audit that CE requirements or exemption eligibility have been falsely reported shall be considered to be misconduct and will subject the license or registration holder to disciplinary action.

(4) If found to be noncompliant, the board may require additional audits of the license or registration holder.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503529

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

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For further information, please call: (512) 440-7723



22 TAC §138.11

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes the repeal of 22 Texas Administrative Code, Chapter 138, Subchapter A, specifically §138.11 regarding Expiration and Licensed or Registered in Another Jurisdiction.

BACKGROUND AND SUMMARY

During a recent rule review it was determined that this rule is no longer implemented in practice and there is no statutory directive or practical support to continue this rule. The provisions in this rule have not been used and applicants in the situation described by the rule have a pathway to licensure covered by §134.25.

Accordingly, §138.11 regarding Expiration and Licensed or Registered in Another Jurisdiction, is proposed to be repealed.

SECTION-BY-SECTION SUMMARY

The current §138.11 states that a person who was previously licensed and moved to another state and is currently licensed in another state may apply for a new license. This process is already covered by §134.25 related to Applications from Out-Of-State Registration Holders. Therefore, §138.11 is not needed.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed repeal is in effect, the public benefit

will be the clarification of surveying licensure requirements and procedures.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code § 1071.259.

§138.11. Expiration and Licensed or Registered in Another Jurisdiction.

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

Filed with the Office of the Secretary of State on October 1, 2025.

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Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

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For further information, please call: (512) 440-7723



SUBCHAPTER D. FIRM AND GOVERNMENT ENTITY COMPLIANCE

22 TAC §138.75

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 138, Subchapter D, regarding firm and governmental entity compliance, specifically §138.75 Registration Renewal and Expiration.

BACKGROUND AND SUMMARY

The proposed rule amendments are required to implement the provisions of Senate Bills 681 (89th Regular Session 2025). In summary, SB681 requires the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to change all Professional Engineer (PE), Registered Professional Land Surveyor (RPLS), engineering firm, and surveying firm renewals from an annual cycle to a 2-year cycle.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §138.75 to remove language related to annual renewals and adds that a surveying firm registration shall be renewed every two years. The amendment also clarifies that the renewal date will be assigned and specified in board records.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Mr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be implementation of SB681, including two-year renewals for surveying firms.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

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

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code § 1071.301.

§138.75. *Registration Renewal and Expiration.*

(a) The certificate of registration must be renewed every two years. [shall be valid until December 31 of the year registered.] The certificate of registration shall expire on the date assigned by the board and as specified in the board's records. The board shall notify each firm holding a certificate of registration of the date of the expiration and the amount of the fee that shall be required for its renewal [for one year], at least one month in advance of the date of the expiration. The renewal notice shall be mailed to the last address provided by the firm to the

board. The certificate of registration may be renewed by completing the renewal application and paying [the annual] registration renewal fee set by the board. It is the sole responsibility of the firm to pay the required renewal fee prior to the expiration date, regardless of whether the renewal notice is received.

(b) A certificate of registration which has been expired for less than one year may be renewed by completing the renewal statement sent by the board and payment of a late renewal fee. [~~two (2) times the normal renewal fee.~~] When renewing an expired certificate of registration, the authorized official of the firm shall submit a written statement of whether surveying services were offered, pending, or performed for the public in Texas during the time the certificate of registration was expired.

(c) If a certificate of registration has been expired for more than one year, the firm must re-apply for certification under the laws and rules in effect at the time of the new application and shall be issued a new certificate of registration serial number if the new application is approved.

(d) The renewal fee will not be refunded.

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

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TRD-202503531

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

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For further information, please call: (512) 440-7723



CHAPTER 139. ENFORCEMENT

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 139, regarding Enforcement, and specifically §139.35, relating to Sanctions and Penalties - Engineering, §139.37, relating to Sanctions and Penalties - Surveying, and §139.43 relating to License or Registration Holder with Criminal Conviction. The Board also proposes a new rule: §139.22, a proposed rule relating to reporting complaints made against licenses issue to military service members, military veterans, or military spouses. These proposed changes are referred to as "proposed rules."

BACKGROUND AND SUMMARY

The rules under 22 Texas Administrative Code, Chapter 139 implement Texas Occupations Code, Chapter 1001, the Texas Engineering Practice Act; and Texas Occupations Code Chapter 1071, the Professional Land Surveying Practices Act. The proposed rules are necessary to implement the provisions of two bills passed during the 89th Regular Legislative Session. Specifically, Senate Bill 1080 requires the Board to amend its rules to address the method in which the Board considers criminal convictions of applicants and licensees and House Bill 5629, which requires the Board to track and report complaints against any military service member, military veteran, or military spouse that was licensed under the provisions of Texas Occupations Code, Chapter 55 or whose out of state license was recognized under the provision of Texas Occupations Code, Chapter 55. The

proposed rules also clarify existing Board rules and delete an outdated citation.

SECTION-BY-SECTION SUMMARY

The proposed rules add new rule §139.22 to implement the provisions of House Bill 5629. Specifically, the Board must maintain a record of each complaint made against a military service member, military veteran, or military spouse who was either issued a license or whose out-of-state license was recognized in accordance with the provisions of Texas Occupations Code, Chapter 55, relating to Licensing of Military Service Members, Military Veterans, and Military Spouses. This record must be published on the Board's website and updated quarterly to add any new complaints and a general description of the disposition of each complaint.

The proposed rules amend §139.35 to update the sanction tables for engineers as they relate to amendments to §139.43 which is discussed below. Specifically, the Board will now have the ability to evaluate the appropriate enforcement action to take against an engineering licensee who was imprisoned based on a felony conviction. Also, the Board is deleting a row of the sanction table that refers to a rule provision that was repealed in 2022 but was inadvertently not deleted from the sanction table.

The proposed rules amend §139.37 to update the sanction tables for surveyors as they relate to amendments to §139.43 which is discussed below. Specifically, the Board will now have the ability to evaluate the appropriate enforcement action to take against a surveying registrant or licensee who was imprisoned based on a felony conviction.

The proposed rules amend §139.43 to incorporate the provisions of Senate Bill 1080. This bill updated Texas Occupations Code, Chapter 53, relating to Consequences of Criminal Conviction. Specifically, the Board will now have the ability to evaluate the appropriate enforcement action to take against a surveying registrant or licensee who was imprisoned based on a felony conviction. The amended §139.43 mirrors the updated language found in Texas Occupations Code §53.021.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Dr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of rules to be consistent with updated statutes.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

The proposed rules are not subject to the requirements of Government Code §2001.0045 because the Board is a self-directed, semi-independent agency. Additionally, the proposed rules do not impose a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

The Board has determined that the proposed rules are not brought with the specific intent to protect the environment or

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

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, Texas Board of Professional Engineers and Land Surveyors, via email to rules@pels.texas.gov; via mail to 1917 S. Interstate 35, Austin, Texas 78741, or faxed to his attention at (512) 440-0417.

SUBCHAPTER B. COMPLAINT PROCESS AND PROCEDURES

22 TAC §139.22

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 53.021, 55.0043, 1001.2035, 1001.272, 1001.277.

§139.22. Reporting Complaints Made Against Licenses Issued to Military Service Members, Military Veterans, or Military Spouses.

(a) In accordance with Texas Occupations Code §55.0043, the executive director shall maintain a record of each complaint made against a military service member, military veteran, or military spouse who was issued a license or whose out-of-state license was recognized under §133.29 of this title (relating to Application For Licensure For Military Service Members, Military Veterans, And Military Spouses) or §134.29 of this title (relating to Application For Licensure For Military Service Members, Military Veterans, And Military Spouses.)

(b) At least quarterly, the executive director shall publish on the Board's website the record of complaints kept in accordance with subsection (a) of this section and, as available, a general description of the disposition of each complaint.

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

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Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

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For further information, please call: (512) 440-7723



SUBCHAPTER C. ENFORCEMENT PROCEEDINGS

22 TAC §139.35, §139.37

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 53.021, 55.0043, 1001.2035, 1001.272, 1001.277.

§139.35. Sanctions And Penalties - Engineering.

(a) (No change.)

(b) The following is a table of suggested sanctions the board may impose against license holders for specific violations of the Act or board rules. NOTE: In consideration of subsection (a)(1) - (6) of this section, the sanction issued may be less than or greater than the suggested sanctions shown in the following table. Also, for those suggested sanctions that list "suspension", all or any portion of the sanction could be probated depending on the severity of each violation and the specific case evidence.

Figure: 22 TAC §139.35(b)

[Figure: 22 TAC §139.35(b)]

(c) - (e) (No change.)

§139.37. Sanctions And Penalties - Surveying.

(a) (No change.)

(b) The following is a table of suggested sanctions the board may impose against license holders for specific violations of the Act or board rules. NOTE: In consideration of subsection (a)(1) - (6) of this section, the sanction issued may be less than or greater than the suggested sanctions shown in the following table. Also, for those suggested sanctions that list "suspension", all or any portion of the sanction could be probated depending on the severity of each violation and the specific case evidence.

Figure: 22 TAC §139.37(b)

[Figure: 22 TAC §139.37(b)]

(c) - (e) (No change.)

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

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Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

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For further information, please call: (512) 440-7723



SUBCHAPTER D. SPECIAL DISCIPLINARY PROVISIONS FOR LICENSE HOLDERS

22 TAC §139.43

STATUTORY AUTHORITY

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

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §§ 53.021, 55.0043, 1001.2035, 1001.272, 1001.277.

§139.43. License Or Registration Holder With Criminal Convictions.

(a) The board shall follow the requirements of Chapter 53, Texas Occupations Code, and shall revoke the license or registration of any license or registration holder on the grounds of the license or registration holder's imprisonment following [incarcerated as a result of]:

(1) a felony conviction for: [;]

(A) an offense that directly relates to the duties and responsibilities of the licensed occupation as determined by the board;

(B) an offense listed in Article 42A.054 Code of Criminal Procedure; or

(C) a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedure.

(2) a felony community supervision revocation; [violation of felony probation or parole; or]

(3) revocation of parole; or [revocation of mandatory supervision.]

(4) revocation of mandatory supervision.

(b) With the exception of the felony convictions listed in subsection (a)(1) of this section, the board shall follow the requirements of Chapter 53, Texas Occupations Code, and may revoke the license or registration of any license or registration holder on the grounds of the license or registration holder's imprisonment following a felony conviction.

(c) The board shall follow the requirements of Chapter 53, Texas Occupations Code, and shall revoke the provisional license or registration of any provisional license or registration holder if the provisional license or registration holder:

(1) commits a new offense;

(2) commits an act or omission that causes the provisional license or registration holder's community supervision, mandatory supervision, or parole to be revoke, if applicable; or

(3) violates the law or rules governing the practice of the occupation for which the provisional license or registration was issued.

(d) [(b)] The board, after it considers the factors provided in Texas Occupations Code §53.022 and §53.023, may take any of the actions set out in §139.31 of this chapter (relating to Enforcement Actions

for Violations of the Acts or Board Rules) when a license or registration holder is convicted of a misdemeanor or a felony without incarceration if the crime directly relates to the license holder's duties and responsibilities as a professional engineer or professional land surveyor.

(e) [(e)] Any license or registration holder whose license or registration has been revoked under the provisions of this subsection may apply for a new license or registration upon release from incarceration, but the application shall be subject to additional scrutiny relating to the incarceration. Such scrutiny shall be in accordance with Chapter 53, Texas Occupations Code.

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

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Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

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For further information, please call: (512) 440-7723



CHAPTER 140. CRIMINAL HISTORY AND CONVICTIONS

SUBCHAPTER A. CRIMINAL HISTORY AND CONVICTIONS

22 TAC §140.1, §140.3

The Texas Board of Professional Engineers and Land Surveyors (Board) proposes amendments to 22 Texas Administrative Code, Chapter 140, regarding criminal history and convictions, and specifically §§140.1, relating to Criminal History and Convictions - Engineers, and 140.3, relating to Criminal History and Convictions - Surveyors. These proposed changes are referred to as "proposed rules."

BACKGROUND AND SUMMARY

The rules under 22 Texas Administrative Code, Chapter 140 implement Texas Occupations Code, Chapter 1001, the Texas Engineering Practice Act; and Texas Occupations Code Chapter 1071, the Professional Land Surveying Practices Act. The proposed rules are necessary to implement the provisions of Senate Bill 1080, 89th Regular Session, specifically to address the method in which the Board considers criminal convictions of applicants and licensees. The proposed rules also clarify existing Board rules.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §140.1 to clarify that the Board may issue a license to an applicant for a professional engineer license that is currently incarcerated. The current language in the rule states that the Board will not issue a license to an applicant that is incarcerated but changes to Texas Occupations Code, Chapter 53 that were implemented by Senate Bill 1080 allow the Board to issue a license to an incarcerated applicant. The amended rule allows the Board to evaluate applications from incarcerated individuals on a case-by-case basis rather than the current complete prohibition.

The proposed rules amend §140.3 to clarify that the Board may issue a registration or license to an applicant for land surveying that is currently incarcerated. The current language in the rule states that the Board will not issue a registration or license to an applicant that is incarcerated but changes to Texas Occupations Code, Chapter 53 that were implemented by Senate Bill 1080 allow the Board to issue a registration or license to an incarcerated applicant. The amended rule allows the Board to evaluate applications from incarcerated individuals on a case-by-case basis rather than the current complete prohibition.

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

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

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

LOCAL EMPLOYMENT IMPACT STATEMENT

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

PUBLIC BENEFITS

Dr. Kinney has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be clarification of rules to be consistent with updated statutes.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

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

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

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

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

The proposed rules are not subject to the requirements of Government Code §2001.0045 because the Board is a self-directed, semi-independent agency. Additionally, the proposed rules do not impose a cost on regulated persons, including another state agency, a special district, or a local government. Therefore, the agency is not required to take any further action under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Government Code §2001.0221, the agency provides the following Government Growth Impact Statement for the pro-

posed rules. For each year of the first five years the proposed rules are in effect, the agency has determined the following:

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

TAKINGS IMPACT ASSESSMENT

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

ENVIRONMENTAL RULE ANALYSIS

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

PUBLIC COMMENTS

Any comments or request for a public hearing may be submitted, no later than 30 days after the publication of this notice, to Lance Kinney, Ph.D., P.E., Executive Director, Texas Board of Professional Engineers and Land Surveyors, via email to rules@pels.texas.gov; via mail to 1917 S. Interstate 35, Austin, Texas 78741, or faxed to his attention at (512) 440-0417.

SECTIONS AFFECTED

The proposed rules implement the following sections of the law: Texas Occupations Code §1001.272.

STATUTORY AUTHORITY

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

§140.1. *Criminal History And Convictions - Engineers.*

(a) (No change.)

(b) A person who is incarcerated because of a felony conviction may [is] not be eligible to obtain a license or renew a previously issued license under board rules or any statute governing a profession regulated by the board.

§140.3. *Criminal History And Convictions - Surveyors.*

(a) (No change.)

(b) A person who is incarcerated because of a felony conviction may [is] not be eligible to obtain a license or registration or renew a previously issued license or registration under board rules or any statute governing a profession regulated by the board.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503512

Lance Kinney

Executive Director

Texas Board of Professional Engineers and Land Surveyors

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 440-7723



TITLE 28. INSURANCE

PART 2. TEXAS DEPARTMENT OF INSURANCE, DIVISION OF WORKERS' COMPENSATION

CHAPTER 63. PROMPTNESS OF FIRST PAYMENT

28 TAC §63.5

INTRODUCTION. The Texas Department of Insurance, Division of Workers' Compensation (DWC) proposes to repeal 28 TAC §63.5, concerning a required Industrial Accident Board quarterly report. The Industrial Accident Board no longer exists, and the authority for the required report was repealed in 1989.

EXPLANATION. Repealing §63.5 is necessary because it was adopted under Vernon's Texas Civil Statutes, Article 8307, §4, which was repealed in 1989 under Acts 1989, 71st Legislature, 2nd Called Session, Chapter 1, §16.01(10), effective January 1, 1991. Article 8307, §4 was not later recodified into the Labor Code.

FISCAL NOTE AND LOCAL EMPLOYMENT IMPACT STATEMENT. Chief Administrative Law Judge Allen Craddock has determined that during each year of the first five years the proposed repeal is in effect, there will be no or minimal measurable fiscal impact on state and local governments as a result of enforcing or administering the section, other than that imposed by the statute. This determination was made because the proposed repeal does not add to or decrease state revenues or expenditures, and because local and state government entities are only involved in enforcing or complying with the proposed amendments when acting in the capacity of a workers' compensation insurance carrier. Those entities will be impacted in the same

way as an insurance carrier and will realize the same benefits from the proposed repeal.

Chief Administrative Law Judge Craddock does not anticipate any measurable effect on local employment or the local economy as a result of this proposal.

PUBLIC BENEFIT AND COST NOTE. For each year of the first five years the proposed repeal is in effect, Chief Administrative Law Judge Craddock expects that enforcing and administering the proposed repeal will have the public benefits of ensuring that DWC's rules are current and accurate, which promotes transparent and efficient regulation.

Chief Administrative Law Judge Craddock expects that the proposed repeal will not increase the cost to comply with the Labor Code because the repeal simply removes an obsolete rule.

ECONOMIC IMPACT AND REGULATORY FLEXIBILITY ANALYSIS. DWC has determined that the proposed repeal will not have an adverse economic effect or a disproportionate economic impact on small or micro businesses, or on rural communities because the proposed repeal removes a rule that DWC has determined is no longer necessary because its authority was repealed. The proposed repeal does not change the people the rule affects or impose additional costs. As a result, and in accordance with Government Code §2006.002(c), DWC is not required to prepare a regulatory flexibility analysis.

EXAMINATION OF COSTS UNDER GOVERNMENT CODE §2001.0045. DWC has determined that this proposal does not impose a possible cost on regulated persons. Also, no additional rule amendments are required under Government Code §2001.0045 because the proposed repeal removes a rule that no longer has statutory authority and is no longer necessary. As a result, no additional rule amendments are required under Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT. DWC has determined that for each year of the first five years that the proposed repeal is in effect, the proposed rule:

- will not create or eliminate a government program;
- will not require the creation of new employee positions or the elimination of existing employee positions;
- will not require an increase or decrease in future legislative appropriations to the agency;
- will not require an increase or decrease in fees paid to the agency;
- will not create a new regulation;
- will expand, limit, or repeal an existing regulation;
- will not increase or decrease the number of individuals subject to the rule's applicability; and
- will not positively or adversely affect the Texas economy.

DWC made these determinations because the proposal repeals a rule that is no longer required by statute or any other law. It does not change the people the rule affects or impose additional costs.

TAKINGS IMPACT ASSESSMENT. DWC has determined that no private real property interests are affected by this proposal, and this proposal does not restrict or limit an owner's right to property that would otherwise exist in the absence of government action. As a result, this proposal does not constitute a taking or

require a takings impact assessment under Government Code §2007.043.

REQUEST FOR INFORMATION AND PUBLIC COMMENT. DWC requests public comments on the proposal, including information related to the cost, benefit, or effect of the proposal and any applicable data, research, and analysis. DWC will consider any written comments on the proposal that DWC receives no later than 5:00 p.m., Central time, on November 17, 2025. Send your comments to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050.

To request a public hearing on the proposal, submit a request before the end of the comment period to RuleComments@tdi.texas.gov; or to Texas Department of Insurance, Division of Workers' Compensation, Legal Services, MC-LS, P.O. Box 12050, Austin, Texas 78711-2050. The request for public hearing must be separate from any comments. If DWC holds a public hearing, it will consider written and oral comments presented at the hearing.

STATUTORY AUTHORITY. DWC proposes repealing §63.5 under Labor Code §§402.00111, 402.00116, and 402.061.

Labor Code §402.00111 provides that the commissioner of workers' compensation shall exercise all executive authority, including rulemaking authority under Title 5 of the Labor Code.

Labor Code §402.00116 provides that the commissioner of workers' compensation shall administer and enforce this title, other workers' compensation laws of this state, and other laws granting jurisdiction to or applicable to DWC or the commissioner.

Labor Code §402.061 provides that the commissioner of workers' compensation shall adopt rules as necessary to implement and enforce the Texas Workers' Compensation Act.

CROSS-REFERENCE TO STATUTE. Repealing §63.5 implements Acts 1989, 71st Legislature, 2nd Called Session, Chapter 1, §16.01(10), effective January 1, 1991.

§63.5. Quarterly Report.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503542

Kara Mace

General Counsel

Texas Department of Insurance, Division of Workers' Compensation

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 804-4703



TITLE 34. PUBLIC FINANCE

PART 3. TEACHER RETIREMENT SYSTEM OF TEXAS

CHAPTER 27. TERMINATION OF MEMBERSHIP AND REFUNDS

34 TAC §27.6

The Teacher Retirement System of Texas (TRS) proposes to amend §27.6 (relating to Reinstatement of an Account) of Chapter 27 in Part 3 of Title 34 of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the August 12, 2022 issue of the *Texas Register* (47 TexReg 4859), TRS identified §27.6 as a rule for future amendment. Based on that review, TRS now proposes to amend this rule.

The proposed amendments to §27.6 remove reference to purchasing withdrawn service at the previous reinstatement fee rate of 6% per year since the member's service was withdrawn. The opportunity to purchase at this fee rate expired in 2013.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed amended rule will be in effect, there will be no foreseeable fiscal implications for state or local governments as a result of administering the proposed amended rule.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed amended rule will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed amended rule will be clarification of §27.6 by removing an expired provision from its text.

Mr. Green has also determined that the public will incur no new costs as a result of complying with the proposed amended rule as the proposed amendments simply remove a purchase option from the rule that has not been available under law since 2013.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed amended rule. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

TRS has determined that there will be no effect on local employment because of the proposed amended rule. Therefore, no local employment impact statement is required under Government Code §2001.022.

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed amended rule is in effect, the proposed amended rule will not create or eliminate any TRS programs; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not eliminate any fees currently paid to TRS; will not create a new regulation; will not expand, limit or repeal an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

TAKINGS IMPACT ASSESSMENT

TRS has determined that there are no private real property interests affected by the proposed amended rule, therefore, a takings impact assessment is not required under Government Code §2007.043.

COSTS TO REGULATED PERSONS

TRS has determined that Government Code §2001.0045 does not apply to the proposed amended rule because the proposed amended rule does not impose a cost on regulated persons.

REQUEST FOR COMMENTS AND COST/BENEFIT INFORMATION

TRS requests written comments regarding the proposed amended rule. The comments may include information related to the costs, benefits, or effects of the proposed amended rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rules or any other interested person.

Comments and information regarding the cost, benefit, and effect of the rule may be submitted in writing to Brian Guthrie, TRS Executive Director, P.O. Box 149676, Austin, Texas 78714-0185. Written comments and cost/benefit information must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

STATUTORY AUTHORITY

The proposed amended rule is proposed under the authority of Government Code §825.102, which authorizes the board of trustees to adopt rules for the transaction of the business of the board and Government Code §823.501, which establishes fees and requirements for a member to reinstate withdrawn service credit.

CROSS-REFERENCE TO STATUTE

The proposed amended rule implements the following statutes: Government Code §823.501, establishes fees and requirements for a member to reinstate withdrawn service credit.

§27.6. *Reinstatement of an Account.*

(a) Except as provided in subsection (c) [(e)] of this section, any member who has withdrawn an account resulting in the cancellation of service credit may reinstate this account and receive credit for the canceled service by meeting the following requirements:

- (1) resume membership service in the retirement system or establish eligibility under Government Code, Chapter 803 or 805;
- (2) redeposit the amount withdrawn for the years during which the membership was terminated;
- (3) [except as provided by subsections (b) and (e) of this section;] pay a reinstatement fee of 8 percent compounded annually in whole year increments from August 31st of the plan year in which the withdrawal occurred to the date of redeposit;
- (4) reinstate all withdrawn accounts which resulted in the cancellation of service credit. A withdrawn account representing less than a creditable year of service must be reinstated only when it is necessary to combine the canceled service in the account with all other canceled service or with other eligible membership service or equivalent membership service performed in the same year to constitute a creditable year of service.

[(b) A member may establish withdrawn service credit by paying the deposits and fees required in subsection (e) of this section if:]

[(1) the member otherwise meets all eligibility requirements under §823.501, Government Code, as amended;]

[(2) all of the service for which credit is sought to be established was rendered before September 1, 2011, and TRS received an application to withdraw the credit on or before August 31, 2011; and]

[(3) the member makes payment for the withdrawn service credit, or enters into an installment agreement for payment, not later than August 31, 2013.]

[(e) To reinstate withdrawn service credit under subsection (b) of this section, the member shall redeposit the amount withdrawn for the years during which the membership was terminated and shall pay a reinstatement fee of 6 percent compounded annually in whole year increments from August 31 of the plan year in which the withdrawal occurred to the date of redeposit.]

(b) [(d)] Membership service credit and the accumulated contributions associated with the membership terminated by not qualifying for service credit for five consecutive years as provided in §822.003(a)(4), Government Code, may be restored by TRS when the person returns to TRS covered employment provided the accumulated contributions in the member account have not been withdrawn. If the accumulated contributions have been withdrawn, the member may reinstate the withdrawn account as provided in this section.

(c) [(e)] A person who terminated membership in TRS by electing participation in the Optional Retirement Program (ORP) may not reinstate the years of terminated service credit in TRS for the purpose of establishing eligibility for retirement benefits under the Proportionate Retirement Program except as provided in §25.172(a) of this title (relating to ORP and TRS).

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503520

Don Green

Chief Financial Officer

Teacher Retirement System of Texas

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 542-6506



CHAPTER 29. BENEFITS

The Teacher Retirement System of Texas (TRS) proposes amendments to §29.9 (relating to Survivor Benefits) of Chapter 29, Subchapter A, in Title 34, Part 3, of the Texas Administrative Code and §29.56 (relating to Minimum Distribution Requirements) of Chapter 29, Subchapter D, in Title 34, Part 3, of the Texas Administrative Code.

BACKGROUND AND PURPOSE

In TRS' adopted four-year rule review published in the August 12, 2022 issue of the *Texas Register* (47 TexReg 4859), TRS identified §29.9 and §29.56 as rules for future amendment. Based on that review, TRS now proposes to amend these rules.

The proposed amendments to §29.9 simply clarify that the beneficiary designated to receive survivor benefits by a retiree is the beneficiary eligible to receive benefits payable under Government Code §824.501.

The proposed amendments to §29.56 update the rule to conform with federal law, primarily the changes made in the Secure Act and Secure Act 2.0 that were passed by Congress in 2019 and 2022, respectfully. The primary change from both pieces of legislation was to increase the age that retired participants must begin receiving required minimum distributions. Under the Se-

cure Act, the age increases from age 70 1/2 to age 72 for participants born after Jan. 1, 1949 and before Jan. 1, 1951. Secure Act 2.0 increases the age from 72 to age 73 for participants that were born after Jan. 1, 1951 and before Jan. 1, 1960 and increases from 73 to 75 for plan participants that were born on or after Jan. 1, 1960. The proposed amendments to §29.56 also include other minor updates and nonsubstantive changes to terminology and citations in the rule.

FISCAL NOTE

Don Green, TRS Chief Financial Officer, has determined that for each year of the first five years the proposed amendments will be in effect, there will be no foreseeable fiscal implications to state or local governments as a result of administering the proposed amendments.

PUBLIC COST/BENEFIT

For each year of the first five years the proposed amendments will be in effect, Mr. Green also has determined that the public benefit anticipated as a result of adopting the proposed amendments will be to ensure that TRS administers the TRS retirement plan in accordance with applicable federal law and that TRS' rules have updated clarity in their requirements. Mr. Green has also determined that there is no economic cost to entities or persons required to comply with the proposed amendments. The amendments are either minor, nonsubstantive clarifications that impose no new requirements, or the amendments add requirements relating to changes in federal law that TRS must adopt into its plan terms in order to maintain its status as a qualified plan and that TRS must comply with in order to comply with Government Code §825.506.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS

TRS has determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed amendments. Therefore, neither an economic impact statement nor a regulatory flexibility analysis is required under Government Code §2006.002.

LOCAL EMPLOYMENT IMPACT STATEMENT

TRS has determined that there will be no effect on local employment because of the proposed amendments. Therefore, no local employment impact statement is required under Government Code §2001.022.

GOVERNMENT GROWTH IMPACT STATEMENT

TRS has determined that for the first five years the proposed amendments will be in effect the proposed amendments will not create or eliminate a government program; will not require the creation or elimination of employee positions; will not require an increase or decrease in future legislative appropriations to TRS; will not require an increase or decrease in fees paid to TRS; will not create a new regulation; will not expand, limit, or repeal an existing regulation; will not increase or decrease the number of individuals subject to the rule's applicability; and will not affect the state's economy.

TAKINGS IMPACT ASSESSMENT

TRS has determined that since there are no private real property interests affected by the proposed amendments, a takings impact assessment is not required under Government Code §2007.043.

COSTS TO REGULATED PERSONS

TRS has determined that Government Code §2001.0045 does not apply to the proposed amendments because the proposed amendments do not impose a cost on regulated persons.

REQUEST FOR COMMENTS AND COST/BENEFIT INFORMATION

TRS requests written comments regarding the proposed amended rules. The comments may include information related to the costs, benefits, or effects of the proposed amended rules, including any applicable data, research, or analysis, from any person required to comply with the proposed amended rules or any other interested person.

Comments and information regarding the cost, benefit, and effect of the rules may be submitted in writing to Brian Guthrie, TRS Executive Director, P.O. Box 149676, Austin, Texas 78714-0185. Written comments and cost/benefit information must be received by TRS no later than 30 days after publication of this notice in the *Texas Register*.

SUBCHAPTER A. RETIREMENT

34 TAC §29.9

STATUTORY AUTHORITY

The amendments to §29.9 are proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board; and Government Code §824.101, which provides requirements relating to the designation of beneficiaries in the TRS retirement system and provides that TRS may adopt rules to administer that section.

CROSS-REFERENCE TO STATUTE

The proposed amendments to §29.9 implement Subchapter B (concerning Beneficiaries) of Chapter 824 of the Government Code.

§29.9. Survivor Benefits.

The person designated by a retiree to receive survivor benefits payable after the retiree's death [In addition to any of these retirement annuity payments, the designated beneficiary of any retired member] is eligible to receive [survivor] benefits as stated in Government Code §824.501. When multiple beneficiaries are named and two or more beneficiaries are eligible for monthly payments, the monthly payment will be split in equal portions. When only one beneficiary named is eligible for monthly payments, the entire monthly payment will be made to that beneficiary.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503518

Don Green

Chief Financial Officer

Teacher Retirement System of Texas

Earliest possible date of adoption: November 16, 2025

For further information, please call: (512) 542-6506



SUBCHAPTER D. PLAN LIMITATIONS

34 TAC §29.56

STATUTORY AUTHORITY

The amendments are proposed under the authority of Government Code §825.102 which authorizes the TRS Board of Trustees to adopt rules for the eligibility for membership, the administration of the funds of the retirement system, and the transaction of business of the board, and Government Code §825.506, which provides that TRS' pension plan shall be administered as a qualified plan under §401(a) of the Internal Revenue Code of 1986 (26 U.S.C. Section 401); that TRS shall administer the plan in a manner that satisfies the required minimum distribution provisions of Section 401(a)(9), Internal Revenue Code of 1986; and that TRS may adopt rules to administer these requirements.

CROSS-REFERENCE TO STATUTE

The proposed amendments implement §825.506, Texas Government Code (relating to Plan Qualification).

§29.56. *Minimum Distribution Requirements.*

(a) General Rules and Definitions.

(1) Intent. This rule is intended to comply with a reasonable and good faith interpretation of the requirements of 26 U.S.C. §401(a)(9), as applicable to a governmental plan within the meaning of 26 U.S.C. §414(d).

(2) Plan Qualification and §401(a)(9) compliance. Pursuant to Tex. Gov't Code §825.506(a) and (c), this section modifies the TRS retirement plan to the extent necessary for the plan to be a qualified plan and comply with 26 U.S.C. §401(a)(9) and prevails over any inconsistent provision of the plan.

(3) Requirements of Treasury Regulations Incorporated. All distributions required under this section will be determined in accordance with 26 C.F.R. §§1.401(a)(9)-1 through 1.401(a)(9)-9 of the Internal Revenue Service, U.S. Department of Treasury regulations.

(4) Definition of Participant. In this section, a TRS member or TRS retiree.

(5) Definition of Designated Beneficiary. In accordance with 26 U.S.C. § 401(a)(9)(E) and §1.401(a)(9)-4(a)&(b) of the Treasury regulations, the [The] individual who is designated as the beneficiary under applicable plan provisions or by the participant's affirmative election [and who is the designated beneficiary under 26 U.S.C. § 401(a)(9) and § 1.401(a)(9)-1, Q&A-4, of the Treasury regulations].

(6) Definition of Distribution Calendar Year. A calendar year for which a minimum distribution is required. For distributions beginning before a participant's death, the first distribution calendar year is the calendar year immediately preceding the calendar year that contains the participant's required beginning date. For distributions beginning after a participant's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to subsection (b)(3) [(b)(2)] of this section.

(7) Definition of Life Expectancy. For purposes of this rule, life expectancy means life expectancy as computed by use of the Single Life Table in §1.401(a)(9)-9(b) [§ 1.401(a)(9)-9] of the Treasury regulations.

(8) Definition of Required Beginning Date. The date specified in subsection (b)(1) of this section.

(b) Time and Manner of Distribution.

(1) Required Beginning Date.

(A) Required beginning date means April 1 of the calendar year following the later of: [-]

(i) the calendar year in which the participant attains the applicable age within the meaning of 26 U.S.C. § 401(a)(9)(C)(v) [70 ½], or

(ii) the calendar year in which the participant terminates employment with a TRS-covered employer.

(B) A participant is required to take distribution of the participant's entire interest, or to begin to take a distribution of the entire interest, no later than the participant's required beginning date.

(2) Applicable Age.

(A) In the case of a participant born before July 1, 1949, the applicable age is 70 1/2;

(B) In the case of a participant born on or after July 1, 1949, and before January 1, 1951, the applicable age is 72;

(C) In the case of a participant born on or after January 1, 1951, and before January 1, 1960, the applicable age is 73;

(D) In the case of a participant born on or after January 1, 1960, the applicable age is 75; or

(E) The age set forth in 26 U.S.C. §401(a)(9)(C)(v), as amended from time-to-time.

(3) [(2)] Death of Participant Before Distributions Begin. If a participant [member] dies before distributions begin, the participant's [member's] entire interest is required to be distributed, or begin to be distributed, no later than described in subparagraphs (A)-(D) of this paragraph. For purposes of this paragraph and subsection (e) of this section, distributions are considered to begin on the participant's [member's] required beginning date (or, if subparagraph (D) of this paragraph applies, the date distributions are required to begin to the surviving spouse under subparagraph (A) of this paragraph). If annuity payments irrevocably commence to the participant [member] before the participant's [member's] required beginning date (or to the participant's [member's] surviving spouse before the date distributions are required to begin to the surviving spouse under subparagraph (A) of this paragraph), the date distributions are considered to begin is the date distributions actually commence.

(A) If the [member's surviving spouse is the member's] sole designated beneficiary is the participant's surviving spouse, then distributions after the participant's death to the surviving spouse are required to begin by December 31 of the calendar year immediately following the later of:

(i) the calendar year in which the participant [member] died; [5] or

(ii) [by December 31 of] the calendar year in which the deceased participant [member] would have attained the applicable age [70 1/2, if later].

(B) If the designated beneficiary [member's surviving spouse] is not the participant's surviving spouse [member's sole designated beneficiary], then distributions after the participant's death to the designated beneficiary must either: [are required to begin by December 31 of the calendar year immediately following the calendar year in which the member died.]

(i) begin to be distributed no later than December 31 of the calendar year immediately following the year of the participant's death, payable over a period not to exceed the beneficiary's life expectancy; or

(ii) be distributed no later than December 31 of the calendar year containing the fifth anniversary of the participant's death.

(C) If there is no designated beneficiary as of September 30 of the year following the year of the participant's [member's] death, the participant's [member's] entire interest is required to be distributed by December 31 of the calendar year containing the fifth anniversary of the participant's [member's] death.

(D) If the participant's [member's] surviving spouse is the participant's [member's] sole designated beneficiary and the surviving spouse dies after the participant [member] but before distributions to the surviving spouse begin, this paragraph, other than subparagraph (A) of this paragraph, will apply as if the surviving spouse were the participant, as described in §1.401(a)(9)-3(b)(3), (d) of the Treasury regulations [member].

(4) [(3)] Form of Distribution. As of the first distribution calendar year, distributions are required be made in accordance with subsections (c), (d), (e), (f), and (g) of this section.

(c) Determination of Amount to be Distributed Each Year.

(1) General Annuity Requirements. If the participant's interest is paid in the form of annuity distributions to the participant after retirement or to the participant's beneficiary before or after retirement of the participant, payments under the annuity will satisfy the following requirements:

(A) the annuity distributions will be paid in periodic payments made at monthly intervals;

(B) the distribution period will be over a life (or lives) or over a period certain not longer than the period described in the Treasury regulations;

(C) once payments have begun over a period certain, the period certain will not be changed even if the period certain is shorter than the maximum permitted; and

(D) payments will either be non-increasing or will increase only as permitted in the Treasury regulations.

(2) Amount Required to be Distributed by Required Beginning Date.

(A) The amount that is required to be distributed on or before the participant's [member's] required beginning date (or, if the participant [member] dies before distributions begin, the date distributions are required to begin to a beneficiary under subparagraph (A) or (B) of subsection (b)(3) [(b)(2)] of this section) is the payment that is required for one month. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. All of the participant's [member's] benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for months ending on or after the participant's [member's] required beginning date. For a retiree receiving a distribution of a partial lump sum option (PLSO) payment or a deferred retirement option plan (DROP) payment in conjunction with a monthly annuity payment due for a month beginning on or before the participant's [member's] required beginning date, the minimum distribution requirement of this section is satisfied by the annuity payment required to be made for that month.

(B) In the case of a refund to a participant [member] of the participant's [member's] entire accumulated contributions, the amount that is the required minimum distribution for the distribution calendar year (and thus is not eligible for rollover under 26 U.S.C. §402(c)) is determined by treating the single sum distribution as a distribution from an individual account plan and treating the amount of the single sum distribution as the participant's [member's] account balance as of the end of the relevant valuation calendar year. The minimum

amount required to be distributed for each distribution calendar year is equal to the quotient obtained by dividing the account by the applicable distribution period using the Uniform Lifetime Table in A-2 of Treasury regulation §1.401(a)(9)-9. If the refund is being made in the calendar year containing the required beginning date and the required minimum distribution for the participant's [member's] first distribution calendar year has not been distributed, the portion of the single sum distribution that represents the required minimum distribution for the participant's [member's] first and second distribution calendar year is not eligible for rollover.

(d) Requirements For Distributions of Retirement Annuity Payments [to Retiree or Beneficiary]

(1) Option 1 or 5 Retirement Payment Plan With Non-spousal Beneficiary. If the participant's interest is to be distributed in the form of an Option 1 or 5 annuity and the participant designated a nonspouse beneficiary, annuity payments to the designated beneficiary after the participant's [retiree's] death must not at any time exceed the applicable percentage of the annuity payment for such period that would have been payable to the participant [retiree] using the table set forth in §1.401(a)(9)-6(b)(2)(iii) [Q&A-2 of § 1.401(a)(9)-6] of the Treasury regulations. An Option 1 or 5 payment plan that would result in a payment to a designated nonspouse beneficiary above the applicable percentage shall not be available to the participant.

(2) Option 3 and 4 Retirement Payment Plans.

(A) If the participant's spouse is not the sole designated beneficiary, the participant may not select an Option 3 or 4 retirement payment plan if the period certain for an annuity distribution commencing during the participant's [retiree's] lifetime would exceed the applicable distribution period for the participant [retiree] under the Uniform Lifetime Table set forth in §1.401(a)(9)-9 of the Treasury regulations for the calendar year that contains the annuity starting date. If the annuity starting date precedes the year in which the participant [retiree] reaches age 70, the applicable distribution period for the participant [retiree] is the distribution period for age 70 under the Uniform Lifetime Table set forth in §1.401(a)(9)-9 of the Treasury regulations plus the excess of 70 over the age of the participant [retiree] as of the participant's [retiree's] birthday in the year that contains the annuity starting date.

(B) If the participant's spouse is the sole designated beneficiary, the participant may not select an Option 3 or 4 retirement payment plan if the period certain would exceed the longer of the participant's [retiree's] applicable distribution period, as determined under this paragraph, or the joint life and last survivor expectancy of the participant and the participant's spouse as determined under the Joint and Last Survivor Table set forth in §1.401(a)(9)-9 of the Treasury regulations, using the participant's and spouse's attained ages as of the participant's and spouse's birthdays in the calendar year that contains the annuity starting date.

(e) Requirements for Minimum Distributions Where Participant [Member] Dies Before Date Distributions Begin.

(1) Participant Survived by Designated Beneficiary. If the participant [member] dies before the date that distribution of his or her interest begins (as described in subsection (b)(3) [(b)(2)] of this section) and there is a designated beneficiary, the entire interest payable with respect to the participant [member] is required to be distributed, beginning no later than the time described in subparagraph (A) or (B) of subsection (b)(3) [(b)(2)] of this section, over the life of the designated beneficiary or over a period certain not exceeding:

(A) unless the annuity starting date is before the first distribution calendar year, the life expectancy of the designated ben-

eficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year immediately following the calendar year of the participant's [member's] death; or

(B) if the annuity starting date is before the first distribution calendar year, the life expectancy of the designated beneficiary determined using the beneficiary's age as of the beneficiary's birthday in the calendar year that contains the annuity starting date.

(2) No Designated Beneficiary. If the participant [member] dies before the date distributions begin and there is no designated beneficiary as of September 30 of the year following the year of the participant's [member's] death, distribution of the participant's [member's] entire interest is required to be completed by December 31 of the calendar year containing the fifth anniversary of the participant's [member's] death.

(3) Death of Surviving Spouse Before Distributions to Surviving Spouse Begin. If the participant [member] dies before the date distribution of his or her interest begins, the participant's [member's] surviving spouse is the participant's [member's] sole designated beneficiary, and the surviving spouse dies before distributions to the surviving spouse begin, this subsection will apply as if the surviving spouse were the member, as described in §1.401(a)(9)-3(b)(3), (d) of the Treasury regulations, except that the time by which distributions must begin will be determined without regard to subsection (b)(3)(A) [(b)(2)(A)] of this section.

(f) Election To Apply 5-Year Rule to Distributions to Designated Beneficiaries. Notwithstanding subsection (e) of this section, if the participant [member] dies before distributions begin and there is a designated beneficiary entitled to a lump sum distribution, distribution of the lump sum to the designated beneficiary is not required to begin by the date specified in subsection (e)(1) of this section, if the participant's [member's] entire interest is distributed to the designated beneficiary by December 31 of the calendar year containing the fifth anniversary of the participant's [member's] death. If the participant's [member's] surviving spouse is the participant's [member's] sole designated beneficiary and the surviving spouse dies after the member but before distributions to either the participant [member] or the surviving spouse begin, this provision will apply as if the surviving spouse were the participant, [member] as described in §1.401(a)(9)-3(b)(3), (d) of the Treasury regulations.

(g) Requirements for Minimum Distributions Where Participant Dies After Distributions Begin. If a participant dies after retirement benefits have commenced, benefits must continue to be distributed to the beneficiary at least as rapidly as provided for under the option elected by the participant pursuant to §29.8 of this title (relating to Retirement Payment Plans).

(h) An eligible participant [member] who has applied for service or disability retirement and who dies on or after the retirement date will be considered to have retired and commenced distributions.

(i) A participant or beneficiary is required to initiate and complete appropriate TRS processes to take distributions in accordance with this section. A participant or beneficiary who fails to take distributions in accordance with this section is subject to federal tax law establishing an additional tax on minimum distributions that are required but not taken.

(j) Grandfather Provisions. Notwithstanding any provision of this section to the contrary, with respect to any annuity option or other plan provision as in effect on April 17, 2002, TRS will apply a reasonable and good faith interpretation of the requirement of Internal Revenue Code §401(a)(9). TRS is exercising the authority granted to governmental plans in the Pension Protection Act of 2006 in establishing

this section as its good faith interpretation of the requirements of Internal Revenue Code §401(a)(9). The provisions of this section, including subsections (d) and (e) of this section, affecting payment options otherwise available under the TRS plan are applicable to retirements with an effective date after December 31, 2007, or to a benefit payable as a result of the death of a participant after December 31, 2007.

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

Filed with the Office of the Secretary of State on October 1, 2025.

TRD-202503519

Don Green

Chief Financial Officer

Teacher Retirement System of Texas

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For further information, please call: (512) 542-6506



TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 1. TEXAS DEPARTMENT OF PUBLIC SAFETY

CHAPTER 4. COMMERCIAL VEHICLE REGULATIONS AND ENFORCEMENT PROCEDURES

SUBCHAPTER B. REGULATIONS

GOVERNING TRANSPORTATION SAFETY

37 TAC §4.12

The Texas Department of Public Safety (the department) proposes an amendment to §4.12, concerning Exemptions and Exceptions. The proposed amendment removes the exception to commercial driver license holder English language proficiency requirements applicable to intrastate commerce only, so that English language proficiency requirements for commercial driver license holders under 49 C.F.R. §391.11(b)(2) will apply to both interstate and intrastate commerce.

Meghan Sanchez, Assistant Chief, Finance Division has determined that for each year of the first five-year period the rule is in effect the public benefit anticipated as a result of this rule will be improved public safety on the roadways by ensuring that each commercial driver is able to communicate clearly in English to ensure compliance with traffic laws, to follow safety directions, and to prevent accidents

Meghan Sanchez, Assistant Chief, Finance Division has determined that for each year of the first five-year period this rule is in effect enforcing or administering this rule does not have foreseeable implications relating to the cost or revenues of the state or local governments.

The adoption of the English language proficiency requirement for intrastate commercial motor vehicle drivers will exclude from the pool of available qualified drivers in Texas those drivers who cannot read and speak the English language sufficiently to converse with the general public, to understand highway traffic signs and signals in the English language, to respond to official inquiries

and to make entries on reports and records. This enforcement of existing Federal Motor Carrier Safety Act standards on intrastate carriers will have an undeterminable impact on driver availability and may create short-term economic impacts on individuals with a commercial driver license and on small businesses and micro-businesses, but not rural communities, as intrastate carriers adjust to the longstanding federal interstate safety standard. Given the significant public safety objectives of the proposed rule to improve safety on the roadways, there are no alternative methods to achieving this proposal. The proposed rule does not increase or decrease the number of commercial motor vehicle driver positions available in Texas and changes only the qualifications for these positions.

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

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

The department prepared a Government Growth Impact Statement assessment for this proposed rulemaking. The proposed rulemaking does not create or eliminate a government program; will not require the creation of new employee positions nor eliminate current employee positions; will not require an increase or decrease in future legislative appropriations to the agency; nor will it require an increase or decrease in fees paid to the agency. The proposed rulemaking does not create a new regulation. The proposed rulemaking does expand an existing regulation and does increase the number of individuals subject to its applicability. During the first five years the proposed rule is in effect, the proposed rule should not impact positively or negatively the state's economy.

The Texas Department of Public Safety, in accordance with the Administrative Procedures Act, Texas Government Code, §2001, et seq., and Texas Transportation Code, Chapter 644, will hold a public hearing on Thursday, October 30, 2025, at 10:00 a.m., at the Texas Department of Public Safety, Texas Highway Patrol Division, Building G Annex, 5805 North Lamar Blvd, Austin, Texas. The purpose of this hearing is to receive comments from all interested persons regarding adoption of the proposed amendment to §4.12, concerning Exemptions and Exceptions, proposed for adoption under the authority of Texas Transportation Code, Chapter 644, which provides that the director shall, after notice and a public hearing, adopt rules regarding the safe operation of commercial motor vehicles.

Persons interested in attending this hearing are encouraged to submit advance written notice of their intent to attend the hearing and to submit a written copy of their comments. Correspondence should be addressed to Major Omar Villarreal, Texas Highway Patrol Division, Texas Department of Public Safety, 5805 North Lamar Blvd., Austin, Texas 78752 or by email to Omar.Villarreal@dps.texas.gov.

Persons with special needs or disabilities who plan to attend this hearing and who may need auxiliary aids or services are requested to contact Major Omar Villarreal at (512) 424-2775 at least three working days prior to the hearing so that appropriate arrangements can be made.

Other comments on this proposal may be submitted to Major Omar Villarreal, Texas Highway Patrol Division, Texas Department of Public Safety, 5805 North Lamar Blvd., Austin, Texas 78752 or by email to Omar.Villarreal@dps.texas.gov. Comments must be received no later than thirty (30) days from the date of publication of this proposal. Persons required to comply with the proposed rules, or any other interested person, may provide information to the department related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis.

This proposal is made pursuant to Texas Transportation Code, §644.051, which authorizes the director to adopt rules regulating the safe transportation of hazardous materials and the safe operation of commercial motor vehicles; and authorizes the director to adopt all or part of the federal safety regulations by reference.

Texas Transportation Code, §644.051 and §644.053 are affected by this proposal.

§4.12. Exemptions and Exceptions.

(a) Exemptions to the adoptions in §4.11 of this title (relating to General Applicability and Definitions) are made pursuant to Texas Transportation Code, §§644.052 - 644.054, and are adopted as follows:

(1) Such regulations shall not apply to the vehicles detailed in subparagraphs (A) - (C) of this paragraph when operated intrastate:

(A) a vehicle used in oil or water well servicing or drilling which is constructed as a machine consisting in general of a mast, an engine for power, a draw works, and a chassis permanently constructed or assembled for such purpose or purposes;

(B) a mobile crane which is an unladen, self-propelled vehicle constructed as a machine used to raise, shift, or lower weights; or

(C) a vehicle transporting seed cotton.

(2) The provisions of Title 49, Code of Federal Regulations, §395.3 shall not apply to intrastate commerce. Drivers in intrastate commerce will be permitted to drive 12 hours following 8 consecutive hours off duty. Drivers in intrastate commerce may not drive after having been on duty 15 hours, following 8 consecutive hours off duty. Drivers in intrastate commerce violating the 12 or 15 hour limits provided in this paragraph shall be placed out-of-service for 8 consecutive hours. Drivers of vehicles operating in intrastate commerce shall be permitted to accumulate the equivalent of 8 consecutive hours off duty by taking a combination of at least 8 consecutive hours off duty and sleeper berth time; or by taking two periods of rest in the sleeper berth, providing:

(A) neither rest period in the sleeper berth is shorter than 2 hours duration;

(B) the driving time in the period immediately before and after each rest period in the sleeper berth, when added together, does not exceed 12 hours;

(C) the on duty time in the period immediately before and after each rest period in the sleeper berth, when added together, does not include any driving time after the 15th hour; and

(D) the driver may not return to driving subject to the normal hours of service requirements in this subsection without taking

at least 8 consecutive hours off duty, at least 8 consecutive hours in the sleeper berth, or a combination of at least 8 consecutive hours off duty and sleeper berth time.

(3) Drivers in intrastate commerce who are not transporting placardable hazardous materials and were regularly employed in Texas as commercial vehicle drivers prior to August 28, 1989, are not required to meet the medical standards contained in the federal regulations.

(A) For the purpose of enforcement of this regulation, those drivers who reached their 18th birthday on or after August 28, 1989, shall be required to meet all medical standards.

(B) The exceptions contained in this paragraph shall not be deemed as an exemption from drug and alcohol testing requirements contained in Title 49, Code of Federal Regulations, Part 40 and Part 382.

(4) The maintenance of a driver's record of duty status is not required if the vehicle is operated within a 150 air-mile radius of the driver's normal work reporting location if:

(A) the driver returns to the normal work reporting location and is released from work within 14 consecutive hours;

(B) the driver has at least 8 consecutive hours off duty separating each 14 hours on duty; and

(C) the motor carrier that employs the driver maintains and retains for a period of 6 months true and accurate time and business records which include:

(i) the time the driver reports for duty each day;

(ii) the total number of hours the driver is on duty each day;

(iii) the time the driver is released from duty each day; and

(iv) the total time on duty for the preceding seven days in accordance with Title 49, Code of Federal Regulations, §395.8(j)(2) for drivers used for the first time or intermittently.

(5) An electronic logging device (ELD) and an automatic on-board recording device have the meaning as defined in Title 49, Code of Federal Regulations, §395.2.

(6) Unless otherwise exempted, a motor carrier operating commercial motor vehicles intrastate shall require each of its drivers to record the driver's record of duty status:

(A) Using an ELD that meets the requirements of subpart B of Title 49, Code of Federal Regulations, Part 395;

(B) Using an automatic on-board recording device that meets the requirements of Title 49, Code of Federal Regulations, §395.15; or

(C) Manually, recorded as specified in Title 49, Code of Federal Regulations, §395.8. The record of duty status must be recorded in duplicate for each 24-hour period for which recording is required.

(7) Unless otherwise exempted, a motor carrier operating commercial motor vehicles intrastate must install and require each of its drivers to use an ELD to record the driver's duty status in accordance with Title 49, Code of Federal Regulations, Part 395.

(8) The provisions of Title 49, Code of Federal Regulations, Part 395 shall not apply to drivers transporting agricultural commodities in intrastate commerce for agricultural purposes within a 150

air-mile radius from the source of the commodities or the distribution point for the farm supplies during planting and harvesting seasons.

(b) Exceptions adopted by the director of the Texas Department of Public Safety not specified in Texas Transportation Code, §644.053, are:

(1) Title 49, Code of Federal Regulations, §393.86, requiring rear-end protection shall not be applicable provided the vehicle was manufactured prior to September 1, 1991 and is used solely in intrastate commerce.

(2) Drivers of vehicles under this section operating in intrastate transportation shall not be permitted to drive after having worked and/or driven for 70 hours in any consecutive seven-day period. A driver may restart a consecutive seven-day period after taking 34 or more consecutive hours off-duty. Drivers in intrastate transportation violating the 70 hour limit provided in this paragraph will be placed out-of-service until no longer in violation.

(3) For drivers of commercial motor vehicles operating in intrastate transportation and used exclusively in the transportation of oilfield equipment, including the stringing and picking up of pipe used in pipelines, and servicing of the field operations of the natural gas and oil industry, any period of 7 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours.

(4) For drivers of a commercial motor vehicle operating in intrastate transportation and used primarily in the transportation of construction materials and equipment, any period of 7 consecutive days may end with the beginning of any off-duty period of 24 or more successive hours. "Transportation of construction materials and equipment" has the meaning assigned by Title 49, Code of Federal Regulations, §395.2.

(5) The provisions of Title 49, Code of Federal Regulations, §391.11(b)(1) shall not apply to intrastate commerce. The minimum age for an intrastate driver shall be 18 years of age. Intrastate drivers in violation of this paragraph shall be placed out-of-service until no longer in violation.

~~[(6) The provisions of Title 49, Code of Federal Regulations, §391.11(b)(2) shall not apply to intrastate commerce. An intrastate driver must have successfully passed the examination for a Texas Commercial Driver's License and be a minimum age of 18 years old.]~~

~~(6) [(7)]~~ Texas Transportation Code, §547.401 and §547.404, concerning brakes on trailers weighing 15,000 pounds gross weight or less take precedence over the brake requirements in the federal regulations for trailers of this gross weight specification unless the vehicle is required to meet the requirements of Federal Motor Vehicle Safety Standard No. 121 (Title 49, Code of Federal Regulations §571.121) applicable to the vehicle at the time it was manufactured.

~~(7) [(8)]~~ Title 49, Code of Federal Regulations, §390.23 (Relief from Regulations), is adopted for intrastate motor carriers with the exceptions detailed in subparagraphs (A) and (B) of this paragraph:

(A) Title 49, Code of Federal Regulations, §390.23(a)(2) is not applicable to intrastate motor carriers making emergency residential deliveries of heating fuels or responding to a pipeline emergency, provided the carrier:

(i) documents the type of emergency, the duration of the emergency, and the drivers utilized; and

(ii) maintains the documentation on file for a minimum of six months. An emergency under this paragraph is one that if

left unattended would result in immediate serious bodily harm, death, or substantial property damage but does not include routine requests to refill empty propane gas tanks.

(B) The requirements of Title 49, Code of Federal Regulations, §390.23(c)(1) and (2), for intrastate motor carriers shall be:

(i) the driver has met the requirements of Texas Transportation Code, Chapter 644; and

(ii) the driver has had at least eight consecutive hours off-duty when the driver has been on duty for 15 or more consecutive hours, or the driver has had at least 34 consecutive hours off duty when the driver has been on duty for more than 70 hours in seven consecutive days.

(8) [(9)] The provisions of Title 49, Code of Federal Regulations, Part 380 (Subparts A - D) shall not apply to intrastate motor carriers and drivers.

(9) [(10)] In accordance with §4132 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETA-LU) (Pub. L. 109-59), the hours of service regulations in this subchapter are not applicable to utility service vehicles that operate in either interstate or intrastate commerce. Utility service vehicles are those vehicles operated by public utilities, as defined in the Public Utility Regulatory Act, the Gas Utility Regulatory Act, the Texas Water Code, Title 49, Code of Federal Regulations, §395.2, or other applicable regulations, and charged with the responsibility for maintaining essential services to the public to protect health and safety.

(10) [(11)] The United States Department of Transportation number requirements in Texas Transportation Code, Chapter 643 do not apply to vehicles/motor carriers operating exclusively in intrastate commerce and that are exempted from the requirements by Texas Transportation Code, §643.002.

(11) [(12)] Drivers of vehicles under this section, operating in intrastate transportation, who encounter adverse driving conditions and cannot, because of those conditions, safely complete the run within the maximum driving time or duty time during which driving is permitted under subsection (a)(2) of this section, may drive and be permitted or required to drive a commercial motor vehicle for not more than two additional hours beyond the maximum allowable hours permitted under subsection (a)(2) of this section to complete that run or to reach a place offering safety for the occupants of the commercial motor vehicle and security for the commercial motor vehicle and its cargo. Adverse driving conditions mean snow, sleet, fog, or other adverse weather conditions, a highway covered with snow or ice, or unusual road and traffic conditions, none of which were apparent on the basis of information known to the driver immediately prior to beginning the duty day or immediately before beginning driving after a qualifying rest break or sleeper berth period, or a motor carrier immediately prior to dispatching the driver.

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

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TRD-202503552

D. Phillip Adkins
General Counsel

Texas Department of Public Safety

Earliest possible date of adoption: November 16, 2025

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



TITLE 43. TRANSPORTATION

PART 18. MONTGOMERY COUNTY TAX ASSESSOR-COLLECTOR

CHAPTER 445. MOTOR VEHICLES TITLE SERVICES

43 TAC §§445.1 - 445.17

The Montgomery County Tax Assessor-Collector (MCTAC) proposes new 43 Texas Administrative Code (TAC) §§445.1-445.17 concerning the regulation of motor vehicle title services.

The Montgomery County Tax Assessor-Collector, Tammy McRae, has linked these services to document fraud and vehicle theft. Texas Transportation Code, Chapter 520, Subchapter E regulates motor vehicle title services in counties with a population of more than 500,000. Subchapter E requires motor vehicle title services in these counties to be registered, licensed, and required to maintain records for inspection.

Mrs. McRae has considered the impact of the proposed section on government growth during the first five years that the rule would be in effect, and has determined that: (1) it creates a government program; (2) implementation will not require the creation or elimination of employee positions; (3) implementation will not require an increase or decrease in any future appropriations from the Texas legislature; (4) it requires an increase in payment of Texas Register fees to the Tax Assessor-Collector which will offset the costs of regulating motor vehicle title services to reduce vehicle theft and related document fraud; (5) the proposed section creates a new regulation in accordance with Chapter 520, Subchapter E of the Texas Transportation Code; (6) it does not expand, limit or repeal an existing regulation; (7) as a new regulation, it increases the number of individuals subject to its applicability; and (8) it does not affect this state's economy.

Mrs. McRae has determined that for the first five-year period these sections are in effect, there will be no fiscal impact for state or local government. The amount of the fee directly relates to the amount necessary for the department to recover the cost of its operation. The county will keep all revenues from licensing fees to offset spending.

Mrs. McRae also has determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcement of the rules will be to reduce vehicle theft and related document fraud.

Mrs. McRae has received motor vehicle title services records from approximately 30-35 distinct entities per year since 2020. Nearly all of these entities are small businesses, many of which are micro-businesses. The economic costs for persons who are required to comply with these sections will be the license fee, which is due upon application and is not refundable along with an annual license renewal fee. Small businesses that comply with the sections may experience increased business opportunities because noncompliant competitors will be sanctioned.

Mrs. McRae does not believe that the proposed section will have an adverse economic effect on rural communities.

In preparing the proposed sections, Mrs. McRae has considered processes which require less information from applicants, informal tracking of records, and random document confirmation. However, study and experience lead to the conclusion that pub-

lic welfare and safety would benefit from clear, consistent, and published standards.

Mrs. McRae also has considered assessing lower and higher license fees but concluded the fees as set are appropriate for Montgomery County. Required research, background checks and review prior to issuance of a title service and runner license require time on the part of the tax office and associated county offices to conduct background checks. Additionally, title services are monitored throughout the year and upon renewal are put through a review process similar to the original application process.

Comments on the proposed new sections may be submitted to Tammy McRae, Montgomery County Tax Assessor-Collector, Montgomery County Tax Office, 400 N. San Jacinto St., Conroe, Texas 77301. The deadline for all comments is 30 days after publication in the *Texas Register*.

Statutory Authority.

The Montgomery County Tax Assessor-Collector proposes the new sections pursuant to Transportation Code, Chapter 520, Subchapter E, which provides the county tax assessor-collector the authority to adopt rules regarding motor vehicle title services.

This proposal does not affect any other statutes, articles or codes.

§445.1. Definitions.

(a) "Application" or "applications." Except where otherwise expressly stated, the term "Application" or "applications" includes all documentation submitted with a Motor Vehicle Title Service Application Form or Motor Vehicle Title Service Runner Application Form.

(b) "Motor vehicle" has the meaning assigned by Texas Transportation Code §501.002.

(c) "MCTAC" means Montgomery County Tax Assessor-Collector.

(d) "Motor vehicle title service" or "MVTS" means any person or entity that for compensation directly or indirectly assists other persons in obtaining title documents, in either written or electronic form, by submitting, transmitting, or sending applications for title documents to the appropriate government agencies.

(e) "Person" or "persons" means company or individual.

(f) "Sponsored" means that a MVTS has requested a license for a title service runner employed by the MVTS so that the runner may present title documents at the MCTAC's Office on behalf of the MVTS.

(g) "Title documents" means motor vehicle title applications, motor vehicle registration renewal applications, motor vehicle mechanic's lien title applications, motor vehicle storage lien title applications, motor vehicle temporary registration permits, motor vehicle title application transfers occasioned by the death of the title holder, motor vehicle inquiries, license plate and/or sticker replacement or any other motor vehicle related transaction.

(h) "Title service runner," "Runner" or "MVTSR" means any person employed and sponsored by a licensed motor vehicle title service to submit or present title documents to the Montgomery County Tax Assessor-Collector on behalf of that licensed motor vehicle title service.

§445.2. License Required.

(a) A company or individual person may not act as a motor vehicle title service or act as runner for that business in Montgomery

County, Texas unless that business or person holds a license issued by Montgomery County, Texas. Licenses are required pursuant to Texas Transportation Code § 520.053.

(b) There are two categories of licenses that are required to do business:

(1) Motor Vehicle Title Service License, obtained by the owner(s) and operator(s) of a motor vehicle title service company; and

(2) Title Service Runner License, obtained before a person may act as a registered agent for a motor vehicle title service company to present motor vehicle title documents to the Montgomery County Tax Assessor-Collector's Office for processing.

(c) Exemptions. The following persons and their agents are exempt from the licensing and other requirements described herein:

(1) a franchised motor vehicle dealer or independent motor vehicle dealer who holds a general distinguishing number issued by the department under Texas Transportation Code Chapter 503;

(2) a vehicle lessor holding a license issued by the Motor Vehicle Board under Chapter 2301, Texas Occupations Code, or a trust or other entity that is specifically not required to obtain a lessor license under §2301.254(a), Texas Occupations Code; and

(3) a vehicle lease facilitator holding a license issued by the Motor Vehicle Board under Chapter 2301, Texas Occupations Code.

§445.3. Eligible Applicants.

(a) All individual applicants must meet the following requirements in order to be eligible to hold a MVTS license or a MVTSR license:

(1) be at least 18 years of age on the date the Application is submitted;

(2) authorized to handle financial transactions whether representing himself/herself or another;

(3) a United States citizen or a legal resident; and

(4) provide proof that the applicant has filed for renditions for real property and/or business personal property with the Montgomery County Central Appraisal District.

(b) If the Application is for a MVTS license for a business entity, the applicant must provide:

(1) proof that the applicant is authorized to handle financial transactions for that business entity; and

(2) the account number or proof that the business has filed for renditions for real property and/or business Personal property with the Montgomery County Central Appraisal District.

(c) A person or business is not eligible to hold a MVTS license or MVTSR license if:

(1) the person is delinquent on real and/or business personal property taxes due and owing to Montgomery County, Texas; until they cure the delinquency;

(2) the person has been convicted of a felony or a crime of moral turpitude;

(3) the person owns or is employed by an automobile insurance company, vehicle emissions inspection service or company, or holds a motor vehicle General Distinguishing Number issued by the Texas Department of Motor Vehicles;

(4) the person applying for a Runner's License holds a MVTS Owner's License in any County in the State of Texas;

(5) the person previously held a MVTS license or MVTSR license in another county that has been suspended or revoked; or

(6) the business entity is not eligible to hold a MVTS license or sponsor a MVTSR license if the business entity is delinquent on property taxes due and owing to Montgomery County. A business entity's failure to provide proof of the items required in subsection (b) of this section will render the applicant ineligible to hold a license in Montgomery County.

(d) If a person or business who holds a MVTS license or MVTSR license becomes ineligible to hold that license due to any of the circumstances listed in subsection (c) of this section, they must immediately surrender their license to the MCTAC.

§445.4. Criminal Background Check.

(a) Each applicant for a MVTS or MVTSR license must submit with their application an FBI background check and a TX DPS background check.

(b) Each applicant will obtain their background checks at their own expense.

(c) Applications are deemed incomplete if submitted without these background checks.

§445.5. Submission of Application.

(a) Each applicant for a MVTS license or MVTSR license must submit:

- (1) the completed application form;
- (2) supporting documentation required by these rules; and
- (3) payment of applicable fees.

(b) Each application must be submitted in person to the MCTAC or the MCTAC representative at the MCTAC Conroe, Texas office. Applications will not be accepted at any other MCTAC locations.

(c) Each applicant must present the following at the time of application submittal:

- (1) a valid Texas driver's license or Texas DPS issued Identification Card;
- (2) if applicable, a U.S. issued alien identification card issued by the Department of Homeland Security; and
- (3) a valid Social Security card.

(d) In presenting the identification listed in subsection (c) of this section with their application, the person permits the Montgomery County Tax Assessor-Collector or Montgomery County Tax Assessor-Collector's designated representative to make a copy of both. License applications will not be processed without the required identification being presented.

(e) Fees are subject to change upon approval by Montgomery County Commissioners Court.

§445.6. Motor Vehicle Title Service Application Requirements.

(a) A MVTS License Application will not be considered complete under §445.5 of this chapter (relating to Submission of Application) unless:

- (1) all applicable information identified on the Title Service License Application form ("TSLA Form") has been provided;
- (2) all required documentation has been attached;
- (3) the applicant identified on the TSLA Form has executed the applicant affidavit section of the TSLA Form as described in subsection (c) of this section; and

(4) all applicable fees have been paid.

(b) If applicant business is a partnership, each partner must submit a separate application. If applicant business is a corporation, each officer and director must submit a separate application and identify the state of incorporation on that application.

(c) Each applicant shall provide all information indicated on the TSLA Form, which information shall include but is not limited to:

(1) applicant name, address, telephone number, social security number, date of birth, Texas driver's license number, citizenship status, and what position the applicant holds in the applicant business (i.e., owner, principal, director, officer, partner);

(2) applicant business name, physical address, mailing address, and telephone number(s);

(3) identification of applicant business type (i.e., DBA, Corporation, or Partnership);

(4) name under which service will conduct business (if different than applicant business name);

(5) The physical address(es) (including any applicable suite number(s) of each location/office from which the service will conduct business (a P.O. box will not be accepted) and a corresponding photo, with address numbers clearly visible, of each location/building where business is to be conducted;

(6) the name(s), as applicable, of:

(A) each individual with any ownership interest in the applicant business; and

(B) each principal, officer or director of applicant business;

(7) if the applicant or applicant business has previously applied for a MVTS license (or permit) in a Texas County, including Montgomery County, please provide the following information:

(A) when they applied;

(B) where they applied;

(C) what was the result of the previous application; and

(D) whether the applicant or applicant business has ever had a MVTS license (or permit) revoked or suspended (if revoked or suspended, which county revoked or suspended, when the license was revoked or suspended, and why the license was revoked or suspended);

(8) applicant business federal tax identification number; and

(9) applicant business state sales tax number.

(d) The following documents must be submitted with and attached to the signed and completed TSLA Form:

(1) to show proof of United States citizenship or legal residency, a copy of a current, valid applicant's valid Texas driver's license or Texas Department of Public Safety Identification Card and valid Social Security card, or if applicable, a U.S. issued alien identification card issued by the Department of Homeland Security;

(2) a certified copy of:

(A) if applicant business is a DBA, each applicable Assumed Name Certificate;

(B) if applicant business is a corporation, the applicable Articles of Incorporation; or

(C) if applicant business is a partnership, the applicable Partnership Agreement;

(3) all forms required by Montgomery County Tax Assessor-Collector, signed and completed as required by the Montgomery County Tax Assessor-Collector; and

(4) all required background checks.

(e) Each applicant shall execute the Applicant Affidavit section of the TSRA Form that information provided in and with the application is true and correct.

§445.7. Title Service License Runner Application Requirements.

(a) A MVTSR Application will not be considered complete under this chapter unless:

(1) all applicable information identified on the Title Service Runner License Application form (TSRA Form) has been provided;

(2) all required documentation has been attached;

(3) the applicant identified on the TSRA Form has executed the Applicant Affidavit section of the TSRA Form as described in subsection (c) of this section; and

(4) all applicable fees have been paid.

(b) Applicants shall provide all information indicated on the TSRA Form, which information shall include, but is not limited to:

(1) the name of the licensed motor vehicle title service for which the applicant seeks a license to submit or present title documents (sponsoring MVTS), the MVTS license number, and date of issuance;

(2) the name, office address and office phone number of the title service owner, officer or employee who will supervise applicant;

(3) applicant's name, telephone number, social security number, date of birth, Texas driver's license number and citizenship status;

(4) if the applicant or applicant business has previously applied for a MVTS or MVTSR license (or permit) in a Texas County, including Montgomery County, provide the following information: when they applied, where they applied, what was the result of the previous application, and whether the applicant or applicant business has ever had a MVTS or MVTSR license (or permit) revoked or suspended (if revoked or suspended, which county revoked or suspended), when the license was revoked or suspended, and why the license was revoked or suspended; and

(5) a sworn affidavit stating that the applicant is employed by the motor vehicle title service identified on the Application and authorized by that motor vehicle title service to submit or present title documents to the MCTAC.

(c) The following documents must be submitted with and attached to the signed and completed TSRA Form:

(1) to show proof of United States citizenship or legal residency, a copy of applicant's valid Texas driver's license and valid Social Security card, or if applicable, a U.S. issued alien identification card by the Department of Homeland Security;

(2) all forms required by Montgomery County Tax Assessor-Collector, signed and completed as required by the Montgomery County Tax Assessor-Collector;

(3) sworn affidavits of each owner, partner, officer or director of the licensed title service identified on the TSRA Form, stating that the licensed title service (which must be identified specifically in the statement by name and license no.) employs applicant and autho-

rizes him/her to submit or present title documents to the Montgomery County Tax Assessor-Collector on its behalf; and

(4) all required background checks.

(d) Each Applicant shall execute the Applicant Affidavit Section of the TSRA Form, attesting to the following:

(1) that information provided in and with the Application is true and accurate; and

(2) the applicant is employed by the title service identified in section 1 of the Application to submit or present title documents to the Montgomery County Tax Assessor-Collector under Chapter 520 of the Texas Transportation Code.

§445.8. Application Review/Applicant Background Check.

(a) After acceptance of a completed application, the Montgomery County Tax Assessor-Collector will conduct an initial review of the application. The Montgomery County Tax Assessor-Collector may ask the applicant to provide additional clarifying or verifying information.

(b) Applicants will be notified of the outcome of an application within thirty (30) days of receiving the application. Such notice will be sent by electronic mail and regular mail:

(1) to MVTS license applicants at the business mailing address listed on the application; and

(2) to MVTSR applicants at the business mailing address for the MVTS sponsor listed on the application.

§445.9. License/Badge.

(a) License Number /Effective Date. Each license granted will be assigned a number. The effective date of issuance is the date upon which notice is sent under §445.8(c) of this chapter (relating to Application Review/Applicant Background Check/Applicant Interview).

(b) Original. Each licensee shall be issued one original license.

(c) Expiration. All licenses expire on the one year anniversary date of issuance.

(d) All licenses must be displayed in office/location of business.

(e) Licenses may be renewed pursuant to §445.12 of this chapter (relating to License Renewal).

(f) Each MVTS owner and MVTSR will be issued a badge upon issuance of their license.

§445.10. Reporting and Records.

(a) Each licensed MVTS must inform the Montgomery County Tax Assessor-Collector of a change to its primary physical and/or mailing address by submitting a written notification on MVTS letterhead to the Montgomery County Tax Assessor-Collector. The Montgomery County Tax Assessor-Collector shall update the address information upon receipt of the notification.

(b) A licensed MVTS shall report a change to its principals, partners, owners, officers, or directors as provided in §445.14 of this chapter (relating to Suspension).

(c) A licensed MVTS shall report a change to a sponsored runner, including separation of employment, name change, ineligibility, or change of business address.

(d) Each licensed MVTS must keep a file at its principal place of business:

(1) the MVTS license issued to them (displayed), a copy of the application (including all submitted documentation), and the receipt for the application;

(2) a copy of each license issued to a Runner for that MVTS, and of the Application (including all submitted documentation) submitted by each licensed runner; and

(3) all records required by Transportation Code § 520.057.

(e) Each licensed MVTS shall maintain records as required by the Montgomery County Tax Assessor-Collector for each transaction in which the license holder receives compensation. The records shall include:

(1) the date of the transaction;

(2) the name, age, address, sex, driver's license number, and a legible photocopy of the driver's license for each customer; and

(3) the vehicle make, model, year, license plate number, vehicle identification number, and a legible photocopy of proof of financial responsibility for the motor vehicle involved.

(f) Each licensed MVTS shall keep:

(1) Two (2) copies of all records required under this section for at least two years after the date of the transaction;

(2) legible photocopies of any documents submitted by a customer; and

(3) legible photocopies of any documents submitted to the Montgomery County Tax Assessor-Collector.

(g) A motor vehicle title service license holder or any of its employees shall allow an inspection of the required records by a peace officer on the premises of the motor vehicle title service at any reasonable time to verify, check, or audit the records.

§445.11. License Fees.

(a) All license fees must be paid by cash or certified funds in the applying (MVTS license) or employing (MVTSR license) title service's name.

(b) The fee for a motor vehicle title service license shall be \$500 for the initial application and \$500 for each annual renewal.

(c) The fee for a title service runner license shall be \$200 for the initial application and \$200 for each annual renewal.

(d) The fee for replacement of a badge issued under §445.9 of this chapter (relating to License/Badge) shall be \$50.

(e) All applications for new licenses and renewals submitted after the date of adoption of these rules are subject to payment of the fees listed in this section.

(f) All fees are non-refundable.

§445.12. License Renewal.

(a) A license issued under this subchapter expires on the first anniversary of the date of issuance and may be renewed annually on or before the expiration date on payment of the required renewal fee.

(b) A person who is otherwise eligible to renew a license may renew an unexpired license by paying to the MCTAC before the expiration date of the license the required renewal fee. A person whose license has expired may not engage in activities that require a license until the license has been renewed under this section.

(c) If a person's license has been expired for 90 days or less, the person may renew the license by paying to the MCTAC 1-1/2 times the required renewal fee.

(d) If a person's license has been expired for longer than ninety (90) days but less than one year, the person may renew the license by paying to the MCTAC two times the required renewal fee.

(e) If a person's license has been expired for one year or longer, the person may not renew the license. The person may obtain a new license by complying with the requirements and procedures for obtaining an original license.

(f) Notwithstanding subsection (e) of this section, if a person was licensed in this state, moved to another state, and has been doing business in the other state for the two years preceding application, the person may renew an expired license. The person must pay to the MCTAC a fee that is equal to two times the required renewal fee for the license.

(g) Before the 30th day preceding the date on which a person's license expires, the MCTAC shall notify the person of the impending expiration. The notice must be in writing and sent to the person's last known address according to the records of the county tax assessor-collector.

§445.13. Denial or Revocation of License.

(a) Grounds for the denial (after a completed application is submitted) or revocation of a current license, both for MVTS and MVTSR, include, but are not limited to:

(1) past or present submission by licensee or any applicant for the license, of an application or related document to the MCTAC that contains false information or that by its submission constitutes a misrepresentation of fact;

(2) the licensee or any applicant for the license has been convicted of any felony, any crime of moral turpitude, or deceptive business practice ;

(3) the licensee or any applicant for the license has been criminally or civilly sanctioned for the unauthorized practice of law by any government or quasi-government body with jurisdiction to do so;

(4) all of the affiant(s) described in §445.7(a)(3) of this chapter (relating to Completion of MVTSR Application) have withdrawn their affidavit(s) or otherwise informed the MCTAC that the applicants are not employed and authorized to submit title documents on behalf of the title service identified in the application;

(5) disruptive or aggressive behavior by a licensee or any applicant for the license at any MCTAC location that in the opinion of the MCTAC creates a security concern;

(6) any dishonest, fraudulent, or criminal activity by a licensee or any applicant for the license;

(7) failure to pay fines and/or fee identified in a suspension notice under §445.14(a) of this chapter (relating to Suspension) within thirty (30) days of the suspension's effective date;

(8) failure to correct reason for suspension within thirty (30) days of the suspension's effective date; and/or

(9) the license holder becomes ineligible due to the change in status listed under §445.3(c) of this chapter (relating to Eligible Applicants).

(b) Upon its determination that a license should be denied or revoked, the MCTAC shall send notice of denial/revocation to the applicant(s)/licensee by certified mail. Notice of any license denial shall be sent to each applicant at the business address listed on his/her application form. Notice of a Runner license revocation shall be sent to their sponsoring MVTS business. Notice of a title service license revocation shall be sent to the attention of all MVTS partners, owners,

officers, directors, or principals (as applicable) at the most recent primary physical business address on file for licensee. The notice shall identify the grounds that warrant the determination.

(c) Revocation shall be effective upon the date notice described in subsection (b) of this section is sent.

(d) A Person whose license is revoked may not apply for a new license before the first anniversary of the date of the revocation. An applicant who was previously denied may not apply for any license before the first anniversary of the date of the denial or revocation.

§445.14. Suspension.

(a) Suspension for unpaid taxes. The MCTAC may suspend a license if the licensee or any applicant for the license is delinquent in the payment of real and/or personal property taxes or fines/fees owed to Montgomery County, Texas.

(1) Suspension notice. The MCTAC shall send notice of suspension, which shall include a statement identifying the unpaid taxes, by certified mail. Notice of suspension of a MVTSR under this section shall be sent to the most recent primary physical business address on file for the licensee. Notice of a title service license suspension under this section shall be sent to the attention of all MVTS partners, owners, officers, directors, or principals (as applicable) at the most recent primary physical business address on file for the licensee. Suspension shall become effective upon the date notice is sent. Failure to pay the delinquent taxes identified in the suspension notice within thirty (30) days of the suspension date shall result in revocation of the MVTS business license or MVTSR license.

(2) A license suspended under this subsection will be reinstated if, within thirty (30) days of the suspension's effective date, the licensee provides the MCTAC with notice that includes a certified copy of the Montgomery County invoice showing that the taxes identified in the suspension notice have been paid in full. The licensee may deliver such notice in writing by certified mail, return receipt requested, in which case notice will be considered received by the MCTAC on the date the return is signed. The licensee may deliver such notice in person by presenting a copy of the paid receipt at the MCTAC main location, in which case notice shall be considered received when the MCTAC issues the licensee a copy of the file-stamped receipt submitted.

(b) Suspension for change in MVTS ownership or MVTSR status. If the MVTS fails to notify the MCTAC of any changes in ownership or MVTSR status within ten (10) days of the change, the MVTS or MVTSR license, (whichever is applicable) shall be automatically suspended. Notifications of changes in ownership must be accompanied by the appropriate applications and fees. Once the applications have been approved and the license to the new owner has been issued, the suspension will be lifted. The new license will expire on the first anniversary of its issuance and is subject to the same renewal requirements.

§445.15. Appeals.

(a) An applicant/licensee may appeal the denial or revocation of a license by filing a written appeal request with the MCTAC within thirty (30) days of the date of notice is sent under §445.13(b) of this chapter (relating to Denial or Revocation of License). Any information/documentation in support of such appeal must be submitted with the appeal request.

(b) The MCTAC shall appoint a Review Board ("Review Board") consisting of three (3) members. At least one member of the Review Board shall be a law enforcement officer. The MCTAC may appoint one or more MCTAC employees to serve on the Review

Board. Provided at least one law enforcement officer is in attendance, appeals shall be reviewed at a meeting of at least three (3) members of the Review Board.

(c) Timely filed appeals will be scheduled for review at the next Review Board meeting, which shall take place no less than sixty (60) days following the filing of the appeal. An applicant/licensee whose appeal is under review may attend the meeting and, at the Review Board's discretion, provide testimony in support of the appeal. The Review Board also has discretion to consider documentation not timely provided under subsection (a) of this section.

(d) Recommendation. The law enforcement officer in attendance shall preside over the meeting and determine when each appeal has been sufficiently considered, discussed and reviewed by the members in attendance. Following such determination, each member in attendance shall state and briefly describe the reasons for his/her opinion as to whether the action appealed should be sustained.

(e) Within fifteen (15) days of receiving the presiding officer's written recommendation, the MCTAC shall make a final determination on the appeal. The MCTAC shall consider the presiding officer's recommendation before making the final determination.

(f) The MCTAC shall send notice of its final determination to the applicant/licensee by certified mail as follows:

(1) license denial- to each applicant at the business address listed on his/her application form;

(2) runner license denial and revocation- to the most recent primary physical business address for the sponsoring MVTS; and

(3) title service license revocation- to the attention of all partner, owners, officers, directors, or principals (as applicable) at the most recent primary physical business address on file.

§445.16. Requirements for Conducting Motor Vehicle License Transactions.

(a) All vehicle transactions for Montgomery County will be processed at the Montgomery County Tax Office, 400 N. San Jacinto St., Conroe, Texas.

(b) MCTAC will process motor vehicle transactions solely for purchasers who live in Montgomery County, Texas. The MVTS/MVTSR processing the transaction must provide proof that the purchaser is a Montgomery County resident.

(c) A MCTAC vehicle transaction form must accompany all motor vehicle service transactions. The MVTS officer or owner shall print or sign his name in the space provided and fill in the company authorization number in the space provided.

(d) The person preparing the vehicle transaction form will print and sign his or her name in the spaces provided.

(e) All runners presenting documents at the MCTAC for processing shall print and sign their names in the spaces provided. Runners shall also fill in their MCTAC authorization number in the appropriate block.

(f) The MVTS company is responsible for the accuracy and validity of the information for each vehicle listed. Only vehicles for which the MVTS has been authorized to process the title will be processed by the MCTAC. The MVTS/MVTSR must provide proof of authorization from the purchaser of the vehicle to process the title transaction, including the purchaser's driver's license or state issued ID and a signed authorization form showing they have authorized the transaction.

(g) All vehicles for which the title service company wishes to complete a transaction must be listed and identified as transfer or ownership, renewal or replacement of license plates or registration sticker on the transaction form. The vehicle make, model, year and vehicle identification number must be printed legibly. Only vehicles for which the MVTS has been authorized to process can be printed on the form.

(h) After the final vehicle transaction on each transaction sheet is completed, the original transaction form will be retained by the MCTAC.

(i) MCTAC shall refuse to process motor vehicle title transactions for any runner that does not present their current MCTAC issued runner photo ID badge when paperwork is submitted. Persons are prohibited to use another person's MCTAC issued runner photo ID badge when presenting title documents at MCTAC for processing. The photo ID badge may only be used by the person to whom it was issued.

(j) Title documents may only be submitted in person at the MCTAC, by mail, or by common carrier. Submission by internet or email is prohibited.

(k) Runners may present work for only their sponsoring MVTS and work they are authorized to conduct. Runners may not present work for other runners.

§445.17. Amendment of Rules.

(a) The MCTAC may amend these rules in his/her sole discretion and as deemed necessary at any time.

(b) The MCTAC may authorize other policies and procedures that are not inconsistent with these sections or other law and to the extent authorized by law.

(c) All persons and businesses who hold a MCTAC issued license on the effective date of these rules are subject to these rules.

(d) All applications for new licenses and for renewal submitted after the effective date of these rules are subject to these rules.

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

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Tammy McRae

Montgomery County Tax Assessor-Collector

Montgomery County Tax Assessor-Collector

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For further information, please call: (936) 538-8124

