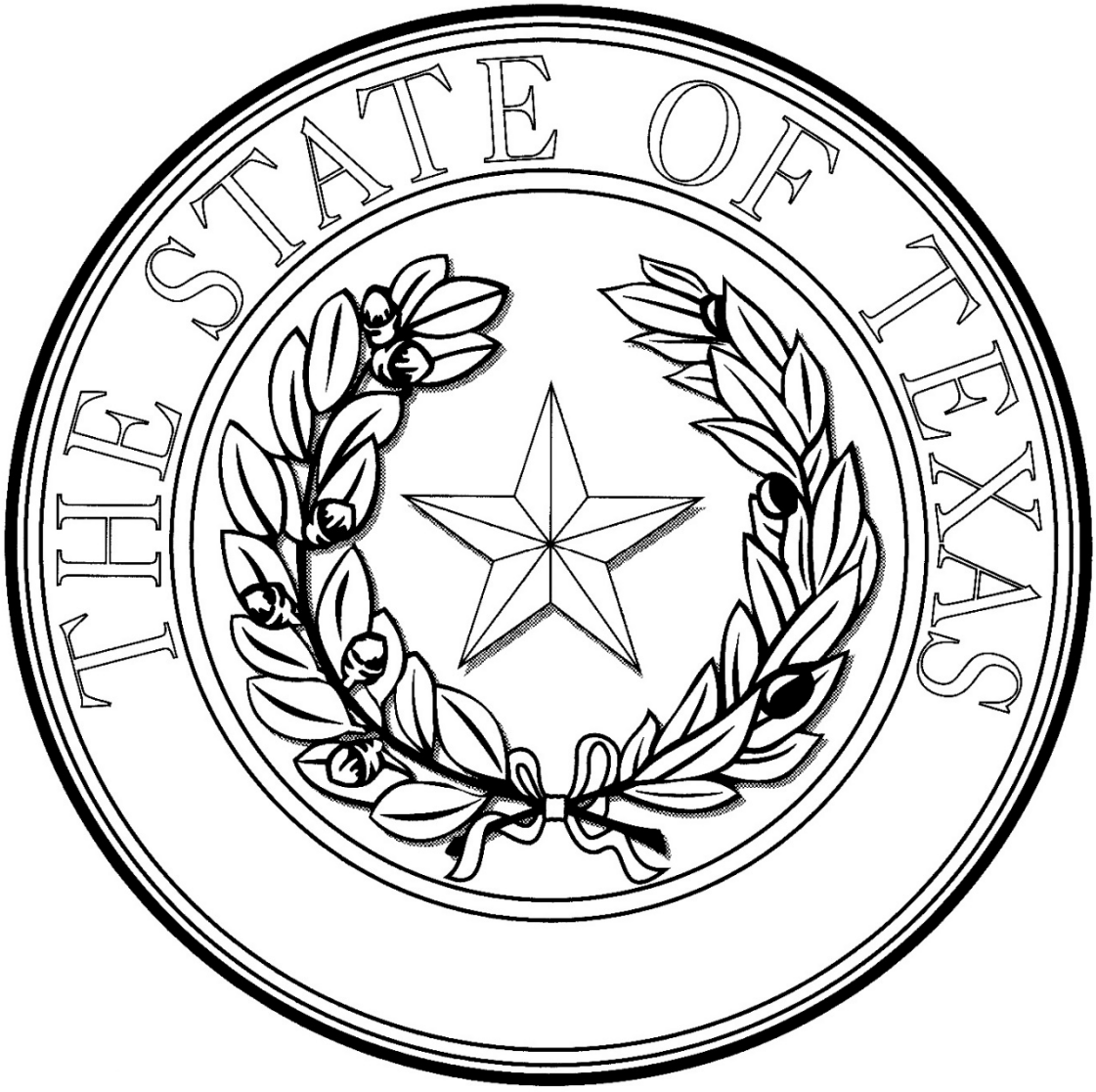
TEXAS REGISTER

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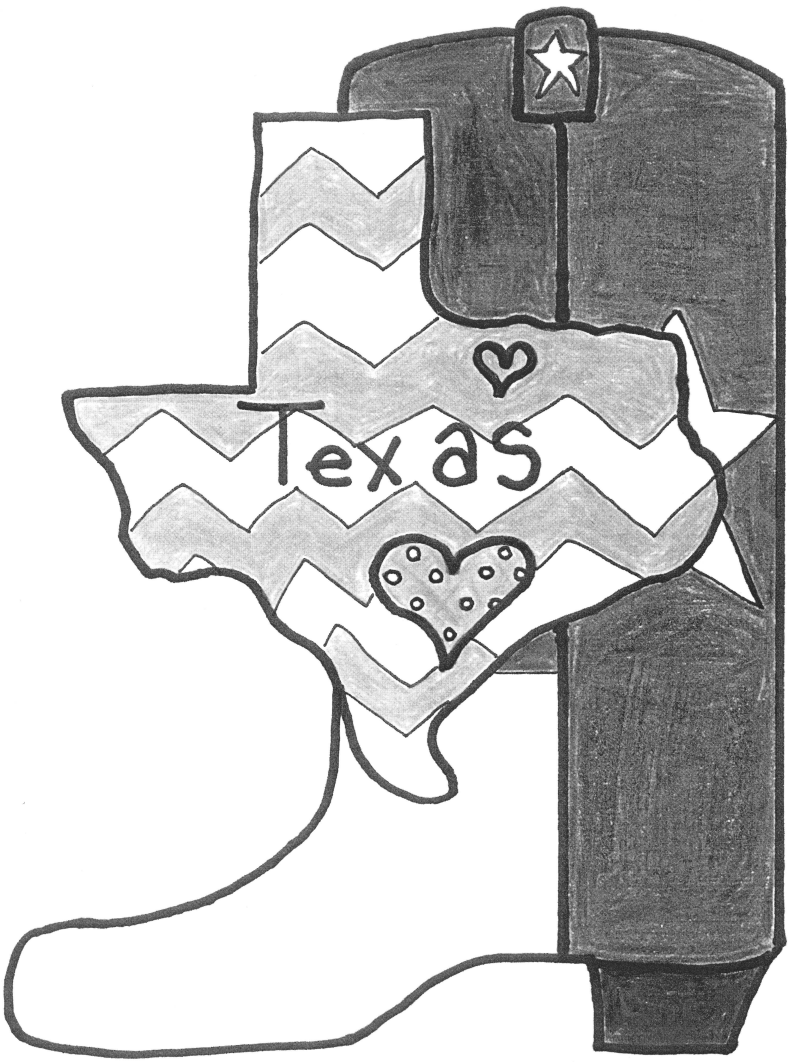
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Texas

THE GOVERNOR

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

Appointments

Appointments for October 12, 2026

Appointed as the presiding officer of the State Cemetery Committee for a term to expire October 12, 2028, Thomas N. "Tom" Sellers of Austin, Texas (Mr. Sellers is being reappointed).

Appointments for October 14, 2026

Appointed to the Texas Veterans Commission for a term to expire December 31, 2031, Todd D. Wetsel of Amarillo, Texas (replacing Mike P. Hernandez of Abilene whose term expired).

Greg Abbott, Governor

TRD-202604366

♦ ♦ ♦

Proclamation 41-4317

TO ALL TO WHOM THESE PRESENTS SHALL COME:

WHEREAS, I, GREG ABBOTT, Governor of the State of Texas, issued a disaster proclamation on July 14, 2026, certifying that the severe storms event that began on July 13, 2026, that included heavy rainfall and flash flooding, caused widespread and severe property damage, injury, or loss of life in several counties;

NOW, THEREFORE, in accordance with the authority vested in me by Section 418.014 of the Texas Government Code, I do hereby renew the aforementioned proclamation and declare a disaster in Atascosa, Austin, Bandera, Bastrop, Bexar, Blanco, Brazoria, Brewster, Burnet, Caldwell, Colorado, Comal, Crockett, DeWitt, Dimmit, Edwards, Fayette, Fort Bend, Frio, Galveston, Gillespie, Goliad, Gonzales, Grimes, Guadalupe, Harris, Hays, Jackson, Karnes, Kendall, Kerr, Kimble, Kinney, La Salle, Lavaca, Lee, Live Oak, Llano, Mason, Matagorda, Maverick, McMullen, Medina, Menard, Mitchell, Pecos, Real, Schleicher, Sutton, Terrell, Travis, Uvalde, Val Verde, Victoria, Waller, Washington, Webb, Wharton, Williamson, Wilson, Zapata, and Zavala Counties;

Pursuant to Section 418.017 of the Texas Government Code, I authorize the use of all available resources of state government and of political subdivisions that are reasonably necessary to cope with this disaster.

Pursuant to Section 418.016 of the Texas Government Code, any regulatory statute prescribing the procedures for conduct of state business or any order or rule of a state agency that would in any way prevent, hinder, or delay necessary action in coping with this disaster shall be suspended upon written approval of the Office of the Governor. However, to the extent that the enforcement of any state statute or administrative rule regarding contracting or procurement would impede any state agency's emergency response that is necessary to protect life or property threatened by this declared disaster, I hereby authorize the suspension of such statutes and rules for the duration of this declared disaster.

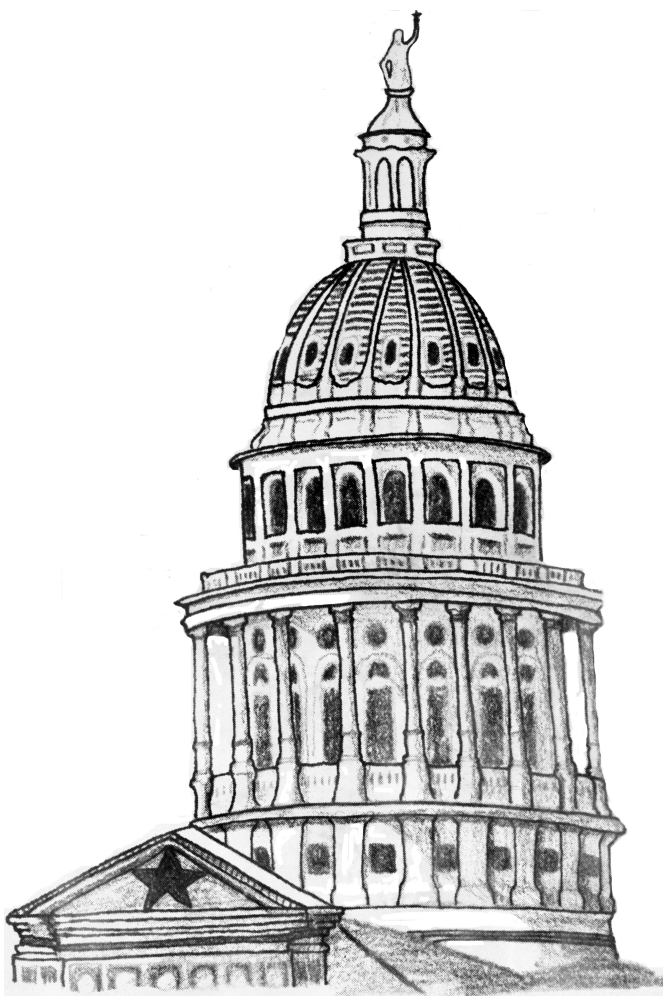
In accordance with the statutory requirements, copies of this proclamation shall be filed with the applicable authorities.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 12th day of October, 2026.

Greg Abbott, Governor

TRD-202604357

♦ ♦ ♦



EMERGENCY RULES

Emergency Rules include new rules, amendments to existing rules, and the repeals of existing rules. A state agency may adopt an emergency rule without prior notice or hearing if the agency finds that an imminent peril to the public health, safety, or welfare, or a requirement of state or federal law, requires adoption of a rule on fewer than 30 days' notice. An emergency rule may be effective for not longer than 120 days and may be renewed once for not longer than 60 days (Government Code, §2001.034).

TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 65. WILDLIFE

SUBCHAPTER A. STATEWIDE HUNTING PROCLAMATION

DIVISION 2. OPEN SEASONS AND BAG LIMITS

31 TAC §65.42

Pursuant to Parks and Wildlife Code, §12.027, and Government Code, §2001.034, the executive director of the Texas Parks and Wildlife Department (the department) adopts, on an emergency basis, an amendment to 31 TAC §65.42, concerning Deer.

Under Parks and Wildlife Code, §12.027, if the commission or the executive director finds that there is an immediate danger to a species authorized to be regulated by the department, the commission or the executive director may adopt emergency rules as provided by Government Code, Chapter 2001.

The emergency rules will initially be in effect for 120 days but may be extended for an additional 60 days.

The department's executive director has determined that during the course of recent rulemaking, the provisions of §65.42(b)(2)(I) - (K) and paragraphs (3) - (7) were inadvertently removed from TAC in a manner inconsistent with the requirements of Government Code, Chapter 2001, governing notice of proposed rules, and should not have been removed. The unintended removal of the provisions (which affect seasons, bag limits, special provisions, and restrictions) creates an emergency condition and an immediate danger to white-tailed deer populations regulated by the department, necessitating the adoption of rules on an emergency basis with fewer than 30 days' notice. The department cannot remedy the situation via the normal rulemaking process, as some deer seasons affected are already open and the danger to the species is immediate. Therefore, the emergency amendment is necessary to eliminate that danger. The amendment reinstates the missing provisions. The department establishes deer seasons on an annual basis and will remedy the issue via the normal rulemaking process prior to the 2027-2028 deer seasons.

The rule is adopted on an emergency basis under Parks and Wildlife Code, §12.027, which authorizes the commission or the department's executive director to adopt emergency rules if there is an immediate danger to a species authorized to be regulated by the department.

§65.42. Deer.

(a) (No change.)

(b) White-tailed deer. The open seasons and bag limits for white-tailed deer shall be as follows.

(1) (No change.)

(2) North Zone. The general open season for the counties listed in this paragraph is from the first Saturday in November through the first Sunday in January.

(A) - (H) (No change.)

(I) In Andrews, Bailey Castro, Cochran, Dallam, Dawson, Deaf Smith, Gaines, Hale, Hansford, Hartley, Hockley, Lamb, Lubbock, Lynn, Martin, Moore, Oldham, Parmer, Potter, Randall, Sherman, Swisher, Terry, and Yoakum counties, the bag limit is three deer, no more than one buck and no more than two antlerless.

(J) In Crane, Ector, Loving, Midland, Ward, and Winkler counties:

(i) the bag limit is three deer, no more than one buck and no more than two antlerless; and

(ii) antlerless deer may be taken by MLDP tag only.

(K) In all other counties, there is no General Season.

(3) Antler Restrictions. In each county for which antler restrictions are imposed under the provisions of this subsection:

(A) a legal buck is a buck deer with:

(i) at least one unbranched antler; or

(ii) an inside spread of 13 inches or greater;

(B) no person may take more than one buck with an inside spread of 13 inches or greater; and

(C) a person who takes a buck deer in violation of subparagraph (A)(ii) of this paragraph is prohibited from subsequently harvesting any buck deer with branched antlers on both main beams in that county.

(4) Special Late General Seasons.

(A) There is a special late general season during which harvest is restricted to antlerless and unbranched antlered deer, as follows:

(i) in the counties listed in paragraph (1)(A) and (B) of this subsection: 14 consecutive days starting the first Monday following the third Sunday in January;

(ii) in the counties listed in paragraph (2)(A) - (C) and (E) of this subsection: 14 consecutive days starting the first Monday following the first Sunday in January.

(iii) In all other counties there is no special late general season.

(B) The bag limit during a special late general season is the bag limit established for the county for the general open season and is not in addition to any other bag limit.

(5) Archery-only open seasons.

(A) There shall be an archery-only open season in all counties in which there is an open general season.

(B) The open season is from the Saturday closest to September 30 for 35 consecutive days.

(C) The bag limit in any given county is as provided for that county during the general open season.

(D) No MLDP tag is required to hunt antlerless deer unless MLDP tags have been issued for the property.

(E) Antlerless deer may be taken on USFS lands during an archery-only season.

(6) Muzzleloader-only open seasons, and bag and possession limits shall be as follows. In Anderson, Angelina, Austin, Bastrop, Bell (East of IH 35), Bowie, Brazoria, Brazos, Brewster, Burleson, Caldwell, Camp, Cass, Chambers, Cherokee, Colorado, Comal (East of IH 35), Culberson, Delta, DeWitt, Ellis, Fannin, Falls, Fayette, Fort Bend, Franklin, Freestone, Galveston, Goliad, Gonzales, Gregg, Grimes, Guadalupe, Hardin, Harris, Harrison, Hays (East of IH 35), Henderson, Hopkins, Houston, Hunt, Jackson, Jasper, Jeff Davis, Jefferson, Karnes, Kaufman, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Madison, Marion, Matagorda, Milam, Montgomery, Morris, Nacogdoches, Navarro, Newton, Orange, Panola, Polk, Presidio, Rains, Red River, Reeves, Robertson, Rusk, Sabine, San Augustine, San Jacinto, Shelby, Smith, Titus, Travis (East of IH 35), Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Wharton, Williamson (East of IH 35), Wilson and Wood counties, there is an open season during which deer may be taken only with a muzzleloader.

(A) The open season is 14 consecutive days starting the first Monday following the first Sunday in January.

(B) The bag limit for buck and antlerless deer is as specified in this section for the general season in the county or portion of a county in which take occurs.

(C) Antlerless deer may be taken on USFS lands during a muzzleloader-only season.

(7) Special Youth-Only Seasons. There shall be special youth-only general hunting seasons in all counties where there is a general open season for white-tailed deer.

(A) The early open season is the Friday, Saturday, and Sunday immediately before the first Saturday in November.

(B) The late open season is 14 consecutive days starting the first Monday following the first Sunday in January.

(C) Bag limits, provisions for the take of antlerless deer, and special requirements in the individual counties listed in paragraph (2)(A) - (G) of this subsection shall be as specified for the first two days of the general open season in those counties, except as provided in subparagraph (D) of this paragraph.

(D) Provisions for the take of antlerless deer in the individual counties listed in paragraph (2)(G) of this subsection shall be as specified in those counties for the period of time from the second Saturday of November through the Sunday immediately following Thanksgiving Day.

(E) Other than on properties where MLDP tags have been issued under the provisions of §65.29(c)(2) of this title, only licensed hunters 16 years of age or younger may hunt deer during the seasons established by this paragraph, and any lawful means may be used.

(F) The stamp requirement of Parks and Wildlife Code, Chapter 43, Subchapter I, does not apply during the seasons established by this paragraph.

(G) Antlerless deer may be taken on USFS lands during special youth-only deer seasons.

(c) (No change.)

The agency certifies that legal counsel has reviewed the emergency adoption 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 8, 2026.

TRD-202604278
James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: October 8, 2026
Expiration date: February 4, 2027
For further information, please call: (512) 389-4775



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

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

TITLE 1. ADMINISTRATION

PART 15. TEXAS HEALTH AND HUMAN SERVICES COMMISSION

CHAPTER 354. MEDICAID HEALTH SERVICES

SUBCHAPTER B. GENERAL PROVISIONS

1 TAC §354.1451

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes the repeal of §354.1451, concerning Medicaid Recovery Audit Contractor Program, in the Texas Administrative Code (TAC) Title 1, Part 15, Chapter 354, Medicaid Health Services, Subchapter B, General Provisions.

BACKGROUND AND PURPOSE

The purpose of the proposal is to repeal the Medicaid Recovery Audit Contractor (RAC) Program rule from Chapter 354, Medicaid Health Services, and relocate it to Chapter 371, relating to Medicaid and Other Health and Human Services Fraud and Abuse Program Integrity, to accurately reflect that RAC is a program integrity function within the HHSC Office of Inspector General (OIG). The relevant rule content in §354.1451 is incorporated into the new rule in Chapter 371 with updates to improve readability and clarity, to add terminology, and to align the rule with Texas Government Code §544.0504. The new rule in Chapter 371 is proposed elsewhere in this issue of the *Texas Register*.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rule will be in effect, enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of state or local governments.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

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

(2) implementation of the proposed rule will not create new HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will not create new regulation;

(6) the proposed rule will repeal existing regulations;

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

(8) the repeal of the rule will positively affect the state's economy.

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

Victoria Grady has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities. The rule is repealed and does not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rule.

LOCAL EMPLOYMENT IMPACT

The repealed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because the rule does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Diane Salisbury, OIG Chief of Data Reviews, has determined that for each year of the first five years following repeal of the rule, the public benefit will be improved access to the rule because the rule is relocated to a chapter with related subject matter.

Victoria Grady has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed repeal because the rule is being removed and published elsewhere in the TAC.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the

last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R083" in the subject line.

STATUTORY AUTHORITY

The repeal is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Government Code §544.0504, which establishes the Texas Medicaid Recovery Audit Contractor Program and authorizes the executive commissioner, in consultation with the OIG, to adopt rules necessary to implement §544.0504; Texas Government Code §544.0103, which grants OIG the responsibility for the prevention, detection, audit, inspection, review, and investigation of fraud, waste, and abuse in the provision and delivery of all health and human services in the state, including services through any state-administered health or human services program that is wholly or partly federally funded, and which provides OIG with the authority to obtain any information or technology necessary to enable it to meet its responsibilities; and Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas, to administer Medicaid funds, and to adopt rules necessary for the proper and efficient regulations of the Medicaid program.

The repeal affects Texas Government Code §§524.0151, 544.0504, 544.0103, and 532.0051; and Texas Human Resources Code §32.021.

§354.1451. Medicaid Recovery Audit Contractor Program.

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604329
Stephanie Tourk
Deputy Chief Counsel
Texas Health and Human Services Commission
Earliest possible date of adoption: November 22, 2026
For further information, please call: (512) 221-7320

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CHAPTER 371. MEDICAID AND OTHER HEALTH AND HUMAN SERVICES FRAUD AND ABUSE PROGRAM INTEGRITY

SUBCHAPTER G. ADMINISTRATIVE ACTIONS AND SANCTIONS

DIVISION 3. ADMINISTRATIVE ACTIONS AND SANCTIONS

1 TAC §371.1725

The executive commissioner of the Texas Health and Human Services Commission (HHSC) proposes new §371.1725, concerning the Medicaid Recovery Audit Contractor Program, in the Texas Administrative Code Title 1, Part 15, Chapter 371, Medicaid and Other Health and Human Services Fraud and Abuse Program Integrity, Subchapter G, Division 3, Administrative Actions and Sanctions.

BACKGROUND AND PURPOSE

The proposal is necessary to implement House Bill 142, 89th Texas Legislature, Regular Session, 2025, which amended Texas Government Code §544.0504 to expand the Recovery Audit Contractor (RAC) program into Medicaid managed care.

Section 371.1725 replaces §354.1451, Medicaid Recovery Audit Contractor Program, which is proposed for repeal elsewhere in this issue of the *Texas Register.* The Medicaid Recovery Audit Contractor Program rule was relocated to Chapter 371, Medicaid and Other Health and Human Services Fraud and Abuse Program Integrity, from Chapter 354, Medicaid Health Services, to accurately reflect that RAC is a program integrity function within the HHSC Office of Inspector General (OIG).

Section 371.1725 states that the RAC program is applicable to both fee-for-service and managed care. The new rule establishes requirements for submitting requested records, OIG approval and deconfliction of RAC reviews, the scope of RAC reviews, notices issued by the RAC, appeal processes, and recovery of overpayments.

The new rule updates language to improve readability, adds relevant statutory citations, and adds new definitions for terms used in the section.

SECTION-BY-SECTION SUMMARY

Proposed new §371.1725(a) provides that Texas Government Code §544.0504 is the statutory authority for the RAC program. The rule establishes that the RAC program applies to fee-for-service and is expanded to managed care.

Proposed new §371.1725(b) defines terms used in the section.

Proposed new §371.1725(c) describes the procedures related to a RAC records request, including the deadline required to submit records, the permitted methods for submitting records, and the issuance of a technical denial for failure to produce requested records.

Proposed new §371.1725(d) specifies limits the RAC must follow, including required approval of the review by OIG and a time lapse of at least one year after a claim is received by the payer before the RAC may begin the review. Subsection (d) also describes RAC review procedures, including identifying overpayments and underpayments, recovering overpayments from the provider or MCO, and when certain claims are excluded from a RAC review.

Proposed new §371.1725(e) lists the types of written notice the RAC sends to providers during a review, including a notice of a technical denial, the results of the review, the overpayment amount, the underpayment amount, and the appeal process.

Proposed new §371.1725(f) outlines the first and second level appeal options available to a provider subject to a RAC review and the deadlines for requesting those appeals.

FISCAL NOTE

Victoria Grady, Deputy Chief, Finance, has determined that for each year of the first five years that the rule will be in effect, there will be an estimated reduction in cost to state government as a result of enforcing and administering the rule as proposed.

Enforcing or administering the rule does not have foreseeable implications relating to costs or revenues of local government.

The effect on state government for each year of the first five years the proposed rule is in effect is an estimated cost of $1,626,357 in fiscal year (FY) 2026, and an estimated reduction in costs of $18,888,907 in FY 2027, $41,453,360 in FY 2028, $72,422,268 in FY 2029, and $72,422,268 in FY 2030 by returning misspent funds in Texas Medicaid.

GOVERNMENT GROWTH IMPACT STATEMENT

HHSC has determined that during the first five years that the rule will be in effect:

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

(2) implementation of the proposed rule will create new HHSC employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to HHSC;

(5) the proposed rule will create new regulations;

(6) the proposed rule will not expand, limit or repeal existing regulations;

(7) the proposed rule will increase the number of individuals subject to the rule; and

(8) the proposed rule will positively affect the state's economy.

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

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

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

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

PUBLIC BENEFIT AND COSTS

Diane Salisbury, OIG Chief of Data Reviews, has determined that for years two through five of the first five years the rule is in effect, the public benefit will be that increased oversight of overpayments in Medicaid managed care services enhances Medicaid program integrity and promotes the responsible use of public funds. Increased recovery of overpayments may return additional funds to the state and support the continued delivery of services to Medicaid recipients.

Victoria Grady has also determined that for the first five years the rule is in effect, there are no anticipated costs to persons who are required to comply with the proposed rule because an overpayment recovery is not a cost to the business and it is returning funds that should never have been received.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R083" in the subject line.

STATUTORY AUTHORITY

The new section is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Government Code §544.0504, which establishes the Texas Medicaid Recovery Audit Contractor Program and authorizes the executive commissioner, in consultation with the OIG, to adopt rules necessary to implement §544.0504; 42 CFR §455.502, which requires states to contract with one or more Medicaid recovery audit contractors to carry out RAC activities described in 42 CFR §455.506; Texas Government Code §544.0103, which grants OIG the responsibility for the prevention, detection, audit, inspection, review, and investigation of fraud, waste, and abuse in the provision and delivery of all health and human services in the state, including services through any state-administered health or human services program that is wholly or partly federally funded, and which provides OIG with the authority to obtain any information or technology necessary to enable it to meet its responsibilities; Texas Government Code §544.0102, which requires the executive commissioner of HHSC to work in consultation with OIG to adopt rules necessary to implement a power or duty of the office; Texas Human Resources Code §32.021 and Texas Government Code §532.0051, which provide HHSC with the authority to administer the federal medical assistance (Medicaid) program in Texas, to administer Medicaid funds, and to adopt rules necessary for the proper and efficient regulations of the Medicaid program; and Texas Human Resources Code §32.039, which provides authority to assess administrative penalties and damages and provides due process for persons potentially subject to damages and penalties.

The new section affects Texas Government Code §§524.0151, 532.0051, 544.0504, 544.0102, and 544.0103 and Texas Human Resources Code §32.021 and §32.039.

§371.1725. Medicaid Recovery Audit Contractor Program.

(a) Purpose. The Medicaid Recovery Audit Contractor (RAC) Program is established under Texas Government Code §544.0504. This rule applies to Medicaid fee-for-service and the managed care program.

(b) Definitions. The following terms in this section have the following meanings unless the context clearly indicates otherwise.

(1) HHSC--The Texas Health and Human Services Commission or its designee.

(2) HIPAA--The Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. §§1320d et seq., as modified by the Health Information Technology for Economic and Clinical Health Act (HITECH) (P.L. 111-5), and regulations adopted under those acts, including at 45 C.F.R. Parts 160 and 164.

(3) Managed care organization (MCO)--A Medicaid managed care organization contracted with HHSC to provide Medicaid services, including a dental MCO or a health care MCO.

(4) OIG--HHSC Office of Inspector General.

(5) Overpayment--Any payment made to a provider by HHSC or an MCO to which the provider is not entitled under Medicaid, including Medicaid waiver programs and the Medicaid managed care program.

(6) Provider--A person, firm, partnership, corporation, MCO, agency, association, institution, or other organization or entity that provides Medicaid services or products.

(7) Records--Documents, data, or information in any format, including electronic format.

(8) Recovery audit contractor (RAC)--An entity contracted with HHSC to identify Medicaid underpayments and overpayments and to recover the overpayments.

(9) Underpayment--Any payment made to a provider by HHSC or an MCO that is less than the amount to which the provider is entitled under Medicaid, including Medicaid waiver programs and the Medicaid managed care program.

(c) Records.

(1) A provider who receives a request for records for a RAC review must provide the requested records within the time period requested or 30 calendar days from the date of receipt of the request, whichever is later.

(2) A provider must submit requested records through the secure online RAC portal or other method approved by the RAC. All transmissions of records that contain personally identifiable information or protected health information must comply with HIPAA and other applicable federal and Texas information privacy and security law.

(3) Failure by a provider to timely produce requested records may result in a technical denial, an OIG enforcement action, or both.

(4) If the provider fails to timely produce requested records, the RAC will issue a preliminary technical denial notice including a final due date by which the RAC must receive the complete records. If the complete records are not received by the final due date, the RAC will issue a final technical denial notice and recover the overpayment corresponding to the requested records.

(d) Scope.

(1) The RAC may not initiate a review of a claim unless:

(A) the OIG or its designee determines the review would be cost-effective and approves the review; and

(B) at least one year has passed and no more than five years have passed since the date of the claim.

(2) The RAC may not initiate a recovery on a claim if an MCO has notified OIG that the MCO is auditing the claim. The MCO's notice must include information specified by OIG or the RAC, such as time scope, criteria, and other audit details and limits, that clearly define the parameters of the audit.

(3) The RAC reviews records to identify overpayments and underpayments and recover overpayments.

(4) An overpayment may be recovered from the provider or the MCO.

(5) A RAC review excludes claim and encounter details that are under review by OIG.

(6) The RAC must make referrals of suspected fraud or abuse, as defined in Texas Government Code §544.0001, to OIG.

(e) Notice.

(1) The RAC provides written notice of:

(A) a request for records;

(B) a preliminary technical denial, if applicable;

(C) a final technical denial, if applicable;

(D) the result of the review, unless the RAC refers fraud or abuse to OIG;

(E) the overpayment or underpayment amount, if any; and

(F) the appeal process.

(2) RAC notices may be sent:

(A) electronically, in which case notice is presumed to be received on the date sent;

(B) by hand delivery, in which case notice is presumed to be received on the date of delivery;

(C) by certified mail with return receipt requested, in which case notice is presumed to be received on the date of the signature of the addressee or its agent on the return receipt, or on the delivery date as reflected in the records of the United States Postal Service if the return receipt is unsigned or certified mail is unclaimed; or

(D) by fax with confirmation page, in which case notice is presumed to be received on the date of the confirmation of the fax.

(f) Appeals.

(1) A provider who receives a RAC notice of review results may request a first-level appeal and, if necessary, a second-level appeal.

(2) A provider who receives a RAC notice of a final technical denial may request a first-level appeal. The only issues on appeal are whether the provider received the preliminary notice of technical denial or timely submitted the requested records.

(3) A first-level appeal is a review conducted by a RAC reviewer who was not associated with the initial review or issuance of the final technical denial.

(4) A second-level appeal, if necessary, is conducted by HHSC or its contractor through the Medicaid Program Appeals Procedures process under §354.2217 of this title (relating to Provider Appeals and Reviews).

(5) A request for a first-level appeal must be timely and complete as specified in the notice of review results or notice of a final technical denial. A request for first-level appeal is timely if it is re-

ceived by the RAC within 30 calendar days from receipt of the notice of review results or notice of a final technical denial.

(6) A request for a second-level appeal must be timely and complete as specified in the notice of first-level appeal results. Notwithstanding §354.2217 of this title, a request for a second-level appeal is timely if it is received by HHSC within 30 calendar days from the date of the notice of first-level appeal results.

(7) A notice of review results or a notice of final technical denial becomes final and unappealable 30 calendar days after receipt of the notice, unless the RAC has received a timely and complete request for a first-level appeal. A notice of first-level appeal results becomes final and unappealable 30 calendar days after receipt of the notice, unless HHSC has received a timely and complete request for a second-level appeal. A notice of second-level appeal results becomes final and unappealable upon the provider's receipt of the second-level appeal results notice.

(8) An overpayment may be recovered from the provider or the MCO when the results of the RAC review are final as stated in paragraph (7) of this subsection.

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 9, 2026.

TRD-202604330
Stephanie Tourk
Deputy Chief Counsel
Texas Health and Human Services Commission
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For further information, please call: (512) 221-7320

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TITLE 16. ECONOMIC REGULATION

PART 1. RAILROAD COMMISSION OF TEXAS

CHAPTER 3. OIL AND GAS DIVISION

16 TAC §3.15, §3.58

The Railroad Commission of Texas proposes amendments to §3.15, and §3.58, relating to Surface Equipment Removal Requirements and Inactive Wells; and Certificate of Compliance and Transportation Authority. The Commission proposes the amendments to implement Senate Bill 1150, 89th Texas Legislature (Regular Session, 2025). The bill amends Texas Natural Resources Code §89.023 to require operators to plug wells that have been inactive for more than 15 years, and completed more than 25 years prior to the operator submits an application for a plugging extension ("15/25 wells"), unless the Commission finds that granting a plugging extension is warranted based on: (1) the operator's prior history of restoring inactive wells to active operation; (2) the operator's financial hardship in complying with its duty to plug 15/25 wells; (3) the operator includes the inactive well in a compliance plan that addresses the inactive well before September 1, 2042; or (4) the operator files an individual performance bond not less than the full cost calculation for plugging an inactive well that runs with and covers the lifetime of the well. The bill also requires the Commission to adopt rules requiring operators involved in the transfer of an inactive well to jointly submit a transfer application, confirming that the well is in compliance, the transfer was a business practice performed in good faith, and that the new operator will ensure continued compliance. Additionally, SB 1150 prevents plugging extensions based on an operator's prior history of restoring inactive wells to active operation, or an operator's financial hardship, from transferring with the inactive well.

The bill also adds new Texas Natural Resources Code §§89.049, 89.050, and 89.051, requiring the Commission to produce and deliver to the Governor, Lieutenant Governor, and Legislature, an annual report that includes: (1) the number of inactive wells in the state; (2) the age and length of inactivity of each inactive well; (3) the number of inactive wells for which an plugging extension has been granted; (4) the financial assurance methods available for inactive wells, and the number of wells using each available financial assurance method; (5) the number of wells that were plugged in the preceding year, both by operators and by the Commission with state funds; (6) the number of inactive wells restored to active operation in the preceding year; (7) a summary of the number of operators of inactive wells, including the total number of operators and wells that are in compliance, are delinquent, have been delinquent for over a year, or have been granted a plugging extension; (8) the number of organization reports that the Commission has not renewed or approved, including the operator's total well count and total amount of financial assurance; and, (9) the annual cost calculation for plugging an inactive well. §89.050 requires an operator whose inactive well was completed at least 15 years ago to submit an annual report to the Commission containing the results of a fluid level or hydraulic pressure test for the inactive well. Lastly, §89.051 grants the Commission the power to adopt any necessary rules to regulate and monitor inactive wells, while considering the risk to public safety or the environment, the wellbore and wellhead integrity, and regional risk considerations.

The Commission proposes amendments in §3.15(a)(1) and §3.15(a)(6) to add definitions for "15/25 well" and "full cost calculation for plugging an inactive well." Current subsections (a)(1)-(4) are redesignated as subsections (a)(2)-(5), and current subsections (a)(5)-(8) are redesignated as (a)(7)-(a)(10), as a result of these proposed amendments.

The Commission proposes amendments throughout §3.15, beginning in §3.15(c)(4), to require operators to perform fluid level tests or hydraulic pressure tests on inactive wells that were completed at least 15 years ago. This amendment is also proposed in §3.15(e)(5), 3.15(n), 3.15(n)(3), 3.15(n)(7), 3.15(o), 3.15(o)(4), and 3.15(o)(7).

The Commission also proposes amendments in §3.15(e)(1) to add references to documentation that is submitted under subsection (f) or new subsection (h).

The Commission proposes amendments in §§3.15(f) and 3.15(g) to acknowledge that the current plugging extensions are only available for inactive land wells that are not 15/25 wells.

Proposed new §3.15(h) specifies the application process for a plugging extension for a 15/25 well. Under new subsection (h)(1)-(3), all applications for plugging extensions for 15/25 wells: (1) only apply to inactive land wells, not bay or offshore wells; (2) only valid for one year, renewable concurrently with the operator's organization report; and (3) require documentation identifying nonoperators, as that term is defined by Texas Natural Resources Code §89.002(3). Proposed new subsection (h)(3), regarding the identification of nonoperators, specifies

that the operator must use good faith and reasonable efforts in identifying nonoperators, which entails examining Commission filings, current county tax rolls, and other reliable and readily available sources of information.

Proposed new §3.15(h)(4) addresses how the operator may apply for each of the four available plugging extensions for 15/25 wells. SB 1150 authorized four different types of plugging extensions that the operator may apply for, and the Commission may approve. The details of each plugging extension application are proposed in subsection (h)(4)(A)-(D). These plugging extension application options include: (A) a written request that the Commission, by order, determine that the operator's history of restoring inactive wells to active operation warrants the approval of its 15/25 well plugging extension application; (B) a written request that the Commission, by order, determine that the operator's financial hardship warrants the approval of its 15/25 well plugging extension; (C) a compliance plan that identifies the inactive well and sets forth the operator's commitment to plugging or restoring the 15/25 well to active operation by the statutory deadline of September 1, 2042; and (D) an individual performance bond that is greater than or equal to the full cost calculation of plugging the 15/25 well, and runs with and covers the lifetime of the inactive well.

Application based on the operator's prior history of restoring inactive wells to active operation.

The proposed new amendments regarding what is required in an application for a 15/25 well plugging extension based on the operator's prior history of restoring inactive wells are in new §3.15(h)(4)(A)(i)-(v). Under the new proposed clauses for the "prior history" plugging extension, the operator would be required to include documentation that identifies: (i) all of the operator's wells; (ii) the active or inactive status of each well; (iii) the length of inactivity of each inactive well; (iv) the date an inactive well was restored to active operation, if it has been restored; and (v) all Commission assigned permit numbers, oil and gas lease numbers, API well numbers, and production report filing dates for each active well that was previously inactive.

Application based on the operator's financial hardship.

Proposed new subsection (h)(4)(B)(i)-(iv) details the requirements for an application for a 15/25 well plugging extension based on the operator's financial hardship. These proposed rules require an operator's application to include: (i) sworn financial statements, certified by a certified public accountant, containing financial information for at least the three fiscal years prior to the operator's organization report renewal date; (ii) an attestation signed by the operator or its representative, confirming that its financial hardship warrants a plugging extension; (iii) objective evidence demonstrating a reasonable basis and justification for the approval of its plugging extension application; and (iv) any other relevant information the Commission may consider in reviewing its plugging extension application. The proposed rule language for "any other relevant information" references Texas Natural Resources Code §89.023(e), which defines what the Commission may consider in deciding whether to grant an operator's plugging extension application based on financial hardship.

The Commission proposes new subsection (h)(4)(B)(iii)(I)-(III) to provide examples of what information may demonstrate a reasonable basis and provide justification for granting a plugging extension application based on the operator's financial hardship. The examples include additional costs: (I) specific to the wellbore's construction; (II) relating to road construction, brush clearing, or other actions necessary to access the inactive well site; and (III) relating to the inactive well's location, including subsurface factors.

The Commission also proposes new subsection (h)(4)(B)(iv)(I)-(V), providing the operator with an opportunity to supply information relevant to what the Commission may consider in deciding whether to grant an operator's plugging extension application based on financial hardship. Referencing Texas Natural Resources Code §89.023(e), this information includes: (I) the operator's prior investment in plugging or maintenance of wells; (II) the operator's history of compliance or noncompliance; (III) the current economic conditions; (IV) the percentage of the operator's total well count that are inactive wells; and (V) any additional information the operator believes is relevant and would like the Commission to consider with its application.

Application based on the operator's creation of a compliance plan.

The Commission proposes new subsection (h)(4)(C), allowing operators to apply for a plugging extension for a 15/25 well if it is included in a compliance plan in which the operator commits to plugging or restoring the well to active operation by September 1, 2042, as required by statute. The proposed rules in subsection (h)(4)(C)(i)(I)-(VI) describe what the compliance plan must include: (I) the age and length of inactivity for each well included in the compliance plan; (II) the operator's total well count, denoting how many are active and inactive; (III) a schedule that specifies how many wells will be plugged or restored to active operation annually, in an amount that is not less than the operator would need to plug or restore to active operation each year to achieve compliance by the statutory deadline, September 1, 2042; (IV) the wells the operator has plugged or restored to active operation in the last P-5 organization report renewal period; (V) the full cost calculation of plugging or restoring to active operation for all the wells included in the compliance plan; and (VI) an attestation confirming the operator's ability to adhere to its compliance plan.

The Commission also proposes new subsection (h)(4)(C)(ii)(I)-(III) to grant operators the opportunity to include other information in its compliance plan that the Commission will consider in deciding whether to approve the compliance plan and plugging extensions for the included 15/25 wells. This information may relate to: (I) the current economic conditions; (II) the operator's record of compliance or noncompliance; (III) any additional financial assurance the operator has submitted under Texas Natural Resources Code §§89.023(a)(3) or 89.027.

The Commission also proposes new subsection (h)(4)(C)(iii) to require operators with an approved compliance plan and plugging extension to annually provide the Commission with the status of every inactive well in the approved compliance plan with its annual operator report, and the plugging extension status of all other 15/25 wells that are not included in the compliance plan.

Application based on an individual performance bond

The Commission proposes new subsection (h)(4)(D) allowing operators to obtain a plugging extension for a 15/25 well if the operator files with the Commission an individual performance bond that is equal to at least the full cost calculation for plugging the inactive well.

The Commission proposes new §3.15(i) to describe the actions the Commission may take on each type of plugging extension

application for a 15/25 well. In the proposed new subsection (i)(1), the Commission will notify the operator if the application for a plugging extension for a 15/25 well is complete or incomplete. If the application is incomplete, the operator will have 90 days to correct its application. Once the application is complete, the Commission will review the application and required documentation, and approve the plugging extension, if warranted. Proposed subsection (i)(1)(A)-(D) describes the criteria that may signify whether approval is warranted or not.

Commission action on an application based on the operator's prior history in restoring inactive wells to active operation.

The Commission proposes new subsection (i)(1)(A)(i)-(ii) to set forth the criteria for when approval would be warranted for an application that is based on the operator's prior history in restoring inactive wells to active operation. Under subsection (i)(1)(A)(i), the Commission proposes that operators with less than 10 inactive wells warrant approval of their plugging extensions if they have restored at least one well to active operation in the preceding year. For operators with more than 10 inactive wells, the Commission proposes new subsection (i)(1)(A)(ii). Approval would be warranted if the operator has restored at least ten percent of its total inactive well population to active operation, in the preceding year.

Commission action on an application based on the operator's financial hardship.

Proposed new subsection (i)(1)(B), sets forth criteria for approval of a plugging extension based on the operator's financial hardship. The criteria are listed in proposed new subsection (i)(1)(B)(i)-(v). Approval would be warranted if: (i) the difference between the operator's total annual revenue, and the full cost calculation for plugging all of its 15/25 wells, is negative; (ii) the difference between the operator's total assets, and the operator's full cost calculation for plugging all its 15/25 wells is negative; (iii) the difference in the operator's earnings before interest, taxes, depreciation and amortization, and one-fifteenth of the full cost calculation for plugging all of its 15/25 wells, is negative; (iv) paying one-fifteenth of the full cost calculation for plugging all of its 15/25 wells would result in the operator seeking bankruptcy relief; or (v) paying one-fifteenth of the full cost calculation for plugging all of its 15/25 wells would cause the operator to default on one or more of its material debt obligations.

Commission action on an application based on the operator's creation of a compliance plan.

Proposed new subsection (i)(1)(C) sets forth criteria for approval of a compliance plan, and thus the plugging extension for an included 15/25 well. The criteria are listed in proposed new subsection (i)(1)(C)(i)-(v). Approval would be warranted if the compliance plan: (i) specifies a number of wells to be plugged or restored to active operation that will enable the operator to achieve compliance for all of its 15/25 wells by the statutory deadline, September 1, 2042; (ii) the number of wells to be plugged or restored to active operation each year is not less than the amount the operator would need to achieve compliance by the statutory deadline; (iii) the minimum amount of 15/25 wells an operator will plug or restore to active operation each year is not less than the total amount of 15/25 wells, divided by the remaining number of years until the statutory deadline; (iv) each year, the operator reasonably prioritizes the 15/25 wells to be plugged or restored to active operation based on the age and length of inactivity of the inactive well, and any potential hazards to public health and safety or the environment of the inactive well; and (v) if renewing a compliance plan, whether the operator has plugged above the minimum number of wells required by clause (iii).

Commission action on an application based on a performance bond.

Proposed new subsection (i)(1)(D) sets forth criteria that if met would warrant approval of a plugging extension based on an operator's performance bond. The criteria are listed in proposed new subsection (i)(1)(D)(i)-(iii). If the operator provides a performance bond with its application for plugging extensions for a 15/25 well, approval is warranted if it meets the following criteria: (i) it is an amount equal to the full cost calculation for plugging the 15/25 well; (ii) it runs with and covers the lifetime of the well, regardless of a change of operator; and (iii) it is issued by a third-party bank authorized to do business in Texas.

Proposed new subsection (i)(2) provides that the Commission may deny an application for a plugging extension for a 15/25 well if approval is not warranted, but shall deny under any of the factors listed in subsection (i)(2)(A)-(G). In subparagraph (A), the Commission proposes to deny an application if a nonoperator of the well is an entity or individual who was a previous P-5 operator of the 15/25 well, and is currently barred from being on an organization report under Texas Natural Resources Code §91.114(2). In subparagraph (B), the Commission proposes to deny an application for a plugging extension of a 15/25 well if the operator has been penalized for falsely filing documents with the Commission, under Texas Natural Resources Code §91.143. In subparagraph (C), the Commission proposes to deny a plugging extension application for a 15/25 well if the well poses potential hazards to the health and safety of the public or the environment. In subparagraph (D), the Commission proposes to deny an application for a plugging extension for a 15/25 well based on the operator's financial hardship, if the operator's financial hardship is due to the operator's fault or negligence. In subparagraph (E), the Commission proposes to deny an application for a plugging extension for a 15/25 well if the operator has been previously penalized for a violation that was a safety or pollution-related violation that caused a significant impact to public safety or the environment, was accompanied by conditions that indicated a significant impact to public safety or the environment was imminent, or was the result of deliberate disregard of Commission rules and regulations related to public safety or environmental protection. In subparagraph (F), the Commission proposes to deny an application for a plugging extension for a 15/25 well if the operator is renewing its compliance plan, and the operator, in bad faith, deviated from the previous year's approved compliance plan. In subparagraph (G), the Commission proposes to deny an application for a plugging extension for a 15/25 well if the performance bond is not issued by a bank authorized to do business in Texas.

Proposed new subsection (i)(3) states the Commission will notify an operator when an application for a plugging extension for a 15/25 well is denied and will provide an opportunity for hearing to challenge the denial. The operator will have 30 days to request a hearing from the date of the denial letter and the burden of proof will be on the party requesting the hearing.

Current subsections (h)-(k) are redesignated as subsections (j)-(m) with no other proposed changes.

The Commission proposes to redesignate current subsection (l) as subsection (n). Proposed amendments to §3.15(n)(3) and (n)(6) specify that, although a hydraulic pressure test, if

approved by the Commission, is still valid for up to five years, the operator must provide the test results annually to the Commission in accordance with Texas Natural Resources Code §89.050.

Current subsections (m)-(p) are redesignated as subsections (o)-(r) with no other proposed changes, except those previously discussed.

Proposed new §3.58(a)(5) codifies SB 1150's amendments to the transfer rules for inactive wells. Proposed subsection (a)(5) requires a transfer of an inactive well to be filed on a Commission form signed by both operators involved in the transfer. New subsection (a)(5)(A)-(C) requires that the operators confirm that the well is currently in compliance, the transfer was done in good faith, and the receiving operator will ensure continued compliance.

Proposed new subsection (a)(6) confirms that a plugging extension based on the operator's prior history in restoring inactive wells to active operation, or the operator's financial hardship, is not transferable.

David Lindley, Director, Oil and Gas Division, has determined there will be costs to the Commission as a result of the enrollment of SB 1150, which required these amendments. At the time of proposal, no funds have been appropriated from the General Revenue Fund to the Commission to implement SB 1150. Based on the fiscal analysis provided to the Legislature during the 89th Legislative Session, to implement SB 1150 and these amendments, Mr. Lindley expects the additional costs to the Commission to total $6,036,855 in year 1 after the effective date, $4,883,756 in year 2, $14,884,216 in year 3, $10,980,356 in year 4, and $10,541,996 in year 5. These cost estimates are based on the Commission's need to implement new technology systems, hire information technology personnel and contractors, hire and retain 86 full-time employees, purchase additional motor vehicles, equipment, and other administrative and operating expenses. Mr. Lindley has determined that for the first five years the amendments will be in effect, there will be no fiscal implications for local governments as a result of enforcing the amendments.

Mr. Lindley has also determined that the public benefit anticipated as a result of enforcing or administering the amendments will be a reduction in the amount of wells that remain inactive indefinitely, and ultimately placed on the orphaned well list, becoming the responsibility of the Commission to plug, and financial burden of Texas.

Mr. Lindley has determined that for each year of the first five years that the amendments will be in effect, there will be no additional economic costs for persons required to comply as a result of Commission adoption of the proposed amendments. Should an operator choose to apply for a plugging extension for 15/25 wells that SB 1150 has created, and these amendments have implemented, the operator may have additional costs to create a compliance plan, financial statements, or filing a performance bond for the full cost calculation of plugging the 15/25 well; however, these plugging extensions are options available to the operator. They are not obligatory costs. An operator's duty to plug inactive wells has not changed because of these amendments, and thus, the amendments do not cause additional economic costs to regulated persons.

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 proposed amendments; therefore, the Commission has not prepared the economic impact statement or the regulatory flexibility analysis required under §2006.002. To the contrary, these rules may have a positive economic effect on rural communities, small businesses, or micro-businesses, as SB 1150 and these amendments intent is to decrease the number of inactive wells, and ultimately, the number of orphaned wells, which should increase economic opportunity via growth in the well plugging industry, and potentially increased property values as a result of a decrease in inactive wells and orphaned wells.

The Commission has determined that the proposed rulemaking will not affect a local economy; therefore, pursuant to Texas Government Code §2001.022, the Commission is not required to prepare a local employment impact statement for the proposed rule.

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

During the first five years that the rules would be in effect, the proposed amendments would not: create or eliminate a government program; create or eliminate any employee positions; require an increase or decrease in future legislative appropriations; increase fees paid to the agency; create a new regulation; increase or decrease the number of individuals subject to the rule's applicability; expand, limit, or repeal an existing regulation; or affect the state's economy.

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 www.rrc.texas.gov/general-counsel/rules/comment-form-for-proposed-rulemakings; or by electronic mail to rulescoordinator@rrc.texas.gov. The Commission will accept comments until 5:00 p.m., on Friday, November 13, 2026. The Commission finds that this comment period is reasonable because the proposal and an online comment form will be available on the Commission's web site more than two weeks prior to *Texas Register* publication of the proposal, giving interested persons additional time to review, analyze, draft, and submit comments. The Commission encourages all interested persons to submit comments no later than the deadline. The Commission cannot guarantee that comments submitted after the deadline will be considered. For further information, call Mr. Lindley at (512) 463-6217. The status of Commission rulemakings in progress is available at www.rrc.texas.gov/general-counsel/rules/proposed-rules. Once received, all comments are posted on the Commission's website at https://rrc.texas.gov/general-counsel/rules/proposed-rules/. If you submit a comment and do not see the comment posted at this link within three business days of submittal, please call the Office of General Counsel at (512) 463-7149. The Commission has safeguards to prevent emailed comments from getting lost; however, your operating system's or email server's settings may delay or prevent receipt.

The Commission proposes the amendments under Texas Natural Resources Code §81.051 and §81.052, which provide the Commission with jurisdiction over all persons owning or engaged in drilling or operating oil or gas wells in Texas and the authority to adopt all necessary rules for governing and regulating persons and their operations under Commission jurisdiction; Texas

Natural Resources Code §§85.042, 85.202, 86.041 and 86.042, which require the Commission to adopt rules to control waste of oil and gas; Texas Natural Resources Code §89.023, which authorizes the Commission to adopt rules relating to plugging extensions; Texas Natural Resources Code §89.051, which requires the Commission to adopt rules necessary to regulate and monitor inactive wells.

Statutory authority: Texas Natural Resources Code §§81.051, 81.052, 85.042, 85.202, 86.041, 86.042, 89.023, 89.050, 89.051.

Cross-reference to statute: Texas Natural Resources Code, Chapter 81, 85, 86, and 89.

§3.15. Surface Equipment Removal Requirements and Inactive Wells.

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

(1) 15/25 well--An inactive land well that has been inactive for more than 15 years and was completed more than 25 years ago.

(2) [~~(1)~~] Active operation--Regular and continuing activities related to the production of oil and gas for which the operator has all necessary permits. In the case of a well that has been inactive for 12 consecutive months or longer and that is not permitted as a disposal or injection well, the well remains inactive for purposes of this section, regardless of any minimal activity, until the well has reported production of at least five barrels of oil for oil wells or 50 Mcf of gas for gas wells each month for at least three consecutive months, or until the well has reported production of at least one barrel of oil for oil wells or at least one Mcf of gas for gas wells each month for 12 consecutive months.

(3) [~~(2)~~] Cost calculation for plugging an inactive well--The cost, calculated by the Commission or its delegate, for each foot of well depth plugged based on average actual plugging costs for wells plugged by the Commission for the preceding state fiscal year for the Commission Oil and Gas Division district in which the inactive well is located.

(4) [~~(3)~~] Delinquent inactive well--An inactive well for which, after notice and opportunity for a hearing, the Commission or its delegate has not extended the plugging deadline.

(5) [~~(4)~~] Enhanced oil recovery (EOR) project--A project that does not include a water disposal project and is:

(A) a Commission-approved EOR project that uses any process for the displacement of oil or other hydrocarbons from a reservoir other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process;

(B) a certified project described by Texas Tax Code, §202.054; or

(C) any other project approved by the Commission or its delegate for EOR.

(6) Full cost calculation for plugging an inactive well--The total cost to plug an inactive well in compliance with Commission regulations, including all direct and indirect costs associated with third party goods and services, but not including any of the operator's overhead or other internal costs. Direct and indirect costs include, but are not limited to:

(A) additional costs specific to the wellbore's construction or mechanics;

(B) additional costs related to road construction, brush clearing, or other necessary actions to access the well site;

(C) additional costs related to the well's location in an H2S field;

(D) for RRC staff time for directly monitoring the well plugging and site remediation activities; and

(E) for RRC indirect administration using the most recent Negotiated Indirect Cost Rate Agreement used for federal grants.

(7) [~~(5)~~] Good faith claim--A factually supported claim based on a recognized legal theory to a continuing possessory right in a mineral estate, such as evidence of a currently valid oil and gas lease or a recorded deed conveying a fee interest in the mineral estate.

(8) [~~(6)~~] Inactive well--An unplugged well that has been spudded or has been equipped with cemented casing and that has had no reported production, disposal, injection, or other permitted activity for a period of greater than 12 months.

(9) [~~(7)~~] Operator designation form--A certificate of compliance and transportation authority or an application to drill, recomplete, and reenter that has been approved by the Commission or its delegate.

(10) [~~(8)~~] Physical termination of electric service to the well's production site--Disconnection of the electric service to an inactive well site at a point on the electric service lines most distant from the production site toward the main supply line in a manner that will not interfere with electrical supply to adjacent operations, including cathodic protection units.

(b) (No change.)

(c) Extension of deadline for plugging an inactive bay or offshore well. The Commission or its delegate may administratively grant an extension of the deadline for plugging an inactive bay or offshore well as defined by Commission rules if:

(1) - (3) (No change.)

(4) for a well more than 15 [~~25~~] years old, the operator successfully conducts and the Commission or its delegate approves a fluid level or hydraulic pressure test establishing that the well does not pose a potential threat of harm to natural resources, including surface and subsurface water, oil, and gas.

(d) (No change.)

(e) Extension of deadline for plugging an inactive land well. The Commission or its delegate may administratively grant an extension of the deadline for plugging an inactive land well if:

(1) the Commission or its delegate approves the operator's Application for an Extension of Deadline for Plugging an Inactive Well (Commission Form W-3X), including any documentation submitted under subsections (f) or (h) of this section;

(2) - (4) (No change.)

(5) for a well more than 15 [~~25~~] years old, the operator successfully conducts and the Commission or its delegate approves a fluid level or hydraulic pressure test establishing that the well does not pose a potential threat of harm to natural resources, including surface and subsurface water, oil, and gas.

(f) Application for an extension of deadline for plugging an inactive land well that is not a 15/25 well.

(1) - (2) (No change.)

(g) Commission action on application for plugging extension for an inactive land well that is not a 15/25 well.

(1) - (6) (No change.)

(h) Application for an extension of deadline for plugging a 15/25 well.

(1) This subsection does not apply to a bay well or an offshore well as those terms are defined in §3.78 of this title (relating to Fees and Financial Security Requirements).

(2) Plugging extensions approved under this subsection are only valid for one year, and must be annually renewed, concurrent with the operator's organization report renewal.

(3) An operator applying for a plugging extension under this subsection shall use good faith and reasonable effort to identify nonoperators, as defined in Texas Natural Resources Code §89.002(3), with its application. The operator shall include documentation of the name, address, and contact information of all nonoperators. To the extent the operator is unable to ascertain the name, address or contact information for all nonoperators, the operator is considered to have used good faith and reasonable effort to identify nonoperators if the operator has examined Commission filings, current county tax rolls, and other reliable and readily available sources of information.

(4) In addition to the documentation that identifies nonoperators, and the affirmation required by subsection (f)(2)(A) of this section, the operator shall submit one of the following for Commission approval:

(A) a written request that the Commission, by order, determine that the operator's history of restoring inactive wells to active operation warrants the granting of the plugging extension. The operator shall include documentation identifying:

(i) all of the operator's wells;

(ii) the active or inactive status, according to Commission rules, of each well;

(iii) the length of time of inactivity for each inactive well;

(iv) when an active well was restored to active operation, if it was previously inactive; and

(v) all applicable Commission assigned permit numbers, oil and gas lease numbers, API well numbers, and production report filing dates for each active well that was previously inactive.

(B) a written request that the Commission, by order, determine that the operator's financial hardship warrants the granting of the extension. The operator shall include the following documentation:

(i) sworn financial statements, certified by a certified public accountant, which shall include financial information for the three fiscal years prior to the operator's organization report renewal date;

(ii) an attestation signed by the operator or operator's representative stating that its financial hardship warrants an extension of deadline for plugging an inactive land well;

(iii) objective evidence to demonstrate a reasonable basis and justification in support of granting a plugging extension due to the operator's financial hardship, specific to the inactive well. For example:

(I) additional costs specific to the wellbore's construction;

(II) additional costs related to road construction, brush clearing, or other necessary actions to access the inactive well site;

(III) additional costs related to the inactive well's location; and

(iv) any other relevant information the Commission may consider to grant or deny the extension application pursuant to the financial hardship considerations listed in Texas Natural Resources Code §89.023(e), including, but not limited to:

(I) the operator's prior investment in plugging or maintenance of wells;

(II) the operator's history of compliance, including any history of previous violations and the seriousness of those violations;

(III) the current economic conditions as they relate to the operator's financial hardship;

(IV) the operator's percentage of inactive wells compared to the operator's total well count; and

(V) any other information the operator believes is relevant to its financial hardship.

(C) a compliance plan that identifies the inactive well and sets forth the operator's commitment to plugging or bringing the inactive well into production or operation as an injection well or other type of operation by September 1, 2042.

(i) the compliance plan submitted by the operator shall:

(I) identify the age and length of inactivity for each well included in the compliance plan;

(II) identify the operator's total amount of wells, including how many are active or inactive;

(III) specify whether the included inactive well will be plugged or restored to active operation, and how the well will be restored to active operation, if applicable;

(IV) provide a schedule for plugging or restoring to active operation for all included inactive wells, specifying a number of wells to be plugged or returned to active operation each year that is not less than the amount the operator would need to plug or return to active operation year-over-year to achieve compliance by September 1, 2042;

(V) identify the wells the operator has plugged or restored to active operation in the last P-5 renewal period;

(VI) include the full cost calculation of plugging or restoring to active operation all inactive wells included in the compliance plan; and

(VII) contain an attestation confirming the operator's ability to adhere to its compliance plan.

(ii) The compliance plan may include information pertaining to the following considerations:

(I) current economic conditions;

(II) the operator's record of compliance, including any history of previous violations and the seriousness of those violations; and

(III) any additional financial assurance under Texas Natural Resources Code §§ 89.023(a)(3) or 89.027.

(iii) If the Commission approves the compliance plan and grants the plugging extension, the operator shall annually provide the Commission with the status of every inactive well in the

approved compliance plan with its annual operator report under Texas Natural Resources Code § 89.050, and the plugging or extension status of all other 15/25 wells that are not included in the compliance plan.

(D) an individual performance bond that is in an amount that is not less than the full cost calculation for plugging the inactive well and runs with and covers the lifetime of the inactive well, regardless of a change in the operator.

(i) Commission action on application for plugging extension for a 15/25 well.

(1) After receiving the plugging extension application and documentation required by subsection (h) of this section, the Commission will notify the operator if the submitted application is complete. If the application is incomplete, the operator will have 90 days from notice from the Commission to cure its application. Once complete, the Commission will review the application and additional documentation, and approve the plugging extension if approval is warranted. Approval is warranted if the operator meets the criteria set forth in one of the following subparagraphs (A), (B), (C) or (D) of this paragraph:

(A) the operator has a satisfactory history of restoring inactive wells to active operation if the application and additional documentation required under subsection (h) of this section demonstrates one of the following criteria:

(i) for an operator with no more than 10 inactive wells, the operator has restored one well to active operation in the preceding year; or

(ii) for all operators with more than 10 inactive wells, the operator has restored the equivalent of at least 10 percent of its total inactive well population to active operation, in the preceding year.

(B) the operator's application and additional documentation required under subsection (h) of this section demonstrates that it will incur financial hardship if the requested extension is not granted, in accordance with the following criteria:

(i) the difference between the operator's total annual revenue, as shown in the most recent annual financial statements, and the full cost calculation for plugging and abandoning all of the operator's 15/25 wells, is negative;

(ii) the difference between the operator's total assets as shown in the most recent annual financial statements, and the full cost calculation for plugging and abandoning all of the operator's 15/25 wells, is negative;

(iii) the difference between the operator's three-year earnings before interest, taxes, depreciation and amortization, and the full cost calculation for plugging and abandoning all of the operator's 15/25 wells, divided by fifteen (15), is negative;

(iv) the payment of the full cost calculation for plugging and abandoning all of the operator's 15/25 wells divided by fifteen (15), will cause the operator to seek relief under 11 U.S.C. §§ 701-784, 1101-1195, 1301-1330;

(v) the payment of the full cost calculation for plugging and abandoning all of the operator's 15/25 wells divided by fifteen (15), will cause an event of default under one or more of the operator's material debt obligations; or

(C) the operator's compliance plan satisfies each of the following criteria:

(i) the compliance plan specifies a number of wells to be plugged or restored to active operation each year, such that the operator will achieve compliance for all 15/25 wells by September 1, 2042;

(ii) the number of wells to be plugged or restored to active operation each year is not less than the amount the operator would need to plug or return to active operation year-over-year to achieve compliance by September 1, 2042;

(iii) the minimum number of 15/25 wells an operator shall plug or restore to active operation each year is not less than the operator's total number of 15/25 wells divided by the remaining number of years until September 1, 2042;

(iv) the operator reasonably prioritizes the inactive wells to be plugged or restored to active operation each year based on the considerations listed at Texas Natural Resources Code § 89.023(f)(1), (7); and

(v) when reviewing a compliance plan, the Commission may consider the number of 15/25 wells the operator plugged or restored to active operation above the minimum number required in clause (iii) of this subparagraph.

(D) The operator's performance bond meets the following criteria:

(i) it is in an amount equal to the full cost calculation of plugging the inactive well;

(ii) it runs with and covers the lifetime of the well, regardless of a change in operator; and

(iii) it is issued by and drawn on by a third-party bank authorized under state or federal law to do business in Texas.

(2) The Commission may deny the application if the plugging extension is not warranted, but shall deny the application for the following factors:

(A) the inactive well is owned, in whole or in part, by a nonoperator who was a previous operator of record, or officer, director, general partner, owner of more than 25% ownership interest, or trustee, of an operator of record, for the inactive well, and currently is barred from being on an organization report under Texas Natural Resources Code § 91.114(2);

(B) the operator has been penalized for a violation due to false filings under Texas Natural Resources Code § 91.143;

(C) the inactive well poses potential hazards to health and safety of the public or the environment;

(D) the operator's financial hardship is due to the operator's fault or negligence;

(E) the operator has been previously penalized for a violation that was a safety or pollution-related violation that caused a significant impact to public safety or the environment, was accompanied by conditions that indicated a significant impact to public safety or the environment was imminent, or is the result of deliberate disregard of Commission rules and regulations related to public safety or environmental protection;

(F) if renewing a compliance plan, the operator deviated from the previous year's approved compliance plan in bad faith; or

(G) the performance bond is not issued by and drawn on by a third-party bank authorized under state or federal law to do business in Texas.

(3) If a plugging extension under this section is denied, the Oil and Gas Division Director will notify the operator, and the operator

may request a hearing to challenge the denial by submitting a request for hearing within 30 days from the date of the denial letter. The party requesting the hearing shall have the burden of proof.

(j) [~~(h)~~] Revocation of extension. The Commission or its delegate may revoke an extension of the deadline for plugging an inactive well if the Commission or its delegate determines, after notice and an opportunity for a hearing, that the applicant is ineligible for the extension under the Commission's rules or orders.

(k) [~~(i)~~] Removal of surface equipment for land wells inactive more than 10 years. Requirements to remove surface equipment for land wells inactive more than 10 years do not excuse an operator from compliance with all other applicable Commission rules and orders including the requirements in Chapter 4 of this title (relating to Environmental Protection).

(1) An operator of an inactive land well must leave a clearly visible sign as required by §3.3 of this title (relating to Identification of Properties, Wells, and Tanks) at the wellhead of the well and must maintain wellhead control as required by §3.13 of this title (relating to Casing, Cementing, Drilling, and Completion Requirements).

(2) An operator may not store surface equipment removed from an inactive land well on an active lease.

(3) An operator may be eligible for a temporary extension of the deadline for plugging an inactive land well or a temporary exemption from the surface equipment removal requirements if the operator is unable to comply with the requirements of subsection (f)(2)(A) of this section because of safety concerns or required maintenance of the well site and the operator includes with the application a written affirmation of the facts regarding the safety concerns or maintenance.

(4) An operator may be eligible for an extension of the deadline for plugging a well without complying with the surface equipment removal requirements for inactive land wells if the well is located on a unit or lease or in a field associated with an EOR project and the operator includes a statement in the written affirmation that the well is part of such a project. The exemption provided by this subsection applies only to the equipment associated with current and future operations of the project.

(l) [~~(j)~~] Abeyance of plugging report.

(1) An operator that files an abeyance of plugging report must:

(A) pay an annual fee of $100 for each inactive land well covered by the report;

(B) use Commission Form W-3X on which the operator must specify the field and the covered wells within that field; and

(C) for each well, include a certification signed and sealed by a person licensed by the Texas Board of Professional Engineers or the Texas Board of Professional Geoscientists stating that the well has:

(i) a reasonable expectation of economic value in excess of the cost of plugging the well for the duration of the period covered by the report, based on the cost calculation for plugging an inactive well;

(ii) a reasonable expectation of being restored to a beneficial use that will prevent waste of oil or gas resources that otherwise would not be produced if the well were plugged; and

(iii) documentation demonstrating the basis for the affirmation of the well's future utility.

(2) Except as provided in paragraph (3) of this subsection, the Commission or its delegate may not transfer an abeyance of plugging report to a new operator of an existing inactive land well. The new operator of an existing inactive land well must file a new abeyance of plugging report or otherwise comply with the requirements of this subchapter not later than six months after the date the Commission or its delegate approves the new operator's request to be recognized as the operator of the well.

(3) The Commission or its delegate may transfer an abeyance of plugging report in the event of a change of name of an operator.

(m) [~~(k)~~] Enhanced oil recovery (EOR) project.

(1) An inactive well is considered to be part of an EOR project if the well is located on a unit or lease or in a field associated with a Commission-approved EOR project.

(2) Except as provided in paragraph (3) of this subsection, the Commission and its delegate may not transfer a statement that an inactive well is part of an EOR project to a new operator of an existing inactive well. A new operator of an existing inactive well must file a new statement stating that the well is part of such an EOR project or otherwise comply with the provisions of this section not later than six months after the date the Commission or its delegate approves the new operator's request to be recognized as the operator of the well.

(3) The Commission or its delegate may transfer a statement that a well is part of an EOR project in the event of a change of name of an operator.

(n) [~~(l)~~] Fluid level or hydraulic pressure test for inactive wells more than 15 [~~25~~] years old.

(1) At least three days prior to the test, the operator must give the district office notice of the date and approximate time the operator intends to conduct a fluid level or hydraulic pressure test. The district office may require that a test be witnessed by a Commission employee. The district office may allow an operator to conduct a test even if notice of the test is provided to the district office fewer than three days prior to the test.

(2) No operator may conduct a test other than a fluid level or hydraulic pressure test without prior approval from the district director or the director's delegate.

(3) For each inactive well that is more than 15 [~~25~~] years old [~~and that has been inactive more than 10 years~~], the operator must perform either a fluid level test once every 12 months or a hydraulic pressure test once every five years and annually obtain the approval of the Commission or its delegate of the results of said tests.

(4) Notwithstanding the provisions of paragraph (1) of this subsection, an operator may conduct a hydraulic pressure test without prior approval from the district director or the director's delegate, provided that the operator gives the district office written notice of the date and approximate time for the test at least three days prior to the time the test will be conducted; the production casing is tested to a depth of at least 250 feet below the base of usable quality water strata or 100 feet below the top of cement behind the production casing, whichever is deeper; and the minimum test pressure is greater than or equal to 250 psig for a period of at least 30 minutes.

(5) Using Commission Form H-15, each operator must file in the Commission's Austin office the results of a successful fluid level test within 30 days of the date the test was performed. The results, if approved, are valid for a period of one year from the date of the test. Upon request by the Commission or its delegate, the operator must file the actual test data.

(6) Using Commission Form H-5 or Form H-15, each operator must file in the district office the results of a successful hydraulic pressure test, including the original pressure recording chart or its electronic equivalent, within 30 days of the date the test was performed. The results, if approved, are valid for a period of five years from the date of the test, unless the Commission or its delegate requires the operator to perform testing more frequently to ensure that the well does not pose a threat of harm to natural resources. Even if approved and valid for up to five years, the results shall be submitted annually to the Commission, in accordance with Texas Natural Resources Code section 89.050.

(7) An operator of an inactive well that is more than 15 [~~25~~] years old may not return that inactive well to active operation unless the operator performs either a successful fluid level test of the well within 12 months prior to the return to activity or a successful hydraulic pressure test of the well within five years prior to the return to activity.

(o) [~~(m)~~] Fluid level or hydraulic pressure test for inactive land well less than 15 [~~25~~] years old.

(1) At least three days prior to the test, each operator must give the district office notice of the date and approximate time the operator intends to conduct a fluid level or hydraulic pressure test. The district office may require that a test be witnessed by a Commission employee. The district office may allow an operator to conduct a test even if notice of the test is provided to the district office fewer than three days prior to the test.

(2) No operator may conduct a test other than a fluid level or hydraulic pressure test without prior approval from the district director or the director's delegate.

(3) Notwithstanding the provisions of paragraph (1) of this subsection, an operator may conduct a hydraulic pressure test without prior approval from the district director or the director's delegate, provided that the operator gives the district office written notice of the date and approximate time for the test at least three days prior to the time the test will be conducted; the production casing is tested to a depth of at least 250 feet below the base of usable quality water strata or 100 feet below the top of cement behind the production casing, whichever is deeper; and the minimum test pressure is greater than or equal to 250 psig for a period of at least 30 minutes.

(4) An operator that files documentation of a fluid level test or a hydraulic pressure test for an inactive land well less than 15 [~~25~~] years old in order to obtain a plugging extension must pay an annual fee of $50 for each well covered by the documentation.

(5) Using Commission Form H-15, each operator must file in the Commission's Austin office the results of a successful fluid level test within 30 days of the date the test was performed. The results, if approved, are valid for a period of one year from the date of the test. Upon request by the Commission or its delegate, the operator must file the actual test data.

(6) Using Commission Form H-5 or Form H-15, each operator must file in the district office the results of a successful hydraulic pressure test, including the original pressure recording chart or its electronic equivalent, within 30 days of the date the test was performed. The results, if approved, are valid for a period of five years from the date of the test, unless the Commission or its delegate requires the operator to perform testing more frequently to ensure that the well does not pose a threat of harm to natural resources.

(7) The Commission or its delegate may transfer documentation of the results of a fluid level or hydraulic pressure test to a new operator of an existing inactive land well that is less than 15 [~~25~~] years old.

(p) [~~(n)~~] Supplemental financial assurance.

(1) A supplemental bond, letter of credit, or cash deposit filed as part of an application for an extension for an inactive land well is in addition to any other financial assurance otherwise required of the operator or for the well.

(2) The Commission or its delegate may not transfer a supplemental bond, letter of credit, or cash deposit to a new operator of an existing inactive land well. A new operator of an existing inactive land well must file a new supplemental bond, letter of credit, or cash deposit or otherwise comply with the provisions of this section not later than six months after the date the Commission or its delegate approves an operator designation form.

(q) [~~(o)~~] Escrow funds.

(1) An operator must deposit escrow funds with the Commission each time the operator files an application for an extension of the deadline for plugging an inactive well.

(2) The Commission or its delegate may release escrow funds deposited with the Commission only as prescribed by §3.78 of this title.

(r) [~~(p)~~] Plugging more than 10% of inactive well inventory. If an operator plugs more than 10% of the number of inactive land wells during a 12-month organization report cycle, the Commission will count the number of plugged wells above 10% toward fulfillment of the 10% blanket option under subsection (f)(2)(B)(i) of this section during the next organization report cycle.

§3.58. Certificate of Compliance and Transportation Authority; Operator Reports.

(a) Certificate of Compliance and transportation authority.

(1) - (4) (No change.)

(5) Each operator who seeks to assume operator status of an inactive well, defined in Texas Natural Resources Code §89.002(12) and §3.15(a)(8) of this title (relating to Surface Equipment Removal Requirements and Inactive Wells), shall file with the oil and gas division in Austin a completed form P-4 signed by a designated officer or agent for each operator involved in the transfer. The form P-4 shall be accompanied by a written affirmation jointly signed by each operator and submitted to the oil and gas division in Austin stating:

(A) the well is in compliance with the requirements of Texas Natural Resources Code §89.023 and §3.15 of this title;

(B) the transfer was a business practice performed in good faith; and

(C) the operator to whom the inactive well was transferred will ensure continued compliance with Texas Natural Resources Code §89.023 and §3.15 of this title.

(6) An extension granted under Texas Natural Resources Code §89.023(c)(1) and §3.15(h)(4)(A)-(B) of this title is not transferrable to another operator.

(b) - (d) (No change.)

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

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CHAPTER 5. CARBON DIOXIDE (CO2)

The Railroad Commission of Texas (the "Commission") proposes amendments to §5.102 (relating to Definitions) in Subchapter A; and in Subchapter B proposes amendments to §5.202 (relating to Permit Required, and Draft Permit and Fact Sheet); §5.203 (relating to Application Requirements), §5.204 (relating to Notice of Permit Actions and Public Comment Period), §5.205 (relating to Fees, Financial Responsibility, and Financial Assurance), and §5.206 (relating to Permit Standards).

The Commission proposes to add two definitions, amend two definitions, add flexibility with respect to casing/tubing through the injection interval and the placement of a packer with respect to cemented casing, clarify the difference between a public meeting and a contested case hearing, and expand the options for financial responsibility mechanisms.

The Environmental Protection Agency (EPA) protects underground sources of drinking water (USDW) by regulating the injection of fluids underground for storage or disposal. The Safe Drinking Water Act (SDWA) and the Underground Injection Control (UIC) program provide the primary regulatory framework. From the early 1980s until 2010, EPA regulated five classes of wells according to the type of fluid injected, the depth of injection, and the potential to endanger USDWs. In 2010, EPA promulgated rules creating a sixth well class (Class VI) specifically to regulate the injection of carbon dioxide ("CO_2") into deep subsurface rock formations. EPA established minimum technical criteria for permitting, site characterization, area of review and corrective action, financial responsibility, well construction, operation, mechanical integrity testing, monitoring, well-plugging, post-injection site care, and site closure requirements.

Under the SDWA, EPA may delegate its authority to implement and enforce the UIC program to states upon application. Until a state receives primacy, EPA directly implements the UIC program through its regional offices.

The Commission adopted initial regulations to implement the Class VI UIC program effective December 20, 2010, and amended those regulations to be effective on September 19, 2022, and again on September 13, 2023, to reflect changes in the Texas statutes and to ensure that the state's program meets the minimum federal requirements for Class VI UIC wells. The State submitted to EPA its official application for primacy of the Class VI UIC program on December 19, 2022. EPA determined that the Commission's program met the minimum federal requirements and approved the Commission's application for primacy over Class VI UIC wells effective December 15, 2025.

Proposed Amendments to §5.201 Definitions

The Commission proposes to amend the definition of "Affected person" in §5.102(1) to clarify that an affected person is a person who has a personal justiciable interest related to a legal right, duty, or privilege and that has suffered or may suffer actual injury or economic damage as a result of the activity sought to be permitted. Affected persons may protest a permit and request a contested case hearing.

The Commission proposes to amend §5.201(14) to add a definition for "contaminant" as "any physical, chemical, biological, or radiological substance or matter in water."

The Commission proposes to add a definition for "Public meeting" as a meeting held by the Commission to receive comments on a draft permit for a Class VI injection well.

The Commission proposes to renumber the remaining definitions.

The Commission proposes to amend the definition of "Geologic Storage Facility" to replace the undefined term "area of elevated pressure" with the term "pressure front," as that term is defined in 16 TAC §5.102(47). The current definition uses the term "area of elevated pressure," which could be interpreted to encompass any non-zero pressure increase. The proposed clarification resolves this ambiguity by incorporating the existing defined term.

Proposed Amendments to §5.202, Permit Required, and Draft Permit and Fact Sheet

The Commission proposes to amend §5.202(e)(2)(C)(iv)(III) to replace the term "hearing" with "public meeting" to clarify that the fact sheet must include the date, time, and location of the public meeting if a public meeting has been scheduled.

Proposed Amendments to §5.203 Application Requirements

The Commission proposes to amend §5.203(e)(1)(B)(v) to state that an operator may request approval of an exception to a cemented well string or liner through the injection zone by filing with the director of the Oil and Gas Division a written request for such approval providing all pertinent information to support the exception. The current language requires that if the long string casing does not extend through the injection zone, another well string or liner must be cemented through the injection zone (for example, a chrome liner).

The Commission proposes to amend §5.203(e)(1)(C)(i) to provide for approval of an exception to the requirement that the packer must be set at a depth opposite of a cemented interval by filing with the director a written request for such approval providing all pertinent information to support the exception.

The Commission proposes to amend §5.203(j) (relating to Plan for monitoring, sampling, and testing after initiation of operation) to delete language in subsection (j)(2)(C) to delete the phrase "after initiation of injection" as superfluous because subsection (j) relates to activities after initiation of operation.

The Commission proposes to amend §5.203(j)(2)(D)(i) by deleting the requirement for periodic sampling of the fluid temperature, pH, conductivity, reservoir pressure and static fluid level of the injection zone. The Federal regulations at 40 CFR §146.87 require this information prior to injection well operation-not during injection- and this requirement is already in existing §5.203(f)(3)(A).

The Commission proposes to amend §5.203(j)(2)(E) to clarify that both direct and indirect methods of tracking the extent of the CO_2 plume and the position of the pressure front are required by the current Federal regulations at 40 CFR §146.90(g), and to clarify that indirect methods other than those enumerated in the section may be required based on site-specific geology.

The Commission proposes to clarify §5.203(m)(7)(H) by replacing the phrase "area of elevated pressure" with the term "pres-

sure front" as defined in §5.201(48) consistent with the changes discussed above.

Proposed Amendments to §5.204 Notice of Permit Actions and Public Comment Period

The Commission proposes to amend §5.204, relating to Notice of Permit Actions and Public Comment Period, to clarify the difference between a contested case hearing to consider protests from affected persons and a public meeting to accept comments from interested persons. The Commission has replaced the term "public hearing" with the terms "public meeting" and "contested case hearing", where appropriate.

The Commission proposes to amend §5.204(a), relating to Notice requirements, to distinguish between a "public meeting" and a "contested case hearing". The Commission proposes to amend §5.204(a)(1) to clarify that the Commission will give notice when the Commission has scheduled a public meeting to accept comment from interested persons under §5.204(b)(1)(A) and a contested case hearing to consider protests from affected persons under §5.204(b)(2).

The Commission proposes to amend §5.204(a)(3), relating to Methods of notification, to clarify that the Commission will give individual notice of a draft permit, public meeting, or contested case hearing.

The Commission proposes to amend §5.204(a)(4)(E)(i) to clarify that interested persons may request a public meeting. The Commission proposes to amend §5.204(a)(4)(E)(ii) to add a requirement that affected persons include a basis for their claimed status as an affected person and to distinguish between a public meeting and a contested case hearing. The Commission proposes to amend §5.204(a)(4)(E)(iii) to clarify the beginning and end of the period during which the Commission will receive comments, requests for a public meeting, and protests.

The Commission proposes to amend §5.204(a)(6) to delete existing language and add language to require that notices of public meetings include information satisfying the requirements of 40 CFR §124.10(d)(2), which requires that notice of public hearings include reference to the date of previous public notices relating to the permit; date, time, and place of the meeting; and a brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

The Commission proposes to amend §5.204(a)(6) to replace "Notice to certain communities" with "Public outreach and community engagement." The Commission proposes to create new subparagraphs (A), (B), and (C). Subparagraph (A) requires the applicant to conduct engagement with key stakeholders such as state and local emergency response officials while developing required Class VI project plans such as the Emergency and Remedial Response Plan, to better understand community concerns and needs.

New subparagraph (B) would encourage applicants to initiate public outreach as well as community engagement during the planning stage of a project to appropriately incorporate input from the surrounding community prior to the eventual development and submittal of a Class VI permit application. The Commission proposes to delete reference to the term "Environmental Justice" community to emphasize that the Commission encourages the applicant to initiate public outreach and community engagement for *all* communities in the area of a project. The Commission does not propose to change the language regarding Limited English-Speaking Household communities.

New subparagraph (C) would require the applicant to provide the Commission with a list and summary of meetings held under subparagraphs (A) and (B).

The Commission proposes to add new paragraph §5.204(a)(7) to replace "Notice to certain communities" with "Public outreach and community engagement" to clarify that such activities should include all communities. The Commission proposes to amend §5.204(a)(7)(B) to change the language to active voice, make other grammatical changes, and to delete reference to environmental justice to reflect the fact that public outreach and engagement should involve all communities in the area of a specific proposed project. The Commission proposes to move the current language in §5.204(a)(7) relating to comment period for a draft permit more appropriately to §5.204(b) relating to public comment.

The Commission proposes to amend §5.204(b) to distinguish between public meetings and contested case hearings.

The Commission proposes to amend §5.204(b)(1)(A) to clarify that public notice of a draft permit, including a notice of intent to deny a permit application, must allow at least 30 days for public comment. The Commission also proposes to replace "public hearing" with "public meeting" to clarify that the purpose of the public meeting is to receive public comment and the public comment period must be extended to the close of any public meeting, rather than contested case hearing, which is addressed in §5.204(b)(3). The Commission also proposes to add language that states that, if the director extends the comment period, the Commission must notice such extension on the Commission's public website.

The Commission proposes to amend §5.204(b)(1)(B) to delete the language regarding reasonable limits for oral statement and the possible requirement that statements be in writing and move the language to the section discussing public meetings. The Commission also proposes to clarify that during the public comment period, any interested person may submit written comments on the draft permit and may request a public meeting rather than a contested case hearing if one has not already been scheduled as this section addresses receipt of public comment.

The Commission proposes to move the language in current §5.204(b)(1)(C) regarding automatic extension of the public comment period to the close of any public meeting to §5.204(b)(1)(A), which addresses public comment. The Commission proposes to delete the current language stating that the hearing examiner may also extend the comment period by so stating at the hearing to distinguish the public comment period and public meeting from a contested case hearing.

The Commission proposes to amend §5.204(b)(2) to add a new paragraph relating to public meetings to clarify that the Commission must hold a public meeting if the director finds, on the basis of requests, a significant degree of public interest in a draft permit. The public meeting shall be structured for the receipt of oral or written comments. The Commission also proposes to clarify that the Commission may set reasonable limits upon the time allowed for oral statements at a public meeting, and the submission of statements in writing may be required. The Commission also proposes to clarify that the director must issue a response to comments specifying which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change, and briefly describing and responding to all significant comments on the draft permit raised during the public

comment period. The Commission must post the response to comments on the Commission's public website.

The Commission proposes to amend §5.204(b)(3) to clarify that the paragraph relates to contested case hearings. The Commission proposes to reorganize the language in subparagraph (B) to clarify that the subparagraph relates to contested case hearings and to clarify that it is the Commission, rather than the director, that conducts contested case hearings. Current subparagraph (D) is renumbered to (C).

The Commission proposes to amend subparagraph §5.204(b)(3)(D) (current subparagraph (E)) to delete the phrase "Upon written request of the applicant" and to reorganize the language to make the subparagraph clearer.

The Commission proposes to renumber current paragraph §5.204(b)(3) to (4) and current paragraph §5.204(b)(4) to (5) and to clarify that the paragraphs relate to contested case hearings.

The Commission proposes to renumber current paragraph §5.204(b)(5) to (6) and to clarify that response to issues considered during a contested case hearing will be addressed in the Hearing Examiners' recommendation for final action and to state that the Commission will post the Hearing Examiners' recommendation for final action and the final order on the Commission's public website.

Proposed Amendments to §5.205 Fees, Financial Responsibility, and Financial Assurance

The Commission proposes to amend §5.205 Fees, Financial Responsibility, and Financial Assurance to expand the options for financial assurance mechanisms. Currently, the rule allows bonds and letters of credit. The current rules in Chapter 5 do not include the additional options partly because the various potential additional forms of financial assurance had not been fully evaluated in terms of either their compliance with EPA's rules or the nature and extent of the financial risk to the state. The Commission stated that it would consider future amendments to allow additional mechanisms for financial assurance in the future. The Commission has reviewed the various options for financial assurance mechanisms and proposes to broaden the options allowed by the current rule.

Section 5.205 requires financial assurance for corrective action, post-injection site care and monitoring, site closure (including injection well plugging), and emergency and remedial response. The financial responsibility requirements are designed to ensure that owners and operators have the resources to carry out required geologic storage activities related to operating, closing and remediating geologic storage sites, if needed, so that they do not endanger USDWs. Financial assurance is intended to prevent the general public from bearing the costs of any emergency response, closure, and/or monitoring of a geologic storage facility.

Staff have received numerous questions from industry regarding calculating the necessary financial assurance to cover the Emergency and Remedial Response Plan. Staff plans to develop guidance that will incorporate all the considerations necessary to ensure that there will be adequate financial assurance to cover emergency and remedial response actions and welcomes input into such guidance.

The federal regulations allow for trust funds, surety bonds, letters of credit, insurance, self-insurance (*i. e.,* Financial Test and Corporate Guarantee), escrow accounts, and any other instrument(s) satisfactory to the Director. The Commission has evaluated the various options for financial assurance for geologic storage activities and proposes that, in addition to surety bonds and letters of credit, an owner or operator of a geologic storage facility may use trust funds, insurance, escrow accounts, and any other instrument(s) satisfactory to the director to meet the financial responsibility requirements of the rule.

The Commission proposes to amend §5.204(i) to allow an owner or operator to demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of a geologic storage project. In the event that the owner or operator combines more than one instrument for a specific geologic storage phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance (*i.e.,* performance bond), for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, and insurance. and any other instrument(s) satisfactory to the director. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide financial responsibility for an amount at least equal to the current cost estimate. This language is consistent with federal requirements.

Certain financial assurance instruments are not appropriate for all geologic storage activities. The appropriateness of the instrument is tied to the financial risk to the state. Trust funds, letters of credit, and surety bonds may be appropriate for corrective action. Trust funds may be appropriate for post-injection site care and site closure. Insurance may be appropriate for unforeseen circumstances, such as emergency response and remedial action.

The Commission is not specifically proposing to allow self insurance or financial assurance mechanisms based on financial strength of the owner or operator of a geologic storage facility. Under self-insurance, an owner or operator assumes full financial responsibility for potential losses rather than transferring risk to an insurance company. Although self insurance is beneficial for owners and operators because it is likely to have the lowest overhead cost, it exposes the owner or operator to possible catastrophic financial exposure and unpredictable out-of-pocket expenses. Unlike traditional insurance that pools risks across thousands of policyholders, self insurance leaves the owner or operator solely responsible for covering massive, unexpected events. A single large claim can devastate cash flow or even cause bankruptcy.

Self insurance also represents the highest financial risk to the public. There is a greater risk of instrument failure for self-insurance. This is particularly true in the post injection site care period, because the facility represents an ongoing liability as the injection well is no longer in operation and profitable. In addition, in the past several large corporations that were considered unimpeachable and too big to fail have ultimately collapsed, leaving the state to bear the costs. Furthermore, self insurance is the most labor intensive form of financial assurance for the permitting agency.

In Water Code Section 27.073, relating to injection wells, the statute provides that a person to whom an injection well permit is issued may be required by the Railroad Commission to maintain a performance bond or other form of financial security to ensure that an abandoned injection well is properly plugged; or funds are available for plugging, postinjection site care, and closure of an anthropogenic carbon dioxide injection well. By using the phrase "other form of financial security" alongside a specific security in-

strument, a performance bond, the Legislature appears to have intended for the rules of the Commission to require entities to supply fungible financial assurance, rather than just evidence of financial assurance.

The Commission welcomes comments from interested persons regarding the various forms of financial assurance and specifically whether certain forms of financial assurance are appropriate to mitigate particular risks to the state.

The Commission proposes to amend §5.204(c) to add the language surrounding these additional financial assurance mechanisms to make sure they comport with federal regulations. The Commission proposes to add a sentence to clarify that financial responsibility instruments must be approved by the director. The Commission also proposes to amend §5.204 to replace the phrase "bond or letter of credit" with "financial assurance instrument" to reflect the expansion of financial assurance options.

The Commission proposes to amend §5.204(c)(2)(C)(i) to replace the term "perform" with the phrase "cover the cost of" to clarify that the amount of financial assurance must be equal to or greater than the maximum amount necessary to cover the cost of corrective action, emergency response, and remedial action, post-injection monitoring and site care, and closure of the geologic storage facility, including plugging of wells, at any time during the permit term in accordance with all applicable state laws, Commission rules and orders, and the permit. The Commission also proposes to add a sentence to clarify that the financial assurance instruments must be sufficient to address endangerment of underground sources of drinking water consistent with the federal requirements for Class VI injection wells. The Commission also proposes to add a new clause (iii) to state that the requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether the requirement is a condition of the permit consistent with the federal requirements. The Commission proposes to renumber the remaining clauses.

The Commission proposes to amend §5.204(c)(2) to add a new subparagraph (D) relating to the acceptable financial responsibility instruments. Such instruments include trust funds, surety bonds, letters of credit, insurance, escrow accounts, and any other instrument(s) satisfactory to the director. The owner or operator may demonstrate financial responsibility by using one or multiple qualifying financial instruments for specific phases of the geologic storage project. In the event that the owner or operator combines more than one instrument for a specific geologic storage phase, such combination must be limited to instruments that are not based on financial strength or performance, for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, and insurance. In this case, it is the combination of mechanisms that must provide financial responsibility for an amount at least equal to the current cost estimate.

The Commission also proposes to add language that requires that the owner or operator provide proof that any third-party provider either has passed financial strength requirements based on credit ratings; or has met a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable. In addition, an owner or operator using certain types of third-party instruments must establish a standby trust to enable the Commission to be party to the financial responsibility agreement without EPA being the beneficiary of any funds. The standby trust fund must be used along with other financial responsibility instruments (e.g., surety bonds, letters of credit, or escrow accounts) to provide a location to place funds if needed.

The Commission proposes to add language that states that an owner or operator may deposit money into an escrow account to cover financial responsibility requirements and that this account must segregate funds sufficient to cover estimated costs for Class VI financial responsibility from other accounts and uses. The director must approve the use and length of pay-in-periods for trust funds or escrow accounts.

The Commission proposes to add language that allows an owner or operator to obtain an insurance policy to cover the estimated costs of geologic storage activities requiring financial responsibility, but that the insurance policy must be obtained from a third-party provider.

The Commission proposes to amend §5.204(c) to add new paragraph (6) to clarify that the director may deny the use of a financial instrument if the director determines that it is not sufficient to meet the requirements of this section.

The Commission proposes to amend §5.204(c) to add new paragraph (7) to state that the owner or operator must provide any updated information related to its financial responsibility instrument(s) on an annual basis and, if there are any changes, the director must evaluate, within a reasonable time, the financial responsibility demonstration to confirm that the instruments used remain adequate for use.

The Commission proposes to amend new subsection (d), relating to notice of adverse financial conditions, to state that, in the event that the owner or operator or the third party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must notify the director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.

The Commission proposes to renumber current paragraph (3) and replace the term "bond" with "financial assurance".

The Commission proposes to add new paragraph (5) to state that an owner or operator who fulfills the requirements of this section by obtaining a trust fund, surety bond, letter of credit, escrow account, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the trust fund, surety bond, letter of credit, escrow account, or insurance policy. The owner or operator must establish other financial assurance within 60 days after such an event. This language is required to ensure that the rule language is consistent with the federal requirements.

The Commission proposes to amend §5.206(k)(3)(A) to replace the phrase "area of elevated pressure" with "pressure front" as discussed above.

Leslie Savage, Chief Geologist, Oil and Gas Division, has determined that for each year of the first five years that the amendments will be in effect, there will be no additional economic costs for persons required to comply with the proposed amendments. Similarly, there will be no additional economic costs, reduction in costs, or losses or increases in revenue to the state or local governments as a result of enforcing or administering the rule. The federal regulations governing Class VI wells may create costs for persons required to comply. However, persons required to

comply with the federal requirements must do so regardless of whether the requirements are adopted in Commission rules because if the Commission were not approved to enforce the Class VI program, EPA would enforce the same requirements. The proposed amendments to Commission rules do not create any additional economic costs for persons required to comply. The proposed amendments provide clarity and flexibility to the requirements of the rules.

Ms. Savage has determined that for each year of the first five years that the amendments will be in effect, the public benefit will be the clarification of the Commission regulations regarding geologic storage of anthropogenic carbon dioxide, and flexibility for financial assurance of such facilities in support of the prevention of pollution of surface and subsurface waters of the state and promotion of safety in accordance with Texas Natural Resources Code, §85.042 and §91.101. Achieving meaningful reductions in CO_2 emissions while preserving the benefits of our energy-intensive economy cannot be accomplished without significant deployment of carbon sequestration.

Texas Government Code, §2006.002, relating to Adoption of Rules with Adverse Economic Effect, requires that, before adopting a rule that may have an adverse economic effect on small businesses or micro-businesses, a state agency prepare an economic impact statement and a regulatory flexibility analysis. The economic impact statement must estimate the number of small businesses subject to the proposed rule and project the economic impact of the rule on small businesses. A regulatory flexibility analysis must include the agency's consideration of alternative methods of achieving the purpose of the proposed rule. If consistent with the health, safety, and environmental and economic welfare of the state, the analysis must consider the use of regulatory methods that will accomplish the objectives of applicable rules while minimizing adverse impacts on small businesses. Government Code §2006.001(2) defines "small business" as a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit; is independently owned and operated; and has fewer than 100 employees or less than $6 million in annual gross receipts. A "micro-business" is defined as a legal entity, including a corporation, partnership, or sole proprietorship, that is formed for the purpose of making a profit; is independently owned and operated; and has no more than 20 employees.

Entities that perform activities under the jurisdiction of the Commission are not required to report to the Commission their number of employees or their annual gross receipts, which are elements of the definitions of "micro-business" and "small business" in Texas Government Code, §2006.001; therefore, the Commission has no factual bases for determining whether any persons who drill and complete wells under the jurisdiction of the Railroad Commission will be classified as small businesses or micro-businesses, as those terms are defined. The North American Industrial Classification System (NAICS) sets forth categories of business types. The Texas Comptroller of Public Accounts website page entitled "HB 3430 Reporting Requirements-Determining Potential Effects on Small Businesses" provides information regarding various categories of businesses. There appears to be no category for "carbon sequestration". Based on the information available to the Commission regarding oil and gas operators and the complexity of the Class VI UIC requirements, Ms. Savage has concluded that, of the businesses that could be affected by the proposed amendments, it is unlikely that many would be classified as small businesses or micro-businesses, as those terms are defined in Texas Government Code, §2006.001.

Furthermore, the bulk of the proposed amendments are necessary to ensure that the Commission's regulations meet the requirements of the U.S. Environmental Protection Agency (EPA) to enable EPA to approve state primacy for the Class VI UIC program. If the state does not have primacy for the Class VI program, EPA would be the permitting agency. Therefore, the costs imposed by the proposed amendments would be comparable to the costs imposed by the federal regulations.

The Commission has also determined that the proposed amendments 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 amendments do 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.

The Commission reviewed the proposed amendments and found that they are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(b)(4), nor would they affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §29.11(a)(3). Therefore, the proposed amendments are not subject to the Texas Coastal Management Program.

During the first five years that the rules would be in full effect, the proposed amendments would not create or eliminate a new government program because the amendments are proposed to the Commission's existing Class VI program. The proposed amendments would not create new employee positions or eliminate any existing employee positions; increase or decrease future legislative appropriations to the agency; or increase or decrease fees paid to the agency. The proposed amendments would not create a new regulation and will not expand, limit, or repeal an existing regulation because the Commission is adopting requirements that are included in existing federal regulations. Similarly, because federal regulations are in place to govern Class VI UIC activities, the proposed amendments also do not increase responsibility for persons under the Commission's jurisdiction and would not increase or decrease the number of individuals subject to the rules. Finally, the proposed amendments would not affect the state's economy and would not require a change in employee positions.

As part of the public comment period, the Commission will hold a virtual public hearing to receive comments on the proposed amendments to Chapter 5.

The hearing will be structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. Open discussion will not be permitted during the virtual hearing; however, Commission staff will be available after the meeting to discuss the proposal. Depending on the number of persons wishing to speak, the Commission may impose a time limit so that everyone who wishes to make a public comment will have the opportunity to do so.

The hearing will be conducted remotely using an internet meeting service. Individuals who plan to participate in the hearing and provide oral comments and/or want their participation on record must register in accordance with instructions provided on the Commission's website. Information regarding the public hearing will be posted on the Commission's website at least 10 business days in advance of the hearing, which will occur within the com-

ment period. Instructions for participating in the hearing will be sent to those who register for the hearing. Individuals who do not wish to provide oral comments but would like to view the hearing may do so. A link to the webcast will be added on the Commission's website.

Any individual with a disability who plans to participate in the hearing and who requires auxiliary aids or services should notify the Commission as far in advance as possible so that appropriate arrangements can be made. Requests may be made to the Human Resources Department of the Railroad Commission of Texas by mail at P.O. Box 12967, Austin, Texas 78711-2967; by telephone at (512) 463-6981 or TDD No. (512) 463-7284; by e-mail at ADA@rrc.texas.gov; or in person at 1701 North Congress Avenue, Suite 12-110, Austin, Texas.

Comments on the proposed amendments may be submitted to Rules Coordinator, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; online at www.rrc.texas.gov/general-counsel/rules/comment-form-for-proposed-rulemakings; or by electronic mail to rulescoordinator@rrc.texas.gov. The Commission will accept comments until 5:00 p.m. on November 23, 2026. 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 more than two weeks 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 Ms. Savage at (512) 463-7308. The status of Commission rulemakings in progress is available at www.rrc.texas.gov/general-counsel/rules/proposed-rules. Once received, all comments are posted on the Commission's website at https://rrc.texas.gov/general-counsel/rules/proposed-rules/. If you submit a comment and do not see the comment posted at this link within three business days of submittal, please call the Office of General Counsel at (512) 463-7149. The Commission has safeguards to prevent emailed comments from getting lost; however, your operating system's or email server's settings may delay or prevent receipt.

SUBCHAPTER A. GENERAL PROVISIONS

16 TAC §5.102

The Commission proposes the amendments pursuant to Texas Natural Resources Code, §§81.051 and 81.052, which give the Commission jurisdiction over all persons owning or engaged in drilling or operating oil or gas wells in Texas and the authority to adopt all necessary rules for governing and regulating persons and their operations under the jurisdiction of the Commission; Texas Natural Resources Code, Chapter 91, Subchapter R, relating to authorization for multiple or alternative uses of wells; Texas Water Code, Chapter 27, Subchapter C-1, which gives the Commission jurisdiction over the geologic storage of carbon dioxide in, and the injection of carbon dioxide into, a reservoir that is initially or may be productive of oil, gas, or geothermal resources or a saline formation directly above or below that reservoir; Texas Health and Safety Code §382.502, which allows the Commission to adopt by rule standards for the location, construction, maintenance, monitoring, and operation of a carbon dioxide repository and requires the Commission to ensure standards comply with federal requirements issued by the EPA; and Texas Water Code, Chapter 120, which establishes the Anthropogenic Carbon Dioxide Storage Trust Fund, a special interest-bearing fund in the state treasury, to consist of fees collected by the Commission and penalties imposed under Texas Water Code, Chapter 27, Subchapter C-1, and to be used by the Commission for only certain specified activities associated with geologic storage facilities and associated anthropogenic carbon dioxide injection wells.

Statutory authority: Texas Natural Resources Code, §§81.051, 81.052; Texas Natural Resources Code, Chapter 91, Subchapter R; Texas Health and Safety Code §382.502; and Texas Water Code, Chapters 27 and 120.

Cross reference to statute: Texas Natural Resources Code, Chapters 81 and 91, Texas Health and Safety Code, Chapter 382, and Texas Water Code, Chapters 27 and 120.

§5.102. Definitions.

The following terms, when used in Subchapter B of this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Affected person--A person who has a personal justiciable interest related to a legal right, duty, or privilege, and who [~~, as a result of activity sought to be permitted~~] has suffered or may suffer actual injury or economic damage as a result of the activity sought to be permitted. An interest common to members [~~other than as a member~~] of the general public does not qualify as a personal justiciable interest.

(2) - (13) (No change.)

(14) Contaminant--Any physical, chemical, biological, or radiological substance or matter in water.

(15) [~~(14)~~] Corrective action--Methods to assure that wells within the area of review do not serve as conduits for the movement of fluids into or between underground sources of drinking water, including the use of corrosion resistant materials, where appropriate.

(16) [~~(15)~~] Delegate--The person authorized by the director to take action on behalf of the Railroad Commission of Texas under this chapter.

(17) [~~(16)~~] Director--The director of the Oil and Gas Division of the Railroad Commission of Texas or the director's delegate.

(18) [~~(17)~~] Division--The Oil and Gas Division of the Railroad Commission of Texas.

(19) [~~(18)~~] Draft permit--A document prepared indicating the director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a permit. A notice of intent to terminate a permit, and a notice of intent to deny a permit are types of "draft permits." A denial of a request for modification, revocation and reissuance, or termination is not a draft permit.

(20) [~~(19)~~] Enhanced recovery operation--Using any process to displace hydrocarbons from a reservoir other than by primary recovery, including using any physical, chemical, thermal, or biological process and any co-production project. This term does not include pressure maintenance or disposal projects.

(21) [~~(20)~~] EPA--The United States Environmental Protection Agency.

(22) [~~(21)~~] Exempted aquifer--An aquifer or its portion that meets the criteria in the definition of underground source of drinking water but which has been exempted according to the procedures in 40 CFR §144.7.

(23) [~~(22)~~] Facility closure--The point at which the operator of a geologic storage facility is released from post-injection storage facility care responsibilities.

(24) [~~(23)~~] Flow rate--The volume per time unit given to the flow of gases or other fluid substance which emerges from an orifice, pump, turbine or passes along a conduit or channel.

(25) [~~(24)~~] Fluid--Any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

(26) [~~(25)~~] Formation--A body of consolidated or unconsolidated rock characterized by a degree of lithologic homogeneity which is prevailingly, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

(27) [~~(26)~~] Formation fluid--Fluid present in a formation under natural conditions.

(28) [~~(27)~~] Fracture pressure--The pressure that, if applied to a subsurface formation, would cause that formation to physically fracture.

(29) [~~(28)~~] Geologic storage--The long-term containment of gaseous, liquid, or supercritical anthropogenic CO_2 in subsurface geologic formations.

(30) [~~(29)~~] Geologic storage facility or storage facility--The underground geologic formation, underground equipment, injection wells, and surface buildings and equipment used or to be used for the geologic storage of anthropogenic CO_2 and all surface and subsurface rights and appurtenances necessary to the operation of a facility for the geologic storage of anthropogenic CO_2. The term includes the subsurface three-dimensional extent of the CO_2 plume, pressure front, [~~associated area of elevated pressure, and displaced fluids, as well as~~] the surface area above that delineated region, and any reasonable and necessary areal buffer and subsurface monitoring zones. The term does not include a pipeline used to transport CO_2 from the facility at which the CO_2 is captured to the geologic storage facility. The storage of CO_2 incidental to or as part of enhanced recovery operations does not in itself automatically render a facility a geologic storage facility.

(31) [~~(30)~~] Good faith claim--A factually supported claim based on a recognized legal theory to a continuing possessory right in pore space such that the pore space can be used for geologic storage of carbon dioxide.

(32) [~~(31)~~] Injection zone--A geologic formation, group of formations, or part of a formation that is of sufficient areal extent, thickness, porosity, and permeability to receive CO_2 through a well or wells associated with a geologic storage facility.

(33) [~~(32)~~] Injection well--A well into which fluids are injected.

(34) [~~(33)~~] Interested person--Any person who expresses an interest in an application, permit, or Class VI UIC well.

(35) [~~(34)~~] Limited English-speaking household--A household in which all members 14 years and older have at least some difficulty with English.

(36) [~~(35)~~] Lithology--The description of rocks on the basis of their physical and chemical characteristics.

(37) [~~(36)~~] Mechanical integrity--

(A) An anthropogenic CO_2 injection well has mechanical integrity if:

(i) there is no significant leak in the casing, tubing, or packer; and

(ii) there is no significant fluid movement into a stratum containing an underground source of drinking water through channels adjacent to the injection well bore as a result of operation of the injection well.

(B) The Commission will consider any deviations during testing that cannot be explained by the margin of error for the test used to determine mechanical integrity, or other factors, such as temperature fluctuations, to be an indication of the possibility of a significant leak and/or the possibility of significant fluid movement into a stratum containing an underground source of drinking water through channels adjacent to the injection wellbore.

(38) [~~(37)~~] Monitoring well--A well either completed or re-completed to observe subsurface phenomena, including the presence of anthropogenic CO_2, pressure fluctuations, fluid levels and flow, temperature, and/or in situ water chemistry.

(39) [~~(38)~~] Offshore--The area in the Gulf of Mexico seaward of the coast that is within three marine leagues of the coast.

(40) [~~(39)~~] Operator--A person, acting for itself or as an agent for others, designated to the Railroad Commission of Texas as the person with responsibility for complying with the rules and regulations regarding the permitting, physical operation, closure, and post-closure care of a geologic storage facility, or such person's authorized representative.

(41) [~~(40)~~] Owner--The owner of any facility or activity subject to regulation under the UIC program.

(42) [~~(41)~~] Owner or operator--The owner or operator of any injection well, or any other facility or activity that is subject to regulation under the UIC program. When a geologic storage facility is owned by one person but is operated by another person, it is the operator's duty to comply with the requirements of this subchapter and any permit issued under this subchapter, except that either the owner or the operator may demonstrate financial responsibility.

(43) [~~(42)~~] Packer--A device lowered into a well to produce a fluid-tight seal.

(44) [~~(43)~~] Permit--An authorization, license, or equivalent control document issued by the Commission to implement the requirements of this chapter.

(45) [~~(44)~~] Person--A natural person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity.

(46) [~~(45)~~] Plugging--The act or process of stopping the flow of water, oil or gas into or out of a formation through a borehole or well penetrating that formation.

(47) [~~(46)~~] Post-injection facility care--Monitoring and other actions (including corrective action) needed following cessation of injection to assure that underground sources of drinking water are not endangered and that the anthropogenic CO_2 remains confined to the permitted injection interval.

(48) [~~(47)~~] Pressure front--The zone of elevated pressure that is created by the injection of the CO_2 stream into the subsurface where there is a pressure differential sufficient to cause movement of the CO_2 stream or formation fluids from the injection zone into an underground source of drinking water.

(49) Public meeting--A meeting held by the Commission to receive public comment on a draft permit for a Class VI injection well.

(50) [~~(48)~~] Reservoir--A natural or artificially created subsurface stratum, formation, aquifer, cavity, void, or coal seam.

(51) [~~(49)~~] Stratigraphic test well--An exploratory well drilled for the purpose of gathering information in connection with a proposed carbon dioxide geologic storage project, including formation testing to obtain information on the chemical and physical characteristics of the injection zones and confining zones. Such testing may include injectivity testing.

(52) [~~(50)~~] Stratum (or strata)--A single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

(53) [~~(51)~~] Surface casing--The first string of well casing to be installed in the well.

(54) [~~(52)~~] Transmissive fault or fracture--A fault or fracture that has sufficient permeability and vertical extent to allow fluids to move beyond the confining zone.

(55) [~~(53)~~ UIC--Underground injection control.

(56) [~~(54)~~] Underground source of drinking water (USDW)--An aquifer or its portion which is not an exempt aquifer as defined in 40 CFR §146.4 and which:

(A) supplies any public water system; or

(B) contains a sufficient quantity of ground water to supply a public water system; and

(i) currently supplies drinking water for human consumption; or

(ii) contains fewer than 10,000 mg/l total dissolved solids.

(57) [~~(55)~~] Well injection--The subsurface emplacement of fluids through a well.

(58) [~~(56)~~] Well stimulation--Any of several processes used to clean the well bore, enlarge channels, and increase pore space in the interval to be injected thus making it possible for fluid to move more readily into the formation including, but not limited to, surging, jetting, blasting, acidizing, and hydraulic fracturing.

(59) [~~(57)~~] Workover--An operation in which a down-hole component of a well is repaired or the engineering design of the well is changed. Workovers include operations such as sidetracking, the addition of perforations within the permitted injection interval, and the addition of liners or patches. For the purposes of this chapter, workovers do not include well stimulation operations.

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 B. GEOLOGIC STORAGE AND ASSOCIATED INJECTION OF ANTHROPOGENIC CARBON DIOXIDE (CO2)

16 TAC §§5.202 - 5.206

The Commission proposes the amendments pursuant to Texas Natural Resources Code, §§81.051 and 81.052, which give the Commission jurisdiction over all persons owning or engaged in drilling or operating oil or gas wells in Texas and the authority to adopt all necessary rules for governing and regulating persons and their operations under the jurisdiction of the Commission; Texas Natural Resources Code, Chapter 91, Subchapter R, relating to authorization for multiple or alternative uses of wells; Texas Water Code, Chapter 27, Subchapter C-1, which gives the Commission jurisdiction over the geologic storage of carbon dioxide in, and the injection of carbon dioxide into, a reservoir that is initially or may be productive of oil, gas, or geothermal resources or a saline formation directly above or below that reservoir; Texas Health and Safety Code §382.502, which allows the Commission to adopt by rule standards for the location, construction, maintenance, monitoring, and operation of a carbon dioxide repository and requires the Commission to ensure standards comply with federal requirements issued by the EPA; and Texas Water Code, Chapter 120, which establishes the Anthropogenic Carbon Dioxide Storage Trust Fund, a special interest-bearing fund in the state treasury, to consist of fees collected by the Commission and penalties imposed under Texas Water Code, Chapter 27, Subchapter C-1, and to be used by the Commission for only certain specified activities associated with geologic storage facilities and associated anthropogenic carbon dioxide injection wells.

Statutory authority: Texas Natural Resources Code, §§81.051, 81.052; Texas Natural Resources Code, Chapter 91, Subchapter R; Texas Health and Safety Code §382.502; and Texas Water Code, Chapters 27 and 120.

Cross reference to statute: Texas Natural Resources Code, Chapters 81 and 91, Texas Health and Safety Code, Chapter 382, and Texas Water Code, Chapters 27 and 120.

§5.202. Permit Required, and Draft Permit and Fact Sheet.

(a) - (d) (No change.)

(e) Draft permit and fact sheet.

(1) (No change.)

(2) Fact sheet.

(A) - (B) (No change.)

(C) The fact sheet shall include, when applicable:

(i) - (iii) (No change.)

(iv) a description of the procedures for reaching a final decision on the draft permit including:

(I) the beginning and ending dates of the comment period;

(II) the address where comments will be received;

(III) the [~~The~~] date, time, and location of the storage facility permit public meeting [~~hearing~~], if a public meeting [~~hearing~~] has been scheduled; and

(IV) any other procedures by which the public may participate in the final decision; and

(v) (No change.)

§5.203. Application Requirements.

(a) - (d) (No change.)

(e) Injection well construction.

(1) Criteria for construction of anthropogenic CO_2 injection wells. This paragraph establishes the criteria for the information about the construction and casing and cementing of, and special equipment for, anthropogenic CO_2 injection wells that an applicant must include in an application.

(A) (No change.)

(B) Casing and cementing of anthropogenic CO_2 injection wells.

(i) - (iv) (No change.)

(v) At least one long string casing, using a sufficient number of centralizers, must extend from the surface to the injection zone and must be cemented by circulating cement to the surface in one or more stages. The long string casing must isolate the injection zone and other intervals as necessary for the protection of USDWs and to ensure confinement of the injected and formation fluids to the permitted injection zone using cement and/or other isolation techniques. If the long string casing does not extend through the injection zone, another well string or liner must be cemented through the injection zone (for example, a chrome liner). An operator may request an exception to the packer setting depth by submitting a written request to the director and providing all pertinent information to support the requested exception.

(vi) - (vii) (No change.)

(C) Special equipment.

(i) Tubing and packer. All injection wells must inject fluids through tubing set on a packer. Packers must be set at a depth opposite of a cemented interval and no higher than 100 feet above the top of the permitted injection interval or at a location approved by the director. An operator may request an exception to the packer setting depth by submitting a written request to the director and providing all pertinent information to support the requested exception.

(ii) (No change.)

(2) - (4) (No change.)

(f) - (i) (No change.)

(j) Plan for monitoring, sampling, and testing after initiation of operation.

(1) (No change.)

(2) The plan must include the following:

(A) - (B) (No change.)

(C) [~~after initiation of injection,~~] the performance on a quarterly basis of corrosion monitoring of the well materials for loss of mass, thickness, cracking, pitting, and other signs of corrosion to ensure that the well components meet the minimum standards for material strength and performance set forth in subsection (e)(1)(A) of this section. The operator must report the results of such monitoring semi-annually. Corrosion monitoring may be accomplished by:

(i) - (iii) (No change.)

(D) monitoring of geochemical and geophysical changes, including:

(i) periodic [~~sampling of the fluid temperature, pH, conductivity, reservoir pressure and static fluid level of the injection zone and~~] monitoring for pressure changes, and for changes in geochemistry, in a permeable and porous formation near to and above the top confining zone;

(ii) - (iv) (No change.)

(E) tracking the extent of the CO_2 plume and the position of the pressure front by using direct methods in the injection zone and indirect methods, [~~geophysical techniques,~~] which may include seismic, electrical, gravity, or electromagnetic surveys and/or down-hole CO_2 detection tools unless the director determines, based on site-specific geology, that such methods are not appropriate;

(F) - (H) (No change.)

(k) - (l) (No change.)

(m) Post-injection storage facility care and closure plan. The applicant must submit a post-injection storage facility care and closure plan. The plan must include:

(1) - (6) (No change.)

(7) consideration and documentation of:

(A) - (G) (No change.)

(H) the presence of potential conduits for fluid movement including planned injection wells and project monitoring wells associated with the proposed geologic storage project or any other projects in proximity to the predicted/modeled, final extent of the CO_2 plume and pressure front [~~area of elevated pressure~~];

(I) - (K) (No change.)

(8) (No change.)

(n) - (p) (No change.)

§5.204. Notice of Permit Actions and Public Comment Period.

(a) Notice requirements.

(1) The Commission shall give notice of the following actions:

(A) a draft permit has been prepared under §5.202(e) of this title (relating to Permit Required, and Draft Permit and Fact Sheet) or the director proposes to deny an application; [~~and~~]

(B) a public meeting has been scheduled under subsection (b)(2)(A) of this section; and

(C) [~~(B)~~] a contested case hearing has been scheduled under subsection (b)(3) [~~(b)(2)~~] of this section.

(2) (No change.)

(3) Methods of notification. The Commission shall give notice by the following methods:

(A) Individual notice. Notice of a draft permit, a public meeting, or a contested case [~~public~~] hearing shall be given by mailing a copy of the notice to the following persons:

(i) - (xi) (No change.)

(xii) persons on the mailing list developed by the Commission, including those who request in writing to be on the list and by soliciting participants in public meetings [~~hearings~~] in that area for their interest in being included on area mailing lists; and

(xiii) (No change.)

(B) (No change.)

(4) Content of notice. Individual notice must consist of:

(A) - (D) (No change.)

(E) a statement that:

(i) affected persons may protest[,] and request a contested case hearing, and interested persons may request a public meeting [hearing] on[,] the application;

(ii) protests and requests for a public meeting [hearing] must be submitted [filed] in writing and may [must] be mailed or delivered to Technical Permitting, Oil and Gas Division, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711 or submitted electronically to SIP@rrc.texas.gov; [and]

(iii) Protests must include information sufficient to explain the basis for the protestant's status as an affected person, as defined by §5.102(1), relating to Definitions, including but not limited to:

(I) the protestant's location relative to the proposed facility; and

(II) a description of how and why the protestant will be adversely affected in a manner not common to the general public.

(iv) [(iii)] public comments, requests for a public meeting, and requests for a contested case hearing may be submitted at any time during the public comment period. Unless extended by the director for good cause, the public comment period ends 30 days after the notice of the draft permit, 30 days from the date of the last publication of notice, or at the close of any public meeting [protests and requests for a hearing must be received by the director within 30 days of the date of receipt of the application by the division, receipt of individual notice, or last publication of notice], whichever is later.[; and]

(F) information satisfying the requirements of 40 CFR §124.10(d)(1).

(5) (No change.)

(6) Notices of public meetings shall include information satisfying the requirements of 40 CFR §124.10(d)(2).

(7) [(6)] Public outreach and community engagement. [Notice to certain communities.]

(A) The applicant shall conduct engagement with key stakeholders such as state and local emergency response officials while developing required Class VI project plans such as the Emergency and Remedial Response Plan, to better understand community concerns and needs.

(B) The Commission encourages applicants to initiate public outreach and community engagement during the planning stage of a project to appropriately incorporate input from the surrounding community prior to the eventual development and submittal of a Class VI permit application. If [The applicant shall identify whether] any portions of the AOR encompass a [an Environmental Justice (EJ) or] Limited English-Speaking Household community using the most recent U.S. Census Bureau American Community Survey data, the applicant is encouraged to: [. If the AOR incudes an EJ or Limited English-Speaking Household community, the applicant shall conduct enhanced public outreach activities to these communities. Efforts to include EJ and Limited English-Speaking Household communities in public involvement activities in such cases shall include:]

(i) [(A)] publish any [published] meeting notice in English and the identified language (e.g., Spanish);

(ii) [(B)] post comment forms [posted] on the applicant's webpage and make them available at any public meeting in English and the alternate language;

(iii) [(C)] provide interpretation services [accommodated] upon request;

(iv) [(D)] provide a [English] translation of any public comments [made during any comment period] in the alternate language; and

(v) [(E)] to the extent possible, locate public meeting venues near public transportation.

(C) The applicant shall provide the Commission with a list and summary of any meetings held under subparagraphs (A) and (B) of this paragraph.

[(7) Comment period for a draft permit. Public notice of a draft permit, including a notice of intent to deny a permit application, shall allow at least 30 days for public comment.]

(b) Public comment, public meeting, and contested case hearing requirements.

(1) Public comment.

(A) Public notice of a draft permit, including a notice of intent to deny a permit application, shall allow at least 30 days for public comment. The public comment period shall automatically be extended to the close of any public meeting under this section. The director may also extend the comment period for good cause. If the director extends the comment period, the Commission shall post notice of the extension on the Commission's public website. [During the public comment period, any interested person may submit written comments on the draft permit and may request a hearing if one has not already been scheduled.]

(B) During the public comment period, any interested person may submit written comments on the draft permit and may request a public meeting if one has not already been scheduled. [Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required.]

(C) During the public comment period, any affected person may submit written comments on the draft permit and may request a contested case hearing. [The public comment period shall automatically be extended to the close of any public hearing under this section. The hearing examiner may also extend the comment period by so stating at the hearing.]

(D) All comments, requests for a public meeting, and requests for a contested case hearing must be received by the director before the end of the public comment period. Unless extended by the director for good cause, the public comment period ends 30 days after the notice of the draft permit, 30 days from the date of the last publication of notice, or at the close of any public meeting, whichever is later.

(E) The director shall issue a response to comments. The response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision, the reasons for the change, and shall briefly describe and respond to all significant comments on the draft permit raised during the public comment period. The Commission shall post the response to comments on the Commission's public website.

(2) Public meeting.

(A) The Commission shall hold a public meeting if the director finds, on the basis of requests, a significant degree of public interest in a draft permit. The public meeting shall be structured for the receipt of oral or written comments. Reasonable limits may be set upon the time allowed for oral statements, and the submission of statements in writing may be required.

(B) Notice of a public meeting shall be given at least 30 days before the hearing. Public notice of a public meeting may be given at the same time as public notice of the draft permit and the two notices may be combined.

(C) The Commission must give notice of a public meeting to all persons who express, in writing, an interest in the application.

(3) [~~(2)~~] Contested case [~~Public~~] hearing.

(A) All protests regarding an application for a new permit or for an amendment of an existing permit for a geologic storage facility from any affected person, as defined by §5.102(1) of this chapter, must be received by the director before the end the public comment period. Unless extended by the director for good cause, the public comment period ends 30 days after the notice of the draft permit, 30 days from the date of the last publication of notice, or at the close of any public meeting, whichever is later.

(B) [~~(A)~~] If the director [~~Commission~~] receives a timely protest [~~regarding an application for a new permit or for an amendment of an existing permit for a geologic storage facility~~] from an affected person [~~a person notified pursuant to subsection (a) of this section or from any other affected person within 30 days of the date of receipt of the application by the division, receipt of individual notice, or last publication of notice, whichever is later~~], then the director will notify the applicant that the director cannot administratively approve the application. Upon the written request of the applicant, the director will schedule a contested case hearing on the application.

[~~(B) The director shall hold a public hearing whenever the director finds, on the basis of requests, a significant degree of public interest in a draft permit.~~]

(C) The Commission [~~director~~] may also hold a contested case [~~public~~] hearing at the director's discretion, whenever, for instance, such a hearing might clarify one or more issues involved in the permit decision or the director determines there is a significant degree of public interest in a draft permit.

(D) Notice [~~Public notice~~] of a contested case [~~public~~] hearing shall be given in accordance with Texas Government Code §2001.052 [~~at least 30 days before the hearing~~]. Notice [~~Public notice~~] of a contested case hearing may be given at the same time as public notice of the draft permit and the two notices may be combined.

(E) The [~~Upon the written request of the applicant, the~~] Commission must give notice of a contested case hearing to all affected persons, local governments, and other persons who express, in writing, an interest in the application. Notice of a contested case hearing shall include information satisfying the requirements of 40 CFR §124.10(d)(2) and Texas Government Code, §2001.052. After the contested case hearing, the examiner will recommend a final action to [~~by~~] the Commission. [~~Notices shall include information satisfying the requirements of 40 CFR §124.10(d)(2) and the Texas Government Code, §2001.052.~~]

(4) [~~(3)~~] If the Commission receives no timely protest regarding an application for a new permit or for the amendment of an existing permit for a geologic storage facility from an [~~a person notified pursuant to subsection (a) of this section or from any other~~] affected person, the director may administratively approve the application.

(5) [~~(4)~~] If the director administratively denies an application for a new permit or for the amendment of an existing permit for a geologic storage facility, upon the written request of the applicant, the director will schedule a contested case hearing. After the contested case hearing, the examiner will recommend a final action to [~~by~~] the Commission.

(6) [~~(5)~~] [~~Upon making a final permit decision, the director shall issue a response to comments. The response shall specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change, and shall briefly describe and respond to all significant comments on the draft permit raised during the public comment period or during any hearing.~~] The Commission shall post the hearing examiner's recommendation for final action and the final order [~~response to comments~~] on the Commission's public [~~internet~~] website.

§5.205. Fees, Financial Responsibility, and Financial Assurance.

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

(c) Financial assurance. The qualifying financial responsibility instruments must be approved by the director. The director shall consider and approve the [~~applicant's~~] demonstration of financial responsibility for all the phases of the geologic sequestration project, including the post-injection storage facility care and closure phase and the plugging phase, prior to issuance of a geologic storage injection well permit.

(1) (No change.)

(2) Geologic storage facility.

(A) The applicant must include in an application for a geologic storage facility permit:

(i) (No change.)

(ii) a copy of the form of the financial assurance instruments [~~bond or letter of credit~~] that will be filed with the Commission; and

(iii) information concerning the issuer of the financial assurance instrument, [~~bond or letter of credit~~] including the issuer's name and address and evidence of authority to issue financial assurance instruments [~~bonds or letters of credit~~] in Texas.

(B) A geologic storage facility shall not receive CO_2 until financial assurance [~~a bond or letter of credit~~] in an amount approved by the director under this subsection and meeting the requirements of this subsection as to form and issuer has been filed with and approved by the director.

(C) The determination of the amount of financial assurance for a geologic storage facility is subject to the following requirements:

(i) The director must approve the dollar amount of the financial assurance. The amount of financial assurance required to be filed under this subsection must be equal to or greater than the maximum amount necessary to cover the cost of [~~perform~~] corrective action, emergency response, and remedial action, post-injection monitoring and site care, and closure of the geologic storage facility, including plugging of wells, at any time during the permit term in accordance with all applicable state laws, Commission rules and orders, and the permit. The financial assurance instruments must be sufficient to address endangerment of USDWs. The cost estimate must be performed for each phase separately and must be based on the costs to the Commission of hiring a third party to perform the required activities. A third party is a party who is not within the corporate structure of the owner or operator;

(ii) (No change.)

(iii) The requirement to maintain adequate financial responsibility and resources is directly enforceable regardless of whether the requirement is a condition of the permit.

(iv) [~~(iii)~~] The Commission may use the proceeds of financial assurance filed under this subsection to pay the costs of plugging any well or wells at the facility if the financial assurance for plugging costs filed with the Commission is insufficient to pay for the plugging of such well or wells.

(D) Financial responsibility instruments.

(i) Qualifying financial assurance instrument(s) must be:

(I) trust funds;

(II) surety bonds;

(III) letter of credit;

(IV) insurance;

(V) escrow account; or

(VI) any other instrument(s) satisfactory to the director.

(ii) The owner or operator may demonstrate financial responsibility by using one or more qualifying financial instruments for specific phases of the geologic storage project. In the event that the owner or operator combines more than one financial instrument for a specific geologic storage phase (e.g., well plugging), such combination must be limited to instruments that are not based on financial strength or performance (i.e., performance bond), for example trust funds, surety bonds guaranteeing payment into a trust fund, letters of credit, escrow account, or insurance. In this case, it is the combination of mechanisms, rather than the single mechanism, which must provide financial responsibility for an amount at least equal to the current cost estimate.

(iii) When using a third-party instrument to demonstrate financial responsibility, the owner or operator must provide proof that the third-party provider(s) either have passed financial strength requirements based on credit ratings or have met a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.

(iv) An owner or operator using certain types of third-party instruments must establish a standby trust to enable the Commission to be party to the financial responsibility agreement without EPA being the beneficiary of any funds. The standby trust fund must be used along with other financial responsibility instruments (e.g., surety bonds, letters of credit, or escrow accounts) to provide a location to place funds if needed.

(E) [~~(D)~~] Financial responsibility instruments [~~Bonds and letters of credit~~] filed in satisfaction of the financial assurance requirements for a geologic storage facility must comply with the following standards as to issuer and form.

(i) The issuer of any geologic storage facility bond filed in satisfaction of the requirements of this subsection must be a corporate surety authorized to do business in Texas. The form of bond filed under this subsection must provide that the bond be renewed and continued in effect until the conditions of the bond have been met or its release is authorized by the director.

(ii) Any letter of credit filed in satisfaction of the requirements of this subsection must be issued by and drawn on a bank authorized under state or federal law to operate in Texas. The letter of credit must be an irrevocable, standby letter of credit subject to the requirements of Texas Business and Commerce Code, §§5.101 - 5.118. The letter of credit must provide that it will be renewed and continued in effect until the conditions of the letter of credit have been met or its release is authorized by the director.

(iii) An owner or operator may deposit money into an escrow account to secure financial responsibility requirements; this account must segregate funds sufficient to secure estimated costs for Class VI financial responsibility from other accounts and uses. The director must approve the use and length of pay-in-periods for trust funds or escrow accounts.

(iv) An owner or operator may obtain an insurance policy to cover the estimated costs of geologic storage activities requiring financial responsibility. This insurance policy must be obtained from a third-party provider.

(F) [~~(iii)~~] The qualifying financial responsibility instruments must comprise protective conditions of coverage. Protective conditions of coverage must include at a minimum cancellation, renewal, and continuation provisions; specifications on when the provider becomes liable following a notice of cancellation if there is a failure to renew with a new qualifying financial instrument; and requirements for the provider to meet a minimum rating, minimum capitalization, and ability to pass the bond rating when applicable.

(i) [~~(I)~~] Cancellation. An owner or operator must provide that its financial instrument may not cancel, terminate, or fail to renew except for failure to pay such financial instrument. If there is a failure to pay the financial instrument, the financial institution may elect to cancel, terminate, or fail to renew the instrument by sending notice by certified mail to the owner or operator and the director. The cancellation must not be final until at least 120 days after the Commission receives the cancellation notice. The owner or operator must provide an alternate financial responsibility demonstration within 60 days of notice of cancellation, and if an alternate financial responsibility demonstration is not acceptable or possible, any funds from the instrument being cancelled must be released within 60 days of notification by the director.

(ii) [~~(II)~~] Renewal. If a financial instrument expires, the owner or operator must renew the financial instrument for the entire term of the geologic storage project. The instrument may be automatically renewed as long as the owner or operator has the option of renewal at the face amount of the expiring instrument. The automatic renewal of the instrument must, at a minimum, provide the holder with the option of renewal at the face amount of the expiring financial instrument.

(iii) [~~(III)~~] Financial instrument to remain in effect. Cancellation, termination, or failure to renew shall not occur and the financial instrument shall remain in full force and effect if on or before the date of expiration:

(I) [~~(-a-)~~] the director deems the facility abandoned;

(II) [~~(-b-)~~] the permit is terminated or revoked or a new permit is denied;

(III) [~~(-c-)~~] closure is ordered by the director or a United States district court or other court of competent jurisdiction;

(IV) [~~(-d-)~~] the owner or operator is named as debtor in a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code; or

(V) [~~(-e-)~~] the amount due is paid.

(G) [~~(E)~~] During the active life of the geologic storage project, the owner or operator must adjust the cost estimate for inflation within 60 days prior to the anniversary date of the establishment of the financial instruments used to comply with paragraph (2)(C)(i) of

this subsection and provide this adjustment to the director. The owner or operator must also provide to the director written updates of adjustments to the cost estimate within 60 days of any amendments to the area of review and corrective action plan, the injection well plugging plan, the post-injection storage facility care and closure plan, and the emergency and remedial response plan.

(H) [~~(F)~~] The owner or operator of a geologic storage facility must provide to the director, and the director must approve, annual written updates of the cost estimate to increase or decrease the cost estimate to account for any changes to the AOR and corrective action plan, the emergency response and remedial action plan, the injection well plugging plan, and the post-injection storage facility care and closure plan. The director [~~Director~~] must approve any decrease or increase to the initial cost estimate. During the active life of the geologic storage project, the owner or operator must revise the cost estimate no later than 60 days after the director has approved the request to modify the AOR and corrective action plan, the injection well plugging plan, the post-injection storage facility care and closure plan, and the emergency and response plan, if a change in any of these plans increases the cost. If a change to a plan decreases the cost, any withdrawal of funds must be approved by the director. Any decrease to the value of a financial assurance instrument must first be approved by the director. The revised cost estimate must be adjusted for inflation as specified at paragraph (2)(G) [~~(2)(E)~~] of this subsection. The owner or operator must provide to the director, within 60 days of notification by the director, an adjustment of the cost estimate if the director determines during the annual evaluation of the qualifying financial responsibility instruments that the most recent demonstration is no longer adequate to cover the cost of corrective action, injection well plugging and post-injection storage facility care and closure, and emergency and remedial response.

(I) [~~(G)~~] Whenever the current cost estimate increases to an amount greater than the face amount of a financial instrument currently in use, the owner or operator, within 60 days after the increase, must either cause the face amount to be increased to an amount at least equal to the current cost estimate and submit evidence of such increase to the director or obtain other financial responsibility instruments to cover the increase. Whenever the current cost estimate decreases, the face amount of the financial assurance instrument may be reduced to the amount of the current cost estimate only after the owner or operator has received written approval from the director.

(J) [~~(H)~~] The requirement to maintain adequate financial responsibility is directly enforceable regardless of whether the requirement is a condition of the permit.

(i) The owner or operator must maintain financial responsibility until:

(I) the director receives and approves the completed post-injection storage facility care and closure plan; and

(II) the director issues the certificate of closure.

(ii) The owner or operator may be released from a financial instrument in the following circumstances:

(I) The owner or operator has completed the phase of the geologic storage project for which the financial instrument was required and has fulfilled all its financial obligations as determined by the director, including obtaining financial responsibility for the next phase of the geologic storage project, if required; or

(II) The owner or operator has submitted a replacement financial instrument and received written approval from the director accepting the new financial instrument and releasing the owner or operator from the previous financial instrument.

(3) The director may consider allowing the phasing in of financial assurance for only corrective action based on project-specific factors.

(4) The director may approve a reduction in the amount of financial assurance required for post-injection monitoring and/or corrective action based on project-specific monitoring results.

(5) The owner or operator must maintain the required financial responsibility regardless of the status of the director's review of the financial responsibility demonstration.

(6) The director may deny the use of a financial instrument if the director determines that it is not sufficient to meet the requirements of this section.

(7) The owner or operator must provide any updated information related to its financial responsibility instruments on an annual basis and if there are any changes, the director must evaluate, within a reasonable time, the financial responsibility demonstration to confirm that the instruments used remain adequate.

(d) Notice of adverse financial conditions.

(1) - (2) (No change.)

(3) In the event that the owner or operator or the third-party provider of a financial responsibility instrument is going through a bankruptcy, the owner or operator must notify the director by certified mail of the commencement of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming the owner or operator as debtor, within 10 days after commencement of the proceeding.

(4) [~~(3)~~] Upon the incapacity of a bank or surety company by reason of bankruptcy, insolvency or suspension, or revocation of its charter or license, the Commission must deem the owner or operator to be without financial assurance [~~bond~~] coverage. The Commission must issue a notice to any owner or operator who is without financial assurance [~~bond~~] coverage and must specify a reasonable period to replace financial assurance [~~bond~~] coverage, not to exceed 60 days.

(5) An owner or operator who fulfills the requirements of this section by obtaining a trust fund, surety bond, letter of credit, escrow account, or insurance policy will be deemed to be without the required financial assurance in the event of bankruptcy of the trustee or issuing institution, or a suspension or revocation of the authority of the trustee institution to act as trustee of the institution issuing the trust fund, surety bond, letter of credit, escrow account, or insurance policy. The owner or operator must establish other financial assurance within 60 days of such an event.

§5.206. Permit Standards.

(a) - (j) (No change.)

(k) Permit conditions for post-injection storage facility care and closure.

(1) - (2) (No change.)

(3) Prior to closure. Prior to authorization for storage facility closure, the operator must demonstrate to the director, based on monitoring, other site-specific data, and modeling that is reasonably consistent with site performance that no additional monitoring is needed to assure that the geologic storage facility will not endanger USDWs. The operator must demonstrate, based on the current understanding of the site, including monitoring data and/or modeling, all of the following:

(A) the estimated magnitude and extent of the facility footprint (the CO_2 plume and the pressure front [~~area of elevated pressure~~]);

(B) - (E) (No change.)

(4) - (7) (No change.)

(l) - (o) (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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TRD-202604255
Betsy Peticolas
Attorney
Railroad Commission of Texas
Earliest possible date of adoption: November 22, 2026
For further information, please call: (512) 463-7262

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CHAPTER 7. GAS SERVICES
SUBCHAPTER C. RECORDS AND REPORTS; TARIFFS; GAS UTILITY TAX

16 TAC §7.351

The Railroad Commission of Texas (Commission) proposes an amendment to 16 Texas Administrative Code §7.351, relating to Gas Utility Pipeline Tax. Section 7.351 establishes the reporting and payment requirements for the gas utility tax imposed under Texas Utilities Code, Chapter 122, including the deadlines and procedures for filing quarterly tax reports and payments.

Currently, subsection (b) of §7.351 provides that the Commission considers a gas utility tax report and payment timely filed if it is received by the Commission's Gas Services department on or before the applicable deadline or is sent by first-class United States mail, properly addressed and stamped, postmarked before the deadline, and received not more than 10 days later. The Commission has implemented a new online payment system under which gas utility tax payments are submitted exclusively through the Commission's electronic payment portal. The Commission therefore proposes to amend §7.351 to conform the rule to the Commission's current payment procedure.

Proposed amended §7.351(b) removes the language addressing the submission of gas utility tax reports and payments by mail. The amended subsection provides only that a gas utility tax report and payment are timely filed if received by the Gas Services department on or before the applicable date.

Mark Evarts, Director, Oversight and Safety Division, has determined that for each year of the first five years the proposed amendment will be in effect, enforcing or administering the amendment will not have foreseeable implications relating to costs or revenues of state or local governments.

Mr. Evarts has also determined that for each year of the first five years the proposed amendment will be in effect, the public benefit anticipated as a result of enforcing or administering the amendment will be increased regulatory clarity by conforming the rule to the Commission's current electronic payment procedures.

Mr. Evarts has determined that for each year of the first five years that the proposed amendment will be in effect, there will be no additional economic costs for persons required to comply as a result of the Commission's adoption of the proposed amendment. Gas utility tax payments may be submitted electronically through an ACH/e-check option without an additional fee. Although payment by credit card may be subject to a convenience fee, use of a credit card is not required to comply with the rule.

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 proposed amendment. As discussed above, there will be no additional economic costs for persons required to comply as a result of adoption of the proposed amendment; therefore, the Commission has not prepared the economic impact statement or the regulatory flexibility analysis under §2006.002.

The Commission has determined that the proposed rulemaking will not affect a local economy; therefore, pursuant to Texas Government Code, §2001.022, the Commission is not required to prepare a local employment impact statement for the proposed amendment.

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

During the first five years that the amended rule would be in effect, the proposed amendment would not: create or eliminate a government program; create or eliminate any employee positions; require an increase or decrease in future legislative appropriations; increase fees paid to the agency; create a new regulation; increase or decrease the number of individuals subject to the rule's applicability; or positively or adversely affect the state's economy. The proposed amendment limits the existing regulation only by removing language addressing submission by mail.

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 rulescoordinator@rrc.texas.gov. The Commission will accept comments until 5:00 p.m. on Monday, November 23, 2026. 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 more than two weeks prior to *Texas Register* publication of the proposal, giving interested persons additional time to review, analyze, draft, and submit comments. The Commission encourages all interested persons to submit comments no later than the deadline. The Commission also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed amendment or any other interested person. The Commission cannot guarantee that comments submitted after the deadline will be considered. For further information, call Mr. Evarts at (512) 463-9663. The status of Commission rulemakings in progress is available at www.rrc.texas.gov/general-counsel/rules/proposed-rules.

The Commission proposes the amendment under Title 3 of the Texas Utilities Code, specifically §122.151, which authorizes the Commission to adopt rules necessary under Tex. Util. Code Chapter 122 and to collect and enforce the taxes imposed under that chapter.

Statutory authority: Texas Utilities Code §122.151.

Cross reference to statutes: Texas Utilities Code, Chapter 122.

§7.351. Gas Utility Pipeline Tax.

(a) (No change.)

(b) Tax payment. Each gas utility subject to this tax shall report and pay the tax imposed to the Commission by February 20, May 20, August 20, and November 20 of a year for the preceding calendar quarter. The gas utility tax report shall be of a form and content as established by the Commission and shall be properly completed. The Commission shall consider a gas utility tax report and payment timely filed if it is received by Gas Services on or before the applicable date [~~or is sent to Gas Services by first-class United States mail in an envelope or wrapper properly addressed and stamped and postmarked before the deadline and received not more than 10 days later. A legible postmark affixed by the United States Postal Service shall be prima facie evidence of the date of mailing~~].

(c) - (f) (No change.)

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

Filed with the Office of the Secretary of State on October 6, 2026.

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Fernando Domene
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For further information, please call: (512) 463-7262

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PART 4. TEXAS DEPARTMENT OF LICENSING AND REGULATION

CHAPTER 110. ATHLETIC TRAINERS

16 TAC §§110.16, 110.17, 110.24, 110.70

The Texas Department of Licensing and Regulation (Department) proposes amendments to existing rules at 16 Texas Administrative Code (TAC), Chapter 110, §§110.16, 110.17, 110.24, and 110.70, regarding the Athletic Trainers program. These proposed changes are referred to as the "proposed rules."

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

The rules under 16 TAC, Chapter 110, implement Texas Occupations Code, Chapter 451, Athletic Trainers; Texas Occupations Code, Chapter 51, the enabling statute of the Texas Commission of Licensing and Regulation and the Department; and Texas Education Code, Chapter 38, §38.158, regarding concussion training courses.

The proposed rules implement Senate Bill (SB) 2075, Sections 14 and 15, 89th Legislature, Regular Session (2025), regarding the Advisory Board of Athletic Trainers. The proposed rules remove the requirement that the terms of one or two advisory board members expire on January 31 of each odd-numbered year. The proposed rules also extend the term of the advisory board presiding officer to two years from the current one-year term. The proposed rules are necessary to maintain consistency with Texas Occupations Code §§51.2094(d), 451.053, and 451.055.

In addition, the proposed rules update the rules regarding the delegated authority document that athletic trainers are required to obtain and maintain. The proposed rules remove the term 'physician' from the phrase 'physician-delegated authority document,' as the statute allows athletic training to be done "under the direction of a physician licensed in this state or another qualified, licensed health professional who is authorized to refer for health care services within the scope of the person's license." The proposed rules add language that includes other qualified, licensed health professionals as authorized under the statute. The proposed rules are necessary to provide clarity and consistency with the statutory definition of "athletic training."

Advisory Board Recommendations

The proposed rules were presented to and discussed by the Advisory Board of Athletic Trainers at its meeting on 10/5/2026. The Advisory Board did not make any changes to the proposed rules. The Advisory Board voted and recommended that the proposed rules be published in the *Texas Register* for public comment.

SECTION-BY-SECTION SUMMARY

The proposed rules amend §110.16, Terms; Vacancies. Under subsection (a), the proposed rules remove the requirement that the terms of one or two advisory board members expire on January 31st of each odd-numbered year. This amendment tracks SB 2075, Section 14, and maintains consistency with relevant Department and program statutes (Texas Occupations Code §51.2094(d) and §451.053).

The proposed rules amend §110.17, Officers. Under subsection (a), the proposed rules extend the term of the advisory board presiding officer from one year to two years. This amendment tracks SB 2075, Section 15, and maintains consistency with relevant Department and program statutes (Texas Occupations Code §51.2094(d) and §451.055).

The proposed rules amend §110.24, License Renewal. The proposed rules update the license renewal requirements related to the delegated authority document. Under subsection (e), the proposed rules remove the term 'physician' from the phrase 'physician-delegated authority document,' so that other qualified, licensed health professionals are not precluded from delegating authority to an athletic trainer. This amendment provides clarity and consistency with the statutory definition of "athletic training."

The proposed rules amend §110.70, Standards of Conduct. The proposed rules update the standards of conduct related to the delegated authority document. Under subsections (a)(1) and (a)(2), the proposed rules remove the term 'physician' from the phrase 'physician-delegated authority document,' so that other qualified, licensed health professionals are not precluded from delegating authority to an athletic trainer. Under subsection (a)(3), the proposed rules add language that includes other qualified, licensed health professionals as authorized by statute. These amendments provide clarity and consistency with the statutory definition of "athletic training."

FISCAL IMPACT ON STATE AND LOCAL GOVERNMENT

Tony Couvillon, Senior Policy Research and Budget Analyst, 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. Couvillon has also 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

There is no impact on local governments, as the changes made by the proposed rules are not anticipated to increase or decrease the number of licensed athletic trainers or temporary athletic trainers, nor are they anticipated to affect potential employers seeking to hire athletic trainers. Because Mr. Couvillon has determined that the proposed rules will not affect a local economy, the agency is not required to prepare a local employment impact statement under Texas Government Code §2001.022.

PUBLIC BENEFITS

Mr. Couvillon also has determined that for each year of the first five-year period the proposed rules are in effect, the public benefit will be the removal of the perceived administrative hurdle of allowing only Medical Doctors (MDs) and Doctors of Osteopathy (DOs) to oversee athletic trainers through the delegated authority document. By refining the language, the proposed rules make it easier to understand that athletic trainers can work with a range of qualified, licensed health professionals.

PROBABLE ECONOMIC COSTS TO PERSONS REQUIRED TO COMPLY WITH PROPOSAL

Mr. Couvillon 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. The changes to be made by the rules do not impose additional fees or costs upon licensees, businesses, or any other persons. The additional requirements for the athletic trainer license renewal and those for the temporary license will impose no costs on applicants.

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

There will be no adverse economic effect on small businesses, micro-businesses, or rural communities as a result of the proposed rules. License holders will have no additional costs to comply with the proposed rules. The proposed rules have no anticipated adverse economic effect on rural communities because the proposed rules will not decrease the availability of athletic trainers to rural communities or increase the cost of athletic training services in rural communities.

Because 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 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 Texas Government Code §2001.0045.

GOVERNMENT GROWTH IMPACT STATEMENT

Pursuant to Texas 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 will be 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 does not require the creation of new employee positions or the elimination of existing employee positions.

3. Implementation of the proposed rules does 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 expand, but do not limit or repeal, an existing regulation. The proposed rules expand a regulation by allowing the delegated authority document required when renewing a license to be under not just a physician but also "another authorized qualified, licensed health professional."

7. The proposed rules do not increase or decrease the number of individuals subject to the rules' applicability.

8. The proposed rules do not positively or adversely affect this state's economy.

TAKINGS IMPACT ASSESSMENT

The Department 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 Texas Government Code §2007.043.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Department is requesting public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. Any information that is submitted in response to this request must include an explanation of how and why the submitted information is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments on the proposed rules and responses to the request for information may be submitted electronically on the Department's website at https://ga.tdlr.texas.gov:1443/form/ATH_Rule_Making; by facsimile to (512) 475-3032; or by mail to Shamica Mason, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is 30 days after publication in the *Texas Register*.

STATUTORY AUTHORITY

The proposed rules are proposed under Texas Occupations Code, Chapter 51, specifically §51.201 and §51.203, which authorize the Texas Commission of Licensing and Regulation, the Department's governing body, to adopt rules as necessary to implement Chapter 51 and any other law establishing a program regulated by the Department.

The proposed rules are also proposed under Texas Occupations Code, Chapter 451, specifically §451.101, which authorizes the

Executive Director and the Department to administer and enforce Chapter 451; and §§451.051-451.056, which establish the requirements of the Advisory Board of Athletic Trainers.

The statutory provisions affected by the proposed rules are those set forth in Texas Occupations Code, Chapters 51 and 451, and Texas Education Code, Chapter 38, §38.158. No other statutes, articles, or codes are affected by the proposed rules.

The legislation that enacted the statutory authority under which the proposed rules are proposed to be adopted is SB 2075, 89th Legislature, Regular Session (2025).

§110.16. Terms; Vacancies.

(a) Members of the advisory board serve staggered six-year terms. [~~The terms of one or two members expiring on January 31st of each odd-numbered year.~~]

(b) - (c) (No change.)

§110.17. Officers.

(a) The presiding officer of the commission shall designate a member of the advisory board as the presiding officer of the advisory board to serve for a term of two years [~~one year~~].

(b) (No change.)

§110.24. License Renewal.

(a) - (d) (No change.)

(e) To renew a license, a licensee must affirm that the licensee will provide all athletic training under the direction of a licensed physician or another qualified, licensed health professional who is authorized to refer for health care services within the scope of the person's license, and that this direction will be in writing and kept current through a [~~physician-~~]delegated authority document.

§110.70. Standards of Conduct.

(a) An athletic trainer, when carrying out the practice of athletic training in accordance with §451.001(3) of the Act, shall work under the direction of a licensed physician or another qualified, licensed health professional, who is authorized to refer for health care services within the scope of the person's license.

(1) The athletic trainer must obtain their [~~physician-~~]delegated authority document before practicing.

(2) A physical copy of the [~~physician-~~]delegated authority document must be kept on file with the athletic trainer's license or current license identification card. Both documents must be made available for inspection upon request.

(3) The [~~physician-~~]delegated authority document must include the name, phone number, physical office address, and electronic mail address of the [~~sponsoring~~] physician or other qualified, licensed health professional sponsoring the athletic trainer. The authority document must be renewed each time the physician or other qualified, licensed health professional sponsoring the athletic trainer [~~physician~~] changes.

(b) - (y) (No change.)

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

Filed with the Office of the Secretary of State on October 12, 2026.

TRD-202604341

Deanne Rienstra
General Counsel
Texas Department of Licensing and Regulation
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For further information, please call: (512) 463-7750

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TITLE 22. EXAMINING BOARDS

PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 206. ANATOMICAL FACILITIES, NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND WILLED BODY PROGRAMS

22 TAC §206.1

The Texas Funeral Service Commission (Commission) proposes amendments to §206.1, relating to Scope and Definitions, in Title 22, Texas Administrative Code (TAC), Chapter 206, Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

BACKGROUND AND PURPOSE. The rules in Chapter 206 implement Texas Health and Safety Code Chapter 691, Donation of Bodies and Anatomical Specimens, and related provisions of Health and Safety Code Chapter 692A and Occupations Code Chapter 651. The proposed amendments add and revise the definitions needed to administer the anatomical rules the Commission is proposing concurrently, including terms for lawful final disposition, the Commission-designated electronic system, Commission-issued identifiers and tags, temporary anatomical use, mobile and purpose-built anatomical facilities, host venues, and organ procurement organizations. The amendments are intended to give terms used throughout Chapter 206 a single meaning and to distinguish anatomical use and transportation from lawful final disposition.

The proposal also replaces the existing definition of Qualified Instructor with objective credential categories, states when licensure or educational credentials must be verified, and provides a standard for determining whether an instructor's education is sufficiently related to the anatomical activity. The separately defined Bioskills Trainer pathway is unchanged. The definitions of burial and flame cremation track existing Texas statutes governing interment and cremation and do not create a new method of final disposition. Terms defined for a single section retain the meaning assigned in that section.

SECTION-BY-SECTION SUMMARY. Subsection (a) and subsection (b) are unchanged. Subsection (c) is amended to provide that a term defined only for a specific section has the meaning assigned in that section when used in that section. Subsection (c) is further amended to add, in alphabetical order, definitions of anatomical activity; burial; Commission-designated electronic system; Commission-issued identifier, including the Commission Entity Identifier, Commission Whole Body Identifier, and Commission Specimen Identifier; Commission-issued tag; final disposition; flame cremation; host venue; mobile anatomical laboratory; organ procurement organization; purpose-built anatomical facility; temporary anatomical use; and temporary anatomical use site. The definition of Qualified Instructor is replaced

with six objective credential categories and a statement that employment, title, experience, reputation, or self-designation alone does not establish qualification. Existing paragraphs are renumbered accordingly.

FISCAL NOTE. Maria Haynes, Executive Director of the Texas Funeral Service Commission, has determined that for each year of the first five years the proposal is in effect: there are no estimated additional costs or reductions in costs to the state or to local governments as a result of enforcing or administering the proposed amendments; and there is no estimated increase or loss in revenue to the state or to local governments as a result of enforcing or administering the proposed amendments.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of the proposal will be clearer and more consistent terminology governing anatomical donation, use, custody, temporary-use settings, identification, and final disposition, improving compliance and the Commission's ability to administer and enforce Chapter 206.

Ms. Haynes has determined that for each year of the first five years the proposal is in effect, there is no anticipated economic cost to persons required to comply with the proposal. The amendments define terms and do not independently impose a fee, application, inspection, equipment, or operational requirement. To the extent the Commission requests documentation of an instructor's credentials under the revised definition of Qualified Instructor, the cost is limited to producing records the instructor or entity already holds.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposal will not affect a local economy. A local employment impact statement under Texas Government Code §2001.022 is therefore not required.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities. An economic impact statement and regulatory flexibility analysis under Texas Government Code §2006.002 are therefore not required.

COST INCREASE TO REGULATED PERSONS (ONE-FOR-ONE RULE). The proposal does not impose a cost on regulated persons, including another state agency, a special district, or a local government. Texas Government Code §2001.0045 therefore does not apply.

GOVERNMENT GROWTH IMPACT STATEMENT. Under Texas Government Code §2001.0221, the Commission provides the following government growth impact statement. For each year of the first five years the proposal would be in effect, the Commission has determined that:

(1) the proposal does not create or eliminate a government program;

(2) implementation of the proposal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposal does not require an increase or decrease in fees paid to the agency;

(5) the proposal does not create a new regulation; it defines terms used in existing and concurrently proposed Chapter 206 rules;

(6) the proposal limits an existing regulation by replacing the definition of Qualified Instructor with objective credential categories, and does not otherwise expand, limit, or repeal an existing regulation;

(7) the proposal does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposal does not positively or adversely affect this state's economy.

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

PUBLIC COMMENT AND REQUEST FOR COST, BENEFIT, AND EFFECT INFORMATION. The Commission requests comments on the proposed rule from any interested person. The Commission also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. Information submitted in response to this request should explain how and why it is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments and information may be submitted by email to legal@tfsc.texas.gov or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. Comments must be received no later than 30 days after the date of publication of this proposal in the *Texas Register*.

STATUTORY AUTHORITY. The amendments are proposed under Texas Health and Safety Code §691.022(c), which requires the Commission to "adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter"; Health and Safety Code §691.001, which defines terms used in Chapter 691; and Texas Occupations Code §651.005, which directs the Commission to regulate willed body programs, nontransplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691. The definition of flame cremation incorporates the definition of cremation in Health and Safety Code §716.001(5) and Occupations Code §651.651(1). The definition of organ procurement organization incorporates Health and Safety Code §692A.002(19).

The proposal affects Texas Health and Safety Code Chapters 691 and 692A and Texas Occupations Code Chapter 651. The proposal cross-references, but does not amend, Health and Safety Code Chapters 711 and 716.

The legislation that enacted the statutory authority under which the amendments are proposed is Senate Bill 2040, 88th Legislature, Regular Session (2023).

Statutory Authority: Health and Safety Code §§691.001, 691.022(c); Occupations Code §651.005. Cross-reference to Statute: Health and Safety Code Chapters 691 and 692A; Occupations Code Chapter 651.

§206.1. Scope and Definitions.

(a) Purpose. This section establishes the scope of the material regulated under this chapter and defines terms used throughout the commission's rules implementing Health and Safety Code Chapters 691 and 692A.

(b) Regulated material; application.

(1) This chapter applies to a body, and to each anatomical specimen derived from a body, when:

(A) the method of disposition recorded on the certificate of death is "Donation" (see 25 TAC §181.14 and the certificate of death prescribed by the Department of State Health Services);

(B) a non-transplant anatomical donation organization is the donee for the purpose of education or research under Chapters 691 or 692A, Health and Safety Code; or

(C) the body is otherwise lawfully donated to, delivered to or distributed by the commission under Chapters 691 or 692A, Health and Safety Code, including a body delivered under §691.023 (duty to deliver certain bodies) or §691.026 (body of a traveler).

(2) This chapter does not apply to a body whose method of disposition recorded on the certificate of death is burial, cremation, entombment, mausoleum, or removal from state.

(3) Microscopic and laboratory material derived from a body or specimen--including blood and blood components, fluids drawn for laboratory analysis, histologic, microscopic, skeletal, or brain specimens such as slides or paraffin blocks, cell or tissue cultures, and extracted nucleic acids--is not regulated as a body or anatomical specimen under this chapter, to the extent it is governed by other law.

(4) Commercially acquired skeletal material is not subject to this chapter.

(5) This chapter applies to a body or anatomical specimen in the custody or control of a person registered with, authorized by, or approved by the commission under this chapter, without regard to the source from which the body or anatomical specimen was received, including a body or anatomical specimen received from a non-transplant anatomical donation organization or from an organ procurement organization for use in research or education. This chapter does not apply to the recovery, screening, testing, storage or allocation of an organ, an eye, or tissue transplanted into a human under Chapter 692A, Health and Safety Code.

(6) A gift of a whole body is subject to the chapter. Under §692A.011(a)(4), Health and Safety Code, an eye bank or tissue bank's use of a gift of a whole body must be coordinated through the commission.

(c) Definitions. The following words and terms have the following meanings when used in this chapter, unless the context clearly indicates otherwise. A term not defined here has the meaning given in Health and Safety Code §691.001. A term defined only for a specific section of this chapter has the meaning assigned in that section when used in that section.

(1) "AATB" means the American Association of Tissue Banks, or a successor entity including Association for Advancing Tissue and Biologics that maintains the AATB standards.

(2) "Administrator in Charge" or "AIC" means an individual or an administrative body of an authorized entity headed by an individual who has the authority to represent the entity and who is responsible for the operation of the entity according to federal, state and local laws, and the policies and procedures of the entity's governing body. The Administrator in Charge is the primary point of contact with the commission on behalf of the authorized entity or applicant.

(3) "Advancement of medical or forensic science" means the use of a whole body or anatomical specimen donation for the advancement of medical, allied health, dental, or forensic science education, research, or training, including dissection, operation, examination and experimentation, by authorized entities for non-transplant purposes allowed under Health and Safety Code Chapter 691. Pursuant to Health and Safety Code §691.001(6), willed body programs may only use donor whole bodies or anatomical specimens for educational or research purposes.

(4) "Agent" has the meaning assigned in Health and Safety Code §692A.002(2).

(5) "Anatomical activity" means an activity, whether or not authorized, involving activity involving the physical presence, use, dissection, operation, examination, experimentation, education, training, research, demonstration, or temporary storage of a body or anatomical specimen at a site. Transportation alone is not an anatomical activity.

(6) [~~(5)~~] "Anatomical Specimen" has the meaning assigned in Health and Safety Code §691.001(3). The term does not include the microscopic or laboratory material described in subsection (b)(3) of this section or material intended for transplant in a living human recipient.

(7) [~~(6)~~] "Approved Setting" means a registered willed body program, registered non-transplant anatomical donation organization, registered anatomical facility, or other setting approved and inspected by the commission under §691.034, with appropriate biosafety and access controls. A venue offering general admission to the public is not an approved setting.

(8) [~~(7)~~] "Authorized Entity" means an entity registered by, or inspected and approved by, the commission under §691.034, Health and Safety Code.

(9) [~~(8)~~] "Authorized Person" means a person authorized to receive or use a body or anatomical specimen under §691.033(a) and designated or registered by the commission, as further provided in §206.2 of this title. The term includes both an authorized entity and an authorized individual.

(10) [~~(9)~~] "Bioskills Trainer" means a medical device manufacturer's approved bioskills trainer.

(11) [~~(10)~~] "Body" has the meaning assigned in Health and Safety Code §691.001(2).

(12) "Burial" means the permanent disposition of human remains in the ground in a grave or other lawful burial space. The term is a form of interment under Health and Safety Code Chapter 711.

(13) "Commission-designated electronic system" means the electronic system or systems designated by the commission for regulatory administration under this chapter, including entity registration, identification, chain-of-custody tracking, transfers, imports and exports, inspections, reconciliation, reporting, and related records.

(14) "Commission-issued identifier" means an official identifier created and assigned by the commission for regulatory identification, custody, tracking, inspection, transfer, reconciliation, or disposition under this chapter. Commission-issued identifiers include, as applicable:

(A) "Commission Entity Identifier" means the unique entity-level identifier assigned by the commission to each anatomical entity registered or authorized in Texas. The Commission Entity Iden-

tifier may be used to identify the entity in the Commission-designated electronic system and on Commission-issued identification media.

(B) "Commission Whole Body Identifier" means the unique identifier assigned by the commission to each whole body received through the Texas willed body program pathway. The Commission Whole Body Identifier identifies the donor within the commission's regulatory identification system and remains associated with the donor through tracking, transfer, reconciliation, and final disposition.

(C) "Commission Specimen Identifier" means the unique identifier assigned by the commission to each separately tracked anatomical specimen when separate identification is required under this chapter. When the specimen is derived from a Commission-identified whole body, the Commission Specimen Identifier must remain linked to the applicable Commission Whole Body Identifier and Commission Entity Identifier.

(15) "Commission-issued tag" means a physical tag, label, device, or other identification medium created, issued, or distributed by the commission that bears, encodes, or corresponds to an applicable Commission-issued identifier and is required by commission rule or procedure to remain associated with the donor, body, anatomical specimen, or primary specimen container to which the identifier is assigned.

(16) [~~(11)~~] "Consent for donation" means: (A) informed consent for donation meeting the requirements of §691.028, Health and Safety Code; or (B) an anatomical gift made under Chapter 692A, Health and Safety Code, including a gift made by a person authorized under §692A.009, Health and Safety Code, in the manner provided by §692A.010, Health and Safety Code.

(17) [~~(12)~~] "Designated Responsible Individual" means the individual or individuals designated by and accountable for an entity's compliance with this chapter with respect to each body or anatomical specimen. For non-traditional approved anatomical facilities, a Designated Responsible Individual must be on-site for the duration of the activity with the body or anatomical specimen.

(18) [~~(13)~~] "Donor" has the meaning assigned in Health and Safety Code §692A.002(9).

(19) "Final disposition" means the lawful permanent disposition of a body or human remains after authorized anatomical use has concluded, including burial, flame cremation, entombment, inurnment, incineration and disposal of residual soft tissue as permitted by §206.14(c) of this title, or another method expressly authorized by Texas law. The term does not include temporary storage, transportation, transfer, anatomical use, or movement out of this state for continued custody or use.

(20) "Flame cremation" means cremation as defined by Health and Safety Code §716.001(5) and Occupations Code §651.651(1): the irreversible process of reducing human remains to bone fragments through direct flame, extreme heat, and evaporation. The term may include pulverization as provided by those statutes and does not include a process that does not satisfy the statutory definition of cremation.

(21) [~~(14)~~] "Forensic science program" has the meaning assigned in Health and Safety Code §692A.011(a)(5).

(22) [~~(15)~~] "Governing body" means the governing authority of an authorized entity that is responsible for the entity's organization, management, control, and operation, including appointment of staff; includes the owner or partners for authorized entities that are owned or operated by an individual or partners.

(23) "Host venue" means the hotel, resort, convention or conference center, meeting or event facility, hospital, ambulatory surgical center, educational facility, physician office, clinical or commercial training site, or other property at which temporary anatomical use is proposed or authorized. A host venue does not become an Authorized Person or Authorized Entity solely by hosting an authorized temporary anatomical use.

(24) [~~(16)~~] "Medical waste" has the meaning defined in 30 TAC §326.3(23). However, if a facility hosts a lab, course, training or other event in which a decedent whole body or anatomical specimen is used for purposes authorized under Health and Safety Code Chapter 691, then the facility is considered a "health care-related facility" for the purpose of this chapter and Health and Safety Code, Chapter 691 for the length of time in which the decedent whole body or anatomical specimen is physically located at the facility.

(25) "Mobile anatomical laboratory" means a mobile unit designed, equipped, and used for anatomical activity in which a body or anatomical specimen may be dissected, manipulated, stored, used for training, or otherwise subjected to an authorized activity. A vehicle used solely for transportation is not a mobile anatomical laboratory.

(26) [~~(17)~~] "Non-traditional Anatomical Facility" means an inspected anatomical facility in a setting other than a purpose-built permanent anatomical facility.

(27) "Organ procurement organization" has the meaning assigned in Health and Safety Code §692A.002(19).

(28) [~~(18)~~] "Person" has the meaning assigned in Health and Safety Code §692A.002(22).

(29) [~~(19)~~] "Public Display" means the display, dissection, or exhibition of a body or anatomical specimen before an audience admitted from the general public, whether or not a fee is charged, other than as part of a bona fide educational activity meeting the conditions of §206.7 of this title.

[~~(20) "Qualified Instructor" means a licensed physician, or dentist, a person holding an earned doctoral, master's or professional degree in anatomy or a related health science, a licensed or certified anatomist, or a state licensed educator or state licensed embalmer delivering instruction or medical, doctoral or master's student within an accredited educational program.~~]

(30) "Purpose-built anatomical facility" means a fixed or mobile anatomical facility designed and equipped principally for anatomical activity and registered, inspected, or approved by the commission under §691.034, Health and Safety Code, for the activity being conducted.

(31) "Qualified Instructor" means an individual who satisfies at least one of the following qualifications:

(A) a physician or dentist who holds a current, unrestricted license issued by the appropriate licensing authority and, when Texas law requires a license, permit, or other authorization for the activity being conducted, holds that Texas authorization;

(B) a person holding an earned doctoral, master's, or professional degree from an accredited institution in anatomy or a related health science. For purposes of this paragraph, a related health science is a health or biomedical discipline in which the completed degree program includes formal education in human anatomy relevant to the anatomical activity, including medicine, dentistry, nursing, physician assistant studies, physical therapy, occupational therapy, biomedical science, biomedical engineering, anatomy, or physiology;

(C) a licensed or certified anatomist holding a current credential issued by a governmental licensing authority or nationally recognized professional certifying organization;

(D) a state-licensed educator whose current credential authorizes instruction in anatomy, biology, health science, medical science, or another subject directly related to the anatomical activity;

(E) a state-licensed embalmer providing instruction related to embalming, preservation, dissection, anatomical preparation, or another subject within the person's professional education or lawful scope of practice;

(F) a medical, doctoral, or master's student currently enrolled in an accredited educational program whose course of study is related to the anatomical activity and who acts under the direct supervision of a Qualified Instructor described by subparagraphs (A) through (E) of this paragraph. Employment, job title, years of experience, industry reputation, or self-designation alone does not establish that a person is a Qualified Instructor. The commission may require documentation sufficient to verify the qualification relied upon under this paragraph.

(32) [~~(21)~~] "Search and rescue organization" includes a search and rescue organization or recovery team as defined in Health and Safety Code §692A.011(a)(6).

(33) "Temporary anatomical use" means an anatomical activity conducted for a limited duration at a location that is not otherwise operating as a currently registered and inspected anatomical facility for the activity being conducted and that requires commission authorization under §206.13 of this title.

(34) "Temporary anatomical use site" means the specific room, laboratory, mobile unit, suite, controlled area, or other portion of a host venue authorized by the commission under §206.13 of this title for temporary anatomical use.

(35) [~~(22)~~] "Transfer" means a change in physical custody or of legal control of a body or anatomical specimen, whether within this state, into this state, or out of this state. The term does not include the movement of a body or anatomical specimen within the premises and under the continuous responsibility of a single authorized entity.

(36) [~~(23)~~] "Violation" is the failure to comply with applicable statutes or commission rules adopted under Health and Safety Code Chapter 691 or Occupations Code Chapter 651 and under the methods authorized thereby. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

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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Maria Haynes
Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: November 22, 2026
For further information, please call: (512) 936-2488

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22 TAC §206.4

The Texas Funeral Service Commission (Commission) proposes amendments to §206.4, relating to Transport, Importation and Exportation of Bodies, in Title 22, Texas Administrative Code (TAC), Chapter 206, Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

BACKGROUND AND PURPOSE. The rules in Chapter 206 implement Texas Health and Safety Code Chapter 691 and related provisions of Health and Safety Code Chapter 692A and Occupations Code Chapter 651. Section 206.4 was last amended effective September 6, 2026.

The proposed amendments to subsection (d) confine the written-permission requirement for export to a whole body, or an anatomical specimen derived from a whole body, that is under the Commission's jurisdiction, and delete the reference to donations to tissue banks under Health and Safety Code Chapter 692A. The amendments to subsection (f) retitle the subsection "Procurement and use reports"; require a forensic science program described by Health and Safety Code §692A.011(a)(5) to submit the quarterly report required by §692A.011(c) in the format prescribed by the Commission; and extend the existing cadaver procurement and transfer form requirement to eye banks and organ procurement organizations that receive donations of whole bodies under Chapter 692A.

SECTION-BY-SECTION SUMMARY. Subsections (a), (b), (c), and (e) are unchanged. Subsection (d) is amended to apply the export-permission requirement to a whole body or an anatomical specimen derived from a whole body, and to delete the phrase "including donations to tissue banks authorized by Health and Safety Code, Chapter 692A." Paragraphs (1) through (4) of subsection (d) are unchanged. Subsection (f) is retitled and amended to add the forensic science program quarterly report and to add eye banks and organ procurement organizations receiving donations of whole bodies to the entities that file the cadaver procurement and transfer form.

FISCAL NOTE. Maria Haynes, Executive Director of the Texas Funeral Service Commission, has determined that for each year of the first five years the proposal is in effect: there are no estimated additional costs or reductions in costs to the state or to local governments as a result of enforcing or administering the proposed amendments; and there is no estimated increase or loss in revenue to the state or to local governments as a result of enforcing or administering the proposed amendments. The amendments do not establish a fee, license, or registration.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of the proposal will be export controls focused on whole-body donations that fall within the Commission's statutory distribution authority, and more complete reporting of whole bodies received by forensic science programs, eye banks, tissue banks, organ procurement organizations, and search organizations, improving the Commission's ability to account for donated bodies.

Ms. Haynes has determined that for each year of the first five years the proposal is in effect, the probable economic cost to persons required to comply with the proposal is limited to the time needed to complete the prescribed reporting form. The quarterly forensic science program report is already required by Health and Safety Code §692A.011(c). The Commission anticipates the cost of completing the cadaver procurement and transfer form to be minimal, because the information reported is information the reporting entity already maintains. The narrowing of subsection (d) reduces compliance costs for persons exporting material that is not derived from a whole body.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposal will not affect a local economy. A local employment impact statement under Texas Government Code §2001.022 is therefore not required.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities. The entities affected by the reporting amendments are forensic science programs at institutions of higher education, eye banks, tissue banks, organ procurement organizations, and search organizations, and the reporting cost is minimal. An economic impact statement and regulatory flexibility analysis under Texas Government Code §2006.002 are therefore not required.

COST INCREASE TO REGULATED PERSONS (ONE-FOR-ONE RULE). Texas Government Code §2001.0045 does not apply to the proposal. The amendments to subsection (d) reduce the burden imposed on regulated persons (§2001.0045(c)(2)(A)), and the reporting amendments to subsection (f) are necessary to implement legislation, including Health and Safety Code §692A.011(c) as enacted and amended by the Legislature (§2001.0045(c)(9)).

GOVERNMENT GROWTH IMPACT STATEMENT. Under Texas Government Code §2001.0221, the Commission provides the following government growth impact statement. For each year of the first five years the proposal would be in effect, the Commission has determined that:

(1) the proposal does not create or eliminate a government program;

(2) implementation of the proposal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposal does not require an increase or decrease in fees paid to the agency;

(5) the proposal does not create a new regulation;

(6) the proposal limits an existing regulation by narrowing the export-permission requirement of subsection (d), and expands an existing regulation by extending the reporting requirement of subsection (f) to forensic science programs, eye banks, and organ procurement organizations;

(7) the proposal may increase the number of persons subject to the reporting requirement of subsection (f) and may decrease the number of persons subject to the export-permission requirement of subsection (d); and

(8) the proposal does not positively or adversely affect this state's economy.

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

PUBLIC COMMENT AND REQUEST FOR COST, BENEFIT, AND EFFECT INFORMATION. The Commission requests comments on the proposed rule from any interested person. The Commission also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. Information submitted in response to this request should explain how and why it is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments and information may be submitted by email to legal@tfsc.texas.gov or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. Comments must be received no later than 30 days after the date of publication of this proposal in the *Texas Register*.

STATUTORY AUTHORITY. The amendments are proposed under Texas Health and Safety Code §691.022(c), which requires the Commission to "adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter"; §691.029, which provides that the Commission "may receive, distribute, and transfer a body or anatomical specimen from inside or outside this state"; §691.030(d) and (e), which govern transport of bodies and anatomical specimens to an authorized recipient in another state and exclude bodies and specimens donated to a registered non-transplant anatomical donation organization; §691.031(a), which requires the Commission to adopt rules ensuring proper transportation, labeling, and chain of custody; Health and Safety Code §692A.011(a)(4) and (c), which require that an eye bank's or tissue bank's use of a gift of a whole body be coordinated through the Commission and require quarterly reports by forensic science programs; and Texas Occupations Code §651.005.

The proposal affects Texas Health and Safety Code Chapters 691 and 692A and Texas Occupations Code Chapter 651.

The legislation that enacted the statutory authority under which the amendments are proposed is Senate Bill 2040, 88th Legislature, Regular Session (2023).

Statutory Authority: Health and Safety Code §§691.022(c), 691.029, 691.030, 691.031, 692A.011; Occupations Code §651.005. Cross-reference to Statute: Health and Safety Code Chapters 691 and 692A; Occupations Code Chapter 651.

§206.4. Transport, Importation and Exportation of Bodies.

(a) Transport of Bodies. The transfer and transport of bodies or anatomical specimens from one willed body program, non-anatomical donation organization or anatomical facility to another, or for export from the state, shall be done in an appropriate, secured vehicle operated by a licensed funeral establishment, ambulance service, willed body program, non-anatomical donation organization, anatomical facility, search organization, or public carrier. A label with the statement that the container's contents are derived from human tissue shall be affixed to the container in which the body or anatomical specimen is transported. The container shall be secured, packaged to prevent leakage of fluids and kept at an appropriate interior temperature to prevent decomposition and emission of odors.

(b) Each body or anatomical specimen shall be carefully deposited and transported with the least possible public display.

(c) Importation. Notification of the intent to import a body or anatomical specimen from outside of the State of Texas shall be given to the commission in writing as soon as practicable. Such bodies or specimens shall fall under the jurisdiction of the commission upon

entering the State of Texas, and all rules regulating such material shall apply.

(d) Exportation. No whole body or anatomical specimen derived from a whole body under the jurisdiction of the commission [~~including donations to tissue banks authorized by Health and Safety Code, Chapter 692A,~~] shall be shipped out of the State of Texas, unless permission in writing for such shipment has been granted by the commission.

(1) The commission may grant approval of exportation of a body or anatomical specimen if it determines that:

(A) the recipient out-of-state institution is a willed body program, non-transplant anatomical donation organization or anatomical facility of the same type as those authorized recipients listed in §206.2 of this title (relating to Authorized Activities);

(B) the supply of bodies or anatomical specimens exceeds the needs for bodies or anatomical specimens in this state; and

(C) the donor authorized out-of-state shipment.

(2) If, in the opinion of the commission, a video or in-person site visit to the requesting institution is desirable or necessary to verify that the requesting institution respects the dignity of the human body and complies with any restrictions contained in the donor instrument, such a visit shall be made by the willed body program or non-transplant anatomical organization and a report made to the commission, which includes, but is not limited to, a review of the materials required §206.12(c)(4)(D) of this title (relating to Registration Application and Inspection Required) and implementation procedures of the out of state facility as a condition of approving the transfer. The expenses incurred by such a site visit shall be reimbursed by the potential receiving institution.

(3) To the extent §691.030(e), Health and Safety Code, excludes a body or anatomical specimen donated to a registered non-transplant anatomical donation organization from §691.030, Health and Safety Code, the approval requirements of this subsection and paragraph (1) of this subsection do not apply to the exportation of that body or anatomical specimen. The registered non-transplant anatomical donation organization shall provide the commission written notice of the exportation, in the form or electronic system prescribed by the commission, before or at the time of shipment. This paragraph applies only to the body or anatomical specimen described by §691.030(e), Health and Safety Code; it does not exempt the organization or any other person from subsections (a), (b), (c), or (f) of this section, from §206.3 of this title (relating to Chain of Custody), or from any other requirement of this chapter, and it does not apply to a body or anatomical specimen distributed by or through the commission or a willed body program.

(4) The return of a body or anatomical specimen to the out-of-state person from which it was received, on completion of the authorized activity for which it was transferred into this state, is the completion of the original documented transfer, must be recorded on the chain-of-custody form under §206.3 of this title, and does not require approval under this subsection.

(e) Proscription of local removal. Bodies or anatomical specimens shall not be removed or relocated from the designated premises of the willed body program, non-transplant anatomical donation program, or anatomical facility which have been authorized by the commission to receive, hold, or dispose of bodies without the written permission of the Executive Director of the commission or the Executive Director's designee.

(f) Procurement [~~Yearly procurement~~] and use reports [~~report~~]. Each willed body program or non-transplant anatomical donation organization which has received, directly or by transfer, and/or used a body during the prior year shall complete, sign and file with the commission the yearly cadaver procurement and use report prescribed by the commission. Each anatomical facility shall file an annual need or use report prescribed by the commission. These reports shall be filed not later than August 31 of each year for the prior annual period. Each forensic science program described by Health and Safety Code §692A.011(a)(5) shall submit the separate quarterly report required by §692A.011(c) in the format prescribed by the commission. Tissue banks, eye banks, organ procurement organizations and search organizations receiving donations of whole bodies as authorized by Health and Safety Code Chapter 692A will file a cadaver procurement and transfer form as prescribed by the commission.

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

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22 TAC §206.10

The Texas Funeral Service Commission (Commission) proposes new §206.10, relating to Enforcement, Administrative Penalties, and Sanctions, in Title 22, Texas Administrative Code (TAC), Chapter 206, Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

BACKGROUND AND PURPOSE. Health and Safety Code §691.022(c) authorizes the Commission to issue a reprimand, assess an administrative penalty, impose other penalties, or revoke, suspend, or probate a registration or other authorization for a violation of Chapter 691 or a Commission rule adopted under it, in the manner provided by Occupations Code Chapter 651. Occupations Code §651.5515 requires the Commission by rule to adopt guidelines that define and summarize violations to promote consistency in determining penalty amounts under §651.552. The proposed new section supplies those guidelines for the Commission's anatomical jurisdiction.

The proposed section establishes the available enforcement actions; violation classification criteria; four penalty classes within the $100 to $5,000 range set by Occupations Code §651.552(a); aggravating and mitigating factors; treatment of multiple and continuing violations; corrective action; and referral. It preserves the statutory limitations applicable to non-transplant anatomical donation organizations, distinguishes anatomical jurisdiction from separately regulated funeral and crematory activity, and addresses donor consent, dignity, lawful custody, identification, chain of custody, and final disposition. The section uses generic Commission-issued identifier terminology rather than the name of a particular electronic system, so that the requirements remain stable if the Commission changes information systems.

SECTION-BY-SECTION SUMMARY. Subsection (a) states the purpose, scope, and jurisdictional limits of the section. Subsection (b) lists the available enforcement actions. Subsection (c) establishes a safe harbor for authorized activities within the scope of the consent for donation. Subsection (d) addresses the statutory carve-outs for non-transplant anatomical donation organizations and the continuing responsibility of downstream recipients. Subsection (e) establishes requirements for Commission-issued identifiers and tags. Subsection (f) addresses unclaimed bodies. Subsection (g) addresses final disposition. Subsection (h) addresses willed body programs' and non-transplant anatomical donation organizations' use of crematory establishments and licensed professionals. Subsection (i) addresses the priority of Texas need before out-of-state export. Subsection (j) lists classification criteria. Subsection (k) establishes four violation classes and penalty ranges: Class A ($100 to $750), Class B ($751 to $2,000), Class C ($2,001 to $3,500), and Class D ($3,501 to $5,000). Subsection (l) lists aggravating and mitigating factors. Subsection (m) addresses multiple and continuing violations. Subsection (n) addresses corrective action, suspension, and revocation. Subsection (o) addresses referral to other governmental entities. Subsection (p) addresses procedure and implementation.

FISCAL NOTE. Maria Haynes, Executive Director of the Texas Funeral Service Commission, has determined that for each year of the first five years the proposal is in effect: there are no estimated additional costs or reductions in costs to the state or to local governments as a result of enforcing or administering the proposed section, because the section organizes enforcement authority the Commission already exercises; and there is no estimated increase or loss in revenue to the state or to local governments as a result of enforcing or administering the proposed section. The section does not create penalty authority; any administrative penalty depends on a violation established in an individual case and is not reasonably estimable.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of the proposal will be clearer, more consistent, and more proportionate enforcement of Chapter 691 and Chapter 206; improved protection of donor consent, dignity, traceability, and lawful custody; and clear notice to regulated persons of the seriousness assigned to different categories of conduct.

Ms. Haynes has determined that for each year of the first five years the proposal is in effect, there is no anticipated economic cost to persons required to comply with the proposal. A person who remains in compliance incurs no cost under the section. A person found to have committed a violation may be subject to an administrative penalty or other sanction within the ranges and procedures established by law.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposal will not affect a local economy. A local employment impact statement under Texas Government Code §2001.022 is therefore not required.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities that comply with applicable law. An economic impact statement and regulatory flexibility analysis under Texas Government Code §2006.002 are therefore not required. Enforcement against a small business under the section remains subject to Texas Government Code §2006.003 to the extent that section applies.

COST INCREASE TO REGULATED PERSONS (ONE-FOR-ONE RULE). The proposal does not impose a cost on regulated persons. Texas Government Code §2001.0045 therefore does not apply. In addition, the proposal is necessary to protect the health, safety, and welfare of the residents of this state (§2001.0045(c)(6)).

GOVERNMENT GROWTH IMPACT STATEMENT. Under Texas Government Code §2001.0221, the Commission provides the following government growth impact statement. For each year of the first five years the proposal would be in effect, the Commission has determined that:

(1) the proposal does not create or eliminate a government program;

(2) implementation of the proposal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposal does not require an increase or decrease in fees paid to the agency;

(5) the proposal creates a new regulation establishing anatomical enforcement classifications and penalty guidelines;

(6) the proposal does not expand, limit, or repeal an existing regulation;

(7) the proposal does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposal does not positively or adversely affect this state's economy.

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

PUBLIC COMMENT AND REQUEST FOR COST, BENEFIT, AND EFFECT INFORMATION. The Commission requests comments on the proposed rule from any interested person. The Commission also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. Information submitted in response to this request should explain how and why it is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments and information may be submitted by email to legal@tfsc.texas.gov or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. Comments must be received no later than 30 days after the date of publication of this proposal in the *Texas Register*.

STATUTORY AUTHORITY. The new section is proposed under Texas Health and Safety Code §691.022(b), which requires the Commission to "adopt rules to ensure that each body and

anatomical specimen is treated with respect while in the custody of the commission or person authorized to receive the body or specimen"; §691.022(c), which requires the Commission to adopt rules necessary to administer and enforce Chapter 691 and authorizes the Commission to "issue a reprimand, assess an administrative penalty, impose other penalties, or revoke, suspend, or probate a registration or other authorization for a violation of this chapter or a commission rule adopted under this chapter in the manner provided by Chapter 651, Occupations Code"; §691.034, which governs registration, inspection, investigation, suspension, and revocation; Texas Occupations Code §651.005; Occupations Code §651.5515, which requires the Commission by rule to adopt penalty guidelines; and Occupations Code §§651.551 and 651.552, which govern the assessment and amount of administrative penalties.

The proposal affects Texas Health and Safety Code Chapters 691 and 692A, Texas Occupations Code Chapter 651, and Texas Government Code Chapter 2001.

The legislation that enacted the statutory authority under which the new section is proposed is Senate Bill 2040, 88th Legislature, Regular Session (2023).

§206.10. Enforcement, Administrative Penalties, and Sanctions.

(a) Purpose, scope, and jurisdiction.

(1) This section establishes administrative penalty classifications and enforcement guidelines for violations of Health and Safety Code Chapters 691 and 692A and this chapter only to the extent the conduct is within the jurisdiction of the commission.

(2) This section applies to a willed body program, non-transplant anatomical donation organization, anatomical facility, Authorized Person as defined by §206.1 of this title (relating to Scope and Definitions), and a person designated by the commission under §206.2(b)(5) of this title (relating to Authorized Activities), to the extent each person is subject to the commission's anatomical jurisdiction.

(3) A reference in this section to an Authorized Person has the meaning assigned by §206.1 of this title and includes only a person authorized to receive or use a body or anatomical specimen under Health and Safety Code §691.033(a) and designated, registered, inspected, or otherwise authorized by the commission as provided by Chapter 206 of this title.

(4) A person or entity not otherwise listed in §206.2(b)(1) of this title may be treated as an authorized person for purposes of this section only after designation by the commission under §206.2(b)(5) of this title. Nothing in this section independently creates a new category of authorized recipient.

(5) This section does not establish an anatomical violation based solely on conduct governed by the commission's funeral-service, embalming, crematory, or other non-anatomical jurisdiction. Such conduct remains subject to the statutes and rules otherwise applicable to that regulated activity.

(6) This section does not establish a violation based solely on a duty imposed by Chapter 692A on an organ procurement organization, hospital, transplant hospital, Donate Life-Texas Registry administrator, physician, technician, or other person outside the commission's anatomical jurisdiction, unless that person separately acts as a TFSC-regulated or TFSC-authorized person with respect to a body or anatomical specimen governed by Chapter 691, Health and Safety Code, or Chapter 206 of this title.

(b) Available enforcement actions.

(1) The commission may issue a reprimand, assess an administrative penalty, impose other penalties, or revoke, suspend, or probate a registration or other authorization for a violation of Health and Safety Code, Chapter 691, or any commission rule in Chapter 206, including a violation related to an inspection conducted under Health and Safety Code, Section 691.034, in the manner provided by Chapter 651, Occupations Code.

(2) The commission may require corrective action; impose probation or conditions; suspend or revoke a registration or authorization when authorized by law; or refer conduct to a prosecuting attorney, law-enforcement agency, regulatory agency, or other governmental entity having jurisdiction.

(3) Administrative action by the commission and referral to another governmental entity are separate remedies and may proceed concurrently to the extent permitted by law.

(c) Authorized-activity safe harbor.

(1) A violation may not be based solely on the physical nature of an activity if the activity is an authorized activity under §206.2(c) of this title, is performed by an Authorized Person, is within the scope of the consent for donation, and otherwise complies with applicable law and commission rule.

(2) When authorization or consent is disputed, the commission shall determine whether the person and activity were authorized and within the scope of the consent for donation before applying a violation classification under this section.

(3) This subsection does not limit the independent authority or prosecutorial discretion of another governmental entity.

(d) Non-transplant anatomical donation organization carve-out and downstream responsibility.

(1) Consistent with Health and Safety Code §§691.022(a) and 691.030(e), and applicable provisions of §206.4(d)(3) of this title (relating to Transport, Importation and Exportation of Bodies) and §206.5(c)(2) of this title (relating to Transfer of Bodies or Anatomical Specimens), the commission will not classify as a transfer-approval, export-approval, or commission-tagging violation the qualifying distribution or export by a registered non-transplant anatomical donation organization of a body or anatomical specimen donated directly to that organization when the statutory or rule carve-out applies.

(2) A registered non-transplant anatomical donation organization shall receive a Commission Entity Identifier for entity-level identification upon registration. A NADO is not required to use the Commission-issued whole-body and specimen identifier and tag system for a body or anatomical specimen donated directly to the NADO, unless a future statute or commission rule expressly requires otherwise.

(3) A NADO may maintain its own internal donor or specimen identifier for material donated directly to the NADO. An internal identifier may not be represented as a commission-issued identifier or tag. It may not be used to create, duplicate, counterfeit, or substitute for an official commission identifier or tag where a commission identifier or tag is required, however, a NADO internal identifier entered in the commission-designated electronic system satisfies the requirements of §206.3 of this title (relating to Chain of Custody).

(4) The carve-out in this subsection does not exempt a NADO from requirements that otherwise apply, including chain of custody, transport, applicable import or export notice, registration, inspection, annual reporting, recordkeeping, donor-consent requirements, and final disposition.

(5) A willed body program, anatomical facility, or other TFSC-authorized recipient that receives a body or anatomical specimen from a NADO remains independently responsible, to the extent that the registrant is subject to the Commission's jurisdiction, for every requirement applicable to that recipient, including recipient authorization, chain of custody, transport, required transfer documentation, possession of documentation sufficient to establish lawful donation and consent, inspection, recordkeeping, reporting, identification, tagging when applicable, and disposition.

(e) Commission-issued identifiers and tags.

(1) Each anatomical entity registered or authorized by the commission shall be assigned a Commission Entity Identifier for entity-level regulatory identification.

(2) For each whole body received by, or distributed by or through, the Commission, including through a willed body program, the commission shall assign a unique Commission Whole Body Identifier. The Commission-issued whole-body tag shall bear or encode the Commission Entity Identifier of the receiving willed body program and the Commission Whole Body Identifier assigned to the donor. The Commission-issued tag is required for each Texas donor entering a Texas willed body program and is the official regulatory tag for commission custody, tracking, inspection, transfer, reconciliation, and final disposition.

(3) If a whole body is divided into one or more separately tracked anatomical specimens, or natural desiccation results in material that must be separately tracked, the commission shall assign a unique Commission Specimen Identifier to each separately tracked specimen. Each Commission-issued specimen tag shall bear or encode the Commission Entity Identifier, Commission Whole Body Identifier, and Commission Specimen Identifier so that the specimen remains traceable to the originating whole body and willed body program.

(4) Only the commission may create, assign, issue, or distribute an official Commission Entity Identifier, Commission Whole Body Identifier, Commission Specimen Identifier, or Commission-issued tag. A willed body program shall obtain, affix, maintain, and use the applicable Commission-issued tags in the manner prescribed by the commission.

(5) A willed body program may maintain an internal record number, inventory number, or internal tracking identifier in addition to the Commission-issued identifiers. An internal identifier may not replace, obscure, alter, duplicate, or be represented as a Commission Entity Identifier, Commission Whole Body Identifier, Commission Specimen Identifier, or Commission-issued tag and must remain mapped to the applicable Commission-issued identifiers.

(6) An anatomical facility or other TFSC-authorized recipient is not required to obtain a commission-issued tag unless required elsewhere by law or commission rule, but shall preserve, use, and reconcile each Commission-issued identifier and tag accompanying material for which the identifier or tag is required. The recipient may maintain an internal tracking identifier if it remains mapped to the Commission-issued identifiers.

(7) A regulated entity may not manufacture, print, encode, emboss, engrave, assign, reproduce, or otherwise create a tag or identifier represented as an official Commission Entity Identifier, Commission Whole Body Identifier, Commission Specimen Identifier, or Commission-issued tag, or operate equipment for that purpose, unless expressly authorized by the commission.

(8) A regulated entity shall not remove, destroy, conceal, alter, exchange, reuse, or transfer a Commission-issued identifier or tag in a manner that breaks traceability or causes the identifier or tag to correspond to a different entity, donor, body, or anatomical specimen.

(9) Discovery of non-commission tagging or labeling equipment at a regulated location is not, standing alone, a violation if the equipment is used solely for lawful internal inventory or tracking. Use of such equipment to create or assign a substitute or purported Commission-issued identifier or tag is subject to enforcement under subsection (k) of this section.

(f) Unclaimed bodies entering the non-transplant anatomical pathway.

(1) Sections 691.023 through 691.027, Health and Safety Code, impose duties on the person or entity having custody of an unclaimed body. This section does not transfer funeral-side, governmental, or custodial duties imposed by those statutes to a willed body program, non-transplant anatomical donation organization, or anatomical facility that did not otherwise owe the duty.

(2) A TFSC-regulated or TFSC-authorized anatomical entity may not accept, use, transfer, or distribute an unclaimed body unless its records are sufficient to establish lawful authority for the body to enter the anatomical donation pathway.

(3) For an unclaimed body received from another person or entity, the receiving anatomical entity shall retain documentation sufficient to identify the source of the body, establish the legal basis for release or donation, and demonstrate, when applicable, that the notice, next-of-kin search, identification, claim-period, and other prerequisites required by §§691.023 through 691.027 were completed by the person legally responsible for those duties.

(4) Knowingly accepting or using an unclaimed body when the entity knows or reasonably should know that the body was not lawfully released, required identification or next-of-kin efforts were not performed, or a valid claim or refusal was disregarded may constitute a Class C or Class D violation depending on whether consent, lawful custody, traceability, or the dignity and integrity of the remains was impaired.

(g) Final disposition.

(1) A willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person shall use only a method of final disposition authorized by applicable Texas law and commission rule in effect on the date of the conduct.

(2) Donor instructions or consent may not authorize a method of final disposition that is not authorized by applicable Texas law.

(3) Actual use of a method of final disposition that is not authorized by applicable Texas law is subject to Class D enforcement under subsection (k) of this section.

(4) Installation, possession, maintenance in operational condition, or use-readiness of equipment designed or configured to perform a method of final disposition not authorized by applicable Texas law may be considered evidence of a violation when competent evidence establishes that the equipment is intended for use on human bodies or anatomical specimens subject to this chapter.

(5) Evidence relevant to final-disposition enforcement may include disposition records, chain-of-custody records, equipment cycle or operating records, photographs or video, physical evidence, residue or effluent records, utility records, vendor or maintenance records, employee or contractor statements, or other competent evidence.

(h) Willed body programs and non-transplant anatomical donation organization utilizing crematory establishments and licensed professionals.

(1) A crematory located at, within this state owned by, operated within this state by, or used within this state by a willed body program or non-transplant anatomical donation organization must hold the license required by Subchapter N, Chapter 651, Occupations Code, if that subchapter applies, and any authorization required under §106.494 of Title 30 or other applicable law. A crematory on willed body program or non-transplant anatomical donation organizations premises is inspected with the program under §691.034(a-2) and §206.31 of this title (relating to Inspections) regardless of if it is separately licensed as a crematory establishment. If a willed body program or non-transplant anatomical donation organization does not sell goods or services within this state related to burial or final disposition, it is not required to be licensed under Occupations Code §651.652 as a crematory establishment. Registration or authorization of the willed body program or non-transplant anatomical donation organization does not authorize the operation of a crematory establishment.

(2) A willed body program or non-transplant anatomical donation organization remains independently responsible for compliance with this chapter before and through lawful release or transfer for final disposition, including donor identification, commission-issued identifiers and tags, chain of custody, lawful transport, authorized use, authorization for final disposition, and records sufficient to reconcile the donor through final disposition.

(3) A willed body program or non-transplant anatomical donation organization that directly accepts whole body donations shall comply with §206.13(b) of this title (relating to Standards for Anatomical Facilities and Other Anatomical Use Locations).

(4) A willed body program or non-transplant anatomical donation organization shall not contract with a crematory establishment for final disposition unless the crematory establishment holds the license and other authorization required by applicable Texas law. The willed body program or non-transplant anatomical donation organization shall maintain documentation sufficient to verify the crematory establishment was authorized at the time the donor was released for final disposition.

(5) The existence of a separately licensed crematory establishment, funeral establishment, licensed funeral director, or licensed embalmer does not relieve the willed body program or non-transplant anatomical donation organization of a duty imposed by Chapter 691 or this chapter. The existence of a willed body program or non-transplant anatomical donation organization registration likewise does not relieve a crematory establishment or individual licensee of duties imposed by Occupations Code Chapter 651, Health and Safety Code Chapter 716, or other applicable commission rules.

(6) Conduct attributable solely to a crematory establishment, funeral establishment, funeral director, or embalmer in that separately regulated capacity shall be enforced under the statutes and rules governing that license or establishment rather than classified as an anatomical violation under this section, unless the same respondent separately engages in conduct subject to Chapter 691 or this chapter.

(7) Separate enforcement actions may arise from the same occurrence when the evidence establishes separate violations by the willed body program, crematory establishment, funeral establishment, or individual licensee.

(8) For purposes of this section, a reference to the licensed funeral director required by §206.13(b) of this title includes a funeral director serving in a Funeral Director in Charge role when applicable, but the title or role does not alter the duties imposed on the willed body program by §206.13(b) of this title.

(i) Texas priority before out-of-state export.

(1) A willed body program shall give priority to the documented needs of authorized persons and anatomical facilities in this state, consistent with §691.030(b) and (c), Health and Safety Code, before requesting, arranging, or causing the export of a body or anatomical specimen to an out-of-state recipient.

(2) A willed body program may not export a body or anatomical specimen subject to §206.4(d) of this title unless the commission has granted written permission and determined that the supply of bodies or anatomical specimens in this state exceeds the need for bodies or anatomical specimens in this state and the applicable donor authorization permits out-of-state shipment.

(3) Before requesting export approval, a willed body program shall make a reasonable, documented determination of current Texas need. The program shall maintain records sufficient for the commission to evaluate that determination, including:

(A) pending requests from Texas authorized persons;

(B) the requesting entity, date of request, type and quantity of material requested, and intended authorized use;

(C) requests fulfilled, partially fulfilled, declined, or pending;

(D) the reason a request was not fulfilled, including donor-consent limitations, suitability, timing, specimen characteristics, or other documented incompatibility;

(E) bodies and anatomical specimens reasonably available for distribution; and

(F) the body or anatomical specimen proposed for export and the basis for treating that material as excess to Texas need.

(4) A willed body program may not represent a body or anatomical specimen as excess to Texas need when a pending bona fide request from an authorized person in this state could reasonably be satisfied by that material within the scope of donor consent, applicable suitability requirements, and the authorized use, unless the commission determines otherwise based on documented circumstances.

(5) For purposes of this subsection, Texas need includes lawful education, training, research, medical or forensic science, and research or development activities conducted in this state by an authorized person under §206.2 of this title, including eligible medical device, biotechnology, pharmaceutical, and other authorized research or training entities.

(6) A willed body program shall provide records concerning Texas demand, allocation, availability, and proposed export to the commission on request. It shall not conceal, omit, or materially misrepresent information relevant to the commission's determination under §206.4(d)(1)(B) of this title.

(7) This subsection does not impose the commission's distribution or export-approval requirements on a body or anatomical specimen donated directly to a registered non-transplant anatomical donation organization (NADO) to the extent Health and Safety Code §691.030(e) or another applicable statutory carve-out provides otherwise.

(j) Classification criteria. The commission shall classify a violation according to the protected interest affected, the seriousness of the conduct, and the circumstances of the case. The commission shall consider:

(1) impairment of the dignity or physical integrity of a body or anatomical specimen;

(2) impairment, disregard, or exceedance of consent for donation;

(3) impairment of the ability to identify, locate, reconcile, or establish the chain of custody of a body or anatomical specimen;

(4) impairment of the commission's ability to administer or oversee the anatomical donation system;

(5) whether the violation was remediable and whether corrective action was timely taken;

(6) whether the violation concealed, altered, or destroyed information necessary to identify, investigate, or evaluate the violation;

(7) whether the body or anatomical specimen remained identifiable, accounted for, and recoverable;

(8) the number of donors, bodies, anatomical specimens, transfers, or transactions affected;

(9) whether the conduct was isolated or constituted a pattern or practice;

(10) whether the conduct was intentional, knowing, reckless, negligent, or inadvertent; and

(11) prior warnings, corrective action plans, disciplinary actions, or commission orders addressing substantially similar conduct.

(k) Violation classes and penalty ranges. Violations are classified as follows. The entity or person identified in each item is the respondent to whom that violation applies.

(1) Class A--$100 to $750. Class A violations are primarily administrative and remediable and do not materially impair donor dignity, consent, or traceability. Class A violations include:

(A) Willed body program or non-transplant anatomical donation organization -- failure to timely file the yearly cadaver procurement and use report required by §206.4(f) of this title, when the entity received, directly or by transfer, and/or used a body during the reporting period.

(B) Anatomical facility -- failure to timely file the annual need or use report required by §206.4(f) of this title.

(C) Forensic science program described by Health and Safety Code §692A.011(a)(5) -- failure to submit the separate quarterly report required by §692A.011(c). The quarterly statutory report is distinct from any annual report that applies to the same program in another regulated capacity.

(D) Registered non-transplant anatomical donation organization -- failure to provide written notice of a qualifying export exempt from case-by-case approval under §206.4(d)(3) of this title before or at the time of shipment.

(E) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- failure to provide a required importation notice under §206.4(c) of this title, when the failure does not materially impair traceability and the material remains identified and accounted for.

(F) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- another substantially similar administrative failure that is timely correctable and does not materially impair consent, dignity, or traceability.

(2) Class B--$751 to $2,000. Class B violations materially impair documentation, recordkeeping, transport controls, or traceability, but the affected body or anatomical specimen remains identifiable and accounted for, and consent remains intact. Class B violations include:

(A) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person with custody -- failure to initiate, complete, sign, transfer, or retain the chain-of-custody form as required by §206.3 of this title, including failure to create a derived-specimen form when required.

(B) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person with custody -- failure to provide the original or a complete copy of the chain-of-custody form to the receiving party at the time custody changes, or failure to retain the required copy.

(C) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other person subject to §206.3 of this title -- failure to produce a chain-of-custody record not later than two business days after a written request by the commission or a district or county attorney.

(D) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person that causes or controls transportation -- failure to ensure the transport container is labeled as containing material derived from human tissue, securely closed, packaged to prevent leakage, and maintained at an appropriate interior temperature as required by §206.4(a) of this title.

(E) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person that causes or controls transportation -- use of a transport arrangement that materially increases the risk of loss of identification, custody documentation, leakage, decomposition, or unauthorized access, when the body or specimen remains identifiable and accounted for.

(F) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- failure to maintain required permanent identification or intake-to-disposition records when the body or specimen remains identifiable, and the deficiency can be reconciled.

(G) Anatomical entity with a Designated Responsible Individual requirement -- failure to ensure the Designated Responsible Individual is present when and where required by §206.1 and §206.2 of this title.

(H) Authorized Person receiving a transferred body or anatomical specimen -- failure to return the material for final disposition within the period required by §206.14(a)(1) of this title (relating to Disposition of the Body and Disposition of Remains), or within any period stated in the Commission's transfer approval under §206.5 of this title, absent an approved extension, when the material remains identified and accounted for.

(I) Willed body program -- failure to obtain, affix, maintain, or use a required Commission-issued whole-body or specimen tag, or failure to maintain the required Commission Entity Identifier, Commission Whole Body Identifier, or Commission Specimen Identifier, when the donor, body, or specimen remains reliably identifiable and the deficiency is fully reconcilable.

(J) Anatomical facility or other TFSC-authorized recipient -- failure to preserve or reconcile a required commission-issued identifier or tag received with a body or anatomical specimen, when the material remains reliably identifiable, and the deficiency is fully reconcilable.

(K) Willed body program or non-transplant anatomical donation organization that directly accepts donations within the state -- failure to employ or maintain a current valid contract with the Texas-licensed funeral director or Texas-licensed embalmer required by §206.13(b) of this title, when no acceptance or transportation of whole bodies or embalming procedure occurred during the period of noncompliance.

(L) Willed body program -- failure to maintain documentation sufficient to verify that a crematory establishment used for final disposition held the required license or authorization, when the crematory was in fact duly licensed, and no unauthorized disposition occurred.

(M) Willed body program -- failure to maintain complete and reasonably current records of Texas requests, allocations, availability, and the basis for an excess-supply determination as required by subsection (i) of this section, when no out-of-state export occurred, and the deficiency is remediable.

(3) Class C--$2,001 to $3,500. Class C violations materially impair consent, lawful custody, transfer authorization, or traceability, or constitute a significant dignity violation that does not rise to Class D. Class C violations include:

(A) Willed body program, anatomical facility, or other Authorized Person for whom commission transfer approval is required -- transfer of a body or anatomical specimen without approval under §206.5 of this title, or transfer to a recipient that is not an approved willed body program, registered non-transplant anatomical donation organization, or Authorized Person for use at an approved anatomical facility.

(B) Willed body program, anatomical facility, or other Authorized Person -- export of a body or anatomical specimen without written commission approval when approval is required by §206.4(d) of this title. This paragraph does not apply to a qualifying NADO export governed by §206.4(d)(3) of this title.

(C) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- removal or relocation of a body or anatomical specimen from designated premises without written permission when required by §206.4(e) of this title.

(D) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- acceptance of a body or anatomical specimen without documentation sufficient to establish lawful donation, consent, source, and custody, when the deficiency materially impairs the ability to establish lawful authority but no knowing use outside consent has occurred.

(E) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- use or activity at a location not approved by the commission for that activity.

(F) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person that causes or controls transport -- transport in a manner that unnecessarily exposes a body or anatomical specimen to public view. For purposes of this paragraph, unnecessary public display includes exposing uncovered or visibly identifiable human remains to persons not involved in the authorized transport or activity, except for the minimum exposure reasonably necessary for secure loading, unloading, emergency response, or another lawful operational need.

(G) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person that causes or controls transport -- transport resulting in leakage, decomposition, offensive odor, unsecured access, or other preventable condition that materially compromises dignified handling but does not result in direct physical injury, loss, or unreconciled custody.

(H) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- failure to maintain traceability to the extent the body or anatomical specimen cannot be reliably reconciled, but there is no evidence of knowing diversion or use outside consent.

(I) TFSC-regulated or TFSC-authorized anatomical entity -- acceptance or use of an unclaimed body without records sufficient to establish lawful release and completion, when applicable, of the statutory identification, notice, next-of-kin, and claim prerequisites described in subsection (f) of this section.

(J) Willed body program or non-transplant anatomical donation organization -- failure to timely notify the commission of loss of accreditation when notice is required by Health and Safety Code §691.034(e).

(K) Willed body program -- use of a non-commission tagging machine, printer, encoder, or other system to create or assign a Commission Entity Identifier, Commission Whole Body Identifier, Commission Specimen Identifier, or tag in place of, as a substitute for, or represented as an official Commission-issued identifier or tag.

(L) Anatomical facility or other TFSC-authorized recipient -- creation or assignment of a substitute or purported commission identifier or tag for material required to retain a commission-issued identifier. This paragraph does not prohibit a separate internal tracking identifier that remains mapped to the commission-issued identifier.

(M) Willed body program or non-transplant anatomical donation organization that directly accepts whole body donations -- permitting acceptance or transport of a cadaver or anatomical specimen within this state without supervision by the Texas-licensed funeral director required by §206.13(b) of this title, or permitting embalming to be performed without the Texas-licensed embalmer required by §206.13(b) of this title.

(N) Willed body program -- releasing or delivering a donor to a crematory establishment for final disposition when the program knew or reasonably should have known that the crematory establishment was not separately licensed or otherwise authorized as required by applicable Texas law, but the evidence does not establish knowing participation in an unauthorized method of final disposition.

(O) Willed body program -- requesting or arranging an out-of-state export without first making and documenting the Texas-need assessment required by subsection (i) of this section.

(P) Willed body program -- seeking or obtaining export approval for a body or anatomical specimen while a pending bona fide request from a Texas authorized person could reasonably be satisfied by that material within donor-consent, suitability, timing, and authorized-use requirements, unless the commission approves the export based on documented circumstances.

(4) Class D--$3,501 to $5,000. Class D violations directly or substantially impair donor dignity, bodily integrity, consent, lawful custody, or the integrity of the anatomical donation system. Class D violations include:

(A) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- knowing use of a body or anatomical specimen outside the scope of the consent for donation.

(B) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- improper use of a body or anatomical specimen within the meaning of Health and Safety Code §691.034(c).

(C) Person or entity subject to TFSC anatomical jurisdiction -- operation of a willed body program or non-transplant anatomical donation organization without the registration required by Health and Safety Code §691.034(a).

(D) TFSC-regulated or TFSC-authorized anatomical entity -- knowing acceptance, use, transfer, or retention of a body or anatomical specimen after a valid revocation or refusal, or with knowledge that the donation or release was not legally authorized.

(E) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- knowing distribution or transfer to a person not authorized to receive or use the body or anatomical specimen under Health and Safety Code Chapter 691 and §206.2 of this title.

(F) TFSC-regulated or TFSC-authorized anatomical entity -- falsification, forgery, concealment, defacement, destruction, or knowing material alteration of a document of gift, consent record, revocation, refusal, chain-of-custody record, transfer record, identifier record, tag record, disposition record, or other material compliance record in connection with anatomical activity.

(G) Willed body program, anatomical facility, or other TFSC-authorized person -- counterfeiting, duplicating, knowingly altering, reassigning, exchanging, reusing, or affixing a Commission Entity Identifier, Commission Whole Body Identifier, Commission Specimen Identifier, or Commission-issued or purported Commission-issued tag to an entity, donor, body, or anatomical specimen other than the entity, donor, body, or specimen to which the identifier was assigned.

(H) Willed body program, anatomical facility, or other TFSC-authorized person -- removing, destroying, concealing, or replacing a required commission-issued identifier or tag with intent to conceal identity, custody, origin, use, transfer, or disposition.

(I) TFSC-regulated or TFSC-authorized anatomical entity -- sale or purchase of a body or part in violation of §206.2(f)(2) of this title. Conduct by a person outside TFSC anatomical jurisdiction is addressed through referral under subsection (o) of this section rather than classified as an administrative violation under this schedule.

(J) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person that causes or controls transport -- transport or handling that results in preventable direct physical damage to remains, loss or unreconciled custody of a body or specimen, or exposure of remains in a manner that substantially compromises dignity or physical integrity.

(K) TFSC-regulated or TFSC-authorized anatomical entity -- knowing acceptance or use of an unclaimed body when the entity knows that required legal authority, identification efforts, next-of-kin efforts, claim rights, or a valid refusal were disregarded.

(L) Willed body program, non-transplant anatomical donation organization, anatomical facility, or other Authorized Person -- actual disposition, or knowingly causing or permitting disposition, of a body or anatomical specimen by a method not authorized as a method of final disposition under applicable Texas law and commission rule in effect on the date of the conduct.

(M) Willed body program -- knowingly directing, releasing, or delivering a donor to an unlicensed or unauthorized crematory establishment for final disposition.

(N) Willed body program -- knowingly directing, authorizing, participating in, or permitting a crematory establishment or other disposition provider to use a method of final disposition that is not authorized by applicable Texas law or commission rule.

(O) Willed body program -- knowingly exporting, causing the export of, or releasing for export a body or anatomical specimen after the commission has denied export approval or determined that the material is needed to meet Texas demand.

(P) Willed body program -- knowingly concealing, falsifying, omitting, or materially misrepresenting a pending Texas request, available inventory, allocation decision, or other material fact for the purpose of obtaining or facilitating out-of-state export approval.

(l) Aggravating and mitigating factors. In determining the amount of an administrative penalty or the appropriate sanction within the applicable class, the commission may consider:

(1) the seriousness and duration of the violation;

(2) the threat the violation poses to health and safety;

(3) the respondent's history of previous violations;

(4) the amount necessary to deter a future violation;

(5) whether the conduct was intentional, knowing, reckless, negligent, or inadvertent;

(6) efforts to correct, stop, mitigate, or voluntarily disclose the violation;

(7) the number of donors, bodies, or anatomical specimens affected;

(8) whether chain-of-custody, identification, tagging, disposition, Texas-demand, allocation, availability, or export records or information were impaired, altered, concealed, falsified, materially omitted, or destroyed;

(9) whether the affected body or anatomical specimen was ultimately identified, located, reconciled, and lawfully disposed of;

(10) whether the conduct occurred after a prior warning, corrective action plan, disciplinary action, or commission order involving substantially similar conduct;

(11) whether the respondent failed to verify or knowingly disregarded the license or authorization status of a crematory establishment or other disposition provider; and

(12) any other factor relevant to the seriousness of the violation and the protection of donors, regulated entities, and the public.

(m) Multiple and continuing violations.

(1) Separate violations may be assessed for separate donors, bodies, anatomical specimens, identifiers or tags, transfers, uses, dispositions, or other distinct acts or omissions when supported by the facts and applicable law.

(2) A continuing violation accrues as provided by §206.1 of this title. In determining an appropriate penalty for a continuing violation, the commission may consider whether assessment for each day would be proportionate to the seriousness and duration of the underlying conduct.

(n) Corrective action, suspension, and revocation.

(1) The commission may require a corrective action plan in addition to or in place of another sanction when authorized by law.

(2) A corrective action plan may require record correction or supplementation, chain-of-custody or inventory reconciliation, iden-

tifier or tag reconciliation, enhanced tracking procedures, verification of disposition-provider licensure, documentation of compliance with §206.13(b) of this title, staff training, revision of policies or procedures, additional reporting, increased inspection or monitoring, restriction of particular activities, surrender or discontinuation of unauthorized tagging equipment or systems, cessation of an unauthorized disposition method, or other measures reasonably necessary to restore compliance and prevent recurrence.

(3) Nothing in this section limits the commission's authority under Health and Safety Code §691.034 to suspend or revoke an authorization when the commission determines that a body or anatomical specimen has been improperly used.

(4) A person or institution entitled to a hearing under Health and Safety Code §691.034(d) retains that right regardless of the violation classification assigned under this section.

(o) Referral outside the commission.

(1) Conduct by an organ procurement organization, hospital, registry administrator, or other person outside the commission's anatomical jurisdiction is not converted into an administrative violation by this section. When information indicates a possible violation of law by such a person, the commission may refer the matter to the governmental entity having jurisdiction.

(2) The commission may refer evidence of intentional falsification or destruction of records, unlawful financial gain, prohibited sale or purchase, physical treatment of remains outside lawful authority, knowing unregistered operation, unlicensed crematory operation, counterfeit or fraudulent commission identifiers or tags, unauthorized methods of final disposition, or other potentially criminal conduct to an appropriate prosecuting attorney or law-enforcement agency.

(3) Referral does not prohibit the commission from proceeding with an administrative investigation or enforcement action against a TFSC-regulated respondent to the extent authorized by law.

(p) Procedure and implementation.

(1) An enforcement action under this section is subject to applicable commission rules governing investigation, notice, settlement, hearings, and disciplinary proceedings and to Government Code Chapter 2001. The State Office of Administrative Hearings is designated by the commission as its hearings examiner under Health and Safety Code §691.034(d).

(2) A respondent must receive notice of the alleged conduct, the statute, rule, or order alleged to have been violated, and the proposed penalty or sanction.

(3) The classifications and ranges in this section are guidelines intended to promote consistent enforcement and do not eliminate individualized consideration of the facts and circumstances of a case.

(4) Violations based on duties created by §206.3 of this title may be charged only for conduct occurring on or after October 6, 2026.

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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Maria Haynes
Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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22 TAC §206.11

The Texas Funeral Service Commission (Commission) proposes new §206.11, relating to Coordination with Organ Procurement Organizations, Eye Banks, and Tissue Banks, in Title 22, Texas Administrative Code (TAC), Chapter 206, Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

BACKGROUND AND PURPOSE. Organ procurement organizations, eye banks, and tissue banks recover organs, eyes, and tissue for transplantation under Health and Safety Code Chapter 692A and federal law. They also receive anatomical gifts for research and education, including gifts of whole bodies. Health and Safety Code §692A.011(a)(4) requires that an eye bank's or tissue bank's use of a gift of a whole body be coordinated through the Commission. No Commission rule currently states when a body or anatomical specimen transferred by one of these organizations for a non-transplant purpose enters the Commission's Chapter 691 jurisdiction, who may receive it, or what documentation must accompany it.

The proposed new section fills that gap. It provides that only a registered willed body program or a registered non-transplant anatomical donation organization may accept custody of a body or anatomical specimen directly from an organ procurement organization, eye bank, or tissue bank. An anatomical facility or other authorized person may receive such material only by transfer from one of those receiving entities. The section establishes the documentation the receiving entity must obtain before accepting custody, requires identification and entry into the Commission-designated electronic system, and applies the Commission's existing chain-of-custody, importation, reporting, and disposition rules to the material. The section regulates only Commission-authorized persons. It does not regulate organ procurement organizations, eye banks, or tissue banks, and it does not apply to the recovery, screening, testing, storage, or allocation of organs, eyes, or tissue for transplantation.

SECTION-BY-SECTION SUMMARY. Subsection (a) states the purpose of the section, defines terms, and provides that the section imposes obligations only on authorized persons. Subsection (b) states when the section applies and excludes transplant activities. It also excludes an organization that is itself registered as a non-transplant anatomical donation organization. Subsection (c) limits direct receipt to registered willed body programs and registered non-transplant anatomical donation organizations. Subsection (d) addresses transfer approval, including standing approvals for willed body programs. Subsection (e) specifies the documentation required before acceptance. Subsection (f) addresses identification, chain of custody, and electronic entry. Subsection (g) addresses importation. Subsection (h) addresses records and reporting, and subsection (i) addresses final disposition. Subsection (j) provides that responsibility is not transferred. Subsection (k) addresses forms and electronic submission. Subsection (l) delays enforcement of subsection (f) until the identifier nomenclature is published.

FISCAL NOTE. Maria Haynes, Executive Director of the Texas Funeral Service Commission, has determined that for each year of the first five years the proposal is in effect: there are no estimated additional costs or reductions in costs to the state or to local governments as a result of enforcing or administering the proposed section, which will be administered by existing staff within existing appropriations; and there is no estimated increase or loss in revenue to the state or to local governments as a result of enforcing or administering the proposed section. The proposed section does not establish a fee.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of the proposal will be a defined and documented pathway for bodies and anatomical specimens that enter the non-transplant anatomical system from organ procurement organizations, eye banks, and tissue banks, preserving donor authorization, source documentation, identification, chain of custody, and accountability for final disposition, without regulating transplant activities.

Ms. Haynes has determined that for each year of the first five years the proposal is in effect, the probable economic cost to a willed body program or non-transplant anatomical donation organization that receives material under the section is limited to the staff time needed to obtain and retain the documentation required by subsection (e) and to make the electronic entry required by subsection (f). That time is expected to be minimal because organ procurement organizations, eye banks, and tissue banks already maintain the required information. An anatomical facility that now receives bodies or anatomical specimens directly from an organ procurement organization, eye bank, or tissue bank would instead receive them by transfer from a registered willed body program or non-transplant anatomical donation organization under subsection (c)(2). The Commission has identified none which receive specimens directly through a search of its transfer records.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposal will not affect a local economy. A local employment impact statement under Texas Government Code §2001.022 is therefore not required.

ECONOMIC IMPACT ON SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposal will not have an adverse economic effect on small businesses, micro-businesses, or rural communities. The entities that receive material directly under the proposal are willed body programs, which are operated by institutions of higher education, and the six registered non-transplant anatomical donation organizations, none of which is a small business. The proposal does not regulate organ procurement organizations, eye banks, or tissue banks. [Confirm: no anatomical facility that is a small business currently receives bodies or anatomical specimens directly from an organ procurement organization, eye bank, or tissue bank. If any does, subsection (c)(2) may have an adverse economic effect, and an economic impact statement and regulatory flexibility analysis under Texas Government Code §2006.002 are required.] An economic impact statement and regulatory flexibility analysis are therefore not required.

COST INCREASE TO REGULATED PERSONS (ONE-FOR-ONE RULE). Texas Government Code §2001.0045 does not apply to the proposal. The proposal is necessary to protect the health, safety, and welfare of the residents of this state (§2001.0045(c)(6)), and it is necessary to implement legislation, including Health and Safety Code §692A.011(a)(4) as amended by Senate Bill 2040 (§2001.0045(c)(9)).

GOVERNMENT GROWTH IMPACT STATEMENT. Under Texas Government Code §2001.0221, the Commission provides the following government growth impact statement. For each year of the first five years the proposal would be in effect, the Commission has determined that:

(1) the proposal does not create or eliminate a government program;

(2) implementation of the proposal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposal does not require an increase or decrease in fees paid to the agency;

(5) the proposal creates a new regulation governing bodies and anatomical specimens that enter the Commission's jurisdiction from organ procurement organizations, eye banks, and tissue banks;

(6) the proposal limits existing regulation by restricting direct receipt of such material to registered willed body programs and non-transplant anatomical donation organizations, and does not otherwise expand or repeal an existing regulation;

(7) the proposal does not increase or decrease the number of individuals subject to the rule's applicability; and

(8) the proposal does not positively or adversely affect this state's economy.

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

PUBLIC COMMENT AND REQUEST FOR COST, BENEFIT, AND EFFECT INFORMATION. The Commission requests comments on the proposed rule from any interested person. The Commission also requests information related to the cost, benefit, or effect of the proposed rule, including any applicable data, research, or analysis, from any person required to comply with the proposed rule or any other interested person. Information submitted in response to this request should explain how and why it is specific to the proposed rule. Please do not submit copyrighted, confidential, or proprietary information.

Comments and information may be submitted by email to legal@tfsc.texas.gov or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. Comments must be received no later than 30 days after the date of publication of this proposal in the *Texas Register*.

STATUTORY AUTHORITY. The new section is proposed under Texas Health and Safety Code §691.022(b), which requires the Commission to "adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the commission or person authorized to receive the body or specimen"; §691.022(c), which requires the Commission to

adopt rules necessary to administer and enforce Chapter 691; §691.029, which provides that the Commission "may receive, distribute, and transfer a body or anatomical specimen from inside or outside this state"; §691.030(a), which governs the Commission's distribution of bodies; §691.031(a), which requires the Commission to adopt rules governing transportation and chain of custody; §691.033, which governs the use of and records for bodies and anatomical specimens; §691.034, which governs registration, inspection, and investigation; Health and Safety Code §692A.011(a)(4), which provides that an eye bank's or tissue bank's "use of a gift of a whole body must be coordinated through the Texas Funeral Service Commission"; and Texas Occupations Code §651.005.

The proposal affects Texas Health and Safety Code Chapters 691 and 692A and Texas Occupations Code Chapter 651.

The legislation that enacted the statutory authority under which the new section is proposed is Senate Bill 2040, 88th Legislature, Regular Session (2023).

Statutory Authority: Health and Safety Code §§691.022(b), (c), 691.029, 691.030, 691.031, 691.033, 691.034, 692A.011; Occupations Code §651.005. Cross-reference to Statute: Health and Safety Code Chapters 691 and 692A; Occupations Code Chapter 651.

§206.11. Coordination with Organ Procurement Organizations, Eye Banks, and Tissue Banks.

(a) Purpose and definitions.

(1) This section governs the receipt, identification, transfer, use, and final disposition of a whole body or anatomical specimen derived therefrom that an organ procurement organization, eye bank, or tissue bank accepts and transfers into the commission's jurisdiction, pursuant to Health and Safety Code §692A.011(a)(4), for research, education, or another purpose authorized under Health and Safety Code Chapter 691, as described by §206.1(b)(5) of this title (relating to Scope and Definitions). This section imposes obligations only on authorized persons. Nothing in this section regulates an organ procurement organization, eye bank, or tissue bank or requires an organ procurement organization, eye bank, or tissue bank to register with or obtain an authorization from the commission.

(2) In this section, "organ procurement organization," "eye bank," and "tissue bank" have the meanings assigned in Health and Safety Code §692A.002.

(3) In this section, "receiving entity" means the registered willed body program or registered non-transplant anatomical donation organization that accepts custody of a body or anatomical specimen from an organ procurement organization, eye bank, or tissue bank under subsection (c) of this section.

(b) Application.

(1) This section applies to a body or anatomical specimen from the time a receiving entity accepts custody of it from an organ procurement organization, eye bank, or tissue bank.

(2) Consistent with §206.1(b)(5) of this title, this section does not apply to the recovery, screening, testing, storage, or allocation of an organ, an eye, or tissue for transplantation into a living individual. A body or anatomical specimen that was recovered or evaluated for transplantation and is later transferred to a receiving entity for a purpose authorized under Health and Safety Code Chapter 691 is subject to this section from the time the receiving entity accepts custody.

(3) If an organ procurement organization, eye bank, or tissue bank is registered with the commission under Health and Safety Code §691.034 as a non-transplant anatomical donation organization, a body or anatomical specimen enters the commission's jurisdiction when the organization receives it in that capacity, and §206.3 of this title (relating to Chain of Custody), not this section, governs its identification. This section applies only to a transfer from an organ procurement organization, eye bank, or tissue bank that is not so registered.

(c) Points of entry.

(1) Only a registered willed body program or a registered non-transplant anatomical donation organization may accept custody of a body or anatomical specimen directly from an organ procurement organization, eye bank, or tissue bank.

(2) An anatomical facility or other authorized person may not accept custody of a whole body or anatomical specimens derived from whole bodies directly from an organ procurement organization, eye bank, or tissue bank. An anatomical facility or other authorized person may receive a body or anatomical specimen that originated with an organ procurement organization, eye bank, or tissue bank only by transfer from a receiving entity under §206.5 of this title (relating to Transfer of Bodies or Anatomical Specimens), documented under §206.3 of this title. This section does not restrict an organ procurement organization, eye bank, or tissue bank's own research or educational use under Health and Safety Code §692A.011(a)(1).

(3) Acceptance of custody in violation of paragraph (2) of this subsection is a violation of this chapter, is not an authorized activity under §206.2 of this title (relating to Authorized Activities), and is not within the safe harbor of §206.2(e) of this title.

(d) Authorization to receive; relationship to §206.5 of this title.

(1) Acceptance of custody by a receiving entity is a transfer, as defined in §206.1(c) of this title, and is subject to §206.5 of this title except as provided by this subsection.

(2) A registered non-transplant anatomical donation organization is a donee of the body or anatomical specimen under Health and Safety Code §692A.011(a)(8) and (b). Consistent with §206.5(c)(2) of this title, the approval requirement of §206.5(b) of this title does not apply to its acceptance of custody from an organ procurement organization, eye bank, or tissue bank. The organization shall document the receipt as provided by §206.3 of this title and this section.

(3) Acceptance of custody by a registered willed body program is subject to approval under §206.5(b) of this title. The executive director or the executive director's designee may grant a willed body program a standing approval to receive bodies or anatomical specimens from one or more named organ procurement organizations, eye banks, or tissue banks for the purposes stated in the approval, conditioned on compliance with this section. A standing approval may be conditional, limited in duration, or revoked. A request for a standing approval shall be made or approved in writing by a Designated Responsible Individual of the willed body program.

(4) The commission's approval under paragraph (3) of this subsection and its assignment of identifiers under subsection (f) of this section constitute the commission's receipt and distribution of the body or anatomical specimen to the willed body program under Health and Safety Code §§691.029 and 691.030(a)(1). A body or anatomical specimen received in compliance with this section is a body or anatomical specimen distributed under Health and Safety Code Chapter 691 for purposes of Health and Safety Code §691.033(a).

(e) Acceptance; documentation required.

(1) A Designated Responsible Individual of the receiving entity shall approve acceptance of each body or anatomical specimen in

writing. That approval satisfies §206.2(g) of this title as to the receiving entity.

(2) Before accepting custody, the receiving entity shall obtain documentation sufficient to establish:

(A) the identity of the donor;

(B) the consent for donation under which the body or anatomical specimen was donated, by a copy of the document of gift or of the record of authorization made under Health and Safety Code §§692A.009 and 692A.010, or by a written attestation of the organ procurement organization, eye bank, or tissue bank identifying that document or record;

(C) that the consent for donation permits use of the body or anatomical specimen for research or education under Health and Safety Code §692A.011, and any restriction on that use;

(D) the name of the transferring organ procurement organization, eye bank, or tissue bank and the donor identification number or other unique reference it assigned to the donor;

(E) a description of the body or anatomical specimen transferred;

(F) a description of any organ, eye, or tissue previously recovered from the donor, to the extent reasonably necessary to identify the material received and maintain an accurate chain of custody. This subparagraph does not require disclosure of information identifying a transplant recipient;

(G) the date and time custody is transferred; and

(H) any instruction of the donor or the donor's agent regarding use or final disposition of the body or anatomical specimen.

(3) The receiving entity shall retain the documentation required by this subsection with the chain-of-custody form for the period required by §206.3(h) of this title and shall make it available for inspection as provided by §206.3(j) of this title.

(f) Identification and chain of custody.

(1) For purposes of §206.3(d)(1) of this title, the receiving entity is the entity that first acquires the body or anatomical specimen under Health and Safety Code Chapter 691 and shall initiate the chain-of-custody form by completing Section A (Header) at the time custody is accepted, identifying the organ procurement organization, eye bank, or tissue bank as the transferring party and recording any donor identification number or other unique reference assigned to a donor by an organ procurement organization, eye bank, or tissue bank.

(2) Not later than the second business day after the date custody is accepted, the receiving entity shall enter the body or anatomical specimen into the Commission-designated electronic system.

(3) A whole body or anatomical specimen received under this section shall be tagged or labeled using Commission-issued identifiers and tags as defined in new §206.1(14) - (15). If the entity is a non-transplant anatomical donation organization, any internal identifier entered in the commission-designated electronic system satisfies the requirements of §206.3 of this title.

(g) Importation. A transfer from an organ procurement organization, eye bank, or tissue bank located outside this state to a receiving entity is an importation subject to §206.4(c) of this title (relating to Transport, Importation and Exportation of Bodies). The submission required by subsection (f)(2) of this section satisfies the notification requirement of §206.4(c) of this title if made within the time that subsection requires. The return of a body or anatomical specimen to the same out-of-state organ procurement organization, eye bank, or tissue bank from which it was received, on completion of the authorized activity, is governed by §206.4(d)(4) of this title.

(h) Records and reporting.

(1) The receiving entity shall keep a permanent record of each body or anatomical specimen received under this section that is sufficient to identify the body or anatomical specimen, tracks it from intake to final disposition, and is available for inspection by the commission or the commission's representative. The policies and procedures required by §206.12(c)(4)(D) of this title (relating to Registration Application and Inspection Required) must address bodies and anatomical specimens received under this section.

(2) The receiving entity shall include bodies and anatomical specimens received under this section in the report required by §206.4(f) of this title.

(i) Final disposition.

(1) Final disposition of a body or anatomical specimen received under this section is subject to §206.14 of this title (relating to Disposition of the Body and Disposition of Remains) and to any instruction documented under subsection (e)(2)(H) of this section.

(2) The receiving entity is an authorized entity described by §206.14(a)(2) of this title with respect to a body or anatomical specimen received under this section. In lieu of disposition under §206.14(a)(2) of this title, the receiving entity may return the body or anatomical specimen to the organ procurement organization, eye bank, or tissue bank if the organization or bank has agreed in writing to accept its return and to provide for final disposition consistent with the consent for donation.

(3) An authorized entity that receives a body or anatomical specimen originating with an organ procurement organization, eye bank, or tissue bank by transfer from a receiving entity shall, on completion of use, return it to the receiving entity as provided by §206.14(a)(1) of this title.

(j) Responsibility not transferred. This section does not exempt any person from any requirement of this chapter on account of the source of a body or anatomical specimen. A person that receives a body or anatomical specimen that originated with an organ procurement organization, eye bank, or tissue bank remains subject to every requirement of this chapter applicable to that person, including registration or authorization under §206.12 of this title, chain of custody under §206.3 of this title, transport and importation under §206.4 of this title, recordkeeping and reporting, inspection as authorized by Health and Safety Code §691.034, and disposition under §206.14 of this title.

(k) Forms; electronic submission. Information required by this section shall be submitted through the Commission-designated electronic system. The commission may prescribe forms and an alternative method of submission for use when the system is unavailable.

(l) Implementation. The commission will not enforce subsection (f) of this section before the later of the 30th day after the effective date of this section or the date the commission publishes the identifier nomenclature under §206.3(m) of this title.

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

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Executive Director
Texas Funeral Service Commission
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22 TAC §206.13

The Texas Funeral Service Commission (Commission) proposes the repeal of §206.13, relating to Standards for Facilities, in Title 22, Texas Administrative Code (TAC), Chapter 206, Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

BACKGROUND AND PURPOSE. Existing §206.13 was last amended in 2019 and was transferred to Chapter 206 from former 25 TAC §479.3 effective June 15, 2025. It sets general health, technical-support, safety, and public-welfare standards for facilities. It does not establish standards specific to temporary or mobile settings, other than a limited allowance for field use by search organizations and forensic science programs.

SECTION-BY-SECTION SUMMARY. The repeal removes existing §206.13, Standards for Facilities. In new §206.13, subsection (a) establishes the section's applicability and general standards for anatomical use areas, storage, preparation, embalming, sanitation and personal protective equipment, complaint notices, sharps and regulated waste, preservation, emergency preparedness, receipt and removal, and compliance with other law. Subsection (b) addresses professional oversight of donor care and embalming. Subsection (c) establishes safety and environmental standards. Subsection (d) addresses visibility, access, security, dignity, prohibited display, and photography and recording. Subsection (e) establishes the temporary anatomical use framework, including prior authorization, application timing and content, responsibility and custody, site compliance, storage, transportation and receipt, mobile laboratories, inspection, end-of-event reconciliation, venue acknowledgment, and records.

FISCAL NOTE. Maria Haynes, Executive Director of the Texas Funeral Service Commission, has determined that for each year of the first five years the proposal is in effect: the Commission anticipates that review of temporary anatomical use applications and related inspections will be performed by existing staff within existing appropriations, and there are no estimated additional costs or reductions in costs to the state or to local governments as a result of enforcing or administering the proposal. The Commission's Legislative Appropriations Request for fiscal years 2028-2029 seeks additional statewide travel funding for inspection activities generally; implementation of this proposal does not depend on that request; and there is no estimated increase or loss in revenue to the state or to local governments as a result of enforcing or administering the proposal. The proposal does not establish a fee. Any fee for an application or inspection must be established separately by rule under Health and Safety Code §691.012, and no such fee is proposed in this rulemaking.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of the proposal will be consistent minimum protections for health, safety, donor dignity, security, preservation, and chain of custody wherever anatomical material is used, together with flexibility for temporary and mobile settings to demonstrate substantially equivalent protection.

Ms. Haynes has determined that for each year of the first five years the proposal is in effect, the probable economic costs to persons required to comply with the proposal are as follows. (1) A willed body program or non-transplant anatomical donation organization that directly accepts donated bodies and does not already employ or contract with a Texas-licensed funeral director and embalmer will incur an estimated $70,000 to $124,000 per year for those services. The embalmer component, approximately $80,000 per year, applies only to an organization that embalms; an organization that preserves bodies solely by refrigeration or freezing is not required to employ or contract with an embalmer (subsection (b)(2)). Willed body programs are already subject to this requirement under existing §206.13(b). (2) A person conducting temporary anatomical use will incur, to the extent it does not already do so, refrigeration costs of approximately $300 per day and personal protective equipment and sanitation costs of approximately $50 per attendee per day. For example, a two-day event with 20 attendees would incur approximately $600 in refrigeration costs and $2,000 in protective equipment and sanitation costs. Applications are generally prepared by existing employees, and the Commission does not anticipate additional out-of-pocket cost for application preparation. (3) An anatomical facility that complies with existing §206.13 and with applicable occupational-safety, waste, and fire requirements is expected to incur minimal additional cost, consisting primarily of staff time to prepare written emergency and contingency procedures and to post the complaint notice. New subsection (c)(1) replaces the existing requirement of seven air changes per hour with a performance standard, which may reduce costs for some facilities.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposal will not affect a local economy. A local employment impact statement under Texas Government Code §2001.022 is therefore not required.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposal may have an adverse economic effect on small businesses and micro-businesses, as defined by Texas Government Code §2006.001. The Commission therefore provides the following economic impact statement and regulatory flexibility analysis under Texas Government Code §2006.002.

Persons subject to the proposal. The proposal directly regulates three categories of persons that may include small businesses or micro-businesses: (1) non-transplant anatomical donation organizations that directly accept donated bodies in this state, which are subject to new subsection (b); (2) operators of anatomical facilities, including mobile anatomical laboratories, which are subject to subsections (a), (c), and (d); and (3) persons that conduct temporary anatomical use, which are subject to subsection (e). Willed body programs are operated by institutions of higher education and are not small businesses. A nonprofit or governmental entity is not a small business. A host venue is not regulated by the proposal (subsection (e)(3)(C)), and any effect on a host venue is indirect.

Estimated number of small businesses and micro-businesses. The Commission identified the regulated persons in each category from its registration and authorization records and evaluated whether each is organized for profit, independently owned and operated, and has fewer than 100 employees or less than $6 million in annual gross receipts. Six non-transplant anatomical donation organizations are registered with the

Commission; none is a small business or micro-business. One hundred eighty-six anatomical facilities are registered with the Commission; the Commission estimates that approximately 30 percent, or 56, are small businesses. The Commission does not maintain employee-count data sufficient to identify micro-businesses separately and, for purposes of this analysis, assumes that each of the 56 may be a micro-business. Approximately 400 temporary anatomical use events occur in this state each year, conducted by registered anatomical facilities and other authorized persons, including small businesses.

Rural communities. The proposal does not regulate municipalities. The Commission does not anticipate an adverse economic effect on any rural community, as defined by §2006.001(1-a).

Projected economic impact. Because no registered non-transplant anatomical donation organization is a small business or micro-business, and willed body programs are not small businesses, the professional-oversight requirement of subsection (b) is not expected to have an adverse economic effect on small businesses or micro-businesses. For anatomical facilities, subsections (a)(4) through (a)(7), (c)(2), and (d)(1) and (2) carry forward the substance of existing §206.13, and new subsection (c)(1) replaces a design requirement with a performance standard. The new requirements of subsections (a)(8) through (a)(13), (c)(5), and (d)(3) through (6) are expected to impose minimal additional cost on a facility that complies with existing §206.13 and with occupational-safety, waste, and fire requirements, consisting primarily of staff time to prepare written procedures. The principal cost to small businesses arises from subsection (e) when a small business conducts temporary anatomical use: refrigeration of approximately $300 per day and protective equipment and sanitation of approximately $50 per attendee per day, to the extent the business does not already incur those costs, together with the staff time of existing employees to prepare the application. These costs are incurred per event and do not decrease with the size of the operator, so they may fall more heavily on micro-businesses than on larger businesses.

Regulatory flexibility analysis. The Commission considered the following alternative methods of achieving the purpose of the proposal while reducing its adverse effect on small businesses and micro-businesses:

(1) Exempting small businesses and micro-businesses from all or part of the rule. Rejected. The standards protect donor dignity, worker and public health, and chain of custody, and those risks do not vary with the size of the operator. An exemption would not be consistent with the health, safety, and welfare of the state (§2006.002(c-1)).

(2) Using performance standards in place of design standards. Adopted. Subsection (c)(1) replaces the existing seven-air-changes-per-hour design requirement with a ventilation performance standard, and subsections (a)(2), (a)(3), (e)(7), and (e)(10)(B) allow a location to meet a requirement through temporary equipment, controls, or procedures that provide substantially equivalent protection, rather than through permanent infrastructure.

(3) Simplifying application requirements for repeat events at the same location, by allowing a person that conducts recurring events at a location for which the Commission has approved an application to incorporate the previously approved site diagram and procedures by reference. The Commission will consider this alternative at adoption and specifically invites comment on it.

(4) Establishing a delayed compliance date for small businesses and micro-businesses. Rejected. The requirement that would most benefit from a delayed compliance date is the professional-oversight requirement of subsection (b), and no non-transplant anatomical donation organization subject to it is a small business. For temporary anatomical use, a delayed compliance date would leave events without the standards the rule establishes, and the per-event costs are modest and scale with the size of the event.

(5) Taking no action. Rejected, because the existing section does not establish standards for temporary or mobile settings (other than limited field use by search organizations and forensic science programs), and the Commission's oversight of those settings depends on the authorization and reconciliation framework in subsection (e).

The Commission specifically invites comment on this economic impact statement and regulatory flexibility analysis, including data on the number of affected small businesses and micro-businesses and on compliance costs.

COST INCREASE TO REGULATED PERSONS (ONE-FOR-ONE RULE). The proposal may impose a cost on regulated persons. Texas Government Code §2001.0045 does not apply, because the proposal is necessary to protect the health, safety, and welfare of the residents of this state (§2001.0045(c)(6)).

GOVERNMENT GROWTH IMPACT STATEMENT. Under Texas Government Code §2001.0221, the Commission provides the following government growth impact statement. For each year of the first five years the proposal would be in effect, the Commission has determined that:

(1) the proposal does not create or eliminate a government program;

(2) implementation of the proposal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposal does not require an increase or decrease in fees paid to the agency;

(5) the proposal repeals an existing regulation and replaces it with a new regulation;

(6) the proposal expands the existing standards to cover mobile and temporary anatomical use locations and to require professional oversight of donor care and embalming;

(7) the proposal may increase the number of individuals subject to the rule's applicability, including persons conducting temporary anatomical use, but does not expand the statutory categories of persons regulated under Health and Safety Code Chapter 691; and

(8) the proposal is not anticipated to positively or adversely affect this state's economy.

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

PUBLIC COMMENT AND REQUEST FOR COST, BENEFIT, AND EFFECT INFORMATION. The Commission requests comments on the proposed rules from any interested person. The Commission also requests information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis, from any person required to comply with the proposed rules or any other interested person. Information submitted in response to this request should explain how and why it is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments and information may be submitted by email to legal@tfsc.texas.gov or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. Comments must be received no later than 30 days after the date of publication of this proposal in the *Texas Register.*

STATUTORY AUTHORITY.

The repeal is proposed under Texas Health and Safety Code §691.022(b), which requires the Commission to "adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the commission or person authorized to receive the body or specimen"; §691.022(c), which requires the Commission to adopt rules necessary to administer and enforce Chapter 691, "including rules establishing registration and inspection requirements and procedures"; §691.010(b), which requires the Commission by rule to establish methods by which service recipients can be notified of how to direct complaints to the Commission; §691.031(c), which requires that each body or anatomical specimen be transported "with the least possible public display"; §691.034(a-2), which requires the Commission to inspect and authorizes it to approve willed body programs and anatomical facilities for the receipt and use of bodies and anatomical specimens; §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer §691.034; and Texas Occupations Code §651.005.

The proposal affects Texas Health and Safety Code Chapter 691 and Texas Occupations Code Chapter 651.

The legislation that enacted the statutory authority under which the repeal and new section are proposed is Senate Bill 2040, 88th Legislature, Regular Session (2023).

Statutory Authority: Health and Safety Code §§691.010(b), 691.022(b), (c), 691.031(c), 691.034; Occupations Code §651.005. Cross-reference to Statute: Health and Safety Code Chapter 691; Occupations Code Chapter 651.

§206.13. Standards for Facilities.

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 12, 2026.

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Maria Haynes
Executive Director
Texas Funeral Service Commission
Earliest possible date of adoption: November 22, 2026
For further information, please call: (512) 936-2488

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22 TAC §206.13

The Texas Funeral Service Commission (Commission) proposes new §206.13, relating to Standards for Anatomical Facilities and Other Anatomical Use Locations, in Title 22, Texas Administrative Code (TAC), Chapter 206, Anatomical Facilities, Non-Transplant Anatomical Donation Organizations, and Willed Body Programs.

BACKGROUND AND PURPOSE. Existing §206.13 was last amended in 2019 and was transferred to Chapter 206 from former 25 TAC §479.3 effective June 15, 2025. It sets general health, technical-support, safety, and public-welfare standards for facilities. It does not establish standards specific to temporary or mobile settings, other than a limited allowance for field use by search organizations and forensic science programs. The Commission proposes to repeal the existing section and replace it with a new §206.13.

New §206.13 establishes health, safety, security, dignity, preservation, environmental-control, custody, inspection, and accountability standards for every location where anatomical material is present. The standards follow the body or anatomical specimen and apply according to the activity and setting, including permanent anatomical facilities, mobile anatomical laboratories, and temporary anatomical use locations. The new section carries forward the substance of the existing standards, permits temporary and mobile settings to demonstrate substantially equivalent protection, and establishes an application, authorization, inspection, venue-acknowledgment, reconciliation, and recordkeeping framework for temporary anatomical use. New subsection (b) requires a willed body program or non-transplant anatomical donation organization that directly accepts donated bodies in this state to employ or contract with a Texas-licensed funeral director for oversight of donor dignity, preservation, transportation, and handling, and requires that embalming subject to Occupations Code Chapter 651 be performed by a licensed embalmer.

SECTION-BY-SECTION SUMMARY. In new §206.13, subsection (a) establishes the section's applicability and general standards for anatomical use areas, storage, preparation, embalming, sanitation and personal protective equipment, complaint notices, sharps and regulated waste, preservation, emergency preparedness, receipt and removal, and compliance with other law. Subsection (b) addresses professional oversight of donor care and embalming. Subsection (c) establishes safety and environmental standards. Subsection (d) addresses visibility, access, security, dignity, prohibited display, and photography and recording. Subsection (e) establishes the temporary anatomical use framework, including prior authorization, application timing and content, responsibility and custody, site compliance, storage, transportation and receipt, mobile laboratories, inspection, end-of-event reconciliation, venue acknowledgment, and records.

FISCAL NOTE. Maria Haynes, Executive Director of the Texas Funeral Service Commission, has determined that for each year of the first five years the proposal is in effect: the Commission anticipates that review of temporary anatomical use applications and related inspections will be performed by existing staff within existing appropriations, and there are no estimated additional costs or reductions in costs to the state or to local governments as a result of enforcing or administering the proposal. The Commission's Legislative Appropriations Request for fiscal years 2028-2029 seeks additional statewide travel funding for inspection activities generally; implementation of this proposal does not depend on that request; and there is no estimated increase or loss in revenue to the state or to local governments as

a result of enforcing or administering the proposal. The proposal does not establish a fee. Any fee for an application or inspection must be established separately by rule under Health and Safety Code §691.012, and no such fee is proposed in this rulemaking.

PUBLIC BENEFIT AND COST NOTE. Ms. Haynes has also determined that for each year of the first five years the proposal is in effect, the public benefit anticipated as a result of the proposal will be consistent minimum protections for health, safety, donor dignity, security, preservation, and chain of custody wherever anatomical material is used, together with flexibility for temporary and mobile settings to demonstrate substantially equivalent protection.

Ms. Haynes has determined that for each year of the first five years the proposal is in effect, the probable economic costs to persons required to comply with the proposal are as follows. (1) A willed body program or non-transplant anatomical donation organization that directly accepts donated bodies and does not already employ or contract with a Texas-licensed funeral director and embalmer will incur an estimated $70,000 to $124,000 per year for those services. The embalmer component, approximately $80,000 per year, applies only to an organization that embalms; an organization that preserves bodies solely by refrigeration or freezing is not required to employ or contract with an embalmer (subsection (b)(2)). Willed body programs are already subject to this requirement under existing §206.13(b). (2) A person conducting temporary anatomical use will incur, to the extent it does not already do so, refrigeration costs of approximately $300 per day and personal protective equipment and sanitation costs of approximately $50 per attendee per day. For example, a two-day event with 20 attendees would incur approximately $600 in refrigeration costs and $2,000 in protective equipment and sanitation costs. Applications are generally prepared by existing employees, and the Commission does not anticipate additional out-of-pocket cost for application preparation. (3) An anatomical facility that complies with existing §206.13 and with applicable occupational-safety, waste, and fire requirements is expected to incur minimal additional cost, consisting primarily of staff time to prepare written emergency and contingency procedures and to post the complaint notice. New subsection (c)(1) replaces the existing requirement of seven air changes per hour with a performance standard, which may reduce costs for some facilities.

LOCAL EMPLOYMENT IMPACT STATEMENT. Ms. Haynes has determined that the proposal will not affect a local economy. A local employment impact statement under Texas Government Code §2001.022 is therefore not required.

ECONOMIC IMPACT STATEMENT AND REGULATORY FLEXIBILITY ANALYSIS FOR SMALL BUSINESSES, MICRO-BUSINESSES, AND RURAL COMMUNITIES. Ms. Haynes has determined that the proposal may have an adverse economic effect on small businesses and micro-businesses, as defined by Texas Government Code §2006.001. The Commission therefore provides the following economic impact statement and regulatory flexibility analysis under Texas Government Code §2006.002.

Persons subject to the proposal. The proposal directly regulates three categories of persons that may include small businesses or micro-businesses: (1) non-transplant anatomical donation organizations that directly accept donated bodies in this state, which are subject to new subsection (b); (2) operators of anatomical facilities, including mobile anatomical laboratories, which are subject to subsections (a), (c), and (d); and (3) persons that conduct temporary anatomical use, which are subject to subsection (e). Willed body programs are operated by institutions of higher education and are not small businesses. A nonprofit or governmental entity is not a small business. A host venue is not regulated by the proposal (subsection (e)(3)(C)), and any effect on a host venue is indirect.

Estimated number of small businesses and micro-businesses. The Commission identified the regulated persons in each category from its registration and authorization records and evaluated whether each is organized for profit, independently owned and operated, and has fewer than 100 employees or less than $6 million in annual gross receipts. Six non-transplant anatomical donation organizations are registered with the Commission; none is a small business or micro-business. One hundred eighty-six anatomical facilities are registered with the Commission; the Commission estimates that approximately 30 percent, or 56, are small businesses. The Commission does not maintain employee-count data sufficient to identify micro-businesses separately and, for purposes of this analysis, assumes that each of the 56 may be a micro-business. Approximately 400 temporary anatomical use events occur in this state each year, conducted by registered anatomical facilities and other authorized persons, including small businesses.

Rural communities. The proposal does not regulate municipalities. The Commission does not anticipate an adverse economic effect on any rural community, as defined by §2006.001(1-a).

Projected economic impact. Because no registered non-transplant anatomical donation organization is a small business or micro-business, and willed body programs are not small businesses, the professional-oversight requirement of subsection (b) is not expected to have an adverse economic effect on small businesses or micro-businesses. For anatomical facilities, subsections (a)(4) through (a)(7), (c)(2), and (d)(1) and (2) carry forward the substance of existing §206.13, and new subsection (c)(1) replaces a design requirement with a performance standard. The new requirements of subsections (a)(8) through (a)(13), (c)(5), and (d)(3) through (6) are expected to impose minimal additional cost on a facility that complies with existing §206.13 and with occupational-safety, waste, and fire requirements, consisting primarily of staff time to prepare written procedures. The principal cost to small businesses arises from subsection (e) when a small business conducts temporary anatomical use: refrigeration of approximately $300 per day and protective equipment and sanitation of approximately $50 per attendee per day, to the extent the business does not already incur those costs, together with the staff time of existing employees to prepare the application. These costs are incurred per event and do not decrease with the size of the operator, so they may fall more heavily on micro-businesses than on larger businesses.

Regulatory flexibility analysis. The Commission considered the following alternative methods of achieving the purpose of the proposal while reducing its adverse effect on small businesses and micro-businesses:

(1) Exempting small businesses and micro-businesses from all or part of the rule. Rejected. The standards protect donor dignity, worker and public health, and chain of custody, and those risks do not vary with the size of the operator. An exemption would not be consistent with the health, safety, and welfare of the state (§2006.002(c-1)).

(2) Using performance standards in place of design standards. Adopted. Subsection (c)(1) replaces the existing seven-air-changes-per-hour design requirement with a venti-

lation performance standard, and subsections (a)(2), (a)(3), (e)(7), and (e)(10)(B) allow a location to meet a requirement through temporary equipment, controls, or procedures that provide substantially equivalent protection, rather than through permanent infrastructure.

(3) Simplifying application requirements for repeat events at the same location, by allowing a person that conducts recurring events at a location for which the Commission has approved an application to incorporate the previously approved site diagram and procedures by reference. The Commission will consider this alternative at adoption and specifically invites comment on it.

(4) Establishing a delayed compliance date for small businesses and micro-businesses. Rejected. The requirement that would most benefit from a delayed compliance date is the professional-oversight requirement of subsection (b), and no non-transplant anatomical donation organization subject to it is a small business. For temporary anatomical use, a delayed compliance date would leave events without the standards the rule establishes, and the per-event costs are modest and scale with the size of the event.

(5) Taking no action. Rejected, because the existing section does not establish standards for temporary or mobile settings (other than limited field use by search organizations and forensic science programs), and the Commission's oversight of those settings depends on the authorization and reconciliation framework in subsection (e).

The Commission specifically invites comment on this economic impact statement and regulatory flexibility analysis, including data on the number of affected small businesses and micro-businesses and on compliance costs.

COST INCREASE TO REGULATED PERSONS (ONE-FOR-ONE RULE). The proposal may impose a cost on regulated persons. Texas Government Code §2001.0045 does not apply, because the proposal is necessary to protect the health, safety, and welfare of the residents of this state (§2001.0045(c)(6)).

GOVERNMENT GROWTH IMPACT STATEMENT. Under Texas Government Code §2001.0221, the Commission provides the following government growth impact statement. For each year of the first five years the proposal would be in effect, the Commission has determined that:

(1) the proposal does not create or eliminate a government program;

(2) implementation of the proposal does not require the creation of new employee positions or the elimination of existing employee positions;

(3) implementation of the proposal does not require an increase or decrease in future legislative appropriations to the agency;

(4) the proposal does not require an increase or decrease in fees paid to the agency;

(5) the proposal repeals an existing regulation and replaces it with a new regulation;

(6) the proposal expands the existing standards to cover mobile and temporary anatomical use locations and to require professional oversight of donor care and embalming;

(7) the proposal may increase the number of individuals subject to the rule's applicability, including persons conducting temporary anatomical use, but does not expand the statutory categories of persons regulated under Health and Safety Code Chapter 691; and

(8) the proposal is not anticipated to positively or adversely affect this state's economy.

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

PUBLIC COMMENT AND REQUEST FOR COST, BENEFIT, AND EFFECT INFORMATION. The Commission requests comments on the proposed rules from any interested person. The Commission also requests information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis, from any person required to comply with the proposed rules or any other interested person. Information submitted in response to this request should explain how and why it is specific to the proposed rules. Please do not submit copyrighted, confidential, or proprietary information.

Comments and information may be submitted by email to legal@tfsc.texas.gov or by mail to Maria Haynes, Executive Director, Texas Funeral Service Commission, 1801 Congress Avenue, Suite 11.800, Austin, Texas 78701. Comments must be received no later than 30 days after the date of publication of this proposal in the *Texas Register.*

STATUTORY AUTHORITY. The new section is proposed under Texas Health and Safety Code §691.022(b), which requires the Commission to "adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the commission or person authorized to receive the body or specimen"; §691.022(c), which requires the Commission to adopt rules necessary to administer and enforce Chapter 691, "including rules establishing registration and inspection requirements and procedures"; §691.010(b), which requires the Commission by rule to establish methods by which service recipients can be notified of how to direct complaints to the Commission; §691.031(c), which requires that each body or anatomical specimen be transported "with the least possible public display"; §691.034(a-2), which requires the Commission to inspect and authorizes it to approve willed body programs and anatomical facilities for the receipt and use of bodies and anatomical specimens; §691.034(g), which requires the Commission to adopt rules and procedures necessary to administer §691.034; and Texas Occupations Code §651.005.

The proposal affects Texas Health and Safety Code Chapter 691 and Texas Occupations Code Chapter 651.

The legislation that enacted the statutory authority under which the repeal and new section are proposed is Senate Bill 2040, 88th Legislature, Regular Session (2023).

Statutory Authority: Health and Safety Code §§691.010(b), 691.022(b), (c), 691.031(c), 691.034; Occupations Code §651.005. Cross-reference to Statute: Health and Safety Code Chapter 691; Occupations Code Chapter 651.

§206.13. Standards for Anatomical Facilities and Other Anatomical Use Locations.

(a) Applicability and general standards.

(1) Applicability. The standards in this section apply to any location in Texas in which a donated human body or anatomical specimen subject to Chapter 691, Health and Safety Code, is received, prepared, stored, held, dissected, manipulated, used for education, training, research, or demonstration, or otherwise present in connection with an activity regulated under this chapter. The applicable standards follow the donated human body or anatomical specimen regardless of whether the location is a permanent anatomical facility, temporary anatomical use location, mobile anatomical laboratory, hotel, convention center, conference facility, clinical or educational setting, or other location.

(2) Applicability of individual requirements. A person or entity subject to this section shall comply with the standards applicable to the nature of the anatomical material, the activity conducted, the preservation method, the duration of use, and the physical setting. A requirement that by its terms applies only to a particular activity, including preparation, embalming, storage, dissection, use of hazardous chemicals, or use of radiation, applies only when that activity occurs.

(3) Equivalent protection. A temporary anatomical use location may satisfy an applicable requirement through temporary equipment, controls, procedures, or other measures when the Commission determines that the measures provide protection substantially equivalent to that required for the same activity at a permanent purpose-built anatomical facility.

(4) Anatomical use areas. Dissection areas must be clean, well ventilated, and well lighted. Floors, tables, tanks, work surfaces, and other surfaces exposed to anatomical material must be maintained in a condition that permits effective cleaning and decontamination and, when appropriate to the activity, must be nonskid and resistant to leakage or absorption. The area must provide sufficient space for the activity to be conducted without compromising specimen integrity, participant safety, sanitation, or donor dignity.

(5) Storage facilities. Storage facilities must be conducive to long-term storage of bodies and conducive to the health of personnel who must work in the area. Storage facilities must be of sufficient size and capacity to safely accommodate the anatomical material reasonably anticipated for the location without undue crowding and must maintain preservation-appropriate temperature and environmental conditions.

(6) Preparation area. The preparation area must be clean, well ventilated, and well lighted. When preparation or embalming is performed, the area must contain the equipment, work surfaces, drainage or containment, ventilation, and sanitation controls appropriate to the procedure being performed. Construction and temporary protective measures must permit effective cleaning, containment, and decontamination.

(7) Embalming. The embalming formula shall be appropriate to the long-term preservation of cadavers and will not present a health hazard to persons dissecting. When embalming or other chemical preservation is performed or chemically preserved material is used, the person or entity responsible for the activity shall provide storage, ventilation, exposure controls, spill response, and other safeguards appropriate to the chemicals involved.

(8) Sanitation and personal protective equipment. Anatomical use areas must provide access to handwashing or an alternative sanitation method appropriate to the activity, appropriate personal protective equipment, and procedures and materials for spill containment, decontamination, and cleanup.

(9) Notice for Complaints. All anatomical facilities and other anatomical use locations shall post at the entrance to the facility a notice of the name, mailing address, and telephone number of the commission for the purpose of directing complaints to the commission. If the anatomical use location is a temporary facility located in a hotel, convention center, conference facility, or other location open to the public, the applicant must provide a copy of the notice to the front desk, information desk or other location where members of the public might make inquiry as to the anatomical use event.

(10) Sharps and regulated waste. The location must provide for the safe containment of sharps and for the segregation, containment, storage, transportation, and lawful disposition of biological, medical, chemical, and other regulated waste.

(11) Preservation. Fresh or fresh-frozen material must be maintained under temperature and storage conditions sufficient to preserve the material, control decomposition and odor, and protect health and safety. Refrigeration, freezers, insulated containers, validated cooling systems, or other appropriate equipment may be used when capable of maintaining required conditions for the period of use.

(12) Emergency preparedness. The location must maintain clear and usable emergency exits and evacuation routes and have procedures appropriate to the activity for loss of electrical service, failure of refrigeration or temperature-control equipment, ventilation failure, spill or container failure, fire or evacuation, inability to continue the activity, and secure relocation or return of anatomical material.

(13) Receipt and removal. The location must provide a secure method for receiving and removing anatomical material that minimizes public exposure and maintains required packaging, labeling, identity, and chain of custody.

(14) Other law. A person or entity subject to this section shall comply with other applicable federal, state, and local health, safety, fire, building, occupational, environmental, radiation, and waste requirements.

(b) Professional Oversight of Donor Care and Embalming.

(1) A willed body program or non-transplant anatomical donation organization that directly accepts donated human bodies within this state must employ or maintain a current valid contract with a funeral director licensed in Texas for professional oversight of donor dignity, preservation, transportation and handling. The oversight role is not the practice of funeral directing under Occupations Code, §651.001(7). The contractual relationship may not convey an ownership interest, as prohibited by Health and Safety Code, §691.034(f).

(2) Embalming of a body by arterial, cavity or hypodermic injection or direct application of chemical preservatives subject to Chapter 651, Occupations Code, by a willed body program or a non-transplant anatomical donation organization operating within the state, must be performed by a licensed embalmer, consistent with Occupations Code §651.251(b). Preservation solely by refrigeration and freezing does not require the employment or contracting with a licensed embalmer.

(c) Safety and environmental standards.

(1) Ventilation. Anatomical use, preparation, and storage areas must provide ventilation and environmental controls appropriate to the preservation method, chemicals present, number and type of bodies or anatomical specimens, size and configuration of the work area, duration of the activity, and procedure being performed. Ventilation and environmental controls must prevent unsafe accumulation or migration of odors, vapors, aerosols, fumes, or other contaminants into areas accessible to the public or unauthorized persons.

(2) Storage of hazardous chemicals. All hazardous chemicals shall be stored in a separate and approved facility or area. Explo-

sive or flammable chemicals must be properly stored. Chemical storage must also comply with applicable labeling, compatibility, access-control, and fire-safety requirements.

(3) Hazardous exposures. Chemicals, fumes, vapors, aerosols, fluids, and other hazards associated with anatomical activity must be controlled through ventilation, containment, appropriate storage, work practices, personal protective equipment, and other measures necessary to protect participants, workers, and the public.

(4) Radiation. If sources of radiation are utilized, the person or entity responsible for the activity shall comply with all applicable requirements of the Department of State Health Services under Chapter 401, Health and Safety Code.

(5) Power and equipment. Equipment necessary to maintain preservation, environmental control, security, or safe operation must be maintained in operable condition. When failure of equipment could compromise specimen integrity, safety, or security, an appropriate backup or contingency capability must be available.

(d) Public welfare, security, privacy, and dignity.

(1) Visibility. All areas where human bodies are handled must not be visible from the outside of the building or so located that the public has ready visibility of transport, preparation, or dissection in progress. Anatomical activity and the receipt, transport, preparation, storage, or removal of anatomical material must be arranged to prevent public sightlines and unnecessary public display.

(2) Accessibility. All areas used for receipt and preparation, storage, or dissection of human bodies must be inaccessible and inadmissible to the general public and all unauthorized personnel. All areas must have appropriate locks. Only personnel concerned with the preparation of cadavers should have access to storage and preparation areas. Storage areas should be securely locked at all times when bodies are not being placed in or removed from storage. Access to any anatomical use area, including a field location, must be restricted to individuals whose presence is reasonably necessary for the authorized activity while anatomical material is present.

(3) Security. Anatomical material must be secured whenever it is not under direct supervision and may not be left unattended in an unsecured room, hallway, loading area, vehicle, or other location accessible to unauthorized persons.

(4) Dignity. Anatomical material must be handled at all times with dignity and respect and with the least possible public display.

(5) Prohibited display. A donated human body or anatomical specimen may not be displayed as entertainment, spectacle, decoration, advertising, or for a purpose inconsistent with the donor's authorization and this chapter.

(6) Photography and recording. Photography, video recording, livestreaming, or other image capture involving anatomical material is restricted to non-identifiable subject matter and may occur only when authorized by the donor documentation applicable to the anatomical material, reasonably related to the authorized educational, training, scientific, or documentation purpose, and controlled to prevent unauthorized dissemination. This subsection does not prohibit recording by a fixed security system for facility security purposes; a security recording is not required to obscure identifying features, may not be used, sold, or distributed for any other purpose, and is subject to the treatment-with-respect standard adopted under §691.022(b), Health and Safety Code.

(e) Temporary anatomical use.

(1) Applicability. Temporary anatomical use, as defined in §206.1(33) of this chapter (relating to Scope and Definitions), may occur at a hotel or resort; convention or conference center; meeting or event facility; hospital or ambulatory surgical center; university, college, or other educational facility; physician office or clinical training site; corporate or commercial training facility; temporary surgical or bioskills laboratory; mobile anatomical laboratory; or another location approved by the Commission.

(2) This subsection does not apply when the anatomical activity occurs entirely within a currently registered and inspected anatomical facility at its approved location; the activity occurs entirely within a currently registered and inspected purpose-built mobile anatomical laboratory and no anatomical material is removed from that laboratory for use elsewhere at the host property; or no donated human body or anatomical specimen is physically present, including training conducted solely through synthetic models, computer-generated simulation, augmented reality, virtual reality, or other digital representation.

(3) Prior Commission authorization required.

(A) A person may not conduct temporary anatomical use unless the Commission has issued written authorization for the activity.

(B) Authorization applies only to the authorized person, event, dates, location, activity, and conditions identified in the Commission's approval; does not constitute registration of the host venue as a permanent anatomical facility; does not independently authorize the host venue to acquire, possess, transfer, distribute, use, dissect, or dispose of anatomical material; and may not be transferred to another person, host venue, or event.

(C) A hotel, convention center, conference facility, property owner, or other host venue does not become a regulated anatomical entity solely because it rents, licenses, or otherwise makes space available for an authorized anatomical activity, provided that the venue does not independently receive, possess, use, dissect, manipulate, transfer, or otherwise exercise custody or control over the anatomical material.

(D) A material change in the authorized person, location, dates, anatomical source, specimen type or quantity, preservation method, activity, storage arrangement, custody arrangement, responsible individual, or other condition material to approval must be reported to and approved by the Commission before implementation.

(4) Application and advance notice.

(A) An application for temporary anatomical use must be submitted to the Commission on a form prescribed by the Commission not later than 30 calendar days before the first date on which a donated human body or anatomical specimen will be present at the temporary location.

(B) The Commission may accept and approve an application submitted fewer than 30 calendar days before the proposed activity when the Commission determines that expedited review can be completed without compromising donor protection or regulatory oversight, the applicant demonstrates good cause for the late request, and sufficient information is available to determine compliance with this section.

(C) Expedited review is discretionary and does not create an entitlement to expedited approval.

(5) Application information. The applicant shall provide information sufficient for the Commission to evaluate the proposed activity, including:

(A) the name and contact information of the applicant or operator;

(B) the name, address, and contact information of the host venue;

(C) written acknowledgment and consent from an authorized representative of the host venue;

(D) the date and hours of the activity, including setup, receipt of anatomical material, overnight storage, and removal;

(E) a description of the education, training, research, demonstration, or other proposed activity;

(F) the identity of each willed body program or non-transplant anatomical donation organization supplying anatomical material;

(G) the number and general type of bodies or anatomical specimens anticipated;

(H) the preservation method applicable to the anatomical material;

(I) identification of the individual responsible on site for compliance with this chapter for the activity;

(J) identification of the individual or entity retaining custody of the anatomical material after the activity;

(K) a floor plan or site diagram identifying, as applicable, the anatomical work area, specimen receipt and loading location, storage areas, entrances and exits, access-controlled boundaries, handwashing or sanitation locations, waste and sharps collection areas, and any area in which anatomical material will be held overnight;

(L) the proposed method for maintaining appropriate temperature and preservation;

(M) security and access-control procedures;

(N) ventilation, environmental control, and chemical-exposure controls appropriate to the preservation method and procedure being performed;

(O) sanitation, decontamination, spill response, personal protective equipment, and bloodborne-pathogen procedures;

(P) procedures for sharps, biological waste, medical waste, and other regulated waste;

(Q) transportation and chain-of-custody arrangements;

(R) an emergency and contingency plan addressing, as applicable, loss of electrical service, failure of refrigeration or temperature-control equipment, ventilation failure, spill or container failure, fire or evacuation, inability to continue the scheduled activity, and secure relocation or return of anatomical material;

(S) the intended return, transfer, or final disposition of each donated human body or anatomical specimen after the activity; and

(T) other information reasonably required by the Commission to determine compliance with this chapter.

(6) Responsibility and custody.

(A) Each temporary anatomical use event must have an identified responsible individual present and available during anatomical activity.

(B) The applicant or operator is responsible for ensuring that the anatomical activity is conducted in accordance with the Commission's authorization and this chapter.

(C) A host venue does not become authorized to acquire or independently exercise custody over anatomical material solely by hosting the activity.

(D) Custody must remain with, or be transferred only among, persons or entities authorized to possess the donated human body or anatomical specimen under applicable law and this chapter.

(E) The supplying willed body program or non-transplant anatomical donation organization and any receiving authorized entity remain responsible for duties imposed upon them by this chapter notwithstanding the use of a third-party venue, event organizer, contractor, or other service provider.

(F) Contracting with another person does not relieve a regulated person or entity of a duty imposed by this chapter.

(7) Temporary-site compliance. Before anatomical material is received and throughout the period anatomical material remains on site, a temporary anatomical use location must comply with the applicable requirements of subsections (a) through (d) of this section. The Commission may approve temporary equipment, procedures, controls, or other measures that provide substantially equivalent protection to permanent infrastructure appropriate to the same activity.

(8) Storage and overnight custody.

(A) Anatomical material stored between sessions or overnight must be secured against unauthorized access, maintained under preservation-appropriate temperature and environmental conditions, protected from public view, and continuously accounted for through required chain-of-custody records.

(B) A guest room, ordinary hotel storage room, unmonitored loading dock, unlocked meeting room, or similar space may not be used for storage unless specifically included in the approved application and demonstrated to satisfy this section.

(9) Transportation and receipt.

(A) Transportation to and from a temporary anatomical use location must comply with §§206.3, 206.4, and 206.5 of this chapter (relating to Transport, Importation and Exportation of Bodies, relating to Transfer of Bodies or Anatomical Specimens, and relating to Fees) and other applicable provisions of this chapter.

(B) Anatomical material must be received through a controlled process that minimizes public exposure, maintains required packaging and labeling, documents transfer of custody, and verifies the identity and quantity of material received.

(C) Packaging must remain secured and leak-resistant during receipt, staging, and removal.

(10) Mobile anatomical laboratories.

(A) A mobile unit in which a donated human body or anatomical specimen is dissected, manipulated, stored, used for training, or otherwise subjected to anatomical activity is an anatomical-use space and is not merely a transportation vehicle.

(B) A mobile anatomical laboratory must provide safeguards substantially equivalent to those required under this section, including appropriate security, sanitation, ventilation, temperature control, power supply and backup or contingency capability, sharps and waste management, spill response, and access control.

(C) A registered and inspected purpose-built mobile anatomical laboratory may operate at a hotel, convention center, or other property without subjecting the adjoining host building to temporary anatomical use requirements if all anatomical activity remains within the approved mobile laboratory, anatomical material is not stored, staged, dissected, or otherwise used inside or adjacent to the host building and outside of the mobile anatomical laboratory, and any location notice required by the Commission is submitted.

(11) Inspection and Commission access.

(A) A temporary anatomical use location is subject to inspection by the Commission.

(B) The Commission may conduct pre-event document review; inspect the site after setup and before receipt or use of anatomical material; inspect while anatomical activity is underway; conduct an unannounced inspection at a reasonable time; require photographs, measurements, records, certifications, or other evidence of compliance; or require correction of a deficiency before anatomical activity begins or continues.

(C) Approval of an application based on submitted documents does not prevent the Commission from determining through inspection that the actual site fails to comply with this section. An application is not authorized by the Commission until the on-site inspection is completed and approved by the Executive Director or designee.

(D) The Commission may deny, condition, suspend, or withdraw an event authorization when required information is materially false or incomplete; the actual setup materially differs from the approved application; anatomical material cannot be maintained safely or securely; custody or specimen identity cannot be reliably established; the activity is inconsistent with donor authorization; continued activity presents a threat to health, safety, specimen integrity, donor dignity, or lawful disposition; or the applicant fails to comply with this chapter.

(E) The holder of a temporary anatomical use authorization is entitled to a hearing prior to revocation of such authorization pursuant to Health and Safety Code §691.034(d).

(12) End-of-event reconciliation.

(A) At the end of each event and before the temporary anatomical use authorization is considered complete, the responsible individual shall reconcile all anatomical material associated with the event.

(B) Reconciliation must establish for each donated human body or anatomical specimen the unique identifier; quantity and identity received; any division, alteration, consumption, or creation of derived specimens occurring during the authorized activity; quantity and identity remaining at the conclusion of the activity; and the person or entity to whom the body or specimen was returned or transferred, or the authorized manner of final disposition.

(C) Every donated human body and anatomical specimen received for the event must be accounted for at the conclusion of the event.

(D) Discrepancies must be reported to the Commission as required by this chapter.

(13) Venue acknowledgment. Before authorization is issued, the host venue shall acknowledge in writing that:

(A) it is aware that donated human bodies or anatomical specimens will be present;

(B) it consents to the proposed activity and identified areas of the property being used;

(C) it will permit Commission inspection of the areas associated with the authorized activity;

(D) it will permit implementation of the access-control, security, environmental, loading, sanitation, and emergency measures identified in the approved application; and

(E) it understands that Commission authorization applies to the specific temporary activity and does not constitute registration of the venue as a permanent anatomical facility.

(14) Records. The applicant and each regulated entity required to maintain records under this chapter shall retain the application, Commission authorization, venue acknowledgment, applicable chain-of-custody records, inspection documentation, disposition records, and end-of-event reconciliation for the period required by this chapter and shall produce them to the Commission upon request.

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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Maria Haynes
Executive Director
Texas Funeral Service Commission
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For further information, please call: (512) 936-2488

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TITLE 25. HEALTH SERVICES

PART 1. DEPARTMENT OF STATE HEALTH SERVICES

CHAPTER 289. RADIATION CONTROL
SUBCHAPTER E. REGISTRATION REGULATIONS

25 TAC §289.228

The executive commissioner of the Texas Health and Human Services Commission (HHSC), on behalf of the Texas Department of State Health Services (DSHS), proposes an amendment to §289.228, concerning Radiation Safety Requirements for Industrial Radiation Machines.

BACKGROUND AND PURPOSE

The purpose of the proposal is to update and modernize radiation safety requirements for non-healing arts radiation generating devices (RGDs) regulated under §289.228, concerning Radiation Safety Requirements for Industrial Radiation Machines. RGDs are used in a multitude of industrial and public safety settings, including cargo inspection, law enforcement, and security screening operations.

Program staff and stakeholders identified the need for improved clarity, updated terminology, and reorganization to support consistent understanding and radiation safety in the current rule to reflect technological advancements and changes in operational practices.

The proposed rule changes align with current inspection criteria and provide transparency in compliance and enforcement requirements.

SECTION-BY-SECTION SUMMARY

The proposed amendment changes the rule title, reorganizes the rule to align with other sections of Chapter 289, removes the "minimal threat" category, updates terminology, and clarifies definitions. The proposal incorporates feedback from stakeholders and regulated entities requesting clarification of rule language and requirements.

The proposal clarifies requirements related to operator training, operating and safety procedures, documentation, equipment testing, and safety device testing. Additional provisions address the use of RGDs for bomb detection and set requirements for RGDs used in whole-body scanning for security purposes and in occupied vehicle screening.

These changes improve the rule's clarity, organization, and consistency, and enhance the protection of public health and safety.

Proposed amendment to §289.228(a) outlines the types of RGDs and machine output applicable to this rule.

Proposed amendment to §289.228(b) provides the scope of the rule and clarifies that the rule applies to all persons with a machine regardless of registration status.

The proposed amendment adds new §289.228(c) which outlines the prohibited uses of an RGD.

Proposed amendment to §289.228(d) provides exemptions for certain RGDs from specific requirements of the rule.

Proposed amendment to §289.228(e), currently subsection (c), renumbers the subsection and provides definitions of applicable terms within the rule.

The proposed amendment adds new §289.228(f) which provides registration requirements and includes the timeframe for when applications must be submitted.

Proposed amendment to §289.228(g), currently subsection (h), renumbers the subsection and outlines personnel requirements, including instructions, training, and occupational monitoring.

Proposed amendment to §289.228(h), currently subsection (f), renumbers the subsection and establishes the requirements for area monitoring of dose limits for individual members of the public.

Proposed amendment to §289.228(i), currently subsection (g), renumbers the subsection and provides general operating requirements applicable to all machines regulated by this rule. These requirements include procedures, bypassing safety devices, installation, assembly, repair, or modification of radiation generating devices (RGDs), control panels, interlocks, multiple sources, and testing safety devices.

Proposed amendment to §289.228(j), currently subsection (e), renumbers the subsection and includes equipment requirements applicable to all machines regulated by this rule. These include warning devices, labeling, interlocks, radiation emission limits, and generator cabinet requirements.

The proposed amendment adds new §289.228(k) which provides additional requirements specific to closed-beam RGDs. Closed-beam RGD requirements replace the previous requirements for "minimal threat" radiation machines.

The proposed amendment adds new §289.228(l) which separates the additional requirements specific to open-beam RGDs.

The proposed amendment adds new §289.228(m) which provides additional requirements specific to shielding room RGDs.

The proposed amendment adds new §289.228(n) which provides additional requirements specific to bomb detection RGDs.

The proposed amendment adds new §289.228(o) which provides additional requirements specific to RGDs used for whole-body scanning for security.

The proposed amendment adds new §289.228(p) which provides additional requirements specific to RGDs used for occupied vehicle screening for security.

The proposed amendment adds new §289.228(q) which includes record retention requirements for department inspection and provides a new figure for clarity.

FISCAL NOTE

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

GOVERNMENT GROWTH IMPACT STATEMENT

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

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

(2) implementation of the proposed rule will not affect the number of DSHS employee positions;

(3) implementation of the proposed rule will result in no assumed change in future legislative appropriations;

(4) the proposed rule will not affect fees paid to DSHS;

(5) the proposed rule will not create a new regulation;

(6) the proposed rule will not expand, limit, or repeal existing regulation;

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

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

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

Christy Havel Burton has also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities because the rule does not impose additional costs beyond existing regulatory expectations and reflects current practices for regulated entities.

LOCAL EMPLOYMENT IMPACT

The proposed rule will not affect a local economy.

COSTS TO REGULATED PERSONS

Texas Government Code §2001.0045 does not apply to this rule because it is necessary to protect the health, safety, and welfare of Texas residents and does not impose a cost on regulated persons.

PUBLIC BENEFIT AND COSTS

Timothy Stevenson, Deputy Commissioner, Consumer Protection Division, has determined that for each of the first five years the rule is in effect, the public benefit will be improved clarity and understanding of regulatory requirements, which supports the protection of public health and safety.

Christy Havel Burton has also determined that for the first five years the rule is in effect, there are no anticipated economic costs to persons who are required to comply with the proposed rule because the amendment reflects current practices and clarifies existing regulatory requirements.

TAKINGS IMPACT ASSESSMENT

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

PUBLIC COMMENT

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

To be considered, comments must be submitted no later than 31 days after the date of this issue of the *Texas Register*. Comments must be (1) postmarked or shipped before the last day of the comment period; (2) hand-delivered before 5:00 p.m. on the last working day of the comment period; or (3) emailed before midnight on the last day of the comment period. If the last day to submit comments falls on a holiday, comments must be postmarked, shipped, or emailed before midnight on the following business day to be accepted. When emailing comments, please indicate "Comments on Proposed Rule 26R080" in the subject line.

STATUTORY AUTHORITY

The amendment is authorized by Texas Government Code §524.0151, which provides that the executive commissioner of HHSC shall adopt rules for the operation and provision of services by the health and human services system; Texas Health and Safety Code (HSC) §1001.075, which authorizes the executive commissioner of HHSC to adopt rules and policies for the operation and provision of health and human services by DSHS and for the administration of HSC Chapter 1001; HSC Chapter 401 (the Texas Radiation Control Act), which provides for DSHS radiation control rules and regulatory program to be compatible with federal standards and regulations; HSC §401.051, which provides the required authority to adopt rules and guidelines relating to the control of sources of radiation; HSC §401.064, which provides for the authority to adopt rules related to inspection of x-ray equipment; HSC §401.101, providing for DSHS registration of facilities possessing sources of radiation; and HSC Chapter 401, Subchapter J, which authorizes enforcement of the Act.

The amendment affects Texas Government Code §524.0151, HSC §1001.075, and HSC Chapter 401.

§289.228. Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices [~~Industrial Radiation Machines~~].

(a) Purpose. This section establishes special requirements for the use of non-healing arts radiation generating devices (RGDs) operating up to 1 megaelectron volts (MeV) using industrial radiation machines not otherwise covered by this chapter.

(1) For purposes of this section, RGDs, as defined in subsection (e)(26) of this section, [~~industrial radiation machines~~] include: [~~, but are not limited to,~~]

(A) portable or handheld [~~portable/handheld~~] fluorescence x-ray; [~~(open beam),~~]

(B) fluoroscopy handheld [~~hand held~~] intensified;[~~,~~]

(C) fluoroscopy; [~~x-ray, industrial accelerator,~~]

(D) spectroscopy; [~~spectrography x-ray, flash x-ray, flash x-ray for bomb detection, educational facility (x-ray for non-human or not live animal use),~~]

(E) diffraction x-ray;[~~,~~]

(F) backscatter devices;

(G) certified and certifiable [~~uncertified~~] cabinet x-ray; [~~, and~~]

(H) flash x-ray;

(I) whole-body scanners for security purposes;

(J) devices used in educational, forensic, or research facilities, including post mortem examinations and work with non-human species; and

(K) emerging and future RGDs [~~minimal threat radiation machines~~].

(2) Requirements for industrial radiography are specified in §289.255 of this chapter (relating to Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography).

(b) Scope.

(1) This section applies to a person who receives, possesses, uses, acquires, or transfers an RGD used for operations other than healing arts purposes. The registrant is responsible for the administrative control and directing the use of the RGD.

(2) [~~(1)~~] The requirements of this section are in addition to and not in substitution for other applicable requirements of this chapter.

[~~(2) In addition to the requirements of this section, all registrants, unless otherwise specified, are subject to the requirements of §289.203 of this title (relating to Notices, Instructions, and Reports to Workers; Inspections), §289.204 of this title (relating to Fees for Certificates of Registration, Radioactive Material Licenses, Emergency Planning and Implementation, and Other Regulatory Services), §289.205 of this title (relating to Hearing and Enforcement Procedures), §289.226 of this title (relating to Registration of Radiation Machine Use and Services), and §289.231 of this title (relating to General Provisions and Standards for Protection Against Machine-Produced Radiation).~~]

[~~(3) Radiation safety requirements and registration procedures for industrial radiography are specified in §289.255 of this title (relating to Radiation Safety Requirements and Licensing and Registration Procedures for Industrial Radiography).~~]

(c) Prohibitions.

(1) Except for whole-body scanners for security purposes, exposing an individual to the primary beam is prohibited. This provision specifically prohibits the deliberate exposure of an individual for:

(A) training;

(B) demonstration;

(C) healing arts; or

(D) other non-healing arts purposes.

(2) Holding a sample during the operation of any RGD is prohibited.

(d) Exemptions.

(1) Excluding training operations, RGDs meeting the definition of "bomb detection equipment," as defined in subsection (e)(5) of this section, are exempt from the requirements of subsection (h) of this section.

(2) The following are exempt from the requirements of this section:

(A) domestic television receivers, with exposure rates less than 0.005 millisieverts (mSv) (0.5 millirem (mrem)) per hour at 5 centimeters (cm) from any outer surface; and

(B) cold-cathode gas discharge tubes, with exposure rates less than 0.1 mSv (10 mrem) per hour at 30 cm from any point on the external surface of the tube.

(3) Equipment described in this subsection is not exempt if used or handled so that any individual might receive a dose of radiation exceeding the limits specified in §289.231 of this subchapter (relating to General Provisions and Standards for Protection Against Machine-Produced Radiation).

(4) Certified and certifiable cabinet x-ray systems are exempt from the requirements of subsection (h) of this section. This exemption applies only to RGDs that, by design, cannot expose an individual or any body part to the primary beam.

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

(1) Accessible surface--The external or outside surface of the enclosure or housing provided by the manufacturer. This includes:

(A) the high-voltage generator;

(B) doors;

(C) access panels;

(D) latches;

(E) control knobs; and

(F) other permanently mounted hardware, as well as the plane across the exterior edge of any opening.

(2) Administrative controls--Workplace policies, procedures, and training regimens designed to reduce personnel exposure to radiation hazards.

(3) Analytical x-ray equipment--Machines that electronically generate and use ionizing radiation to examine the microstructure of materials, such as diffraction, spectroscopy, and fluorescence.

(4) Beam port--An opening on the x-ray housing designed to emit a primary beam. This does not include openings on package x-ray systems.

(5) Bomb detection equipment--RGDs used solely to detect explosive devices.

(6) Cabinet x-ray system--An RGD with the x-ray tube installed in an enclosure which is independent of existing architectural structures, except the floor on which it is placed. An x-ray tube used within a shielded part of a building, or x-ray equipment which may temporarily or occasionally incorporate portable shielding, is not a cabinet x-ray system. The cabinet x-ray system is intended to:

(A) contain at least the portion of a material being irradiated;

(B) provide radiation attenuation; and

(C) exclude personnel from its interior during the generation of radiation.

(7) Certifiable cabinet x-ray system--An existing uncertified x-ray system that has been modified to meet the certification requirements as required by 21 Code of Federal Regulations (CFR) §1020.40.

(8) Certified cabinet x-ray system--An x-ray system that has been certified under 21 CFR §1010.2 as being manufactured and assembled on or after April 10, 1975, as required by 21 CFR §1020.40.

(9) Closed-beam RGD--A system in which the beam path cannot be entered by any part of the body when operated under normal conditions.

(10) Cold-cathode gas discharge tube--An electronic device in which electron flow is produced and sustained by ionization of contained gas atoms and ion bombardment of the cathode.

(11) Collimator--A device for restricting the useful x-ray beam in one or more directions.

(12) Control panel--The part of the RGD that includes the switches, knobs, push buttons, and other hardware necessary for initiating and operating the device.

(13) Emergency procedure--The written, pre-planned steps to be taken in the event of actual or suspected exposure of an individual above the administrative or regulatory limits.

[~~(1) Fail-safe characteristics--Design features that cause beam port shutters to close, or otherwise prevent emergence of the primary beam, upon the failure of a safety or warning device.~~]

(14) Fail-safe design--A design where any likely failure of indicators or safety components prevents the primary beam, ensuring individuals remain protected from radiation even if a safety device fails.

(15) Hand-held RGD--See "radiation generating device" in paragraph (26) of this subsection.

(16) Industrial radiation machine--See "radiation generating device" in paragraph (26) of this subsection.

(17) Industrial radiography--A non-destructive testing method using ionizing radiation, such as gamma rays or x-rays, to make radiographic images for the purpose of detecting flaws in objects without destroying it.

(18) Interlock--A device preventing the start or continued operation of an RGD unless certain predetermined conditions are met.

(19) Leakage radiation--All ionizing radiation emanating from the source housing, except the primary beam.

(20) [~~(2)~~] Local components--Parts of an x-ray system that include areas that are struck by x-rays [~~x rays~~], such as radiation source housings, port and shutter assemblies, collimators, sample holders, cameras, goniometers, detectors, and shielding, but do not include power supplies, transformers, amplifiers, readout devices, and control panels.

[~~(3) Minimal threat radiation machines--Minimal threat radiation machines include, but are not limited to, fluorescence~~

~~x-ray (closed beam), gauges x-ray, certified cabinet x-ray, package x-ray, electron beam welding, particle size analyzer, ion-implant, and cathodoluminescence. In addition, minimal threat radiation machines are those radiation machines capable of generating or emitting fields of radiation that, during the operation of which:]~~

~~[(A) no deliberate exposure of an individual occurs;]~~

~~[(B) the radiation is not emitted in an open beam configuration; and]~~

~~[(C) no known physical injury to an individual has occurred.]~~

(21) [~~(4)~~] Open-beam configuration--An RGD [~~A radiation machine~~] in which an individual's body part [~~individual~~] could cross [~~accidently place some part of his/her body in~~] the path of the primary beam [~~path~~] during normal operation.

(22) Package x-ray system--A non-human use, closed-beam RGD or cabinet x-ray system with accessible openings designed for the detection of weapons, bombs, or contraband concealed in baggage, mail, or packages.

(23) Personal protective equipment (PPE)--Device used to mitigate hazards associated with RGD use, including eye protection, protective clothing, or gloves.

(24) Portable RGD--See "radiation generating device" in paragraph (26) of this subsection.

(25) [~~(5)~~] Primary beam--Ionizing radiation that passes through an aperture of the source housing by a direct path from the x-ray tube located in the radiation source housing.

(26) Radiation generating device (RGD)--Any system that generates x-rays or particle radiation up to 1 MeV and is not intended for healing arts as defined in §289.227 of this subchapter (relating to Use of Radiation Machines in the Healing Arts), or veterinary use as defined in §289.233 of this subchapter (Radiation Control Regulations for Radiation Machines Used in Veterinary Medicine), including:

(A) industrial radiation machine--a radiation machine not intended for healing arts or veterinary use;

(B) portable RGD--equipment designed to be hand-carried or mounted on a permanent base with wheels or casters for moving while completely assembled;

(C) hand-held RGD--a portable instrument that is designed to operate when held in the hand; or

(D) stationary RGD--equipment that is installed or placed in a fixed location.

(27) Radiation safety officer (RSO)--An individual meeting the qualification requirements of §289.226 of this subchapter (relating to Registration of Radiation Machine Use and Services) and designated on the certificate of registration.

(28) Radiation source housing--The portion of an x-ray system that contains the x-ray tube or secondary target and contains radiation shielding material or inherently provides shielding.

(29) [~~(6)~~] Safety device--A device that prevents the entry of any portion of an individual's body into the primary x-ray beam path or that causes the beam to be shut off upon entry into its path.

(30) Scattered radiation--Radiation that has been deviated in direction or energy by interaction with matter.

(31) Shielded room--A room housing an RGD where, with the RGD at maximum output, the exterior of the room meets the dose limits for individual members of the public as specified in §289.231 of this subchapter.

(32) Shutter--A movable device used to block the useful, or primary, beam emitted from an x-ray tube assembly.

(33) Source--The focal spot of the x-ray tube.

(34) Stationary RGD--See "radiation generating device" in paragraph (26) of this subsection.

(35) Warning device--A visible or audible signal that warns individuals when radiation is being produced.

(36) Whole-body scanner for security purposes--A scanner for security using ionizing radiation to screen individuals for concealed items, including weapons, drugs, or explosives.

(37) X-ray generator--The portion of an x-ray system that provides the accelerating high voltage and current for the x-ray tube.

~~[(7) X-ray system--A group of components utilizing x rays to determine the elemental composition or to examine the microstructure of materials.]~~

(f) Registration.

(1) Each person possessing a whole-body scanner or occupied vehicle scanner for security purposes, or an accelerator for non-human use, must apply and receive a certificate of registration from the department, as specified in §289.226 of this subchapter, before beginning use.

(2) Each person possessing an RGD for non-human use must apply and receive a certificate of registration from the department, as specified in §289.226 of this subchapter, within 30 days of beginning use of the RGD.

(g) Personnel requirements.

(1) Instructions. An individual is not permitted to operate an RGD unless the individual has received documented training and demonstrated competence in the following areas.

(A) Radiation safety fundamentals.

(i) Understanding the properties of ionizing radiation, the types of radiation emitted by the machine, and the biological effects associated with exposure.

(ii) Identifying potential radiation hazards specific to the RGD and the environment.

(iii) The documentation specified in this subparagraph must include:

(I) record of RGD-specific training;

(II) log of demonstration of competency; and

(III) date and signature of trainer or RSO.

(B) Operating and safety procedures (OSP).

(i) The registrant must document that each individual operating an RGD has read the OSP at least annually.

(ii) The documentation specified in clause (i) of this subparagraph must include:

(I) name and signature of individual;

(II) date individual read the operating and safety procedures; and

(III) initials of the RSO.

(C) Radiation protection principles.

(i) Adhering to "as low as reasonably achievable" (ALARA) principles, as defined in §289.231 of this subchapter, including the use of time, distance, and shielding to minimize exposure.

(ii) Proper use of PPE and individual monitoring devices, including routine monitoring and understanding of dose reports.

(D) Reporting exposures and radiation levels exceeding the limits.

(i) Recognizing and responding to radiation-related emergencies, including suspected overexposures, RGD malfunctions, or breaches of shielding.

(ii) Reporting procedures for actual or suspected exposures exceeding regulatory limits, as specified in §289.231 of this subchapter, including the required documentation and notification protocols.

(E) Machine-specific training.

(i) Familiarity with the manufacturer's operating manual, specific safety features, and maintenance requirements for the RGD being used.

(ii) Performing pre-use inspections and identifying conditions that require immediate shutdown or maintenance.

(2) Instructions for bomb detection RGDs. Personnel operating bomb detection RGDs must be trained in the setup and operation of the RGD, and in establishing a restricted area.

(3) Individual monitoring of occupational dose. In addition to the requirements of §289.231 of this subchapter, each registrant must supply and require the use of an extremity dosimetry device by:

(A) radiation workers using systems with an open-beam configuration without a safety device; and

(B) personnel maintaining radiation machines if the maintenance procedures require the presence of a primary x-ray beam when any local component in the x-ray system is disassembled or removed.

(4) Instruction and training as specified in paragraphs (1) and (2) of this subsection must be documented, maintained, and available for inspection by the department as specified in subsection (q) of this section.

(h) Area monitoring of dose limits for individual members of the public.

(1) Radiation levels. The local components of the RGD must include sufficient shielding or access control so that the dose to an individual present in the area does not exceed the dose limits for individual members of the public specified in §289.231 of this subchapter.

(2) Posting. Each area or room containing an RGD must be conspicuously posted with a sign or signs bearing the radiation symbol and stating, "CAUTION - X-RAY EQUIPMENT" or "CAUTION - RADIATION GENERATING DEVICE" or words with a similar intent.

(i) General operating requirements.

(1) Procedures.

(A) Each registrant must develop, implement, and maintain written OSP. The OSP must be maintained and available for inspection by the department as specified in subsection (q) of this section. The OSP must include:

(i) proper start-up, operation, and shutdown procedures for each RGD, including emergency shutdown procedures;

(ii) use of radiation warning and safety devices, such as shields, beam stops, and alarms, and knowledge of its purpose, function, and limitations;

(iii) procedures for preventing unauthorized access to radiation areas and maintaining compliance with radiation protection standards; and

(iv) emergency procedures in the event of an actual or suspected exposure of an individual above the dose limit specified in §289.231 of this subchapter.

(I) Emergency procedures must include the:

(-a-) names and telephone numbers of individuals to be contacted; and

(-b-) instructions for processing individual monitoring devices.

(II) Documentation of an actual or suspected exposure of an individual above the dose limits must be maintained and available for inspection by the department as specified in subsection (q) of this section.

(B) Operating a radiation machine in any manner other than those specified in the OSP is prohibited unless the operator has obtained written approval from the RSO. Written approval must be documented, maintained, and available for inspection by the department as specified in subsection (q) of this section.

(2) Bypassing safety devices.

(A) Bypassing a safety device is prohibited without the written approval from the radiation safety officer.

(B) If a safety device has been bypassed, a visible sign stating, "SAFETY DEVICE NOT WORKING" or words with a similar intent, must be placed on the radiation source housing and at the control switch.

(C) Documentation of bypassing a safety device or interlock must be maintained and available for inspection by the department as specified in subsection (q) of this section. Documentation must include the:

(i) RGD information, including the;

(I) manufacturer;

(II) model; and

(III) serial number of the RGD;

(ii) date the alteration was made;

(iii) type of alteration;

(iv) name of the individual who made the alteration;

(v) name of the individual who restored the RGD to normal operating condition;

(vi) date the RGD was restored to normal operating condition; and

(vii) result of an area survey, conducted after the RGD is restored to normal operating condition, signed by the RSO.

(3) Installation, assembly, repair, or modification of RGDs.

(A) Only registered service providers are permitted to install, assemble, repair, or modify the RGD.

(B) Except as specified in paragraph (2) of this subsection, the removal of covers, shielding materials, tube housing, or modifications to shutters, collimators, or beam stops is prohibited without:

(i) verifying the tube is de-energized before beginning work and will remain de-energized until safe conditions are restored;

(ii) ensuring the main switch is used for routine shutdown in preparation for repairs; and

(iii) implementing lockout/tagout procedures, as specified by the manufacturer's operating manual, to secure the RGD and prevent accidental re-energization.

(C) Documentation of installation, assembly, repair, or modification of RGDs must be maintained and available for inspection by the department as specified in subsection (q) of this section. Documentation must include:

(i) RGD information, including the;

(I) manufacturer;

(II) model; and

(III) serial number of the RGD;

(ii) the date of service;

(iii) the name of the individual performing the service;

(iv) findings; and

(v) corrective actions.

(4) Control panel.

(A) Activation of the RGD must only be possible from the control panel.

(B) All indicators and controls that operate the primary beam must be clearly labeled with its function.

(5) Interlocks.

(A) De-energizing the x-ray tube or RGD using an interlock is prohibited except in an emergency or during testing of the interlock system.

(B) When an interlock is activated, restoring the RGD to normal operation must require manually resetting it from the control panel.

(C) All interlocks must be of a fail-safe design.

(6) Multiple sources.

(A) If more than one x-ray tube assembly or focal spot can be operated sequentially or simultaneously from a control panel, visual indicators must show which tube assembly or focal spot is selected.

(B) The selector must be clearly labeled with its function.

(C) Symbols must be identified by a reference on the control panel.

(7) Testing safety devices.

(A) Interlocks, shutters, warning lights, and required emergency shut-off switches must be tested within 30 days of receipt or installation, then annually, not to exceed 14 months from the date of the previous test on all operable RGDs.

(B) If any safety device fails during testing, the:

(i) RGD must be removed from service;

(ii) safety device failure must be corrected before returning to normal operation; and

(iii) corrective actions taken for each safety device must be documented and signed by the RSO.

(C) Documentation of testing must be completed and include:

(i) RGD information, including the;

(I) manufacturer;

(II) model; and

(III) serial number of the RGD;

(ii) survey instrument information, as applicable;

(I) manufacturer;

(II) model;

(III) serial number; and

(IV) calibration date, calibrated within the previous 24 months and after any service that may have affected the system calibration;

(iii) the date of the test;

(iv) a list of the safety devices tested;

(v) indication of a pass or fail for each test; and

(vi) the name of the individual performing the tests.

(D) Testing of safety devices may be deferred if the RGD is out of service and visibly marked. Testing must be performed before returning the RGD to normal operation.

(E) Safety device testing is exempt if it cannot be performed due to the manufacturer's design. The registrant must document the exemption in writing and maintain the record as specified in subsection (q) of this section for inspection by the department.

(F) Documentation of the safety device testing must be maintained and available for inspection by the department as specified in subsection (q) of this section.

~~[(d) Exemptions.]~~

~~[(1) Uses of minimal threat radiation machines as specified in §289.231(ll)(3) of this title, are exempt from the requirements of subsections (e)(2)(B) and (C), (f)(3), and (g)(1) of this section.]~~

~~[(2) Uses of certified and certifiable cabinet x-ray systems are exempt from the requirements of subsection (f)(1) and (2) of this section. This exemption will apply only to those radiation machines that do not allow a person or body part to be exposed to the radiation beam.]~~

~~[(3) Uses of portable/handheld fluorescence x-ray (open beam) devices that are manufactured without safety devices are exempt from the requirements of subsection (e)(1)(A) of this section.]~~

(j) ~~[(e)]~~ Equipment requirements. Unless otherwise specified in this chapter, this subsection applies to all RGDs.

~~[(1) Safety devices.]~~

~~[(A) A safety device shall be provided on all open-beam configurations.]~~

[(B) A registrant may apply to the agency for an exemption from the requirement of a safety device in accordance with §289.231 of this title. Any such request shall include:]

[(i) a description of the various safety devices that have been evaluated;]

[(ii) the reason each of these devices cannot be used; and]

[(iii) a description of the alternative methods that will be employed to minimize the possibility of an accidental exposure, including procedures to assure that operators and others in the area will be informed of the absence of safety devices.]

(1) [(2)] Warning devices.

[(A) Open-beam configurations shall be provided with a visible indication of:]

[(i) x-ray tube status (ON-OFF) located near the radiation source housing, if the primary beam is controlled in this manner; and/or]

[(ii) shutter status (OPEN-CLOSED) located near each port on the radiation source housing, if the primary beam is controlled in this manner.]

(A) [(B)] Each area or room containing an RGD must [The x-ray control shall] provide a visual indication whenever x-rays [x rays] are produced.

(B) [(C)] Warning devices must [shall] be labeled so the [that their] purpose of each device is easily identified and [shall] have a fail-safe design [characteristics].

(2) [(3)] Ports. Any unused port [Unused ports] on RGD [radiation machine] source housings must [shall] be secured in the closed position to [in a manner that will] prevent unintentional [inadvertent] opening.

(3) [(4)] Labeling. [Each registrant shall ensure that each radiation machine is labeled in a conspicuous manner to caution individuals that radiation is produced when it is energized. This label shall be affixed in a clearly visible location on the face of the control unit. If the radiation machine is not visible from the control unit, the radiation machine shall have a visible indication that it is energized.]

(A) All RGDs must be labeled with the radiation symbol and the words: "CAUTION RADIATION - THIS EQUIPMENT PRODUCES RADIATION WHEN ENERGIZED" or words with a similar intent, near any switch that energizes an x-ray tube.

(B) For package x-ray systems, the following must be posted at or near each opening: "CAUTION- X-RAY HAZARD: DO NOT INSERT ANY PART OF THE BODY WHEN SYSTEM IS ENERGIZED" or words with a similar intent.

[(5) Shutters. On open-beam configurations, each port on the radiation source housing shall be equipped with a shutter that cannot be opened unless a collimator or a coupling has been connected to the port.]

[(6) Radiation source housing.]

(4) Interlocks.

(A) Each x-ray tube housing must [shall] be equipped with an interlock that de-energizes [shuts off] the tube if it is removed from the radiation source housing or if the housing is disassembled.

(B) When the x-ray tube housing is the primary shielding for the x-ray tube and is intended to be opened for normal use or maintenance, the housing must be equipped with an interlock that de-energizes high voltage to the x-ray tube if the housing is opened.

(5) Radiation emission limit. With all shutters closed, the leakage radiation from the x-ray tube housing, measured at 5 cm from the housing surface, must not exceed 0.025 mSv (2.5 mrem) per hour. This limit must be met at the maximum output.

(6) [(7)] Generator cabinet. Each x-ray generator must [shall] be supplied with a protective cabinet that limits leakage radiation to less than 0.005 mSv (0.5 mrem) in any one hour when measured at 5 cm from its surface. [a distance of 5 centimeters from its surface such that it is not capable of producing a dose in excess of 0.5 millirem (5.0 microsieverts (μSv)) in any one hour.]

[(8) Certified and certifiable cabinet x-ray systems. Certified and certifiable cabinet x-ray systems, including those designed to allow admittance of individuals, shall:]

[(A) be maintained in compliance with Title 21, Code of Federal Regulations (CFR), §1020.40 and no modification shall be made to the system unless prior agency approval has been granted in accordance with §289.231(d) of this title; and]

[(B) comply with the following requirements.]

[(i) No registrant shall permit any individual to operate a cabinet x-ray system until the individual has received a copy of and instruction in the operating procedures for the unit.]

[(ii) Tests for proper operation of interlocks shall be conducted and recorded at intervals not to exceed 12 months.]

[(iii) The registrant shall perform an evaluation to determinate compliance with §289.231(o)(1) - (3) of this title and Title 21, CFR, §1020.40 at intervals not to exceed one year. The registrant shall ensure that radiation emitted 5 centimeters from the external surface of the cabinet x-ray system does not exceed 0.5 millirem (5.0 μSv) in any one hour.]

[(iv) Documentation of the requirements in clauses (i) - (iii) of this subparagraph shall be maintained by the registrant for 10 years for inspection by the agency.]

[(9) Package x-ray systems.]

[(A) The registrant shall perform an annual evaluation to ensure radiation emitted 5 centimeters from the external surface of the package x-ray system does not exceed 0.5 millirem (5.0 μSv) in any one hour.]

[(B) Tests for proper operation of interlocks shall be conducted and recorded at intervals not to exceed 12 months.]

[(C) Documentation of the requirements in subparagraphs (A) and (B) of this paragraph shall be maintained by the registrant for 10 years for inspection by the agency.]

(k) Additional requirements for closed-beam RGDs. In addition to the requirements in subsection (i) of this section, the following requirements apply to all closed-beam RGDs not addressed in this section.

(1) Certified and certifiable cabinet x-ray systems, as defined in this subsection, must also meet the requirements of 21 CFR §1020.40.

(2) The registrant must perform a survey to ensure that radiation emitted 5 cm from any accessible surface of the closed-beam RGD does not exceed 0.005 mSv (0.5 mrem) in any one hour.

(A) Equipment survey frequency. RGDs must be evaluated:

(i) within 30 days of receipt or installation;

(ii) annually, not to exceed 14 months from the date of the previous evaluation;

(iii) after any maintenance that affects the radiation shielding or x-ray production components; and

(iv) after any incident that may have damaged the radiation shielding or x-ray production components.

(B) Equipment survey report must include:

(i) RGD information, including the;

(I) manufacturer;

(II) model; and

(III) serial number of the RGD;

(ii) survey instrument information, as applicable, including the;

(I) manufacturer;

(II) model;

(III) serial number; and

(IV) calibration date, calibrated within the previous 24 months and after any service that may have affected the system calibration;

(iii) the date of the test;

(iv) indication of a pass or fail for each test;

(v) the name of the individual performing the tests;

(vi) the registration number of the service provider, if the survey is performed by a third party;

(vii) numerical data;

(viii) diagram of the location of measurements; and

(ix) any other parameter required by the manufacturer.

(C) Documentation of the equipment survey must be maintained and available for inspection by the department as specified in subsection (q) of this section. Documentation must include the:

(i) date; and

(ii) initials of the individual performing these functions.

(3) System enclosure. The radiation source, sample or object, detector, and analyzing crystal must be enclosed in a chamber or coupled chambers that cannot be entered by any part of the body during normal operation.

(4) Interlocks.

(A) Interlocks must be provided as specified in subsection (i)(5) of this section. All doors and panels accessing the RGDs must be interlocked.

(B) Interlock functions. The sample chamber door or other enclosure must have a fail-safe interlock on the x-ray tube high-voltage supply or a shutter in the primary beam so that the x-ray beam cannot enter the sample chamber while it is open.

(5) Radiation emission limit. The radiation emission for all closed-beam RGDs must not exceed a dose rate of 0.005 mSv (0.5 mrem) in one hour at 5 cm outside any accessible surface.

(6) Package x-ray systems. Package x-ray systems must have an operator present at the controls so that the operator can clearly view the ports and doors at all times during x-ray generation.

(A) During an exposure or preset succession of exposures of one-half second or greater duration, the means provided must allow the operator to terminate the exposure or preset succession of exposures at any time.

(B) During an exposure or preset succession of exposures of less than one-half second duration, the means provided may allow completion of the exposure in progress but must allow the operator to prevent additional exposures.

(l) Additional requirements for open-beam RGDs. In addition to the requirements in subsection (i) of this section, the following requirements apply to all open-beam RGDs not addressed in this section.

(1) Shutters. Each port on the radiation source housing must be equipped with a shutter that cannot be opened unless a collimator or a coupling has been connected to the port and provided with a visible indication of:

(A) x-ray tube status (ON-OFF) located near the radiation source housing; or

(B) shutter status (OPEN-CLOSED) located near each port on the radiation source housing.

(2) Beam ports. Unused beam ports on a radiation source housing must be secured in the closed position to prevent inadvertent opening.

(3) Radiation emission limits. The local components of an open-beam RGD must include sufficient shielding or access control to meet dose limits for individual members of the public as specified in §289.231 of this subchapter. These emissions must be met at the maximum output.

(4) Primary beam attenuation. If the primary beam is not intercepted by its detector under all operating conditions, protective measures must be provided to prevent exposure of an individual to the primary beam.

(5) Operator position. The operator must be physically present when the RGD is in operation to prevent unauthorized or accidental entry.

(6) Control of access. If the RGD is not in a restricted area as defined in §289.231 of this subchapter, the operator must be able to control access to the RGD at all times during operation.

(7) Personnel monitoring. In addition to the personnel monitoring requirements specified in §289.231 of this subchapter, individual monitoring devices used to measure the dose to an extremity must be provided to and used by:

(A) personnel with potential for extremity exposure to the primary beam of an open-beam RGD;

(B) personnel maintaining RGDs if the maintenance procedures require the presence of a primary radiation beam when any local component in the RGD is disassembled or removed; and

(C) personnel operating hand-held RGDs.

(m) Shielded room RGDs. For RGDs that do not meet the dose limits of individual members of the public as specified in §289.231 of this subchapter, the RGD must be maintained inside a shielded room. In addition to the requirements in subsection (i) of this section, the following requirements apply to shielded room RGDs not addressed in this section.

(1) Room warning signals.

(A) The interior of the shielded room must be provided with at least one flashing or rotating warning light that only operates when radiation is being produced.

(B) An audible warning signal within the room must be activated for at least 10 seconds immediately before the initiation of radiation.

(C) A sign must be posted to indicate "DANGER- RADIATION AREA- X-RAY IN USE WHEN SIGNAL IS ON" or words with a similar intent.

(D) The sign must be readable and easily accessible for viewing.

(2) Emergency shut-off.

(A) If dose rates exceed the high radiation area limits, as defined in §289.231 of this subchapter, an emergency shut-off switch must be located within the high radiation areas.

(B) The switch must include a manual reset so the RGD cannot be restarted from the console without resetting the shut-off switch.

(C) The switch must be labeled "EMERGENCY SHUT-OFF."

(3) Separate electrical systems. The interlock and emergency shut-off systems must be separate, either electrically or mechanically.

(4) Control panel security. The RGD control panel must not be left unattended unless secured by a locking device or a computerized password system, preventing unauthorized use.

(5) Malfunctions. If a safety or warning device malfunctions, the RGD must not be used until the device is functioning properly.

(n) Additional requirements for bomb detection RGDs. In addition to the requirements in subsection (i) of this section, the following requirements apply to bomb detection RGDs not addressed in this section.

(1) Control panel security. When not in use, each bomb detection RGD must be locked to prevent unauthorized use. This is in addition to the requirements of §289.231 of this subchapter, relating to security and control of radiation machines.

(2) Utilization log. The registrant must maintain a utilization log for each bomb detection RGD.

(A) This log must include the:

(i) RGD information, including the:

(I) manufacturer;

(II) model; and

(III) serial number of the RGD;

(ii) date removed from storage;

(iii) date returned to storage;

(iv) name and signature of the individual using the RGD; and

(v) date and location of use.

(B) Documentation must be maintained and available for inspection by the department as specified in subsection (q) of this section.

(3) Area control. The registrant must establish boundaries to prevent unauthorized entry into the restricted area when the machine is energized.

(o) RGDs used for whole-body scanning for security.

(1) Whole-body scanning for security purposes. Each applicant must apply for and receive a certificate of registration before use.

(A) The OSP must be submitted to the department with the application for evaluation and approval.

(B) In addition to the requirements of subsection (i)(1) of this section, the OSP must address the following requirements:

(i) scans are prohibited on individuals 17 years of age or younger;

(ii) scans are prohibited on pregnant individuals;

(iii) scans are only permitted on inmates, detainees, employees, or contractors;

(iv) dose limits specified in paragraph (3) of this subsection must be met;

(v) effective dose must not exceed 0.0025 mSv (0.25 mrem) per scan; and

(vi) specific controls that limit the number of individuals scanned or the number of scans per individual in 365 calendar days.

(2) Additional requirements for whole-body scanning for security purposes. In addition to the requirements in subsection (i) of this section, the following requirements apply to whole-body scanning for security purposes.

(A) Posting requirements. The registrant must post a sign stating: "If you are pregnant or think you might be pregnant, tell the operator before the scan" or words with a similar intent, in each radiation area.

(B) Equipment evaluation.

(i) RGDs used for whole-body scanning of humans must be evaluated by a registered service provider:

(I) within 30 days of receipt or installation;

(II) annually, not to exceed 14 months from the date of the previous evaluation;

(III) after any maintenance that affects the radiation shielding or x-ray production components; and

(IV) after any incident that may have damaged the system in a way that x-ray leakage may occur.

(ii) Equipment evaluation must include:

(I) effective dose to the individual;

(II) radiation leakage;

(III) inspection zone; and

(IV) any other parameter required by the manufacturer.

(iii) Documentation of the equipment evaluation must include the:

(I) date;

(II) registration number of the registered service provider performing the evaluation; and

(III) initials of the individual performing these functions.

(iv) Records of the equipment evaluation must be maintained as specified in subsection (q) of this section for inspection by the department.

(3) Dose limits for whole-body scanners. For whole-body scanning, an effective dose for a single complete screening must be limited to 0.0025 mSv (0.25 mrem).

(4) Dose limits for repeat security screenings. Individuals subject to repeat security screening must not receive an effective dose greater than 0.25 mSv (25 mrem) annually.

(p) Occupied vehicle screening for security.

(1) Occupied vehicle screening for security purposes. Each applicant must apply and receive a certificate of registration before use.

(A) The OSP must be submitted to the department with the application for evaluation and approval.

(B) The OSP must include the requirements of subsection (i)(1) of this section and address the following:

(i) scans are prohibited on individuals 17 years of age or younger;

(ii) scans are prohibited on pregnant individuals;

(iii) the use of x-ray-based occupied vehicle screening must be used as a secondary screening measure, used only after standard, non-radiological screening procedures indicate further evaluation;

(iv) dose limits specified in paragraph (2)(C) of this subsection must be met; and

(v) exposure from the primary beam must not exceed 0.0025 mSv (0.25 mrem) per scan.

(2) Additional requirements for occupied vehicle screening for security purposes. In addition to the requirements of subsection (i) of this section, the following requirements apply to occupied vehicle screening for security purposes.

(A) Posting requirements. The registrant must post a sign stating: "If you are pregnant or think you might be pregnant, tell the operator before the scan" or words with a similar intent, in each radiation area.

(B) Equipment evaluation.

(i) RGDs used for occupied vehicle screening must be evaluated by a registered service provider:

(I) upon installation;

(II) annually, not to exceed 14 months from the date of the previous evaluation;

(III) after any maintenance that affects the radiation shielding or x-ray production components; and

(IV) after any incident that may have damaged the system in a way that x-ray leakage may occur.

(ii) Equipment evaluation must include:

(I) effective dose to an individual;

(II) radiation leakage;

(III) inspection zone; and

(IV) any other parameter required by the manufacturer.

(iii) Documentation of the equipment evaluation must be maintained and available for inspection by the department as specified in subsection (q) of this section. Documentation must include the:

(I) date;

(II) registration number of the registered service provider performing the evaluation; and

(III) initials of the individual performing these functions.

(C) Dose limits. The effective dose to an individual for a single inadvertent exposure to the primary beam must not exceed 5 mSv (500 mrem). A pre-screening mode or system that meets the limits in subsection (o)(3) - (4) of this section must be used to verify that there are no occupants in the vehicle being examined if the 5 mSv (500 mrem) limit cannot be met.

(q) Records for department inspection. The registrant must maintain the following records at the time intervals specified, for inspection by the department. The records must be available for review at the time of the inspection and may be maintained in electronic format.

Figure: 25 TAC §289.228(q)

~~[(f) Area requirements.]~~

~~[(1) Radiation levels. The local components of an x-ray system shall be located and arranged and shall include sufficient shielding or access control such that no radiation levels exist in any area surrounding the local component group that could result in a dose to an individual present in the area in excess of the dose limits specified in §289.231 of this title.]~~

~~[(2) Surveys.]~~

~~[(A) Radiation surveys, as required by §289.231 of this title, of all radiation machines and x-ray systems sufficient to show compliance with paragraph (1) of this subsection shall be performed:]~~

~~*[(i)* upon installation of the equipment;]~~

~~*[(ii)* following any change in the initial arrangement, number, or type of local components in the system;]~~

~~*[(iii)* following any maintenance requiring the disassembly or removal of a local component in the system;]~~

~~*[(iv)* during the performance of maintenance and alignment procedures if the procedures require the presence of a primary x-ray beam when any local component in the system is disassembled or removed;]~~

~~*[(v)* any time a visual inspection of the local components in the system reveals an abnormal condition; or]~~

~~*[(vi)* whenever individual monitoring devices show a significant increase over the previous monitoring period or the readings are approaching the radiation dose limits.]~~

~~[(B) Radiation survey measurements shall not be required if a registrant can demonstrate, to the satisfaction of the agency, compliance with paragraph (1) of this subsection in some other manner.]~~

[(3) Posting. Each area or room containing radiation machines shall be conspicuously posted with a sign or signs bearing the radiation symbol and the words "CAUTION - X-RAY EQUIPMENT," or words having a similar intent.]

[(g) Operating requirements.]

[(1) Procedures. Operating and safety procedures shall be written and made available to all radiation machine operators. No person shall be permitted to operate radiation machines in any manner other than that specified in the procedures unless that person has obtained written approval of the radiation safety officer.]

[(2) Bypassing. No person shall bypass a safety device unless that person has obtained the approval of the radiation safety officer. When a safety device has been bypassed, a visible sign bearing the words "SAFETY DEVICE NOT WORKING," or words having a similar intent, shall be placed on the radiation source housing.]

[(3) Repair or modification of radiation machines. Except as specified in paragraph (2) of this subsection, no operation involving removal of covers, shielding materials, or tube housings, or modifications to shutters, collimators, or beam stops shall be performed without ensuring that the tube is off and will remain off until safe conditions have been restored. The main switch, rather than interlocks, shall be used for routine shutdown in preparation for repairs.]

[(h) Personnel requirements.]

[(1) Instructions. No person shall be permitted to operate or maintain radiation machines unless such person has received instruction in and demonstrated competence in the following:]

[(A) identification of radiation hazards associated with the use of the radiation machine;]

[(B) radiation warning and safety devices incorporated into the radiation machine, or the reasons they have not been installed on certain pieces of equipment and the extra precautions required in such cases;]

[(C) operating and safety procedures for the radiation machine; and]

[(D) proper procedures for reporting an actual or suspected exposure in excess of the limits specified in §289.231 of this title.]

[(2) Instructions for bomb detection radiation machines. All personnel operating bomb detection radiation machines shall be trained in the set-up and operation of the radiation machine and in establishing a restricted area.]

[(3) Individual monitoring. In addition to the requirements of §289.231(n)(1)(A) of this title, finger dosimetric devices shall be provided to and shall be used by:]

[(A) radiation machine workers using systems having an open-beam configuration and not equipped with a safety device; and]

[(B) personnel maintaining radiation machines if the maintenance procedures require the presence of a primary x-ray beam when any local component in the x-ray system is disassembled or removed.]

[(4) Records and documentation. Documentation of the requirements in paragraphs (1) - (3) of this subsection shall be maintained by the registrant for 10 years for inspection by the agency. In addition to complying with the requirements of this paragraph, records of individual monitoring results shall be maintained by the registrant in accordance with §289.231(dd) of this title.]

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604327
Cynthia Hernandez
General Counsel
Department of State Health Services
Earliest possible date of adoption: November 22, 2026
For further information, please call: (512) 834-6655

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 20. TEXAS WORKFORCE COMMISSION

CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM EMPLOYMENT AND TRAINING

SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPORT SERVICES

40 TAC §813.12

The Texas Workforce Commission (TWC) proposes amendments to the following sections of Chapter 813, relating to Supplemental Nutrition Assistance Program Employment and Training:

Subchapter B. Access to Employment and Training Activities and Support Services, §813.12

PART I. PURPOSE, BACKGROUND, AND AUTHORITY

The purpose of the proposed Chapter 813 rule change is to increase Supplemental Nutrition Assistance Employment and Training (SNAP E&T) participation by allowing exempt SNAP recipients who volunteer for SNAP E&T activities to participate in accordance with the participant's employment plan.

The proposed amendments eliminate administrative barriers for voluntary SNAP E&T participants with the goal of providing services to more SNAP recipients. The amendments do not alter or reduce the established participation requirements for mandatory work registrants.

Coordination Activities

TWC has consulted with the Texas Health and Human Services Commission and incorporated feedback from Local Workforce Development Boards in the development of the proposed changes intended to increase participant engagement and address performance challenges.

PART II. EXPLANATION OF INDIVIDUAL PROVISIONS

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

SUBCHAPTER B. ACCESS TO EMPLOYMENT AND TRAINING ACTIVITIES AND SUPPORT SERVICES

TWC proposes the following amendments to Subchapter B:

§813.12. Participant Responsibilities

Section 813.12 is amended to remove barriers to voluntary SNAP E&T participation for exempt SNAP recipients. As set forth in Title 7 of the Code of Federal Regulations (CFR), §273.7(b)(1), exempt SNAP recipients are not required to participate in SNAP E&T activities in order to maintain their SNAP benefits. In Texas, exempt SNAP recipients are those individuals who meet a federal exemption at 7 CFR §273.7(b)(1). Under the current rule, exempt SNAP recipients are not allowed to volunteer for SNAP E&T activities unless they are able to participate for 30 hours per week, which limits voluntary participation.

To provide the Boards with more flexibility in serving their SNAP E&T populations and remove barriers to voluntary participation, §813.12 is amended to allow exempt SNAP recipients who volunteer for SNAP E&T to participate in activities in accordance with their employment plan.

PART III. IMPACT STATEMENTS

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

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

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

There are no estimated losses or increases in revenue to the state or local governments as a result of enforcing or administering the proposed rules.

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

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

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

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

Takings Impact Assessment

Under Texas Government Code, §2007.002(5), "taking" means a governmental action that affects private real property, in whole or in part or temporarily or permanently, in a manner that requires the governmental entity to compensate the private real property owner as provided by the Fifth and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19, Article I, or restricts or limits the owner's right to the property that would otherwise exist in the absence of the governmental action, and is the producing cause of a reduction of at least 25 percent in the market value of the affected private real property, determined by comparing the market value of the property as if the governmental action is not in effect and the market value of the property determined as if the governmental action is in effect. TWC completed a Takings Impact Assessment for the proposed rulemaking under Texas Government Code, §2007.043. The primary purpose of this proposed rulemaking, as discussed elsewhere in this preamble, is to remove barriers to voluntary SNAP E&T participation for exempt SNAP recipients, thereby increasing participation in SNAP E&T activities.

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

Government Growth Impact Statement

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

--will not create or eliminate a government program;

--will not require the creation or elimination of employee positions;

--will not require an increase or decrease in future legislative appropriations to TWC;

--will not require an increase or decrease in fees paid to TWC;

--will not create a new regulation;

--will not expand, limit, or eliminate an existing regulation;

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

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

Economic Impact Statement and Regulatory Flexibility Analysis

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

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

Mary York, Director, Workforce Development Division, has determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated as a result of enforcing the proposed rules will be to:

--remove barriers to voluntary SNAP E&T participation for exempt SNAP recipients;

--raise programmatic standards by increasing participation and activity among voluntary participants;

--improve employment outcomes; and

--align the program with SNAP E&T's goal to help participants gain the skills, training, and work experience needed to achieve regular employment and long-term economic self- sufficiency.

PART IV. REQUEST FOR IMPACT INFORMATION

TWC requests, from any person required to comply with the proposed rule or any other interested person, information related to the cost, benefit, or effect of the proposed rule, including

any applicable data, research, or analysis. Please submit the requested information to TWCPolicyComments@twc.texas.gov no later than November 23, 2026.

PART V. PUBLIC COMMENTS

Comments on the proposed rules may be submitted to TWCPolicyComments@twc.texas.gov and must be received no later than November 23, 2026.

PART VI. STATUTORY AUTHORITY

The amendments are proposed under the authority of Texas Labor Code, §301.0015(6) and §302.002(d), which provide TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the effective administration of TWC services and activities.

The proposed amendments relate to Texas Labor Code, Title 4, particularly Chapter 302.

§813.12. Participant Responsibilities.

(a) Mandatory work registrants [~~and exempt recipients who voluntarily participate in SNAP E&T services~~] shall:

(1) attend scheduled appointments;

(2) participate in assigned SNAP E&T activities for at least a minimum weekly average of 30 hours, within the restrictions set forth in §813.14 of this subchapter;

(3) report to an employer to whom they are referred;

(4) accept a job offer; and

(5) report activity hours, including hours of employment.

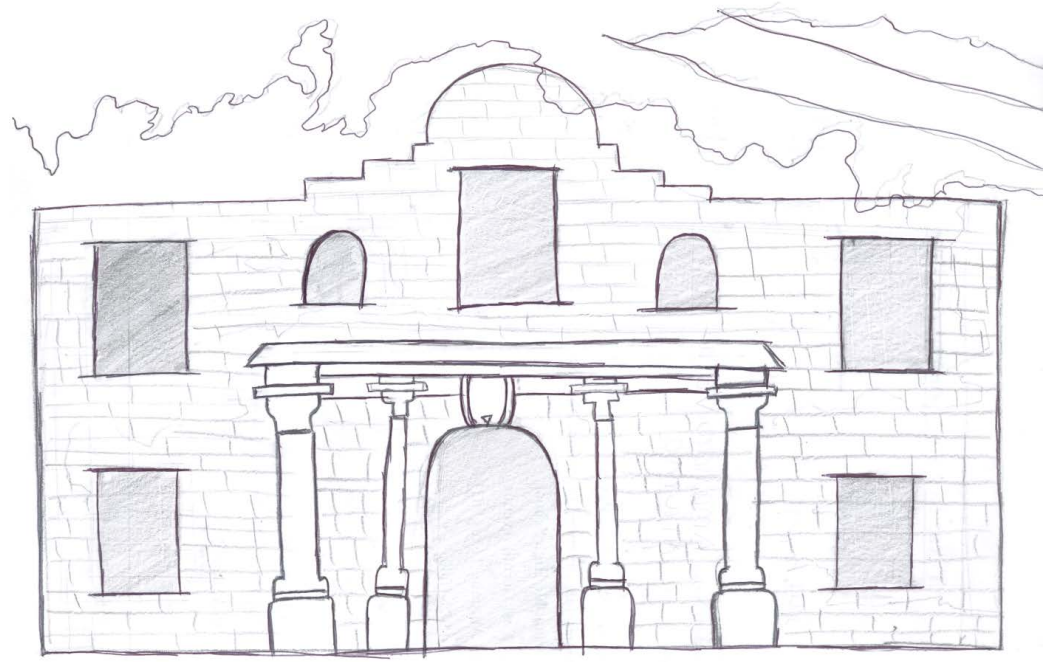
(b) Exempt recipients who voluntarily participate in SNAP E&T services shall participate in accordance with their employment plan.

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, 2026.

TRD-202604252
Les Trobman
General Counsel
Texas Workforce Commission
Earliest possible date of adoption: November 22, 2026
For further information, please call: (737) 301-9662

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WITHDRAWN RULES

Withdrawn Rules include proposed rules and emergency rules. A state agency may specify that a rule is withdrawn immediately or on a later date after filing the notice with the Texas Register. A proposed rule is withdrawn six months after the date of publication of the proposed rule in the Texas Register if a state agency has failed by that time to adopt, adopt as amended, or withdraw the proposed rule. Adopted rules may not be withdrawn. (Government Code, §2001.027)

TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 215. MOTOR VEHICLE DISTRIBUTION

SUBCHAPTER B. LICENSES, GENERALLY

43 TAC §215.85

The Texas Department of Motor Vehicles withdraws proposed amendments to §215.85 which appeared in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2638).

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604309
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 9, 2026
For further information, please call: (512) 465-4160

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SUBCHAPTER C. FRANCHISED DEALERS, MANUFACTURERS, DISTRIBUTORS, AND CONVERTERS

43 TAC §215.101

The Texas Department of Motor Vehicles withdraws the proposed repeal of §215.101 which appeared in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2638).

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604310
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 9, 2026
For further information, please call: (512) 465-4160

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43 TAC §§215.105, 215.107, 215.108, 215.114

The Texas Department of Motor Vehicles withdraws proposed new and amended §§215.105, 215.107, 215.108 and 215.114 which appeared in the October 9, 2026, issue of the *Texas Register* (51 TexReg 2638).

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Laura Moriaty
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For further information, please call: (512) 465-4160

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SUBCHAPTER D. GENERAL DISTINGUISHING NUMBERS AND IN-TRANSIT LICENSES

43 TAC §215.137, §215.157

The Texas Department of Motor Vehicles withdraws proposed new and amended §215.137 and §215.157 which appeared in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2638).

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For further information, please call: (512) 465-4160

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SUBCHAPTER F. ADVERTISING

43 TAC §215.264

The Texas Department of Motor Vehicles withdraws proposed amendments to §215.264 which appeared in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2638).

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Laura Moriaty
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SUBCHAPTER G. ADMINISTRATIVE SANCTIONS

43 TAC §215.500

The Texas Department of Motor Vehicles withdraws proposed amendments to §215.500 which appeared in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2638).

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Laura Moriaty
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CHAPTER 217. VEHICLE TITLES AND REGISTRATION

SUBCHAPTER A. MOTOR VEHICLE TITLES

43 TAC §217.1

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.1 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
General Counsel
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43 TAC §217.6

The Texas Department of Motor Vehicles withdraws proposed amendments to §217.6 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §217.21, §217.32

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.21 and §217.32 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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43 TAC §217.43, §217.45

The Texas Department of Motor Vehicles withdraws proposed amendments to §217.43 and §217.45 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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SUBCHAPTER C. REGISTRATION AND TITLE SYSTEMS

43 TAC §217.71

The Texas Department of Motor Vehicles withdraws proposed amendments to §217.71 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES

43 TAC §217.81

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.81 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
General Counsel
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SUBCHAPTER F. MOTOR VEHICLE RECORDS

43 TAC §217.121

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.121 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
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SUBCHAPTER G. INSPECTIONS

43 TAC §217.141

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.141 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
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SUBCHAPTER H. DEPUTIES

43 TAC §217.161

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.161 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
General Counsel
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SUBCHAPTER I. PROCESSING AND HANDLING FEES

43 TAC §217.181

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.181 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
General Counsel
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SUBCHAPTER J. PERFORMANCE QUALITY RECOGNITION PROGRAM

43 TAC §217.201

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.201 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
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SUBCHAPTER K. ELECTRONIC SIGNATURES

43 TAC §217.301

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.301 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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SUBCHAPTER L. ASSEMBLED VEHICLES

43 TAC §217.401

The Texas Department of Motor Vehicles withdraws the proposed repeal of §217.401 which appeared in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113).

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TRD-202604331
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 9, 2026
For further information, please call: (512) 465-4160

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

TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 103. HEALTH AND SAFETY

SUBCHAPTER EE. COMMISSIONER'S RULES ON PREVENTION, AWARENESS, AND REPORTING OF CHILD ABUSE OR NEGLECT, INCLUDING TRAFFICKING OF A CHILD

19 TAC §103.1401, §103.1402

The Texas Education Agency (TEA) adopts an amendment to §103.1401 and new §103.1402, concerning prevention, awareness, and reporting of child abuse or neglect, including trafficking of a child. The amendment to §103.1401 and new §103.1402 are adopted with changes to the proposed text as published in the July 10, 2026 issue of the *Texas Register* (51 TexReg 4452) and will be republished. The adopted amendment to §103.1401 adds and clarifies definitions; updates the timeline to report abuse and neglect of a student from 48 hours to 24 hours to align with Senate Bill (SB) 571, 89th Texas Legislature, Regular Session, 2025; and expands the requirements for school system policies on reporting child abuse and neglect. New §103.1402 establishes the procedures for investigating school systems' compliance with laws regarding reporting child abuse and neglect.

REASONED JUSTIFICATION: Section 103.1401, Reporting Child Abuse or Neglect, Including Trafficking of a Child, relates to the reporting of child abuse and neglect and related training requirements for school districts and open-enrollment charter schools. The adopted amendment to §103.1401(a) clarifies the definition for child abuse and neglect and adds definitions for child abuse, law enforcement agency, and neglect for the purpose of Chapter 103, Subchapter EE. The adopted amendment to §103.1401(b)(1) reduces the timeline to report abuse and neglect of a student from 48 hours to 24 hours to align with SB 571, 89th Texas Legislature, Regular Session, 2025. Adopted new §103.1401(b)(9) requires school system policies on addressing sexual abuse, trafficking, and other maltreatment of children to include safeguards requiring transparency in digital communications between school employees and students. The adopted amendment to §103.1401(c) requires local education agencies (LEAs) to make available on the LEA website the policies for reporting child abuse and neglect adopted by the board of trustees.

In response to public comment, changes were made to §103.1401(b)(9) at adoption to establish circumstances a school district may consider to determine if a violation of the district's digital communications policy has occurred.

Adopted new §103.1402, Compliance Monitoring; Agency Review and Investigation, implements SB 571, 89th Texas Legislature, Regular Session, 2025, by establishing the procedures for investigating school systems' compliance with laws regarding reporting child abuse and neglect. Adopted new subsection (a) defines appropriate investigative protocols. Adopted new subsection (b) establishes TEA's responsibility to review records of school systems and the investigations conducted by school systems to ensure compliance with appropriate protocols and cooperation with law enforcement agencies and state agencies. Adopted new subsection (c) establishes that TEA may investigate regardless of whether a complaint has been filed. Adopted new subsection (d) establishes the provisions that govern compliance monitoring and review, and adopted new subsection (e) establishes the circumstances under which TEA may escalate or refer actions and the process for doing so.

In response to public comment, changes were made to §103.1402(a)(1) at adoption to include notification to the parent or guardian of a student victim.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began July 10, 2026, and ended August 10, 2026. Following are the comments received and agency responses.

Comment: One commenter supported transparency in digital communications but argued that the proposed prohibition on contact beyond the professional role is too broad. The commenter suggested referencing educator ethics standards instead and informing students and parents about employee conduct expectations.

Response: The agency agrees and updated the language of §103.1401(b)(9) at adoption to reference "a bona fide, reasonable, and verifiable circumstance" that does not compromise student safety or welfare and does not interfere with parental rights.

Comment: One commenter supported investigation protocols but requested stronger student protections, including parent notification, designated liaisons, student support measures, trauma-informed practices, absence accommodations, and explicit emphasis on student safety and support.

Response: The agency partially agrees and updated the language of §103.1402(a)(1) to address notification to the parent or guardian of a student victim. To the remainder of the comment, the agency cannot require support measures beyond what law allows.

Comment: The Texas American Federation of Teachers generally supported the rules and alignment with SB 571. The organization requested a clearer definition of "transparency in digital communications" and additional due-process protections for accused educators, including notice of allegations, opportunity to respond, and access to written statements.

Response: The agency partially agrees and updated the language of §103.1401(b)(9) at adoption to reference "a bona fide, reasonable, and verifiable circumstance." Due process protections are provided in 19 TAC Chapter 249 and 19 TAC Chapter 153.

Comment: The Texas School for the Deaf opposed proposed §103.1401(b)(9) as written because it could prohibit legitimate familial and community relationships. The organization requested exceptions for family and social relationships and suggested alternative language allowing governing boards to authorize appropriate exceptions.

Response: The agency agrees and updated the language of §103.1401(b)(9) at adoption to reference "a bona fide, reasonable, and verifiable circumstance."

Comment: The Texas Association of School Boards supported student safety goals but argued that §103.1401(b)(9) duplicates existing law and could create hardships for employees with family or community relationships with students. The association requested removal of the provision, alignment with existing statute, or explicit exceptions for familial and social relationships.

Response: The agency agrees and updated the language of §103.1401(b)(9) at adoption to reference "a bona fide, reasonable, and verifiable circumstance."

STATUTORY AUTHORITY. The amendment and new section are adopted under Texas Education Code (TEC), §22A.051(a)(2)(A), (B), (C), and (D), as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which establishes the requirements to report educator misconduct and provides the commissioner of education with the authority to review records of an educational entity to ensure compliance with the required reporting of educator misconduct; TEC, §22A.156, as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025, which provides the TEA with compliance monitoring and investigative authority related to misconduct by employees and contractors of educational entities; TEC, §37.086, as amended by SB 2069, 88th Texas Legislature, Regular Session, 2023, which requires each public school to post warning signs describing the increased penalties for trafficking of persons under Texas Penal Code, §20A.02(b-1); TEC, §38.004, which requires TEA to develop a policy governing the reports of child abuse or neglect; and TEC, §38.0041, which requires school districts and open-enrollment charter schools to adopt and implement policies addressing sexual abuse, sex trafficking, and other maltreatment of children.

CROSS REFERENCE TO STATUTE. The amendment and new section implement Texas Education Code, §22A.051(a)(2)(A), (B), (C), and (D), as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; §22A.156, as transferred, redesignated, and amended by SB 571, 89th Texas Legislature, Regular Session, 2025; §37.086, as amended by SB 2069, 88th Texas Legislature, Regular Session, 2023; §38.004; and §38.0041.

§103.1401. Reporting Child Abuse or Neglect, Including Trafficking of a Child.

(a) The following words and terms, when used in this subchapter, have the following meanings.

(1) Child abuse--This term has the meaning assigned by Texas Family Code, §261.001(1).

(2) Child abuse or neglect--This phrase includes the trafficking of a child in accordance with Texas Education Code (TEC), §38.004.

(3) Law enforcement agency--This term has the meaning assigned by TEC, §22A.154.

(4) Neglect--This term has the meaning assigned by Texas Family Code, §261.001(4).

(5) Other maltreatment--This term has the meaning assigned by Human Resources Code, §42.002.

(6) Trafficking of a child--This term has the meaning assigned by Texas Penal Code, §20A.02(a)(5), (6), (7), or (8).

(b) The board of trustees of a school district or governing body of an open-enrollment charter school shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements outlined in Texas Family Code, Chapter 261.

(1) The policies must require that every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect submit a written or oral report to at least one of the following authorities within 24 hours or less, as determined by the board of trustees, after learning of facts giving rise to the suspicion:

(A) a law enforcement agency;

(B) the Texas Department of Family and Protective Services, Child Protective Services Division;

(C) a local office of Child Protective Services, where available; or

(D) the state agency that operates, licenses, certifies, or registers the facility in which the alleged child abuse or neglect occurred.

(2) The policies must require a report to the Texas Department of Family and Protective Services if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

(A) penalties under Texas Penal Code, §39.06; Texas Family Code, §261.109; and Chapter 249 of this title (relating to Disciplinary Proceedings, Sanctions, and Contested Cases) for failure to submit a required report of child abuse or neglect;

(B) applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including the following:

(i) Texas Family Code, §261.302 and §261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

(ii) Texas Family Code, §261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator;

(C) immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

(D) oral reports made to the Texas Department of Family and Protective Services are recorded;

(E) confidentiality provisions relating to reports of suspected child abuse or neglect, including the following:

(i) the requirement for the individual making the report to provide the individual's name and telephone number;

(ii) the requirement for the individual making the report to provide the individual's home address or, if the individual making the report is a school employee, agent, or contractor, provide the individual's business address and profession; and

(iii) the limited circumstances under which the identity of the individual making a report may be disclosed;

(F) any disciplinary action that may result from noncompliance with the district's reporting policy;

(G) the prohibition under TEC, §26.0091, against using or threatening to use the refusal to consent to administration of a psychotropic drug to a child or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, except as authorized by TEC, §26.0091; and

(H) the Texas Department of Family and Protective Services is not authorized to accept an anonymous report of abuse or neglect.

(3) Each school district and open-enrollment charter school shall adopt and implement a policy addressing sexual abuse, trafficking, and other maltreatment of children. The policy must be included in any informational handbook provided to students and parents and must address the following:

(A) methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;

(B) actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and

(C) available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

(4) The policies must be consistent with Texas Family Code, Chapter 261, and 40 TAC Chapter 700 (relating to Child Protective Services) regarding investigations by the Texas Department of Family and Protective Services, including regulations governing investigation of abuse by school personnel and volunteers.

(5) The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator prior to making a report to one of the agencies identified in paragraph (1) of this subsection.

(6) The policies must include the current toll-free telephone number of the Texas Department of Family and Protective Services.

(7) The policies must provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by the Texas Department of Family and Protective Services.

(8) The policies must include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

(9) The policies must include safeguards requiring transparency in digital communications between school employees and students designed to prevent improper communication.

(A) These safeguards must include prohibition on contacting or meeting the student beyond the employee's professional role and on making efforts to gain access to or time alone with a student.

(B) In determining whether a violation of this policy has occurred, a school district may consider the totality of the circumstances if the contact arises out of a bona fide, reasonable, and verifiable circumstance outside of the employee's professional role and does not compromise the safety and welfare of the student or interfere with parental rights.

(c) The policies required by this section and adopted by the board of trustees shall be distributed to all school personnel at the beginning of each school year and made available on the website of the local education agency. The policies shall be addressed in staff development programs at regular intervals determined by the board of trustees.

(d) Training concerning prevention techniques for, and recognition of, sexual abuse, trafficking, and all other maltreatment of children, including the sexual abuse, trafficking, and other maltreatment of children with significant cognitive disabilities, must be provided as a part of new employee orientation to all new school district and open-enrollment charter school employees as required by TEC, §38.0041.

(1) The training must include:

(A) factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;

(B) warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;

(C) internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;

(D) techniques for reducing a child's risk for sexual abuse, trafficking, or other maltreatment; and

(E) information on community organizations that have relevant research-based programs that are able to provide training or other education for school district or open-enrollment charter school staff, students, and parents.

(2) Each school district and open-enrollment charter school must maintain records that include the name of each staff member who participated in training.

(3) To the extent that resources are not yet available from the Texas Education Agency or commissioner of education, school district and open-enrollment charter schools shall implement the policies and trainings with existing or publicly available resources. The school district or open-enrollment charter school may also work in conjunction with a community organization to provide the training at no cost to the district or charter school.

(e) Using a format and language that is clear, simple, and understandable to students, each public school and open-enrollment charter school shall post, in English and in Spanish:

(1) the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number;

(2) instructions to call 911 for emergencies; and

(3) directions for accessing the Texas Department of Family and Protective Services website (www.txabusehotline.org) for more information on reporting abuse, neglect, and exploitation.

(f) School districts and open-enrollment charter schools shall post the information specified in subsection (e) of this section at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large

print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Protective Services Abuse Hotline telephone number should be in bold print.

§103.1402. Compliance Monitoring; Agency Review and Investigation.

(a) When used in this section, the term "appropriate investigative protocols" means, for purposes of Texas Education Code (TEC), §22A.156, the minimum procedural standards expected of an educational entity, as defined by TEC, §22A.001(3), when conducting an internal investigation into allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D). At a minimum, appropriate investigative protocols include procedures that are reasonably designed and effectively implemented to:

(1) ensure all required reports and notifications are made to the Texas Department of Family and Protective Services, law enforcement, the Texas Education Agency (TEA), and the parent or guardian of a student victim, if not otherwise prohibited, within the timeframes and in the manner required by law;

(2) preserve and maintain investigative records sufficient to permit TEA review, including, but not limited to, documentation of actions taken and decisions made;

(3) provide for cooperation with investigations conducted by the Texas Department of Family and Protective Services, law enforcement, or TEA and avoid actions that may interfere with those investigations;

(4) include reasonable measures to protect student safety during the pendency of the investigation; and

(5) be conducted in an objective manner that avoids bias, undue influence, or favoritism and prioritizes student safety throughout the investigative process.

(b) As required by TEC, §22A.156, TEA shall:

(1) periodically review the records of educational entities to ensure compliance with TEC, §22A.151(b); and

(2) review the investigations conducted by educational entities involving allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), to ensure the investigations are conducted using appropriate investigative protocols, including when cooperating with a law enforcement agency or the Texas Department of Family and Protective Services in accordance with the policy adopted under TEC, §38.004. If TEA determines that an educational entity failed to follow appropriate investigative protocols, the commissioner of education may authorize a special investigation under TEC, §39.003.

(c) TEA may directly investigate allegations of misconduct described by TEC, §22A.051(a)(2)(A), (B), (C), or (D), regardless of whether a report or complaint was filed with TEA.

(d) The following provisions govern compliance monitoring and review by TEA.

(1) TEA may conduct compliance monitoring to evaluate whether an educational entity has complied with:

(A) reporting requirements under TEC, Chapter 22A;

(B) cooperation and investigative protocol requirements under TEC, §22A.156, and this chapter; and

(C) applicable policies adopted under TEC, §38.004.

(2) Compliance monitoring under this section may include review of:

(A) reports, complaints, or data submitted to TEA;

(B) documentation related to reporting timelines, notifications, or investigative actions; and

(C) policies, training records, or investigative materials necessary to assess compliance.

(3) Compliance monitoring conducted under this subsection does not constitute a determination regarding the occurrence of abuse, neglect, or misconduct under the Texas Penal Code or Texas Family Code.

(4) An educational entity shall cooperate with compliance monitoring conducted by TEA and shall provide requested records or information within the timeframe specified by TEA, unless otherwise extended by TEA.

(e) TEA may take escalation or referral actions as provided in this subsection.

(1) Based on the results of compliance monitoring, TEA may:

(A) issue advisory guidance;

(B) initiate a compliance review;

(C) issue a formal notice of noncompliance; or

(D) require remedial training or other corrective action or take other action authorized by law.

(2) TEA may escalate its response on the basis of findings determined during compliance monitoring, including initiation of a compliance review or referral of the matter for further action.

(3) Escalation under this subsection may be warranted when TEA identifies circumstances including, but not limited to, substantial or repeated reporting delays; failure to follow appropriate investigative protocols under TEC, §22A.156, or this chapter; failure to cooperate with TEA review; systemic or pattern-based noncompliance; or conduct indicating concealment, interference, or disregard of statutory duties, or as determined by the commissioner.

(4) If TEA determines that an educational entity failed to follow appropriate investigative protocols, the commissioner may authorize a special investigation under TEC, §39.003.

(5) When information identified during compliance monitoring or review indicates potential educator misconduct or administrator culpability, TEA may refer the matter to the State Board for Educator Certification or appropriate division within TEA for investigation or enforcement, as authorized under applicable law.

(6) When information identified during compliance monitoring or review indicates a failure to comply with mandatory reporting laws or the presence of potential criminal conduct, TEA may refer the matter to law enforcement or the Texas Department of Family and Protective Services, in accordance with applicable statutory reporting requirements, as appropriate.

(7) Nothing in this section limits the authority of TEA or the commissioner to take any other action authorized by statute, including coordination among divisions or with external agencies, as appropriate.

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

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Cristina De La Fuente-Valadez
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CHAPTER 105. FOUNDATION SCHOOL PROGRAM

SUBCHAPTER BB. COMMISSIONER'S RULES CONCERNING CHARTER SCHOOL FUNDING

The Texas Education Agency (TEA) adopts the repeal of §105.1011 and new §105.1011, concerning additional state aid for open-enrollment charter school facilities. The proposed repeal is adopted without changes to the proposed text as published in the April 24, 2026 issue of the *Texas Register* (51 TexReg 2580) and will not be republished. The proposed new section is adopted with changes to the proposed text as published in the April 24, 2026 issue of the *Texas Register* (51 TexReg 2580) and will be republished. The adopted repeal and new rule implement changes made by House Bill (HB) 2, 89th Texas Legislature, Regular Session, 2025, by defining eligibility criteria and implementing an annual certification provision to receive funding.

REASONED JUSTIFICATION: HB 2, 89th Texas Legislature, Regular Session, 2025, amended Texas Education Code (TEC), §12.106(d), to repeal the $60 million appropriation cap and amend the formula for the allotment to be either the lesser of the state average interest and sinking tax rate imposed by school districts for the current school year multiplied by the guaranteed level of state and local funds per student per cent of tax effort or the basic allotment multiplied by $0.06.

HB 2 amended TEC, §12.106(e), to expand the criteria under which a charter holder is not eligible to receive facilities funding. As amended, a charter holder is ineligible for funding if it has been assigned an unacceptable academic performance rating under TEC, Chapter 39, Subchapter C; a financial accountability performance rating lower than satisfactory under TEC, Chapter 39, Subchapter D; or any combination of these ratings during the two preceding school years. Additionally, HB 2 added new TEC, §12.106(e-2), which requires charter holders to annually certify that no individual associated with the charter school, including administrators, governing body members, or their close relatives, receives a financial benefit from a real estate transaction with the school.

To implement HB 2, the adopted repeal removes the previous requirements and adopted new §105.1011 establishes eligibility criteria and funding determination processes for open enrollment charter schools under TEC, §12.106(d), accountability rating standards, funding timelines, and the requirement for an annual certification.

In response to public comment, the adopted rule was revised to clarify that a charter school assigned a "Not Rated" designation for academic performance or financial accountability is not considered to have received an unacceptable rating for purposes of determining eligibility for facilities funding. Specifically, new subsection (a)(3) was added to describe and clarify eligibility criteria in TEC, §12.106(e).

In response to public comment, the adopted rule was revised to clarify the treatment of charter schools in their first two years of operation. Specifically, §105.1011(c) includes revised language at adoption that charter schools in their first two years of operation will automatically receive estimated funding based on the eligibility provisions in TEC, §12.106(e-1).

Also, in response to public comment, TEA revised §105.1011(e) to replace final eligibility determinations occurring only at settle-up with a process that allows TEA to update estimated funding upon the availability of final data.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began April 24, 2026, and ended May 26, 2026. Following are the public comments received and the agency responses.

Comment: An administrator raised concerns regarding equity, fiscal risk, and oversight related to the proposed repeal and replacement of §105.1011. The concern highlighted that the proposal did not provide comparable support for independent school districts, potentially creating funding imbalances and diverting state resources. Additionally, the commenter was concerned about increased long-term costs and insufficient safeguards for long-term performance. The administrator also noted that expanded charter growth could disrupt local school systems and that the proposal lacked sufficient transparency and oversight for the use of facilities funding.

Response: This comment is outside the scope of the proposed rulemaking. The issues raised by the commenter relate to broader state funding policy and statutory provisions determined by the Texas Legislature. HB 2 implements applicable law regarding charter school facilities funding and does not address the broader school finance policy issues raised in the comment. No changes to the rules were made in response.

Comment: The Texas Public Charter School Association (TPCSA) raised concerns with the proposed repeal and replacement of §105.1011. Specifically, TPCSA contended that an assigned "Not Rated" academic or financial accountability rating should not affect a charter school's eligibility for facilities funding, since statutory language of HB 2 under TEC, §12.106(e), identifies only "unacceptable" as the basis for disqualification. TPCSA advised that TEA clarify in rule that a "Not Rated" designation is not considered an unacceptable rating for purposes of determining facilities funding eligibility.

Response: The agency agrees and the rule has been revised at adoption to clarify that a "Not Rated" designation is not considered an unacceptable rating for purposes of determining eligibility under TEC, §12.106(e).

Comment: TPCSA advised that TEA include language in the rule to specify that schools are eligible for facilities funding unless they have unacceptable ratings academically, financially, or a combination of both for the two preceding school years.

Response: TEA disagrees that the suggested language is necessary. Eligibility for facilities funding, including the academic accountability and financial rating criteria, is established in TEC, §12.106(e). Because the eligibility requirements are prescribed in statute, additional language is not needed. Further, TEA has clarified in rule that a "Not Rated" academic or financial accountability designation is not considered an unacceptable rating for purposes of determining eligibility under TEC, §12.106(e). TEA

has determined that this clarification adequately addresses eligibility determinations and that no further rule language is necessary.

Comment: TPCSA suggested that charter schools in their first two years of operation receive estimated facilities funding prior to settle-up, consistent with the automatic eligibility provided under TEC, §12.106(e-1).

Response: The agency agrees and the rule was revised at adoption to clarify that newly established charter schools will receive estimated funding calculations before settle-up.

Comment: TPCSA recommended that final eligibility determinations occur as soon as TEA has access to the necessary final data and that funding estimate calculations be updated accordingly, rather than delaying those updates until settle-up.

Response: TEA agrees that final eligibility determinations and corresponding funding estimate updates should occur as soon as the data necessary to make those determinations becomes available.

19 TAC §105.1011

STATUTORY AUTHORITY. The repeal is adopted under TEC, §12.106(c), as amended by HB 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the commissioner of education to adopt rules necessary for the administration of state funding under TEC, §12.106(d), for open-enrollment charter schools.

CROSS REFERENCE TO STATUTE. The repeal implements TEC, §12.106, as amended by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

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

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19 TAC §105.1011

STATUTORY AUTHORITY. The new section is adopted under TEC, §12.106(c), as amended by House Bill 2, 89th Texas Legislature, Regular Session, 2025, which authorizes the commissioner to adopt rules necessary for the administration of state funding under TEC, §12.106(d), for open-enrollment charter schools.

CROSS REFERENCE TO STATUTE. The new section implements TEC, §12.106, as amended by House Bill 2, 89th Texas Legislature, Regular Session, 2025.

§105.1011. Additional State Aid for Open-Enrollment Charter School Facilities.

(a) For the purpose of determining a Texas Education Code (TEC), Chapter 12, Subchapter D open-enrollment charter school's eligibility to receive funding as provided under TEC, §12.106(d), the following apply under TEC, §12.106(e):

(1) an unacceptable academic performance rating under TEC, Chapter 39, Subchapter C, is defined as an overall score below 60, an overall "F" rating, or an overall "D" rating that is considered an unacceptable rating under TEC, §39.0543;

(2) a financial accountability rating lower than satisfactory under TEC, Chapter 39, Subchapter D, is defined as a score below 70 or substandard achievement; and

(3) a rating of "Not Rated" for academic performance or financial accountability is not considered an unacceptable rating.

(b) If ratings under TEC, Chapter 39, Subchapter C or D, were not issued for prior school years due to a declared natural disaster affecting the charter school's county, the most recent two available final accountability ratings from preceding school years will be used to determine eligibility.

(c) For charter schools that operated during the previous school year, the estimated funding under TEC, §12.106(d), for the current school year will be based on the school's eligibility status from the immediate prior year, and for charter schools in their first two years of operation, estimated funding will be automatically based on eligibility provisions under TEC, §12.106(e-1).

(d) During the school year for which funding under TEC, §12.106(d), is provided, the charter holder will provide an annual certification, in a manner prescribed by the commissioner of education, that no individual covered under TEC, §12.106(e-2)(1), (2), or (3), derives any financial benefit from a real estate transaction with the charter school.

(e) Upon the availability of final data for which funding under TEC, §12.106(d), would be provided, the Texas Education Agency will update estimated funding to reflect final eligibility using the two most recent preceding school years' final accountability ratings assigned under TEC, Chapter 39, Subchapters C and D, and the applicable annual certification to determine eligibility for funding under TEC, §12.106(e).

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

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CHAPTER 113. TEXAS ESSENTIAL KNOWLEDGE AND SKILLS FOR SOCIAL STUDIES

The State Board of Education (SBOE) adopts new §§113.1-113.6, 113.21-113.23, and 113.32-113.39, concerning Texas Essential Knowledge and Skills (TEKS) for social studies. The new sections were adopted with changes to the proposed text as published in the May 15, 2026 issue of the *Texas Register* (51 TexReg 3210) and will be republished. The adopted new TEKS update the social studies standards and implement

House Bill (HB) 27, HB 824, and Senate Bill (SB) 24, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

The TEKS for social studies and economics were originally adopted effective September 1, 1998. The Kindergarten-Grade 12 social studies TEKS and the TEKS for economics were revised effective August 23, 2010. In 2015, the SBOE adopted revisions to the TEKS for certain Advanced Placement (AP) and International Baccalaureate (IB) social studies courses to require that students demonstrate proficiency in the TEKS for the corresponding AP and IB courses, in addition to the AP or IB course requirements. In 2018, the SBOE approved streamlining revisions to the social studies TEKS for Kindergarten-Grade 8 and four high school social studies courses (United States History Studies, World History Studies, World Geography, and United States Government). The SBOE also streamlined the TEKS for Economics with Emphasis on the Free Enterprise System and Its Benefits and consolidated the TEKS for economics into Chapter 113. In April 2020, the SBOE approved proposed revisions to Chapter 113, Subchapter D, to update references to course numbers and titles to reflect the revisions to the social studies TEKS.

In 2021, SB 1063, 87th Texas Legislature, Regular Session, amended TEC, §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 required that the SBOE adopt TEKS for the personal financial literacy and economics course and that the required curriculum for the course allocate two-thirds of the instructional time to personal financial literacy and one-third of instructional time to economics. At its June 2022 meeting, the SBOE adopted TEKS for the new course, §113.76, Personal Financial Literacy and Economics, and the rule became effective August 1, 2022.

In 2021, the 87th Texas Legislature passed HB 4509, Regular Session, and SB 3, Second Called Session, to require the teaching of informed patriotism and the founding documents of the United States and require the SBOE to adopt essential knowledge and skills for social studies that develop each student's civic knowledge, including an understanding of the fundamental moral, political, and intellectual foundations of the United States government. The SBOE approved proposed amendments to Chapter 113, Subchapters A-C, to update the standards for Kindergarten-Grade 8 and five high school courses (Economics with Emphasis on the Free Enterprise System and Its Benefits, United States History Studies Since 1877, World History Studies, World Geography Studies, and United States Government) to align with SB 3 requirements.

In October 2024, the chairman of the SBOE established an ad hoc committee on social studies standards. The committee was charged with evaluating Texas's current social studies learning standards, researching best practices in history and civics education, and providing recommendations for developing exemplary state standards to ensure that Texas students receive a high-quality social studies education that prepares them for informed citizenship.

The goal of the committee was to provide clear, actionable recommendations for developing social studies curriculum standards that will position Texas as a national leader in history and civics education. The standards should equip students with essential knowledge of world, United States, and Texas history; geography; and civic institutions while fostering the skills and dispositions needed for engaged citizenship in a diverse democratic republic.

In 2025, the 89th Texas Legislature, Regular Session, passed HB 27, which revised the high school social studies graduation requirement for students who enter Grade 9 in the 2026-2027 school year and thereafter. Under HB 27, students must successfully complete a one-half credit personal financial literacy course instead of the one-half credit economics course or one-half economics and personal financial literacy and economics course to satisfy the economics requirement under the Foundation High School Program. Additionally, the bill permits students in this cohort to select the third social studies credit required for graduation from one credit in economics, world geography, or world history. As a result, the bill requires the approval of a one-credit economics course for this cohort while the current one-half economics course offerings remain in place for students not subject to HB 27. The bill also added new TEC, §28.025(b-24), requiring the SBOE to allow a student to comply with the personal financial literacy requirement by successfully completing an AP course that contains substantively similar and rigorous academic content.

HB 824, 89th Texas Legislature, Regular Session, 2025, added TEC, §28.002(h-3), to require the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge, including the role of government officials, the voting process, the eligibility requirements to run for elected office, Robert's Rules of Order, and the elected officials who represent the student.

Additionally, SB 24, 89th Texas Legislature, Regular Session, 2025, added TEC, §28.002(h-11), to require the SBOE to adopt social studies TEKS for Grades 4-12 that develop each student's understanding of communist regimes and ideologies and that provide age and developmentally appropriate instruction and information on the topic.

During the April 10, 2025 Ad Hoc Committee on Social Studies meeting, a public hearing on recommendations for a framework to guide the organization of the TEKS for social studies, including the identification of core content topics that students should know in United States history, Texas history, world history, geography, and civics in Kindergarten-Grade 12, was conducted. Texas Education Agency (TEA) staff presented an update on the status and progress of the Social Studies Ad Hoc Committee's charges, and the Committee of the Full Board (COFB) heard public testimony at the June 2025 meeting. A survey to collect input on key topics, strand titles, course sequencing/layering, and effective practices to inform the social studies TEKS revision was distributed in August 2025.

At the September 2025 meeting, the SBOE approved the social studies framework course sequence and strands for Kindergarten-Grade 8. The SBOE designated content advisors for the social studies TEKS review, and an application to serve on social studies TEKS review work groups was posted on the TEA website in October 2025. A discussion item regarding content advisor recommendations for key topics to be included in the social studies TEKS framework was presented to the COFB at

the November 2025 meeting. The content advisors were also directed to address instructional requirements from HB 27, HB 824, and SB 24 in their recommendations. At the January 2026 meeting, the SBOE approved key topics and subtopics to be included in the new TEKS for social studies. Work group meetings were convened in February 2026 to develop draft recommendations for the new social studies TEKS. As part of the SBOE's process for the review and revision of the TEKS, education service centers (ESCs) collected feedback from educators in their regions on the work group drafts and submitted the feedback to TEA.

The SBOE held a public hearing and discussed the proposed new TEKS for social studies at a special called meeting in February 2026. In March 2026, TEA convened additional work groups to address the feedback from the SBOE and ESC focus groups to finalize their recommendations. At the April 2026 meeting, the SBOE held a public hearing on the proposed new TEKS. At the meeting, the SBOE removed §113.26, Personal Financial Literacy (One-Half Credit), Adopted 2026, from the proposal and directed staff to post both the proposed new course as presented in the April agenda and an alternative version presented during the meeting on the TEA website for informal public feedback. At that time, the SBOE also approved the remaining proposed new rules in 19 TAC Chapter 113, Subchapters A-D, for first reading and filing authorization. Proposed new 19 TAC Chapter 113, Subchapters A-D, were presented to the SBOE for second reading and final adoption at the June 2026 meeting. At that time, the SBOE approved §§113.1-113.6, 113.21-113.23, 113.29, and 113.32-113.39 for adoption. One course, §113.29, Foundations of Economics (One Credit), Adopted 2026, was approved with an effective date of 20 days after filing as adopted with the Texas Register.

The following changes were made since published as proposed.

Subchapter A

Subsection (b)(6) in §§113.1-113.6 was amended by updating the paragraph to read, "Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include."

Section 113.1(b)(6)(A) was amended by inserting the phrase "use primary and secondary sources, including stories, artifacts, and documents to learn about people, events, and places in the past" and striking the phrase "distinguish, with adult assistance, between a photograph or artifact and a story or textbook as different ways of learning about the past and identify what each source shows about people or places."

Section 113.1(b)(6)(B) was amended by striking the phrase "with adult assistance."

Section 113.1(b)(6)(C) was modified by changing the sequential terms and by replacing the phrase "how things changed" with "the change."

Subsection (b) in §§113.1-113.6 was amended by inserting new paragraphs (8)-(10) related to social studies skills.

Subsection (c) in §§113.1-113.3 was amended by striking all "with adult assistance" phrases.

Proposed §113.1(c)(1)(B) related to the Three Sisters crops was deleted.

Section 113.1(c)(1)(B) was amended by reordering the social studies tags.

Section 113.1(c)(3)(A) was amended by inserting the phrase "a globe" after the phrase "using pictures."

Proposed §113.1(c)(4) related to the Plymouth Colony was deleted.

Section 113.1(c)(4)(B) was amended to read, "explain that the Pilgrims were people from England who came to America seeking religious freedom to practice and share their Christian faith, make choices about their government, and work together to build a community (H, G/Civ, Geo/C, S)."

Section 113.1(c)(4)(C) was amended to read "explain that the Mayflower Compact was an agreement based on Christian values to work together, to choose leaders, and to follow rules for the good of the community (H, G/Civ, Geo/C, S)."

New §113.1(c)(4)(D) was added to read, "locate on a map England and Massachusetts (Geo/C, S)."

Section 113.1(c)(6)(A) was amended to read, "identify a portrait of George Washington as a primary source and describe details in the portrait that tell about who George Washington was and the time period in which he lived (S)."

Section 113.1(c)(6)(D) was amended by inserting the phrase "including his role in uniting the nation and as the first president of the United States" after the phrase "Father of Our Country."

Section 113.1(c)(7)(A) was amended to read, "identify examples of goods and services (G/Civ, E, S)."

Section 113.1(c)(7)(B) was amended to read, "identify examples of wants and needs (G/Civ, E, S)."

Section 113.1(c)(7)(D) was amended by inserting the phrase "including important family decisions to purchase food and water as a need instead of toys and snacks as wants" after the word "buy."

Section 113.1(c)(8)(B) was amended by replacing the verb "recognize" with the verb "identify."

Section 113.1(c)(9)(A) was amended by striking the phrase "and independence."

Proposed §113.1(c)(9)(D) related to the Pledge of Allegiance was deleted.

Proposed §113.1(c)(10)(D) related to the demonstration of respectful discussion was deleted.

Section 113.1(c)(10)(D) was amended by striking the phrase "liberties, rights, and" after the word "protecting."

Section 113.1(c)(11)(A) was amended to read "retell the story about Father Damián Massanet, who came to Texas to help people build missions and teach Christianity to American Indians (H, Geo/C, S)."

Section 113.1(c)(11)(B) was amended to read, "retell the story about Tejano leader José Antonio Navarro that describes how he welcomed settlers to present day San Antonio, Texas (H, Geo/C, S)."

Section 113.1(c)(11)(C) was amended to read, "retell the story about Sam Houston that describes his leadership role in Texas independence from Mexico, including his role as a general (H, Geo/C, S)."

Section 113.1(c)(12)(D) was amended to read, "recite the state song 'Texas, Our Texas,' including the first verse and refrain,

identify the song from the melody, and demonstrate good citizenship behaviors while listening, including standing and facing the flag, with hand over heart, as physically able (G/Civ, S)."

Proposed §113.1(c)(13)(C) related to community helpers was deleted.

New §113.1(c)(13)(C) was added to read, "identify ways people honor members of the military on Memorial Day and Veterans Day, including saying thank you for your service, attending parades, and flying the American flag (G/Civ, S)."

Section 113.1(c)(14)(A) was amended to read, "retell, using sequential terms, before, after, next, first, or last, the story of Benjamin Franklin that highlights his contributions as an inventor, including the invention of bifocals and the lightning rod, and as a business owner (H, G/Civ, S)."

New §113.1(c)(14)(C) was added to read, "retell, using pictures, the story of Bessie Coleman, who was born in Atlanta, Texas, and became the first African American and Native American woman to earn an international pilot's license, showing courage in pursuing her dream of flight (H, Geo/C, S)."

Section 113.2(b)(1)(C) was amended by adding the phrase "and natural gas" after the phrase "including oil."

Section 113.2(b)(6)(A) was amended by striking the phrase "with adult assistance."

Section 113.2(c)(1)(A) was amended to read, "locate North America, the state of Texas, El Paso, the Chihuahuan Desert, and the Rio Grande on a map and identify their relative location using cardinal directions north, south, east, and west (Geo/C, S)."

Section 113.2(c)(1)(B) was amended to read, "retell the story of Don Juan de Oñate, including the celebration of Thanksgiving in 1598 after safely crossing the desert (H, Geo/C, S)."

Section 113.2(c)(2)(B) was amended to read, "identify that the Pilgrims crossed the Atlantic Ocean, from Europe to America, seeking economic opportunities, freedom to worship God, and to advance the Christian faith (G/Civ, Geo/C, S)."

Section 113.2(c)(2)(C) was amended by replacing the verb "recognize" with the verb "identify."

Section 113.2(c)(2)(D) was amended to read, "retell the story of the Plymouth Thanksgiving, including that the Pilgrims gave thanks to God (H, Geo/C)."

Section 113.2(c)(3)(C) was amended by replacing the word "people" with the word "Pilgrims."

Section 113.2(c)(3)(D) was amended by replacing the verb "recognize" with the verb "identify."

Proposed §113.2(c)(3)(E) related to decision making was deleted.

Section 113.2(c)(4)(C) was amended by inserting the phrase "William Dawes, and Samuel Prescott" after the name "Paul Revere."

Proposed §113.2(c)(4)(G) related to Boston and Philadelphia was deleted.

Section 113.2(c)(5)(B) was amended to read, "recite the first stanza and identify the song from the melody of 'America the Beautiful' (H, Geo/C, S)."

Section 113.2(c)(5)(C) was amended to read, "explain the meaning of 'America the Beautiful' by Katherine Lee Bates, including features of America's landscape (H, Geo/C, S)."

New §113.2(c)(5)(D) was added to read, "identify historical symbols of liberty in Philadelphia, Pennsylvania, including the Liberty Bell and Independence Hall (G/Civ, Geo/C)."

Section 113.2(c)(5)(E) was amended by striking the phrase "and the Liberty Bell in Philadelphia, Pennsylvania" after "Independence Hall."

Section 113.2(c)(6)(A) was amended by adding the phrase "including attending parades and watching fireworks displays" after the phrase "July 4th."

Proposed §113.2(c)(7)(A) related to the Comanche was deleted.

Section 113.2(c)(8)(B) was amended by adding the phrase "including food, clothing, and languages" after the word "cultures."

Section 113.2(c)(8)(C) was amended to read, "retell the story about Antonio de Olivares founding the mission near the San Antonio River that became the Alamo (H, Geo/C, S)."

Section 113.2(c)(10)(B) was amended to read, "recite the first four stanzas from and identify from the melody the song 'Deep in the Heart of Texas' (H, Geo/C, S)."

Proposed §113.2(c)(11)(A) and (B) related to slavery were deleted.

Section 113.2(c)(11)(A) was amended to read, "describe how the country was divided over different views on slavery, including people who supported slavery and people who did not, which led to the Civil War (H, S)."

Section 113.2(c)(11)(B) was amended to read, "retell events of Abraham Lincoln's life using a timeline, including details about his childhood, his election as president, and his speech, the Gettysburg Address (H, S)."

Section 113.2(c)(11)(C) was amended to read, "identify Abraham Lincoln as the president who ended slavery and protected liberty for all people in America (H, G/Civ, S)."

Proposed §113.2(c)(12)(A) and (B) were deleted, and the deleted content was summarized and moved to be included within paragraph (12).

Section 113.2(c)(13)(C) was amended to correct the spelling of "Pattillo."

Proposed §113.2(c)(13)(D) related to Henry O. Flipper was deleted.

New §113.2(c)(13)(E) was added to read, "describe H.L. Hunt as a wildcatter and speculator who worked in Texas to develop land and oil projects, showing courage and skill (H, E, S)."

Section 113.2(c)(14)(B) was amended by inserting the word "including" after the word "consumers."

Section 113.2(c)(14)(C) was amended by inserting the phrase "to meet needs and wants" after the word "services."

Section 113.2(c)(14)(D) was amended by inserting the phrase "including to earn money, care for the family, and contribute to the community" after the word "jobs."

Proposed §113.2(c)(14)(E) related to helping communities was deleted.

Section 113.2(c)(14)(E) was amended by inserting the phrase "including teacher, business owner, and truck driver" after the word "community."

Proposed §113.2(c)(14)(G) and (H) related to producing goods and services and business owners were deleted.

Proposed §113.2(c)(15)(A) related to racial segregation was deleted.

Section 113.3(b)(6)(A) was amended by replacing the verb "explain" with the verb "interpret."

Proposed §113.3(b)(6)(E) related to answering questions about the past was deleted.

Proposed §113.3(c)(2)(A) related to characteristics of early civilizations was deleted.

Section 113.3(c)(2)(A) was amended to read, "identify the Clovis in North America and Texas (H, G/Civ, Geo/C, E, S)."

Section 113.3(c)(2)(E) was amended by striking the phrase "Greek and" before the word "Roman."

Section 113.3(c)(2)(F) was amended to read, "identify the continent of Africa on a map and identify contributions from ancient African kingdoms, including art, trade, and irrigation (H, Geo/C, E)."

New §113.3(c)(4)(D) was added to read, "recite the phrase from the Declaration of Independence, 'We hold these truths to be self-evident, that all men are created equal,' and identify the phrase as coming from the Declaration (H, G/Civ)."

Section 113.3(c)(5)(A) was amended to read, "identify 'Give me liberty, or give me death!' as words spoken by Patrick Henry in support of independence (H, G/Civ, Geo/C, S)."

Proposed §113.3(c)(5)(D) related to George Washington was deleted.

Section 113.3(c)(5)(F) was amended by striking the phrase "the Black Robe Regiment were" before the word "pastors" and deleting the word "who."

Section 113.3(c)(6)(B) was amended by inserting the phrase "including leaders" after the word "everyone."

Section 113.3(c)(6)(E) was amended by placing the word "are" with the phrase "is a set of" and deleting the phrase "and freedoms."

Section 113.3(c)(6)(F) was amended to read, "describe the story of the Constitutional Convention, including James Madison and the debates to decide what kind of government the United States would have (H)."

Section 113.3(c)(7)(B) was amended by replacing the phrase "who wrote" with the word "writing."

Section 113.3(c)(7)(C) was amended by replacing the phrase "Verse 1" with the phrase "the first verse."

Section 113.3(c)(8)(A) was amended by reordering the social studies tags.

Section 113.3(c)(8)(C) was amended by inserting a comma after the word "blended."

Section 113.3(c)(8)(E) was amended by inserting a comma after the word "Mexico" and correcting the spelling of "Texas's."

Section 113.3(c)(8)(H) was amended by replacing the word "Goliad" with the phrase "the Alamo."

Section 113.3(c)(8)(N) was amended to read, "sequence, using a timeline, major events of the Texas Revolution, including the Battle of Gonzales, the signing of the Texas Declaration of Independence, the Battle of the Alamo, the Battle of Goliad, and the Battle of San Jacinto (H, G/Civ, Geo/C, S)."

Section 113.3(c)(9) was amended by inserting the phrase "America and" before the word "Texas."

Section 113.3(c)(9)(A) was amended by inserting the phrase "including vaquero skills and irrigation through acequias" after the word "era."

Section 113.3(c)(9)(D) was amended by replacing the phrase "rural communities" with the word "railroads."

Section 113.3(c)(10) was amended by replacing the phrase "recognize that voting is" with the phrase "identify voting as."

Section 113.3(c)(11)(E) was amended by inserting the phrase "forcing them to work without pay in harmful conditions" after the word "freedom."

New §113.3(c)(11)(F) was added to read, "identify that Africans were enslaved and transported to the Americas against their will and they remained enslaved in the United States (H)."

Section 113.3(c)(11)(H) was amended by adding the phrase "and recite and explain the meaning of 'four score and seven years ago'" after the word "slavery."

Section 113.3(c)(11)(N) was amended to read, "identify Robert Smalls as an African American who helped the Union cause by boldly taking control of a Confederate ship, the Planter, and sailing it to freedom, carrying his family and other enslaved people to safety (H, G/Civ, S)."

Section 113.3(c)(11)(O) was amended to correct a capitalization error in the word "Confederate."

Section 113.3(c)(11)(P) was amended to correct a capitalization error in the word "states."

Section 113.4(b)(6)(A) was amended by replacing the phrase "and explaining" with the word "interpreting."

Section 113.4(b)(6)(C) was amended to read, "sequence events to illustrate how civilizations changed over time (H, Geo/C, S)."

Section 113.4(c)(1) was amended to read, "The Neolithic Revolution and the Fertile Crescent and Connections to America and Texas. The student understands the Neolithic Revolution and the Fertile Crescent and their connections to America and Texas."

Proposed §113.4(c)(1)(B) related to hunter-gatherer societies was deleted.

New §113.4(c)(1)(D) was added to read, "describe the transition from hunting and gathering to herding and farming that produced a more stable food supply and less scarcity and allowed civilizations to develop (H, Geo/C, E)."

Section 113.4(c)(1)(G) was amended by replacing the word "Egyptians" with the word "Egyptian."

Proposed §113.4(c)(2)(B) related to hunting and gathering was deleted.

Proposed §113.4(c)(2)(C) related to producing food was deleted.

Section 113.4(c)(2)(C) was amended by inserting the phrase "and traded goods" after the word "traveled."

Proposed §113.4(c)(2)(E) related to access to resources was deleted.

Section 113.4(c)(2)(F) was amended to read, "identify Mayan civilization contributions, including architecture, writing, astronomy, and counting (H, Geo/C)."

Proposed §113.4(c)(2)(G) related to artifacts from Poverty Point was deleted.

Section 113.4(c)(3)(A) was amended by striking the phrase "and label."

Section 113.4(c)(3)(B) was amended to read, "identify the Gault Site in Williamson County (H, Geo/C, S)."

Proposed §113.4(c)(3)(C) related to artifacts at the Gault site was deleted.

Section 113.4(c)(4)(C) was amended to read, "explain how early civilizations farmed in fertile river valleys, hunted on the plains, used coastal resources, and gathered plants (H, Geo/C)."

Proposed §113.4(c)(4)(E) related to captive taking was deleted.

Section 113.4(c)(4)(E) was amended by adding the phrase "specialization and" after the word "used."

Proposed §113.4(c)(4)(G) related to political organizations of American Indian tribes was deleted.

Section 113.4(c)(6)(D) was amended to read, "identify the influence of the Greek language on English vocabulary (H, Geo/C)."

Section 113.4(c)(6)(F) was amended to read, "describe how Greek myths were used to explain daily life, including weather (H, Geo/C)."

New §113.4(c)(6)(J) was added to read, "explain the reasons for adopting the Second Amendment, including the natural right of self-defense, the importance of an armed citizenry, and concerns regarding standing armies and government tyranny (G/Civ)."

Section 113.4(c)(7)(C) was amended by adding the word "republican" after the phrase "explain how" and by adding the phrase "with a senate" after the word "government."

Section 113.4(c)(7)(G) was amended to read, "explain the meaning and significance of the Latin phrase 'E Pluribus Unum' that is used on U.S. currency, coins, the presidential seal, and government buildings (H, Geo/C)."

Proposed §113.4(c)(7)(H) related to the Roman contribution of republicanism was deleted.

Section 113.4(c)(8)(F) was amended to read, "identify that the Jewish diaspora occurred when many Jewish people were forced to leave their homeland and settle in other parts of the world, including by the Romans (H, Geo/C)."

Section 113.5(b)(1)(A) was amended by adding the word "Africa" before the word "Asia."

Proposed §113.5(b)(6)(D) related to comparing accounts of events was deleted.

Section 113.5(c)(1)(A) was amended by inserting the word "France" after the word "Portugal."

Section 113.5(c)(1)(B) was amended to read, "identify the Catholic Church and the Pope as important institutions in Europe during the Middle Ages that taught people what the Bible meant when many could not read and influenced kings and leaders (H, Geo/C)."

Proposed §113.5(c)(1)(D) related to monasteries as centers for learning was deleted.

Section 113.5(c)(1)(D) was amended by replacing the verb "explain" with the verb "describe."

Section 113.5(c)(2)(A) was amended by replacing the reference to "Mali" with the phrase "the Mali Empire."

Proposed §113.5(c)(2)(B) related to routes of Sub-Saharan trade was deleted.

Section 113.5(c)(2)(B) was amended to read, "describe Mansa Musa of the Mali Empire as one of the wealthiest rulers in history whose wealth came from gold, salt, and slavery using Sub-Saharan trade routes (H, Geo/C)."

Proposed §113.5(c)(2)(C) related to Mansa Musa was deleted.

New §113.5(c)(2)(C) was added to read, "identify the Silk Road as a major trade route where resources, wealth, and ideas were exchanged and identify Marco Polo as an important explorer (H, Geo/C, E)."

New §113.5(c)(2)(D) was added to read, "identify the widespread practice of slavery in the world of the Middle Ages, including the kingdoms of Africa, the nations of southeast Asia, the Indian subcontinent, and the nations of the Middle East (H, Geo/C)."

Section 113.5(c)(3) was amended by correcting a capitalization error in the word "medieval."

Section 113.5(c)(3)(F) was amended by replacing the word "helping" with the phrase "respectful treatment of."

Section 113.5(c)(3)(J) was amended to read, "explain that the Magna Carta, created in 1215 in England with the help of the Archbishop of Canterbury, was the first document that limited the power of the king and reflected Christian ideas about individual rights and English legal traditions (H, G/Civ, Geo/C)."

Section 113.5(c)(4)(A) was amended by striking the following locations: Appalachian Mountains, Rocky Mountains, Great Lakes, and Mississippi River.

Proposed §113.5(c)(4)(C) related to the Cahokia was deleted.

Section 113.5(c)(4)(D) was amended by replacing the phrase "road networks for communication and regional trade" with the phrase "regional trade that helped meet the supply and demand for goods."

Section 113.5(c)(4)(F) was amended by replacing the phrase "was a knotted string" with the phrase "were knotted strings."

Section 113.5(c)(4)(G) was amended to read, "explain the influence of Mesoamerican cultural heritage on Texas culture, including corn tortillas and tamales, and musical traditions (H, Geo/C)."

Proposed §113.5(c)(5)(A) related to Caddo locations in Texas was deleted.

Section 113.5(c)(5)(A) was amended to read, "identify the geography of the Caddo, including the development of permanent villages in the Piney Woods region of East Texas and parts of present-day Oklahoma, Arkansas, and Louisiana (H, Geo/C)."

Section 113.5(c)(5)(D) was amended by adding the phrase "and traded" after the word "lived."

Section 113.5(c)(5)(E) was amended by adding the phrase "migrating and" after the phrase "grass huts."

Proposed §113.5(c)(5)(F)-(I), (L), and (M) related to the Jumano and Apache were deleted.

Section 113.5(c)(6)(A) was amended by adding the word "trade" after the word "Italian."

Section 113.5(c)(6)(D) was amended by replacing the word "that" with the word "who."

Section 113.5(c)(7)(A) was added to read, "identify France, Portugal, Spain, and England as major countries that supported exploration and explain the reasons for exploration, including accumulating wealth and glory and spreading religion during the Age of Exploration (H, G/Civ, Geo/C, E)."

Proposed §113.5(c)(7)(A)-(C) related to the Silk Road and the Age of Exploration were deleted.

Section 113.5(c)(7)(G) was amended by replacing the word "his" with the word "ColumbusêžŒs."

Section 113.5(c)(7)(H) was amended by removing the phrase "who was" and replacing the word "that" with the word "who."

Proposed §113.6(b)(6)(D) related to comparing accounts of events was deleted.

Section 113.6(c)(1)(A) was amended by replacing the word "the" with the word "a" and correcting a capitalization error in the word "Protestant."

Section 113.6(c)(1)(B) was amended by replacing the phrase "religious and political authority" with the phrase "church leaders and kings."

Section 113.6(c)(1)(C) was amended by striking the phrase "and compare how this innovation also helped spread ideas when American founders shared arguments for independence."

Section 113.6(c)(1)(D) was amended to read, "explain how disagreements over religious freedom during the Protestant Reformation led many Europeans to later migrate to America, shaping early Separatist, Puritan, and Quaker colonial settlements (H, G/Civ, Geo/C)."

Section 113.6(c)(1)(F) was amended by replacing the phrase "idea that government power should be divided with different parts of government checking each other known as the" with the phrase "influence on American government, including his ideas about."

Proposed §113.6(c)(2)(A) related to Spain's early exploration of America was deleted.

Section 113.6(c)(2)(A) was amended by replacing the word "encountering" with the phrase "and conquered with Tlaxcalan allies."

Section 113.6(c)(2)(B) was amended by replacing the word "encountered" with the word "conquered."

Proposed §113.6(c)(2)(C) related to alliances built by Cortes was deleted.

Proposed §113.6(c)(2)(E) related to the fall of the Inca Empire was deleted.

New §113.6(c)(2)(E) was added to read, "describe the encomienda system and explain the role of Friar Bartolomé de las Casas in speaking out against the mistreatment of American Indians leading to protective reforms (H, G/Civ, Geo/C, E)."

Section 113.6(c)(2)(G) was amended to read, "identify the middle passage as part of the Transatlantic slave trade as the forcible, inhumane transport of enslaved Africans to the Americas."

Proposed §113.6(c)(2)(H) related to the encomienda system was deleted.

Proposed §113.6(c)(2)(I) related to Friar Bartolomé de las Casas was deleted.

Section 113.6(c)(2)(I) was amended inserting the phrase "including claiming the land for France that would become the Louisiana Purchase" after the word "America."

Proposed §113.6(c)(2)(J) related to the Pueblo Revolt was deleted.

Proposed §113.6(c)(2)(L) related to inhumane treatment of Africans during conveyance and enslavement was deleted.

Proposed §113.6(c)(2)(N)-(P) related to slavery were deleted.

Section 113.6(c)(3)(B) was amended by striking the word "that" after the word "identify."

Section 113.6(c)(3)(E) was amended by adding the phrase "including in modern-day San Antonio and El Paso" after the word "Christianity."

Proposed §113.6(c)(3)(F) related to Spanish Catholic missions was deleted.

Proposed §113.6(c)(3)(G) related to establishing missions in Texas was deleted.

Proposed §113.6(c)(3)(J) related to how Spain influenced Texas was deleted.

Proposed §113.6(c)(4)(A) related to the Ottoman Empire was deleted.

New §113.6(c)(4)(A) was amended to read, "explain that a cause of the Age of Exploration was the conquest of Constantinople by the Ottoman Empire that closed off Europe from the Silk Road and trade with Asia (H, G/Civ, Geo/C, E)."

Section 113.6(c)(4)(C) was amended to read, "explain how changes among Christians following the Protestant Reformation influenced events in England, creating conflicts between Catholics and Protestants, including the defeat of the Spanish Armada and the Glorious Revolution (H, G/Civ, Geo/C)."

Section 113.6(c)(5)(K) was amended by correcting the spelling of the word "Powhatan" and by inserting the word "the" before the phrase "Powhatan Confederacy."

Section 113.6(c)(5)(L) was amended by inserting the phrase "including length of service" after the word "colonies."

Section 113.6(c)(6)(C) was amended to read, "explain the influence of Enlightenment ideas, including John Locke's belief in reason, limited government, and consent of the governed, and how these ideals later shaped American and Texan beliefs about fair government (H, G/Civ, Geo/C)."

Proposed §113.6(c)(6)(E) related to English ideas of rights was deleted.

New §113.6(c)(6)(E) was added to read, "explain the influence of the English Bill of Rights and the Magna Carta on colonial self-government (H, G/Civ, Geo/C)."

Section 113.6(c)(7)(B) was amended to read, "explain the effects of the French and Indian War on Great Britain, including

increased debt, greater control over the colonies, and increased taxes from the colonies (H, G/Civ, Geo/C, E)."

Proposed §113.6(c)(7)(H) related to the American Revolution was deleted.

Section 113.6(c)(8)(D) was amended by adding the phrase "from Great Britain" after the word "independence."

Section 113.6(c)(8)(F) was amended by striking the phrase "and her advocacy for women's rights."

New §113.6(c)(8)(K) was added to read, "describe Phillis Wheatley as the first African American woman to publish a book of poetry, an enslaved writer whose work advanced the ideal of liberty during the Revolutionary era (H, G/Civ)."

Section 113.6(c)(9)(A) was amended to read, "explain the weaknesses of the Articles of Confederation, including that the national government was too weak to protect frontier lands, control trade between states, and manage economic problems (H, G/Civ, Geo/C, E)."

Section 113.6(c)(9)(B) was amended to read, "describe how the Northwest Ordinance established a process for creating new states and prohibited slavery in the Northwest Territory (H, G/Civ, Geo/C)."

Section 113.6(c)(9)(C) was amended to read, "explain how delegates at the Constitutional Convention made decisions and describe the Connecticut Compromise (H, G/Civ, Geo/C)."

New §113.6(c)(9)(D) was added to read, "identify and recite the phrase from the Constitution 'We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America' (H, G/Civ)."

Section 113.6(c)(9)(F) was amended to read, "explain the basic principles of American government found in the U.S. Constitution to prevent tyranny by defining 'popular sovereignty' as power derived from the people, 'republicanism' as elected representatives, 'limited government' as the people protected from unfair use of governmental power, and 'separation of powers' by dividing powers between three branches of government (H, G/Civ, Geo/C)."

Proposed §113.6(c)(9)(F) related to separation of powers was deleted.

Section 113.6(c)(9)(G) was amended to read, "identify and describe the purpose of the three branches of government, including the executive, judicial, and legislative branches (G/Civ)."

Proposed §113.6(c)(9)(J) related to the Bill of Rights and the Constitution was deleted.

New §113.6(c)(9)(J) was added to read, "identify that the Constitution protects individual rights and freedoms with the Bill of Rights (G/Civ)."

Subchapter B

The implementation date for §113.21 was modified by updating the implementation date from 2030-2031 to 2031-2032.

Section 113.21(b)(1)(D) was modified by striking the word "the" before "African Americans'" and by replacing "acquiring" with "acquisition" after "African Americans'."

Section 113.21(b)(1)(F) was modified by replacing "conclude the course by studying" with the word "examine."

Subsection (b)(2)(A) in §§113.21-113.23 was amended by replacing "emulate the preservation of" with the word "preserve."

Subsection (b)(6) in §§113.21-113.23 was amended by updating the paragraph to read, "Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include."

Subsection (b)(6)(B) in §§113.21-113.23 was amended by adding "audience, and context" and striking "and potential bias" after the word "purpose."

Section 113.21(b)(6)(E) was modified by striking "including the perspectives of groups whose voices are less represented in traditional historical accounts" after the word "event."

Subsection (b) in §§113.21-113.23 was amended by inserting new paragraphs (8)-(10).

Section 113.21(c)(1)(A) was modified by replacing "Ideals" with "ideals."

Section 113.21(c)(1)(B) was modified by replacing the verb "explain" with the verb "describe" and adding "and Afro-Mexicans" after "enslaved Africans."

Proposed §113.21(c)(1)(D) related to Miguel Hidalgo's call for independence was deleted.

Section 113.21(c)(2)(B) was modified by replacing "expanded" with "doubled," "affected" with "strengthened," and striking the phrase "and future economic growth during Thomas Jefferson's presidency" after "Mississippi River."

Section 113.21(c)(2)(C) was modified by replacing "within colonial" with "in early."

Section 113.21(c)(2)(D) was modified by adding "President" before "Thomas Jefferson."

Section 113.21(c)(2)(E) was amended to read, "identify the First Barbary War, including the Battle of Tripoli Harbor, as the United States' first major overseas use of military force, and explain that it tested the new United States Navy (H, G/Civ)."

Section 113.21(c)(2)(G) was amended to read, "explain how the key events of the War of 1812, including the Battle of New Orleans under Andrew Jackson's leadership, the writing of the Star-Spangled Banner, and how these events strengthened national pride and contributed to the emergence of an American national culture (H, Geo/C)."

Proposed §113.21(c)(2)(H) related to limits on free trade during the War of 1812 and the effects on the United States was deleted.

Section 113.21(c)(3) was modified by adding "Geography" after "Texas Settlement."

Proposed §113.21(c)(3)(B) related to locating major Texas cities on a map was deleted.

Section 113.21(c)(3)(B) was amended to read, "identify on a map how climate and natural resources in Texas, including timber and farmland, influenced where people settled (Geo/C)."

Section 113.21(c)(4) was modified by adding "Motivations" after "Texas Settlement."

Section 113.21(c)(4)(C) was modified by replacing "Texas" with the word "Mexican."

Section 113.21(c)(4)(D) was amended by inserting the phrase "including distributing land grants through the empresario system" after "Mexican Texas."

Proposed §113.21(c)(4)(E) related to empresario system supporting settlement in Texas was deleted.

Proposed §113.21(c)(4)(F) related to interactions between American Indians and settlers was deleted.

Section 113.21(c)(5) was modified by adding "America and" before "Texas."

Section 113.21(c)(5)(C) was amended to read, "describe how the presidency of Andrew Jackson expanded suffrage and expanded federal power during the nullification crisis and the Indian Removal Act (H, G/Civ, E)."

Section 113.21(c)(6)(D) was amended by inserting "and the role of Santa Anna" after "Texas Revolution."

Section 113.21(c)(6)(E) was amended to read, "explain the contribution of Sam Houston's leadership of the Texian army, including his role in securing independence at the Battle of San Jacinto (H)."

New §113.21(c)(6)(F) was added to read, "identify how the Treaties of Velasco helped end the Texas Revolution and led to the establishment of the Republic of Texas (H)."

Section 113.21(c)(7)(A) was amended by striking the phrase "and U.S. President James K. Polk's actions" after "Texas in 1845."

Proposed §113.21(c)(7)(D) related to the outcomes of the Mexican American War was deleted.

Proposed §113.21(c)(7)(E) related to comparing population movements in Antebellum America was deleted.

Section 113.21(c)(8) was modified by striking "and Reconstruction" and "Antebellum" after the phrase "people of the Civil War."

Section 113.21(c)(8)(E) was amended to read, "identify the contributions on public opinion against slavery of Frederick Douglas, Harriet Beecher Stowe, and William Lloyd Garrison (H)."

Proposed §113.21(c)(8)(F) related to contributions of Harriet Beecher Stowe and William Lloyd Garrison was deleted.

Section 113.21(c)(8)(F) was amended to add "the "Moses of her People" after "Tubman's nickname."

Section 113.21(c)(8)(G) was amended to read, "explain how major events increased sectional disagreements over slavery between the North and South and helped lead to the Civil War, including the Missouri Compromise, the Compromise of 1850 and its impact on Texas, Bleeding Kansas, and the Dred Scott decision (H, G/Civ, E)."

Section 113.21(c)(8)(J) was modified by adding "and identify major Civil War generals, including Grant, Sherman, Lee and Jackson" after "Appomattox," and striking "Court House" after "Appomattox."

Section 113.21(c)(8)(M) was amended to read, "explain the main ideas expressed in Lincoln's Emancipation Proclamation, the Gettysburg Address, and the Second Inaugural Address and recite, 'Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.' (H, S)."

New §113.21(c)(8)(O) was added to read, "identify that Memorial Day was created to honor and remember the sacrifice of American soldiers after the Civil War (H)."

Section 113.21(c)(9) was modified by striking "Civil War and" after "people of the" and striking the word "Antebellum" before "Texas."

Section 113.21(c)(9)(C) was modified by replacing "amendment" with "Amendment."

Section 113.21(c)(9)(D) was amended to read, "identify that the 14th Amendment gave citizenship to formerly enslaved people born or naturalized in the U.S. and established that no state may deprive any person of life, liberty, or property without due process of law (G/Civ)."

New §113.21(c)(9)(E) was added to read, "describe the amendment process of the United States Constitution (G/Civ)."

Section 113.21(c)(9)(F) was modified by replacing "amendment" with "Amendment."

Proposed §113.21(c)(9)(H) related to the Freedmen's Bureau was deleted.

New §113.21(c)(10)(A) was added to read, "compare major population movements in Antebellum America, including westward migration along the Oregon and Mormon Trails, migration to California during the Gold Rush, and European immigration that contributed to settlement of Texas (H, Geo/C)."

Section 113.21(c)(10)(B) was amended to read, "describe how immigrants entered the United States through Ellis Island and Angel Island and in Texas through Galveston and El Paso, and identify federal immigration restrictions, including the Chinese Exclusion Act (H, G/Civ, Geo/C)."

Section 113.21(c)(10)(D) was amended to read, "describe the Spanish-American War, including the service of Texan soldiers in the Rough Riders under Theodore Roosevelt (H)."

Section 113.21(c)(10)(E) was amended to read, "identify Jim Crow laws and how the Supreme Court case Plessy v. Ferguson established the 'separate but equal' doctrine (H, G/Civ)."

Section 113.21(c)(10)(G) was modified by adding "including the contributions of Alexander Graham Bell and Thomas Edison" after the phrase "during the late 1800s."

Proposed §113.21(c)(10)(I) related to industrialization causing many Americans to move was deleted.

New §113.21(c)(10)(J) was added to read, "identify how migration contributed to the growth of Texas cities and the development of the United States as a melting pot (H, Geo/C)."

Proposed §113.21(c)(10)(M) related to the impact of the Galveston Hurricane of 1900 was deleted.

New §113.21(c)(10)(O) was added to read, "describe the significance of the Galveston Hurricane of 1900, including the significant loss of life and the development of the Galveston Sea Wall (H, Geo/C)."

Proposed §113.21(c)(11)(D) related to important events affecting American Indians after the Civil War was deleted.

Section 113.21(c)(11)(D) was modified by replacing "Mexican American" with "Mexican-American."

The implementation date for §113.22 and §113.23 was modified by updating the implementation date from 2030-2031 to 2032-2033.

Subsection (b)(6)(E) in §113.22 and §113.23 was modified by striking the phrase "including the perspectives of groups whose voices are less represented in traditional historical accounts" after "historical event."

Section 113.22(c)(1)(C) was modified by replacing the verb "analyze" with "explain," striking the phrase "immediate and long-term" before the word "effects," and replacing the word "issues" with "policies."

Section 113.22(c)(1)(D) was modified by replacing the verb "analyze" with "explain the," striking the phrase "immediate and long-term" before the word "effects" and striking the phrase "which expanded United States influence and involvement in international affairs" after "Panama Canal."

Proposed §113.22(c)(1)(F) related to the impact of Spindletop was deleted.

New §113.22(c)(1)(F) was amended to read, "explain how Henry Ford's use of the assembly line developed in division labor and economies of scale leading to more profits for Ford and better quality of life for Americans through access to cars at a reasonable price (H, E)."

Proposed §113.22(c)(1)(G) related to Henry Ford was deleted.

Section 113.22(c)(2)(B) was amended by adding "about Texas" after "Zimmermann Telegramm" and striking the phrase "including the threat of German support for Mexico to attempt to regain Texas."

Proposed §113.22(c)(2)(E) related to the Espionage and Sedition Acts was deleted.

New §113.22(c)(2)(E) was added to read, "explain how the Espionage and Sedition Acts limited civil liberties, including speech and dissent during World War I reflecting tensions between the need to preserve liberty and need to preserve life (H, G/Civ)."

Section 113.22(c)(2)(F) was modified to read, "explain how the Selective Service Act created a draft to raise troops for World War I."

New §113.22(c)(2)(H) was added to read, "identify that Armistice Day was a holiday to mark the end of World War I and later became Veterans Day (H)."

New §113.22(c)(3)(A)-(D) related to communism and other totalitarian regimes were added.

Section 113.22(c)(4)(A) was amended to read, "identify domestic challenges for the United States following World War I related to racial violence, including the Tulsa Race Riots and intolerance of Black Americans, Catholics, Jews, Mexicans, Mexican-Americans, and immigrants by the Ku Klux Klan (H)."

Proposed §113.22(c)(4)(B) related to domestic challenges for the United States following World War I was deleted.

Section 113.22(c)(4)(C) was amended by striking "increased consumer spending" after "Great Migration" and adding "and how increased consumer demand contributed to economic growth" after the phrase "the stock market."

Section 113.22(c)(4)(F) was amended to read, "explain the causes the Great Depression, including the stock market crash of 1929 and bank failures, and describe its effects on American society, including widespread unemployment, the growth of Hoovervilles, and fears of communism (H, E)."

Proposed §113.22(c)(4)(H) related to the Great Depression contributing to fears was deleted.

Section 113.22(c)(4)(G) was amended to read, "describe the presidency of President Franklin D. Roosevelt during the Great Depression, including his use of radio and fireside chats to communicate with the American public (H, G/Civ)."

Section 113.22(c)(4)(H) was amended to read, "describe the role of Texan Sam Rayburn in supporting New Deal legislation and later as Speaker of the U.S. House of Representatives (H, G/Civ)."

Proposed §113.22(c)(4)(J) related to the Great Depression worsening the economic recovery was deleted.

Section 113.22(c)(4)(I) was modified by replacing "patterns and processes" with "causes" and adding the phrase "and the effects on agriculture and migration" after the word "over-farming."

Section 113.22(c)(5)(A) was modified by striking the phrase "and how these programs reflected Progressive ideas about government responsibility, conservation, and reform" after "Civilian Conservation Corps (CCC)."

Section 113.22(c)(5)(B) was amended to read, "describe the purpose of the Social Security Act (H/G/Civ)."

Proposed §113.22(c)(6) related to communism and other totalitarian regimes was deleted.

Proposed §113.22(c)(6)(A) related to the Communist (Bolshevik) Revolution of 1917 was deleted.

Proposed §113.22(c)(6)(B) related to the differences between the Reds and the Whites during the Russian Civil War was deleted.

Proposed §113.22(c)(6)(C) related to defining the Bolshevik government in Russia was deleted.

New §113.22(c)(6)(E) was added to read, "explain how communist ideology promotes class conflict, violent revolution, and a dictatorship to enforce equality and why these methods conflict with democratic self-government, the rule of the law, protections for individual liberty, and freedom of religion (H, G/Civ, E)."

Section 113.22(c)(6)(F) was amended to read, "explain the conditions that led to the rise of Adolf Hitler and the Nazi Party in Germany, including propaganda, the Treaty of Versailles, unemployment, lost savings, and hyperinflation (H, G/Civ)."

New §113.22(c)(6)(H) was amended to read, "describe how the long history of antisemitism, including Jew Badge, Jewish ghettos, and racial pseudo-science shaped Nazi policies, including Nuremburg Laws and the November Pogrom previously known as Kristallnacht (H, G/Civ, E)."

New §113.22(c)(6)(I) was added to read, "compare fascist ideas with American constitutional principles, including strong dictator with limited government and denial of individual rights with the American Bill of Rights (H, G/Civ, E)."

Proposed §113.22(c)(6)(J) related to fears of communist revolution and antisemitism was deleted.

New §113.22(c)(7)(A) was added to read, "identify how Germany violated the Treaty of Versailles by rebuilding the German military (H, G/Civ)."

New §113.22(c)(7)(B) was added to read, "identify the countries comprised of the Axis and Allies Powers (H)."

Section 113.22(c)(7)(C) was amended to read, "describe the early Axis invasions, including Japan's invasion of China, Italy's invasion of Ethiopia, and Germany's invasion of Poland with initial Soviet cooperation (H)."

Section 113.22(c)(7)(F) was modified by adding "a need for wartime production during" after "identify how" and striking "in the South and West" after "defense industries."

Section 113.22(c)(7)(G) was amended to read, "identify the causes and effects of Japanese internment during World War II (H, S)."

Proposed §113.22(c)(7)(O) related to the Holocaust was deleted.

New §113.22(c)(7)(Q) was added to read, "describe the Holocaust as the systemic, bureaucratic, state-sponsored persecution and murder of six million Jews by the Nazi regime and its collaborators (H)."

New §113.22(c)(7)(S) was added to read, "describe how antisemitic propaganda and dehumanization led to Jews being put in an extensive camp system (H)."

Section 113.22(c)(8)(C) was amended to read, "identify the role of oil production and transportation as part of the American Arsenal of Democracy during World War II, including oil production in the Permian Basin, the Big Inch and Little Big Inch pipelines, refining in the Texas Gulf Coast and the petrochemical industry along the Houston Ship Channel (H, E)."

Section 113.22(C)(8)(E) was amended to read, "identify that Axis prisoners of war were detained in camps in Texas during World War II, including campus in Hearne and Fort Bliss (H, G/Civ)."

Section 113.22(c)(9)(C) was modified by adding "symbolizing the contrast between communism and western traditions of liberty and representative government" after "Berlin Wall."

Proposed §113.22(c)(9)(F) related to how modern Israel was established was deleted.

New §113.22(c)(9)(F) was added to read, "explain the establishment in 1948 of Israel in the ancestral homeland of the Jewish people (H, G/Civ)."

Section 113.22(c)(9)(K) was amended to read, "describe the significance of the assassination of President John F. Kennedy in Dallas, Texas in 1963, including transfer of presidency of the presidency to Lyndon B. Johnson (H, G/Civ)."

New §113.22(c)(9)(L) was added to read, "describe the important contributions of NASA mathematicians Katherine Johnson, Dorothy Vaughn, and Mary Jackson, whose calculations helped make early American spaceflight possible (H, G/Civ, E)."

New §113.22(c)(10)(A) was added to read, "explain how the murder of Emmett Till became a turning point that encouraged many Americans to work for greater equality and justice (H, G/Civ)."

Section 113.22(c)(10)(B) was modified by replacing "sparked by" with the phrase "following the protests by."

Section 113.22(c)(10)(F) was amended to read, "describe the significance of the assassination of Dr. Martin Luther King Jr., including speedy passage of the Civil Rights Act of 1968 (H, G/Civ)."

Section 113.22(c)(10)(G) was modified by replacing "Mexican Americans" with "Mexican-Americans."

Proposed §113.22(c)(10)(B) related to the impact of Great Society programs was deleted.

New §113.22(c)(11)(B) was added to read, "explain how the Great Society programs expanded the federal government in contrast of the founding fathers, who believed in limited government (H, G/Civ)."

Section 113.22(c)(11)(D) related to the cultural revolution of the 1960s and early 1970s was deleted.

New §113.22(c)(11)(D) was added to read, "identify societal changes for women from the 1960s through the early 1970s from laws, including Title IX of the Education Amendments of 1972 expanding equal access in school sports, but also from the counterculture movement, including changing attitudes toward marriage that increased rates of divorce (H, Geo/C)."

Proposed §113.22(c)(11)(E) related to the impact of internal migration was deleted.

New §113.22(c)(11)(E) was amended to read, "describe demographic changes in the United States after World War II, including suburbanization, the Baby Boom, and urban migration patterns (H, Geo/C)."

Section 113.22(c)(11)(F) was amended to read, "describe the Vietnam War, including its significance as a Cold War proxy war, as a conflict during the Cold War in which the United States became involved in Southeast Asia to prevent the spread of communism according to the Containment Policy and Domino Theory (H, G/Civ, E)."

Section 113.22(c)(11)(H) was modified by adding "including the 26th Amendment and draft resistance" and striking "changes in civic participation and public opinion resulting from the release of the Pentagon Papers" (H, G/Civ, Geo/C).

Section 113.22(c)(12)(B) was amended to read, "describe how the Watergate scandal decreased public trust in government and demonstrated constitutional principles of checks and balances and respect for the rule of law (H, G/Civ)."

Section 113.22(c)(13)(B) was amended to read, "describe United States diplomatic efforts in the Middle East, including the Camp David Accords and the Iran Hostage Crisis (H, G/Civ)."

Section 113.22(c)(14)(A) was amended to read, "identify Ronald Reagan's presidential leadership, including domestic economic recovery after the oil crisis and foreign relations with the Soviet Union to end the Cold War, including the fall of the Berlin Wall (H, G/Civ, E)."

Proposed §113.22(c)(15)(C) related to the impact of the Gulf War was deleted.

New §113.22(c)(15)(C) was added to read, "explain how the invasion of Kuwait led to the Gulf War and increased United States involvement in the Middle East (H, G/Civ)."

Proposed §113.22(c)(16)(D) related to the causes and effects of the 2008 economic crisis was deleted.

Proposed §113.22(c)(17) related to contemporary American and Texas was deleted.

Section 113.23(b)(1) was modified by adding "the major ideas of western civilization as manifest in" after the phrase "In Grade 8, students study" and striking "from the earliest human presence through the early 21st century to understand how geography, culture, conflict, and economic change shaped the state's identity" before the phrase "the history of Texas."

New §113.23(b)(1)(A) was added to read, "Students connect the development of Western thought from ancient times through the Enlightenment with the impact of these ideas on the founding documents of the United States and Texas."

Section 113.23(b)(1)(B) was amended to read, "Students examine European exploration, colonization, and the Mexican National Period to understand how imperial competition, political change, and settlement shaped early Texas."

Proposed §113.23(c)(1)(A) and (B) related to the days before contact and understanding the geography of Texas were deleted.

New §113.23(c)(1)(A)-(F) related to the Influence of American Founding Documents and Principles were added.

Proposed §113.23(c)(2) related to the days before contact and understanding the prehistoric past of Texas was deleted.

Section 113.23(c)(2)(A) was modified by inserting "Spaniard" before "Alvar Nuñez Cabeza de Vaca."

Proposed §113.23(c)(2)(B) related to the effects of Spanish exploration in Texas was deleted.

Section 113.23(c)(2)(B) was amended to read, "explain the significance of La Salle, including how French exploration intensified imperial rivalry between France and Spain in Texas (H, Geo/C, E)."

New §113.23(c)(2)(C) was added to read, "identify Spanish imperial goals, including how Spanish Catholic missionary belief and the writings of Bartolome de la Casas encouraged equal treatment of American Indian converts under the Spanish mission system in Texas, which worked in tension with other imperial goals (H, G/Civ)."

Proposed §113.23(c)(3)(A)-(D) and (F) relating to Alexis de Tocqueville and Lorenzo de Zavala, Enlightenment ideas, the Mexican War for Independence, the Panic of 1819, and empresarios were deleted.

New §113.23(c)(3)(A) was added to read, "identify how the French invasion of Spain and the ideas of the American Revolution encouraged early leaders of the Mexican War for Independence (H)."

New §113.23(c)(3)(B) was added to read, "explain the significance of events during the Mexican War for Independence, including the call for people to rise up against the caste system in Mexico in the Grito de Dolores and the depopulation of Texas that came from Spanish campaigns (H)."

Section 113.23(c)(3)(C) was amended to read, "explain how the federalist Mexican Constitution of 1824 limited government similarly to the U.S. Constitution and how the State Colonization Law of 1825 based on federalism encouraged settlement to revitalize Texas (H, G/Civ)."

New §113.23(c)(3)(D) was amended to read, "identify empresarios, including Stephen F. Austin, Green DeWitt, Martin de León, and James Hewetson, and describe the role of empresarios to recruit immigrants to Texas from the United States, Ireland, and Mexico (H, Geo/C, E)."

Proposed §113.23(c)(4) related to Spanish colonial period and how Europeans shaped early Texas was deleted.

Proposed §113.23(c)(4)(A) relating to Federalist and Centralist political view in Mexico was deleted and replaced by , "identify how the suspension of the Mexican Constitution of 1824 by Santa Anna weakened federalism and centralized authority, leading to increased tension in Mexican Texas (H, G/Civ)."

Section 113.23(c)(4)(B) was modified by replacing the verb "explain" with "identify" and adding "the Mier y Terán Report, the Law of April 6, 1830," after "Fredonian Rebellion, "and striking "the Turtle Bayou Revolutions."

Proposed §113.23(c)(4)(C) related to Mier y Terán Report was deleted.

Section 113.23(c)(4)(D) was modified by adding "Mexican General Antonio Lopez de Santa Anna" after "describe the roles of."

Proposed §113.23(c)(4)(E) related to the principles expressed in the Texas Declaration of Independence and the United States Declaration of Independence was deleted.

Section 113.23(c)(4)(E) was amended to read, "identify and recite the Travis Letter (H, S)."

Proposed §113.23(c)(4)(H) related to the poems The American Flag and The Defence of the Alamo was deleted.

Section 113.23(c)(4)(H) was modified by striking "ended the Texas Revolution" after the phrase "from further attacks."

New §113.23(c)(4)(I) was added to read, "compare the principles expressed in the Texian Declaration of Independence with the United States Declaration of Independence, including grievances, natural rights, and self-government (H, G/Civ, S)."

Proposed §113.23(c)(4)(J) related to Federalist Papers was deleted.

Section 113.23(c)(4)(J) was modified by replacing "structure" with "primary structures," adding "of 1836" after "Constitution of the Republic of Texas" and adding the phrase "three branches of government and" before "the Bill of Rights."

Proposed §113.23(c)(4)(K) related to comparing the United States Constitution and the Texas Constitution was deleted.

New §113.23(c)(4)(K) was added to read, "describe how ideas from Federalist Papers, including republican government in Federalist 10, separation of powers in Federalist 51, and judicial authority in Federalist 78, are reflected in the United States Constitution and 1836 Texas Constitution (Geo/C)."

New §113.23(c)(4)(L) was added to read, "compare the Enlightenment ideas of Alexis de Tocqueville and Lorenzo de Zavala regarding representative government, individual rights, and citizen participation in a democracy (H, G/Civ)."

New §113.23(c)(4)(M) was added to read, "contrast the shared political philosophy of Enlightenment principles of self-government during the American Revolution with Mexican-American independence movements' opposition to colonial restrictions and social inequalities (H, G/Civ)."

Proposed §113.23(c)(5)(A) relating to why the Republic of Texas sought diplomatic recognition was deleted and replaced by, "describe Mexican military efforts to reclaim Texas, how these invasions threatened the security of the Republic of Texas, and efforts of the Republic to seek alliances and diplomatic recognition for protection (H)."

Section 113.21(c)(5)(B) was modified by replacing "explain the" with "identify that," replacing "the Republic of Texas" with "Texans," and adding the phrase "contributed to concerns that Texans could not live safely with American Indians" after "John "Jack" Hays."

Proposed §113.23(c)(5)(C) relating to the Córdova Rebellion was deleted and replaced by, "explain the role of Texas Rangers in defending the Republic of Texas, including border and frontier patrol (H, G/Civ)."

Proposed §113.23(c)(5)(D) and (E) related to the Mexican military the Santa Fe Expedition were deleted.

Section 113.23(c)(5)(D) was modified by replacing the verb "compare" with the verb "contrast" and adding the phrase "and identify similarities to debates in the Roman Republic over territorial expansions and the preservation of republican government."

Section 113.23(c)(5)(E) was modified by adding "made by American leaders" after "explain arguments."

Proposed §Section 113.23(c)(5)(G) related to the role of Texas Rangers was deleted.

Section 113.23(c)(5)(G) was amended to read, "identify that, unlike other states, Texas retained ownership of its public lands as a condition of annexation, providing the state with significant authority over land management and natural resources (H, G/Civ)."

Proposed §113.23(c)(5)(J) and (K) related to locating on a map areas of Texas that ceded to the United States and the conditions of annexation were deleted.

Section 113.23(c)(6)(A) was modified by adding "Manifest Destiny" before "the Texas Annexation," striking "from U.S. and Mexican perspectives" after "Rio Grande boundary dispute," and adding "new" before "citizens."

Section 113.23(c)(6)(B) was modified by replacing "for border defense" with the phrase "to protect settlers and the Texas frontier."

Proposed §113.23(c)(6)(C)-(E) related to United States policies toward American Indian groups, the purpose of the Compromise of 1850, and causes of conflict between Texans and the Comanche were deleted.

Section 113.23(c)(6)(C) was modified by adding "and the Compromise of 1850" after "new territories."

Proposed §113.23(c)(6)(G) related to the Texas Ordinance of Secession was deleted.

Proposed §113.23(c)(6)(I) related to the surrender o the United States Army's Department of Texas was deleted.

Section 113.23(c)(7)(A) was amended to read, "explain the strategic importance of Texas to the Confederate war effort, including supply routes, the Union blockade on ports, and frontier defense, and identify how Confederate conscription forced many Texas men who were not supporters of the Confederacy into the army (H)."

Section 113.23(c)(7)(B) was amended to read, "identify major military events involving Texas during the Civil War, including the Battle of Galveston, the Battle of Sabine Pass, and The Red River Campaign (H, Geo/C)."

Section 113.23(c)(7)(C) was amended to read, "explain Union military attempts in Texas to control the transportation of goods, including cotton in coastal South Texas, and the land and sea operations along the Texas coast (H)."

Proposed §113.23(c)(7)(D) related to causes of frontier violence was deleted.

Section 113.23(c)(7)(D) was amended to read, "explain the significance of the Great Hanging in Gainesville and the Battle of the Nueces as examples of internal conflict and political repression during the Civil War (H)."

Section 113.23(c)(7)(E) was amended to read, "explain the significance of the announcement of Order No. 3 by General Gordon Granger on Juneteenth that freed slaves in Texas two years after the Emancipation Proclamation (H)."

Proposed §113.23(c)(7)(F) related to the roles of major Texas Confederate military units was deleted.

Section 113.23(c)(7)(F) was modified by replacing "the policies" with "Reconstruction amendments" and correcting a capitalization error in the word amendments.

Proposed §113.23(c)(7)(G) related to the roles of the Unionists in Texas was deleted.

Section 113.23(c)(7)(G) was amended to read, "explain the purpose of the Freedom Colonies in building community among freed slaves and identify African American political leaders who were elected in Texas, including George T. Ruby, Norris Wright Cuney, Walter Moses Burton, and Matthew Gaines, during Reconstruction (H. G/Civ)."

Section 113.23(c)(7)(H) was modified by striking the phrase "Texas Freedom Colonies and" after "including."

Section 113.23(c)(7)(I) was modified by adding the phrase "including the end of military districts in former Confederate states and the removal of Edward J. Davis as governor" after "Texas."

New §113.23(c)(7)(L) was added to read, "identify the effect of the Civil War and the 'equal protection' language of the 14th Amendment as expanding the power of the federal government, including the idea that 'these United States' became 'the United States' (H, G/Civ)."

Proposed §113.23(c)(8)(C) relating to systematic elimination of the bison was deleted and replaced by, "describe how differing views of land use between Plains Indians and American and Texan settlers contributed to conflict, including the role of the bison (buffalo) (H, G/Civ, Geo/C)."

Section 113.23(c)(9)(A) was amended to read, "describe how limiting the role of government to preserve property rights and maintain free markets allowed for cotton production and the expansion of agriculture that supported industrial growth in Texas (H, Geo/C)."

Section 113.23(c)(9)(B) was modified by adding the phrase "tenant farming and" before the word "sharecropping."

Proposed §113.23(c)(9)(C) relating to cattle drives and ranching operations was deleted and replaced by, "identify that cattle drives run by cowboys occurred on the open range to bring cattle to higher priced markets (H, E)."

Section 113.23(c)(9)(D) was modified by adding the phrase "including at the King, Espuela, and XIT Ranches, providing lower priced food to consumers and generating greater profits" after the phrase "land use in Texas."

Section 113.23(c)(9)(E) was modified by replacing the verb "explain" with the verb "identify."

Proposed §113.23(c)(9)(F) relating to the outcomes of major labor conflicts was deleted and replaced by, "identify how conflicts between supporters of free enterprise and organized labor led to the Great Southwest Railroad Strike and the Galveston Long-

shoremen's Strike that resulted in mob violence and resistance to organized labor (H, E)."

Section 113.23(c)(9)(H) was modified by adding the phrase "how economic opportunities associated with the free enterprise influenced" after "identify."

Section 113.23(c)(10)(C) was modified by adding "Corpus Christi" after "Midland."

Section 113.23(c)(10)(E) was amended to read, "explain how the Mexican Revolution increased border tensions, including Pancho Villa's raids (H)."

New §113.23(c)(10)(G) was added to read, "describe the role of Annie Webb Blanton in women's suffrage, which led to expanded voting rights in the 19th Amendment (H, G/Civ, Geo/C)."

Section 113.23(c)(11)(A) was amended to read, "describe the role of Dan Moody in political conflict and reform in Texas between the 1920s and 1930s, including his prosecution of the Ku Klux Klan and opposition to the Ferguson political machine, and how these efforts led to transparency in government (H, Geo/C)."

Section 113.23(c)(11)(C) was modified by replacing "explain how" with "identify expansion of federal" and striking "expanded" after "Dust Bowl."

Proposed §113.23(c)(11)(D) relating to the role of Jane Yelvington McCallum in women's suffrage was deleted and replaced by, "identify the effects of expanded federal involvement in the agriculture economy, including reducing the risk of financial collapse for many landowning farmers, reduced income for tenant farmers and sharecroppers, stabilized prices for agriculture goods, and higher prices for consumers, in Texas (H, G/Civ, E)."

Proposed §113.23(c)(11)(E) related to the purpose of the Texas Centennial Exposition was deleted.

Proposed §113.23(c)(11)(G) related to the service of Texans in World War II was deleted.

Section 113.23(c)(11)(G) was amended to read, "explain how expanded oil consumption, the increased number of military bases and homefront industrial mobilization expanded economic opportunities in Texas communities during World War II (H, Geo/C, E)."

New §113.23(c)(11)(H) was added to read, "contrast the treatment and conditions of prisoners-of-war detained in Texas and the United States with the treatment of prisoners-of-war detained in Germany and Japan in World War II due in part to America's historic commitment to the rule of law (H, Geo/C, E)."

New §113.23(c)(11)(I) was added to read, "explain how World War II mobilization ended the Great Depression through increased industrial production, employment, and federal spending, and compare this outcome with the more limited economic recovery under New Deal policies (H, Geo/C, E)."

Proposed §113.23(c)(11)(K) related to identifying on a map World War II prisoner-of-war camps was deleted.

Proposed §113.23(c)(11)(L) related to the treatment and conditions of prisoners-of-war was deleted.

Proposed §113.23(c)(12)(A) relating to early labor and civil rights activism in Texas was deleted and replaced by, "explain how early civil rights activism in Texas and the United States was strengthened by veterans of the world wars and contributed to demands for equal protection under law, including the Felix Longoria episode (H, Geo/C, E)."

Section 113.23(c)(12)(B) was modified by replacing "rights" with "protection under the law."

Section 113.23(c)(12)(C) was amended to read, "explain how Mexican-Americans used court cases, including Delgado v. Bastrop ISD, to expand equal protection under the law (H, G/Civ/S)."

Section 113.23(c)(12)(D) was amended to read, "explain how national civil rights milestones affected Texas including, Brown v. Board of Education and the role of James L. Farmer in organizing freedom rides (G/Civ)."

Section 113.23(c)(12)(E) was modified by adding the phrase "infrastructure development" after "urbanization."

Proposed §113.23(c)(12)(F) relating to how popular culture shaped Texas's image was deleted and replace by, "identify Civil Rights Act of 1964 and the Voting Rights Act of 1965 as major pieces of Great Society legislation during Lyndon B. Johonson's presidency focused on expanding equal protection of the law (H, G/Civ)."

Proposed §113.23(c)(12)(G) related to physical changes in Texas during the postwar period was deleted.

New §113.23(c)(13)(A)-(E) related to communism and other totalitarian regimes and the role Texas played in combating communism were added.

New §113.23(c)(14) related to Texas in the 1960s and 1970s and how Texas leaders and national events shaped reshaped the government was added.

New §113.23(c)(14)(A) was added to read, "identify major War on Poverty legislation of Lyndon Baines Johnson's presidency, including healthcare, federal education laws, federal housing laws, and direct welfare programs (H, G/Civ)."

Proposed §113.23(c)(15)(A), (B), (D), (E), and (G) related to Great Society legislation, the Cold War and the Space Race, societal changes in Texas during the 1960s, how the Vietnam War affected Texas, and Texas's passage of the Equal Rights Amendment were deleted.

Section 113.23(c)(14)(B) was modified by replacing "demonstrates" with "demonstrated."

New §113.23(c)(14)(D) was added to read, "explain how events in the Middle East, including the Yom Kippur War resulted in the oil embargo that led to the growth in the Texas economy (H, E)."

Proposed §113.23(c)(15) related to Texas in the 1950s and Civil Rights Era was deleted.

New §113.23(c)(15)(A)-(E) related to Contemporary Texas and the evolution of Texas's identify into the modern era were added.

Proposed §113.23(c)(16)(A)-(F) related to Contemporary Texas and economic change from 1970s to present were deleted.

Subchapter C

Proposed §113.33(d)(1)(B) relating to sociological ideas was deleted and replaced by, "identify prominent sociologists and their key ideas, including Adam Smith, August Comte, Karl Marx, Max Weber, Emile Durkheim, Jane Addams, Harriet Martineau, and Robert Merton (H)."

Section 113.33(d)(1)(D) was modified by adding the phrase "including interpreting literature, media, popular culture, and historical documents" after the word "studied."

Proposed §113.33(d)(2)(A) relating to scientific steps used by social scientists was deleted and replaced by, "explain how the scientific method is used to study the social world, including formulating a question, developing a hypothesis, designing a study, drawing conclusions, and reporting the results (S)."

Proposed §113.33(d)(8)(A) relating to social capital as a resource was deleted and replaced by, "explain how social capital is a form of capital that generates benefits for individuals and groups, including building strong relationships, accessing resources, exchanging ideas, creating opportunities, and increasing trust (Geo/C, E)."

Proposed §113.33(d)(8)(B) relating to access to social networks was deleted and replaced by, "explain how social capital fosters entrepreneurship and business creation, including establishing networks, exchanging innovative ideas, accessing financial resources, and building business resilience (Geo/C, E)."

Proposed §113.33(d)(8)(D) related to systems of social stratification was deleted.

Proposed §113.33(d)(8)(E) related to W.E.B. Du Bois' contributions was deleted.

New §113.33(d)(9)(A)-(E) related to social stratification as a hierarchical organization were added.

Subsection (c)(5) in §§113.34-113.39 was amended by updating the paragraph to read, "Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions."

The SBOE approved the new sections for first reading and filing authorization at its April 10, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

The effective date is July 1, 2027.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 15, 2026, and ended at 5:00 p.m. on June 15, 2026. The SBOE also provided an opportunity for registered oral and written comments at its June 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. Seventy-two teachers, 13 administrators, 82 parents, 4 counselors, 101 community members, 1 college representative, and 2 out-of-state commenters expressed concern that the proposed social studies curriculum and Texas Essential Knowledge and Skills (TEKS) revisions may be influenced by external organizations and potential conflicts of interest rather than the expertise of classroom educators, curriculum specialists, historians, and other subject-matter experts. Commenters further asserted that the proposed standards could minimize or underrepresent the contributions and experiences of racial minorities, women, and non-Christian religions and may not accurately reflect the diverse history of Texas. They emphasized that Texas students deserve honest, complete, grade-appropriate, research-based, and fact-based history instruction that is free from political influence and developed through a transparent process. The commenters requested that the SBOE postpone or pause the vote and revision process.

Response. The SBOE disagrees with the commenters' assertion that the proposed standards could minimize minority contributions based on Texas Education Code (TEC), §28.002, to identify the essential knowledge and skills for required curriculum, including social studies, and by noting that the standards include study of diverse individual and groups that have shaped Texas, the United States, and world history. The SBOE disagrees with the commenters' proposal to postpone the adoption of TEKS based on statutory requirements for revision of standards by June of 2026 under Senate Bill (SB) 24 and SB 27, 89th Texas Legislature, Regular Session, 2025. The SBOE disagrees with the commenters' assertion that the TEKS review and revision process is not transparent and lacks appropriate input from experts. The SBOE TEKS review and revision process was adopted by a bipartisan elected SBOE in 2023; required representation from numerous experts, educators, and stakeholder groups to ensure maximum participation from across the state; and provided access to work products publicly throughout the process. The commenters' allegation of a potential conflict of interest is outside the scope of the SBOE rulemaking and social studies TEKS review and revision processes.

Comment. One community member stated to have known Dr. Don Frazier and named specific examples of his honest interactions and high level of integrity and requested that the SBOE criticize content and not persons.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Five teachers, two parents, three administrators, and one community member expressed concern that the proposed curriculum and content-advisor process raise religious neutrality and constitutional concerns. The commenters explained that separation of church and state has a constitutional basis and cited concerns involving Founding Fathers, Supreme Court precedent, and government involvement in religion. The commenters requested that the process be delayed, restarted, reconsidered, or reviewed with meaningful teacher input and attention to legally and educationally appropriate standards.

Response. The SBOE disagrees with the commenters' proposal to postpone the adoption of TEKS based on statutory requirements for revision of standards by June of 2026 under SB 24 and SB 27, 89th Texas Legislature, Regular Session, 2025. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025. The SBOE disagrees with the commenters' assertion that the TEKS review and revision process lacks appropriate input from experts. The SBOE TEKS review and revision process was adopted by a bipartisan elected SBOE in 2023; required representation from numerous experts, educators, and stakeholder groups to ensure maximum participation from across the state; and provided access to work products publicly throughout the process.

Comment. One teacher and one community member stated that the content-advisor process did not rely sufficiently on credentialed historians or experienced Texas Kindergarten-Grade 12 social studies educators. The commenters requested standards be developed by credentialed historians and experienced Kindergarten-Grade 12 social studies educators.

Response. The SBOE disagrees with the commenters' remarks regarding the lack of credentialed historians or experienced educators in the content-advisor process. The SBOE TEKS review

and revision process was adopted by a bipartisan elected SBOE in 2023; required representation from numerous experts such as content advisors, educators, and stakeholder groups to ensure maximum participation from across the state; and provided access to work products publicly throughout the process.

Comment. Four teachers, one administrator, two parents, and two community members stated that the repeated phrase "with adult assistance" should be removed, clarified, or audited across the Kindergarten-Grade 2 standards. The commenters explained that standards should describe what students can do independently rather than what they can complete only with undefined adult support. The commenters noted that repeated reliance on adult assistance may indicate that the task is not developmentally appropriate for the assigned grade level. The commenters identified retelling, sequencing, sorting, and other early-grade expectations as areas where the wording may obscure unclear or unrealistic standards.

Response. As a result of public comment, the SBOE took action to remove the phrase "with adult assistance" from the adopted social studies standards.

Comment. Seven teachers, 13 parents, 1 administrator, and 5 community members stated that references to the Black Robe Regiment should be removed or revised for historical accuracy. The commenters explained that the phrase does not describe an actual organized military unit that served in the Continental Army. The commenters requested that the standards replace or remove the Black Robe Regiment reference.

Response. As a result of public comment, the SBOE took action to remove references to the Black Robe Regiment from the adopted social studies standards.

Comment. Four teachers, three parents, and three community members stated that the Magna Carta standards contain historical inaccuracies and anachronistic framing. The commenters requested that the standard be revised to present the Magna Carta accurately as a 1215 document that limited royal power.

Response. As a result of public comment, the SBOE took action to adopt TEKS within §113.5(c)(3)(J) in reference to the Magna Carta as "explain that the Magna Carta, created in 1215 in England with the help of the Archbishop of Canterbury, was the first document that limited the power of the king and reflected Christian ideas about individual rights and English legal traditions (H, G/Civ, Geo/C)."

Comment. Two teachers, three parents, and two community members stated that several Early Middle Ages geography standards use modern political names that did not exist during the historical period being studied. The commenters explained that countries such as Germany, the United Kingdom, and the modern state of Israel were not present in their current forms during the Early Middle Ages. The commenters noted that asking students to locate modern nations in a medieval context may prevent students from understanding how borders, governments, and place names change over time. The commenters described this as a historical geography problem that weakens students' understanding of chronology and political development. The commenters identified historically accurate alternatives, including the Iberian Peninsula, Frankish Kingdom or Holy Roman Empire, the Holy Land, England, the Alps, the Pyrenees, and the North Sea. The commenters requested that the standards use historically appropriate place names and regions for the Early Middle Ages.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historically appropriate place names for grade-level and age-appropriate understanding based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher, two parents, and two community members stated that the standards misrepresent the Ottoman conquest of Constantinople and its relationship to European exploration. The commenters explained that the conquest did not completely close off European trade with Asia because trade continued through routes such as Alexandria and Beirut and the Ottomans had economic incentives to continue commerce. The commenters noted that Portuguese exploration along the African coast began before 1453, weakening the claim that the conquest alone caused the Age of Exploration. The commenters described the current wording as an oversimplified and historically inaccurate cause-and-effect explanation. The commenters identified a more accurate framing in which Ottoman control disrupted established routes, increased costs, and intensified European interest in alternative sea routes. The commenters requested that the standard be revised to reflect this more accurate trade and exploration context.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for accurate context for trade and exploration based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher, two parents, and two community members stated that women's contributions are underrepresented in the elementary social studies standards. The commenters requested that the standards broaden representation of women and include more accurate coverage of women's accomplishments and contributions.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for inclusion of women's accomplishments and contributions based on feedback from numerous experts, educators, and stakeholder groups. Adopted TEKS include essential knowledge and skills focused on Betsy Ross, Abigail Adams, Jane Long, Dolley Madison, Clara Barton, Susan B. Anthony, Eleanor Roosevelt, and other influential women whose contributions helped shape Texas, United States, and world history.

Comment. Thirty-four teachers, 4 administrators, 8 parents, 11 community members, and 6 college representatives stated that many elementary social studies standards are developmentally inappropriate, overly detailed, and difficult to teach within available instructional time. The commenters explained that young students need concrete, relatable content before being asked to understand abstract topics. The commenters requested that the elementary standards be revised, reduced, re-sequenced, and aligned to students' developmental readiness and realistic classroom conditions.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for developmental readiness, instructional pacing, and reduction of content to allow for greater depth of instruction based

on feedback from numerous experts, educators, and stakeholder groups.

Comment. One administrator, 7 parents, and 12 community members stated that the Middle Ages standards should include Moorish, Islamic, Jewish, and broader cross-cultural contributions to the preservation and advancement of classical knowledge. The commenters described the current framing as incomplete because it presents medieval intellectual history through a narrow Christian European lens. The commenters identified the Moors in Spain and Islamic scholarly traditions as essential to teaching how Greek and Roman knowledge was preserved, translated, and expanded. The commenters requested that the standards add or revise content to include these cross-cultural scholarly contributions accurately.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for including cross-cultural scholarly contributions based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One community member recommended revising §113.6(c)(1)(C) to read, "explain how the printing press helped spread Reformation ideas quickly, including wider access to the Hebrew and Christian Bibles, and compare how this innovation also helped spread ideas when American founders shared arguments for independence (H, G/Civ, Geo/C)." The commenter recommended including both the Hebrew and Christian Bibles in this standard. The commenter explained that the advent of the printing press and the Reformation encouraged wider engagement with biblical texts. The commenter stated that in the following centuries, this allowed Protestants to more widely read the Hebrew Bible and noted that this development influenced several of the founding fathers.

Response. The SBOE adopted standards to explain how the printing press helped spread Reformation ideas quickly, which included access to the Hebrew and Christian Bibles. These standards align with TEC, §28.002(a)(2)(G), requiring instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Two teachers, 1 administrator, 9 parents, and 35 community members stated that religious content in the elementary standards should be revised for neutrality, accuracy, and developmental appropriateness. The commenters explained that several standards present biblical figures, Christian teachings, or Ancient Israel content in ways that may appear promotional, historically overstated, or disconnected from a balanced academic treatment of religion. The commenters noted that young students may not be developmentally prepared to distinguish between studying religion academically and school endorsement of religious claims. The commenters requested revisions that ensure religious content is accurate, secular, balanced across traditions, and appropriate for the grade level.

Response. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious content because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. One teacher stated that in §113.4(c)(6)(I)-(L), the standards make no mention of Greek slavery or the exclusion of women and foreigners from the government system.

Response. The SBOE disagrees with the commenters' proposal to revise §113.4(c)(6)(I)-(L) to add additional instruction regarding Greek slavery, the exclusion of women, and non-citizens from the government system based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the standards appropriately introduce foundational concepts related Greece within the scope of Grade 3 based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher stated that in §113.4(c), the TEKS should not heavily focus on Western civilization, such as Israel, Greece, and Rome, as they have a diverse student body. The commenter suggested that the TEKS should focus on a global view so that students are prepared to become global citizens.

Response. The SBOE disagrees with the commenter's proposal to reduce the emphasis on Western civilization in §113.4(c) or replace it with a broader global framework based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that instruction on ancient Israel, Greece, Rome, and other foundational civilizations provides students with important historical context for understanding the development of constitutional government, citizenship, law, culture, and civic institutions.

Comment. Two teachers, one administrator, four parents, and nine community members stated that standards related to the Scientific Revolution, Protestant Reformation, Spanish Armada, Glorious Revolution, printing press, and colonial migration contain confusing or inaccurate causal relationships. The commenters explained that the Scientific Revolution should be framed around the scientific method, observation, and experimentation rather than agricultural or transportation improvements from different historical periods. The commenters noted that the defeat of the Spanish Armada involved military, logistical, and weather-related factors rather than a simple religious cause. The commenters described the Glorious Revolution as influential for limited government and parliamentary authority but not as an event that inspired earlier migration by Pilgrims or Puritans who had already arrived in North America. The commenters identified several standards as chronologically confusing or repetitive because they tie Reformation ideas, printing, migration, and American independence together without clear historical sequence. The commenters requested revisions that clarify chronology, distinguish historical movements, and correct unsupported causal claims.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the chronological sequencing of historical events and causal concepts to support research-based practices indicating that students retain concepts better when presented in chronological order. In addition, causal relationships were considered based on feedback from numerous experts, educators, and stakeholder groups to support accurate historical understanding.

Comment. One teacher, two parents, and five community members stated that civic standards related to the Bill of Rights, constitutional change, and citizenship should emphasize understanding rather than memorization. The commenters explained

that listing the ten amendments does not ensure that students know what rights protect, why the Bill of Rights was added, or how individual freedoms function in practice. The commenters noted that students should learn key rights and the historical context for their adoption rather than simply copy or recite amendments. The commenters described the amendment process as important for understanding how the Constitution changes over time and how citizens participate in shaping foundational law. The commenters identified additional civic concepts, including rights, duties, jury service, taxation, school attendance, and community responsibilities, as appropriate for clearer instruction. The commenters requested revisions that strengthen civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021. The SBOE adopted standards based on research that indicates that repetition and memorization lead to increased retention of content in long term memory.

Comment. Six teachers, four parents, and four community members stated that Greek and Roman content in the elementary standards includes myths, unclear comparisons, anachronisms, and concepts that exceed students' developmental readiness. The commenters explained that some standards ask students to compare legendary Roman founding stories or draw civic lessons from narratives that historians treat as mythology rather than documented history. The commenters noted that Greek civic standards repeat similar content without explaining who was excluded from Athenian democracy. The commenters identified additional issues with map expectations, Roman Republic and Roman Empire chronology, and vague standards about trade and resource scarcity. The commenters requested that Greek and Roman standards be consolidated, corrected for accuracy, and revised to distinguish myth, historical evidence, and later political concepts.

Response. The SBOE disagrees with the commenters' proposal to revise the Greek and Roman standards to remove or substantially alter content related to mythology, civic concepts, and foundational civilizations based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the standards appropriately introduce students to Greek and Roman civilization, including influential myths, historical traditions, and civic concepts, while allowing educators to provide additional context regarding historical evidence, chronology, and the development of political ideas.

Comment. One teacher quoted §113.1(c)(10)(B) and stated that Betsy Ross making the first American flag was not an accepted historical fact and that almost no historians believe that it happened. The commenter explained that this story was considered an unverified legend. The commenter stated that this tale was first introduced nearly 100 years later, in 1870, by her grandson.

Response. The SBOE disagrees with the commenter's proposal to revise §113.1(c)(10)(B) by removing or substantially changing the reference to Betsy Ross as the person remembered for making the first American flag because the standard is intended to provide young students with age-appropriate exposure to traditional historical narratives, and under TEC, §28.002, the SBOE is authorized to adopt social studies standards that develop students' understanding of United States history and good citizenship.

Comment. Four teachers, four administrators, four parents, and three community members stated that Native American and Indigenous perspectives, terminology, governance, and historical agency should be strengthened in the elementary standards. The commenters explained that current wording often centers European or colonial perspectives while omitting Indigenous governance systems, Native communities, and Native experiences before, during, and after European settlement. The commenters noted concerns about Thanksgiving, Lone Star Heritage, Texas settlement, the Texas Revolution, and terminology such as American Indian. The commenters requested that the standards include Native American perspectives, use clearer terminology, and represent Indigenous peoples as ongoing historical and civic communities.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for inclusion of Native American perspectives based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Twenty teachers, 4 administrators, 20 parents, 35 community members, 1 college representative, and 5 out-of-state commenters stated that standards addressing slavery, the Civil War, the Confederacy, segregation, race, racial violence, and African American history should be revised for accuracy, clarity, and completeness. The commenters indicated that accurate and inclusive instruction supports student understanding of U.S. history, civic development, and informed citizenship. The commenters requested revisions that present slavery, segregation, race, racial injustice, African American history, and the Civil War directly, accurately, and with appropriate context.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for presenting slavery, segregation, the Civil War, and racial injustice with accuracy and with appropriate context based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two teachers, two parents, and two community members stated that the elementary free enterprise and Texas oil industry standards should be revised to reduce memorization and improve conceptual clarity. The commenters noted that Henry O. Flipper is framed primarily through the oil industry even though his broader historical significance includes being the first African American graduate of West Point and a U.S. Army officer. The commenters identified examples of goods, services, wants, and needs as areas where simpler identification expectations would be more appropriate for early grades. The commenters requested that the oil standards be consolidated and revised to explain how Spindletop created jobs, businesses, and products while honoring Flipper's full historical significance.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 5 social studies TEKS, as amended, with consideration for consolidation and revision of standards related to the Texas oil industry based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Three teachers, one administrator, one parent, and one community member stated that elementary standards should strengthen geography, map skills, and spatial thinking. The commenters explained that the standards rely heavily on identifying places on maps but do not consistently teach students to interpret maps, understand map elements, compare historical and modern maps, or analyze geographic information. The commenters identified a need for a clearer progression from basic map use to analysis of spatial patterns and mapmaker choices. The commenters requested explicit grade-level expectations for map reading, geographic analysis, and comparison of historical and present-day maps.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for inclusion of explicit grade-level expectations for map reading, geographic analysis, and the comparison of historical and present-day maps to strengthen geographic literacy based on feedback from numerous experts, educators, and stakeholder groups. Student expectations are tagged with the letter "S" at the end of every statement where a social studies skill has been applied in the learning objective.

Comment. Eight teachers stated that the elementary standards should include a clearer and more coherent progression of social studies skills. The commenters noted that standards should distinguish primary and secondary sources, support coherent retelling, and build from simple sequencing to interpretation, summarization, analysis, and evidence-based writing. The commenters identified revised skills for Kindergarten-Grade 5 that would align increasing rigor with students' developmental readiness. The commenters requested that the standards adopt consistent language and a coherent skills progression across elementary grades.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 5 social studies TEKS, as amended, with consideration for use of consistent terminology and a coherent progression of social studies knowledge and skills across elementary grade levels based on feedback from numerous experts, educators, and stakeholder groups. The rigor of verbs in Kindergarten-Grade 5 provides for increased progression of critical thinking both within and across grades, and student expectations are tagged with the letter "S" at the end of every statement where a social studies skill has been applied in the learning objective.

Comment. Four teachers and three parents stated that Grade 1 and Grade 2 Texas Revolution and Texas history standards should be revised for coherence, specificity, and accuracy. The commenters noted that references to the Texas Republic, Texas Independence Day, and Texas Revolution events do not always fit the surrounding knowledge and skills statements. The commenters described concerns that broad language about why Texans wanted independence may omit complex causes such as immigration restrictions and slavery. The commenters requested that the standards be condensed, better aligned, and revised to provide accurate, age-appropriate Texas history content.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 5 social studies TEKS, as amended, with consideration for condensing and improving alignment based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted key topics and subtopics to guide the formation of student expectations for coherence and specificity.

Comment. Two teachers stated that the proposed elementary framework may create gaps in students' historical background before middle school. The commenters explained that elementary teachers often prioritize tested subjects such as reading and math, leaving limited time for social studies instruction. The commenters noted that if elementary content is not taught consistently, students may enter later grades without the historical foundation assumed by the proposed framework. The commenters described Grade 8 U.S. History as an important existing bridge for students' understanding of United States history. The commenters identified concerns that the proposed Grades 3-8 framework may be repetitive, insufficiently comprehensive, or weak in world history and cultures. The commenters requested that the standards preserve coherent historical sequencing and avoid changes that widen background knowledge gaps.

Response. The SBOE disagrees with the commenter's proposal to approve standards that preserve coherent historical sequencing. The SBOE adopted the Social Studies Framework that includes a clear chronology and balance of Texas, United States, and world history based on research-based practices indicating that students retain concepts better when presented in chronological order. The SBOE also adopted key topics and subtopics to guide the formation of student expectations for coherence and specificity.

Comment. Two administrators and one parent stated support for revising or adopting elementary social studies standards that introduce students to Texas and American history. The commenters noted that a spiraled approach beginning in primary grades can help students build understanding over time when the content is coherent and appropriately scaffolded. The commenters described social studies as important for preparing students to become proud, responsible, informed, and productive citizens. The commenters requested that the SBOE adopt or strengthen standards that support civic knowledge, Texas and American history, and informed citizenship.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. One teacher and one parent stated that teachers need meaningful input, implementation guidance, and professional learning to support the proposed elementary standards. The commenters explained that the curriculum may reduce teacher autonomy, shift instruction toward memorization, or rely on content that teachers may not be prepared to teach without additional support. The commenters noted that elementary teacher preparation programs may not provide extensive coursework in history, civics, geography, economics, or historical inquiry. The commenters requested that TEA provide educator-centered guidance and professional learning before implementation.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the need for statewide professional learning and structured implementation support, recognizing the importance of educator-centered guidance and training resources to support effective classroom implementation of the revised social studies standards. The SBOE adopted the following staggered imple-

mentation dates: Kindergarten-Grade 5 in 2030-2031, Grade 6 in 2031-2032, Grades 7 and 8 in 2032-2033, and Grades 9-12 in 2033-2034.

Comment. Three teachers and 10 administrators stated that several specific elementary standards require technical edits, wording changes, or alignment corrections. The commenters explained that some standards lack specificity, contain inaccurate knowledge statements, use unclear terms, or repeat content without adding instructional value. The commenters noted examples involving Spanish exploration routes; Kindergarten wording; grade-level organization; references to France, Common Sense, and The American Crisis; relative location; and Grade 2 or Grade 5 duplication. The commenters described these issues as affecting clarity, coherence, accuracy, and teacher usability. The commenters identified precise revisions to knowledge statements, student expectations, and wording to improve alignment with the intended content. The commenters requested that the SBOE revise these standards to improve specificity, coherence, and technical accuracy.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for technical edits to improve specificity and clarity.

Comment. One teacher requested additional clarification regarding the use of the term "Renaissance Man" in relation to Benjamin Franklin and Thomas Jefferson. The commenter expressed concern that students may lack sufficient prior knowledge about these historical figures, particularly Thomas Jefferson, and questioned whether instructional context or examples should be provided to help students understand why they are described as Renaissance men. The commenter also noted that any previous exposure to Benjamin Franklin in earlier grades may need reinforcement.

Response. The SBOE disagrees with the commenter's proposal to revise §113.5(c)(6)(E) to include additional background information, examples, or prerequisite instruction regarding Thomas Jefferson and Benjamin Franklin as "Renaissance Men" based on TEC, §28.002, which authorizes the SBOE to adopt grade-level essential knowledge and skills. The standard establishes age-appropriate content while leaving instructional methods and supporting examples to local educators and districts.

Comment. One teacher stated that in §113.5(c)(3), the idea of chivalry as a code of courage, loyalty, and helping others is a well-established myth. The commenter explained that the word "chivalry" comes from the French term chevalier whose name came from cheval for horse, and it just refers to a mounted horse soldier. The commenter explained that "knight" comes from the German and Old English amalgamation for a servant or bondsmen. The commenter stated that by wording the standard as it is proposed it is perpetuating a well-known myth.

Response. The SBOE disagrees with the commenter's proposal to remove or substantially revise §113.5(c)(3)(F), which requires students to describe chivalry as a code of honor for knights that emphasized courage, loyalty, and helping others based on TEC, §28.002, which authorizes the SBOE to adopt standards addressing essential historical knowledge and concepts. The student expectation appropriately focuses on grade-level understanding of a recognized medieval ideal rather than advanced historiographical analysis of the historical accuracy of chivalric practices.

Comment. Two parents and 2 community members stated that, as a community advocate and future grandparent, they requested that the SBOE consider concerns about §113.2(c)(3)(E), which asks first-grade students to compare decision-making in home, school, and community today with how Pilgrims made decisions together. The commenters explained that this expectation requires six-year-olds to make complex historical abstractions by connecting their daily decision-making to the governing practices of a 17th-century religious community. The commenters noted that the standard presents Pilgrim governance as a model of democratic participation without acknowledging that the Mayflower Compact applied only to Pilgrim men, excluded the Wampanoag people, and was rooted in religious authority rather than consent of all community members. The commenters described the standard as redundant and confusing because other standards in the unit already address the Mayflower Compact in more concrete, age-appropriate ways. The commenters requested removal of §113.2(c)(3)(E).

Response. In response to public comment, §113.2(c)(3)(E) was removed from the social studies TEKS based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One parent described that content on how Moorish scholars in medieval Spain preserved Greek and Roman learning and advanced fields such as mathematics is missing from the April 2026 proposed rules, noting that this content appeared in earlier drafts. The commenter stated that this omission excludes the contributions of an entire civilization from a unit intended to teach the foundations of Western knowledge. The commenter requested adding a new standard and recommended explaining how the Moors in Spain preserved the learning of the Greeks and Romans, established large libraries, and advanced learning by spreading the use of Arabic numerals and algebra.

Response. The SBOE disagrees with the commenter's proposal to add a new standard about the Moorish scholars based on TEC, §28.002, which authorizes the SBOE to establish essential knowledge and skills that are age-appropriate and balanced in scope, the SBOE maintains that the existing standards provide sufficient coverage of key historical concepts and that the addition of a separate student expectation is not necessary to achieve the intended instructional outcomes for the course.

Comment. One teacher expressed support for revising the social studies TEKS and stated, as an educator, that the current standards do not adequately prepare students to become informed, engaged, and competent civic participants, noting that Kindergarten-Grade 2 standards are repetitive and often deprioritized. The commenter explained concerns about the level of specificity in the proposed standards. The commenter stated that this level of specificity may pressure teachers to move quickly through content instead of fostering deeper exploration of key historical concepts and civic ideas and questioned whether instruction would rely on passive reading of assigned texts or include engaging, hands-on learning. The commenter requested that the standards preserve space for inquiry-based and interactive learning to support deep, critical thinking rather than surface-level coverage and ensure that primary source documents are not reduced to Lexile-level reading assignments.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 5 social studies TEKS, as amended, with consideration for preserving opportunities for inquiry-based and interactive learning to support meaningful engagement with primary source documents based

on based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One parent expressed concern about the Grade 1 Thanksgiving standards in §113.2(c)(1) and (2) and stated that the use of the word "story" may suggest a tale or legend rather than a real historical event. The commenter noted that repeating this wording omits Native American perspectives and does not provide sufficient historical and geographic context. The commenter identified concerns about the phrase "giving thanks to God" in the El Paso standard and explained that it lacks clarity in a public social studies context and may suggest elevating one religious tradition over others. The commenter stated that the standard can acknowledge that some historical communities expressed gratitude through religious belief but requested that it be revised to ensure historical accuracy, inclusivity, and respect for students from all backgrounds.

Response. The SBOE disagrees with the commenter's proposal to revise §113.2(c)(1) and (2) by replacing the word "story" based on TEC, §28.002, which authorizes the SBOE to adopt essential knowledge and skills in social studies. The SBOE maintains that the standards appropriately introduce students to historical accounts and cultural traditions at the elementary level and allow educators to provide additional context and perspectives through instruction while preserving the grade-level focus and intent of the student expectations. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. One community member recommended revising §113.3(c)(9) to add a new student expectation to read, "(H) retell the story of the 10,000 Jewish immigrants fleeing persecution in Eastern Europe who came through Texas as part of the Galveston Movement between 1907-1914." The commenter recommended including a substandard covering the Galveston Movement. The commenter stated that this movement is an important facet of Texas's history as a land of opportunity.

Response. The SBOE disagrees with the commenter's proposal to add a new student expectation in §113.3(c)(9) requiring instruction on the Galveston Movement and the migration of Jewish immigrants through Texas between 1907-1914 based on TEC, §28.002, which authorizes the SBOE to establish essential knowledge and skills that are balanced in scope and appropriate for instructional time. The SBOE maintains that the existing standards provide sufficient opportunities for students to learn about immigration and the diverse groups who contributed to Texas history and that a separate standard on the Galveston Movement is not necessary to achieve the course objectives.

Comment. One parent expressed deep concern, as the parent of Texas public school students, about the consequences of the proposed social studies TEKS and stated that the standards are rushed, ideologically distorted, factually inaccurate, and likely to produce a narrower and misleading understanding of world and U.S. history, geography, and government. The commenter requested a genuine review process and a thorough re-examination of the TEKS as currently written and stated that the SBOE should carefully consider the consequences of implementing these standards for a generation of Texas students.

Response. The SBOE disagrees with commenters' proposal for a thorough re-examination of the TEKS as currently written. The SBOE TEKS review and revision process was adopted by a bipartisan elected SBOE in 2023; required representation from numerous experts, educators, and stakeholder groups to ensure maximum participation from across the state; and provided access to work products publicly throughout the process.

Comment. One teacher stated that the proposed social studies TEKS contain factual inaccuracies and misleading historical framing across multiple grade levels. The commenter explained that §113.5(c)(1)(A) uses modern political boundaries (Germany, the United Kingdom, and Israel) to teach the Middle Ages, and that Grade 4 standards mischaracterize the Magna Carta as a religious document rather than a political effort to limit royal power. The commenter stated that these inaccuracies limit students' ability to understand historical context and cause confusion about cause, effect, and chronology. The commenter requested that the SBOE revise the standards to improve historical accuracy and inclusivity and noted that incorporating texts by diverse authors could strengthen both the quality and breadth of student learning materials.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historical accuracy, historical context, chronology, and cause/effect relationships based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One administrator stated that standards in §113.1(c) related to George Washington, maps, and foundational civic principles should be revised to improve historical accuracy and support early geographic understanding. The commenter stated that while retelling stories about George Washington is appropriate, the standards omit one of his most significant contributions to American civic identity: the rejection of monarchy. The commenter requested that the SBOE revise the standards to include recognition of changing historical geography and to add an age-appropriate expectation that students explain how Washington helped establish the idea of elected leadership rather than rule by a king.

Response. The SBOE disagrees with the commenter's proposal to revise §113.1(c) to add instruction on changing historical geography and an additional expectation regarding George Washington's rejection of monarchy based on TEC, §28.002, which authorizes the SBOE to establish grade-level essential knowledge and skills. The standards provide a developmentally appropriate introduction to historical figures, places, and civic ideals, while more complex concepts such as historical changes in political boundaries and the development of representative government are addressed in greater depth in later grades.

Comment. One community member stated that the recommendations follow a consistent structure in which each identifies a specific concern in the proposed standards and outlines necessary tradeoffs to address pacing or redundancy. The commenter explained that the purpose is not simply to add content, but to improve the overall framework by making it more balanced, coherent, teachable, and educationally effective. The commenter explained that George Washington appears repeatedly across multiple grade levels--Kindergarten, Grade 1, Grade 5, and U.S. History--with similar expectations that do not meaningfully deepen understanding. The commenter noted that this repetition consumes instructional time, approximately 8-10 lessons across Kindergarten-Grade 5, that could be used

for content currently lacking sufficient space. The commenter described a proposed trade in which early grade exposure is retained while Grade 5 expectations shift from biographical retelling to analysis, allowing students to examine how Washington's decisions shaped the early republic. The commenter explained that this change would free instructional time in intermediate grades while improving rigor and alignment. The commenter requested revising Grade 5 standards to require analysis of Washington's decisions, including establishing the Cabinet, issuing the Proclamation of Neutrality, and stepping down after two terms, and to reclassify biographical retelling as suggested rather than required content.

Response. The SBOE disagrees with the commenter's proposal to revise the Grade 5 standards to reduce or replace biographical instruction about George Washington with additional analysis of specific presidential decisions based on TEC, §28.002, which authorizes the SBOE to adopt essential knowledge and skills that provide a coherent progression of historical content. The SBOE maintains that recurring instruction on George Washington supports students' developing understanding of his significance in United States history while allowing for increasingly sophisticated treatment of historical concepts in later grades.

Comment. One community member stated that the proposed "Ancient Civilizations" and early world history units contain chronology and category errors that distort students' understanding of the past. The commenter stated that the standards grant intellectual and political influence to some groups while reducing others to land use or oral tradition and noted that this pattern reflects older Western civilization narratives rather than contemporary comparative scholarship. The commenter requested that the standards be revised to correct these chronology and category errors and to present a more accurate and balanced account of early world history.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for commenters' recommendations to improve the historical accuracy and organization of early world history. Specifically, §113.3(c)(2)(A) was amended to address concerns regarding the classification and sequencing of early societies and to provide students with a more accurate and balanced understanding of world history and the development of civilizations.

Comment. Twenty-three parents, 5 teachers, 2 administrators, 1 counselor, and 40 community members stated support for adopting or maintaining the proposed social studies TEKS as written or substantially like the proposed language. The commenters explained that the standards appear appropriate, beneficial, or sufficient for strengthening social studies instruction and helping students learn Texas history, American history, liberty, civic knowledge, leadership, cultural knowledge, and foundational content. The commenters noted that the standards would help students understand the people, places, events, and ideas that shaped the state and nation. The commenters requested that the SBOE approve, adopt, or maintain the proposed standards without major substantive changes.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for maintaining the proposed standards, while preserving the overall framework and intent based on feedback from numerous experts, educators, and stakeholders.

Comment. Sixteen teachers, three administrators, eight parents, and nine community members stated that the standards strengthen geography, map skills, climatic factors, and spatial-thinking expectations. The commenters described that the draft may imply geographic concepts without explicitly requiring them, which could lead to inconsistent instruction. The commenters identified that geographic reasoning as essential to college, career, and civic readiness. The commenters indicated that students need foundational geography skills such as latitude, longitude, location, map reading, and interpretation of geographic data. The commenters requested explicit geography standards that prepare students to understand the real world and apply geographic reasoning.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening geography based on feedback from numerous experts, educators, and stakeholders. The SBOE adopted a social studies strand of "social studies skills (based on disciplinary thinking skills)." Student expectations are tagged with the letter "S" at the end of every statement where a social studies skill has been applied in the learning objective.

Comment. Two teachers, 12 parents, 9 community members, and 2 out-of-state commenters stated that genocide education, including instruction on the Armenian Genocide, should be preserved and strengthened in the social studies TEKS. The commenters explained that students should learn about genocide, human rights abuses, and dark chapters of global history to understand both past events and current international conflicts. The commenters noted that the Armenian Genocide is historically significant as an early twentieth-century genocide and that denial or lack of accountability continues to affect current events. The commenters described Texas connections, including support for Near East Relief and the presence and contributions of Armenian communities in Texas. The commenters identified genocide education as necessary for historical awareness, civic responsibility, and prevention of future atrocities. The commenters requested that existing Armenian Genocide and broader genocide requirements not be removed from the standards.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving instruction related to genocides based on feedback from numerous experts, educators, and stakeholders, including specific requirements from TEC, §28.002 (h-11) and (h-12) and SB 24.

Comment. Five teachers, 9 parents, 1 counselor, 3 administrators, and 19 community members stated that the social studies TEKS should include accurate, age-appropriate, and balanced coverage of Palestine, Israel, the Middle East, Islam, and Muslim communities. The commenters explained that omitting Palestine and the Palestinian people is historically inaccurate and limits students' understanding of regional history, contemporary global issues, U.S. foreign policy, displacement, and modern conflict. The commenters noted that students need historically grounded information and multiple perspectives to support civic discourse and global literacy. The commenters identified concerns that Islam and Muslims are often presented primarily through conflict or extremism without broader social, cultural, scholarly, and historical context. The commenters requested revisions that present

Palestine, Israel, the Middle East, Islam, and Muslim societies accurately, contextually, and without one-sided framing.

Response. The SBOE disagrees with the commenters' proposal to revise the standards to include additional or expanded instruction on Palestine and Palestinian history based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the standards provide students with the historical knowledge, geographic understanding, and analytical skills necessary to examine world regions, international developments, and historical conflicts within the broader study of world history and geography.

Comment. One parent, five community members, and two out-of-state commenters stated that the 1965 Immigration and Nationality Act, also known as the Hart-Celler Act, be included in the Texas social studies standards. The commenters described that teaching this content would help students understand the development of modern American communities and the diversity of Texas. The commenters identified the act as a major policy that influenced identity, belonging, family reunification, employment-based immigration, and participation in society. The commenters indicated that students should learn how the act ended national-origin quota systems and helped shape the modern immigration system. The commenters requested explicit instruction on the Immigration and Nationality Act of 1965 so students can better understand immigration history and its continuing relevance.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for instruction on immigration based on feedback from numerous experts, educators, and stakeholders.

Comment. Eight teachers, 1 counselor, 1 administrator, 10 parents, and 4 community members stated that significant twentieth-century events and civil rights content be restored, clarified, or corrected in the standards. The commenters described concern that omissions or misleading descriptions may distort students' understanding of U.S. The commenters indicated accurate coverage of civil rights and wartime civil liberties as essential to a complete education. The commenters requested revisions that preserve historically accurate coverage of major events, injustices, and achievements.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the chronological sequencing of historical events and concepts to support accurate historical understanding of civil rights and wartime civil liberties based on feedback from numerous experts, educators, and stakeholders.

Comment. Two teachers, 1 administrator, 7 parents, and 11 community members stated that stronger representation of women and diverse communities should be included in the social studies standards. The commenters explained that women, immigrants, people of color, and other historically significant communities played important roles in Texas, U.S., and world history. The commenters noted that limited inclusion of women and other communities narrows students' understanding of historical development and public life. The commenters described specific concerns about the absence or limited treatment of women's rights, women leaders, public officials, and broader social movements. The commenters identified representation as necessary for students to see the range of people who shaped society and civic life. The commenters indicated that these communities played significant roles in Texas, U.S., and world history and should not be reduced or omitted from the curriculum. The commenters requested revisions that preserve or expand coverage of diverse individuals, communities, and contributions.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving representation of women and their contributions to Texas and American history. Examples of specific leaders included in the adopted TEKS are Betsy Ross, Barbara Jordan, Claudette Colvin, Rosa Parks, Clara Driscoll, Adina de Zavala, and Dolores Huerta. The SBOE adopted a social studies framework, key topics, and subtopics to guide the formations of the TEKS which included content on Texas, United States, and world history based on feedback from numerous experts, educators, and stakeholders.

Comment. Three parents and two community members recommended an audit of verb selection and grammatical agency across civilizations in the standards. The commenters explained that language should avoid presenting Western civilization as the primary source of ideas while portraying Indigenous or African peoples as passive or less intellectually significant. The commenters noted that parallel verbs and cognitive expectations should be applied across civilizations to reflect comparable complexity and historical agency. The commenters described that all major civilizations developed writing, governance, art, technology, and intellectual traditions. The commenters indicated that language should represent African, Indigenous, Mesopotamian, Egyptian, Chinese, Hebrew, Greek, Roman, and other societies as active contributors to history. The commenters requested revisions that provide all civilizations with comparable grammatical dignity and historical agency.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for providing civilizations with historical agency based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Nine teachers, 1 counselor, 2 administrators, 23 parents, and 30 community members stated support for adopting or preserving standards emphasizing Texas history, American history, Western civilization, Judeo-Christian heritage, and founding principles. The commenters explained that students should learn liberty, self-government, rule of law, individual rights, constitutional government, founding documents, and the people and ideas that shaped Texas and the United States. The commenters noted that instruction should preserve classical and foundational American texts, patriotic content, American exceptionalism, and the influence of Christianity or Judeo-Christian ideas on institutions and civic traditions. The commenters described that Texas and American history should remain central to social studies education. The commenters identified that this focus as important for shared values, common citizenship, civic identity, and national unity. The commenters indicated that students should learn about liberty, self-government, civic responsibility, founding documents, American historical figures, and the principles that shaped Texas and the United States. The commenters requested that the proposed standards be

adopted or strengthened to preserve these historical and civic foundations.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving and strengthening instruction related to liberty, self-government, civic responsibility, founding documents, significant American historical figures, and the principles and institutions that shaped Texas and the United States based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted standards that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. Three parents and seven community members stated that certain religious; cultural; diversity, equity, and inclusion; lesbian, gay, bisexual, transgender, and queer; or Islamic content should not be included in the social studies standards. The commenters explained that public school instruction should prioritize traditional American history, Texas history, civic foundations, and community values. The commenters noted that topics related to family beliefs or specific social and religious perspectives should not displace the historical content they view as central to public education. The commenters described that concerns that outside organizations or perspectives could shift instruction away from American and Texas foundations. The commenters requested that the SBOE reject or avoid revisions that include content they believe fall outside the intended scope of social studies instruction.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for maintaining a focused and coherent social studies curriculum that prioritizes Texas and American history based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted standards that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021, focused on civic knowledge. The adopted standards also adhere to statutory requirements from SB 12, 89th Texas Legislature, Regular Session, 2025, focused on public school requirements and prohibitions regarding instruction, diversity, equity, and inclusion duties.

Comment. Fifty-four teachers, 59 parents, 12 administrators, 2 counselors, 38 community members, 1 college representative, and 1 out-of-state commenter stated that the proposed standards place too much emphasis on Texas, U.S., and Western history while reducing meaningful coverage of world history, world cultures, geography, and non-Western societies. The commenters noted that world history should not be treated as interchangeable with a Western civilization framework and that a narrow focus may limit cultural literacy, civic understanding, higher education readiness, and workforce preparation. The commenters identified the need for multiple perspectives, critical thinking, analysis of historical sources, and stronger coverage of non-Western contributions. The commenters noted that Texas and U.S. history remain important but should not crowd out broader national and global perspectives. The commenters requested a balanced curriculum that preserves meaningful world history, world cultures, and geography instruction that strengthens global literacy and critical thinking that includes Texas, U.S., and world perspectives.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for promoting a more balanced curriculum that incorporates Texas, United States, and world history perspectives based on feedback from numerous experts, educators, and stakeholder groups. The social studies framework adopted by the SBOE balances the presentation of content on Texas, United States, and world history across Grades 3-8.

Comment. Three parents, one community member, and one college representative stated that the standards should restore non-Western civilizations and correct Western-civilization-centered framing. The commenters noted that civilizations should be taught on their own terms rather than mainly as roots, foils, obstacles, or influences on America and Texas. The commenters identified the current framing as incomplete and potentially misleading because it narrows students' understanding of global historical development. The commenters requested a broader and more balanced account of civilizations and their contributions.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for a complete account of historical development based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted a social studies framework based on chronology and a balance of Texas, American, and world history. The SBOE also adopted key topics and subtopics to guide the formation of coherent and comprehensive student expectations.

Comment. Nineteen teachers, 7 administrators, 23 parents, 10 community members, and 1 out of state commenter stated that the standards should prioritize critical thinking, inquiry, source evaluation, information literacy, developmental appropriateness, and deeper understanding over excessive required content. The commenters explained that the draft relies too heavily on recall, supplied conclusions, identification, naming, retelling, and memorization of isolated facts. The commenters noted that students should learn to ask questions, evaluate sources, recognize bias, analyze evidence, use data, and construct evidence-based conclusions. The commenters described these skills as essential for college, careers, civic life, artificial intelligence (AI)-era information environments, informed citizenship, and historical thinking. The commenters requested standards that support age-appropriate pacing, teacher flexibility, analytical skills, information literacy, and depth over broad coverage.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening analytical skills, historical thinking, age-appropriate pacing, and teacher flexibility based on feedback from numerous experts, educators, and stakeholder groups. Student expectations are built with a progression of rigorous verbs that require students to learn and understand foundational knowledge of Texas, United States, and world history followed by opportunities to utilize thinking skills such as comparison, explanation, and evaluation.

Comment. Five teachers, 1 counselor, 20 parents, 14 community members, and 1 out-of-state commenter stated that students should be taught complete and factual history without censorship, whitewashing, revisionism, or political distortion. The commenters explained that social studies should include truthful accounts of both positive and negative aspects of Texas, U.S., and world history. The commenters noted that historical inaccura-

cies, myths, omissions, and simplified narratives prevent students from understanding the past and learning from it. The commenters described that difficult topics such as slavery, segregation, genocide, colonization, racism, and civil rights must be taught accurately and age-appropriately. The commenters identified honest history as necessary for informed citizenship, trust in public education, and student preparation for the future. The commenters indicated that history instruction should include both positive and negative aspects of Texas, U.S., and world history. The commenters requested standards that present historical facts honestly and allow students to develop their own evidence-based understanding.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for accuracy in Texas, United States, and world history that includes both positive and negative aspects of difficult topics based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted standards that comply with statutory requirements included in SB 3, 87th Texas Legislature, Second Called Session, 2021, focused on knowledge of civics and TEC, §28.002 (h-11) and (h-12), focused on instruction on anti-communism and genocide.

Comment. Three teachers, one counselor, two parents, two administrators, six community members, and one college representative stated that the social studies TEKS should strengthen civic literacy, constitutional knowledge, citizenship, and informed civic participation. The commenters explained that civic education should prepare students to stay informed, evaluate government action, participate in community decision-making, and hold institutions accountable. The commenters noted that civic learning should include active engagement and application of knowledge rather than passive recall. The commenters identified connections among constitutional protections, colonial grievances, civic life, and democratic governance as important foundations for civic understanding. The commenters requested revisions that provide coherent and analytical treatment of government, citizenship, founding documents, constitutional rights, judicial review, and civic processes to better prepare students for informed participation in democratic society.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. Two teachers, one parent, five community members, and one college representative recommended stronger accuracy and representation in Texas history, including Mexican American, Tejano, Indigenous, and Black Texas contexts. The commenters indicated fuller Texas history as necessary for a balanced and accurate account of the state. The commenters requested revisions that provide a fuller and more contextualized account of Texas history.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for accounts of Texas history from various perspectives based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two community members stated that the standards better align with college, career, workforce, and civic readiness. The commenters explained that students need analytical skills, source evaluation, global understanding, communication, problem-solving, and historical literacy to succeed beyond high school. The commenters noted that standards emphasizing recall, simplified narratives, or limited global context may reduce readiness for higher education, work, and informed civic participation. The commenters described that Texas students should be prepared for a world shaped by AI, automation, global competition, and diverse communities. The commenters identified rigorous social studies instruction as essential for economic competitiveness and democratic life. The commenters requested standards that strengthen academic preparedness, workforce readiness, and civic capacity.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening college, career, workforce, and civic readiness as well as key problem-solving and analytical skills. The rigor of verbs in each student expectation provide for increased progression of critical thinking both within and across grades and courses. The SBOE adopted standards in social studies to build foundational knowledge of Texas, United States, and world history and provide opportunities for skills application. These adopted standards aligned with civic understanding, rights, and responsibilities emphasized in the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. Three teachers, five parents, and one community member stated that standards are accurate, balanced, objective, comprehensive, and inclusive. The commenters explained that social studies education should provide fair and truthful instruction in history, geography, government, economics, culture, and civic responsibility. The commenters noted that students benefit from multiple perspectives, evidence-based learning, academic neutrality, and representation of diverse experiences. The commenters described that balanced standards should prepare students to understand Texas, the United States, and the world in a diverse society. The commenters identified accuracy and inclusion as necessary for student trust, engagement, and rigorous learning. The commenters indicated that social studies education should provide a fact-based understanding of history, government, economics, geography, and civic responsibility. The commenters requested revisions that preserve academic rigor, inclusivity, and factual accuracy.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for academic rigor, varied perspectives, and factual accuracy based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Five teachers, six parents, and two community members stated that race and skin color remain explicit in standards addressing slavery and segregation. The commenters described that omitting this context would amount to whitewashing or lying by omission rather than neutrality. The commenters identified race as a fundamental factor for understanding the causes, structures, and consequences of slavery and segregation. The commenters requested that proposed language removing or diminishing race and skin color be rejected or revised for historical accuracy.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for concepts to support accurate historical understanding of race within Texas, United States, and world history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher, two parents, four community members, and three out-of-state commenters stated that Japanese American incarceration and Crystal City content be accurately included and contextualized in the standards. The commenters explained that wartime incarceration was an abuse of human rights and should not be framed primarily as a contribution to the war effort. The commenters noted that Japanese Americans and Japanese immigrants were forcibly removed; lost homes, property, livelihoods, and liberty; and were incarcerated without evidence of disloyalty. The commenters identified the term incarceration as more accurate than euphemistic language such as internment. The commenters requested that the standards preserve this history and accurately explain the conditions, harms, and broader significance of wartime incarceration.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving and accurately contextualizing instruction on the conditions, harms, and significance of wartime incarceration based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One parent and one community member stated that slavery should be described accurately and directly in the standards. The commenters explained that slavery was not merely unfair but was a cruel, demeaning, racialized, heritable system with major significance in Atlantic, Texas, U.S., and world history. The commenters noted that minimizing slavery's severity or structure weakens students' understanding of historical cause, consequence, and injustice. The commenters described explicit instruction on slavery and racism as necessary for a complete and truthful curriculum. The commenters requested that the standards add or preserve accurate treatment of racialized slavery and its historical significance.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving an accurate description of slavery and its significance within Texas, United States, and world history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One administrator, four parents, and one community member stated that they lacked sufficient information, were uncertain how to choose, or wanted additional review before taking a firm position on the proposed standards. The commenters explained that some parents or community members may not be fully aware of the proposed changes or their implications. The commenters noted that unclear or limited information can make it difficult for stakeholders to provide meaningful feedback. The commenters described a need for better public understanding of the proposed TEKS before final decisions are made. The commenters requested clearer communication, additional opportunity for review, and greater public awareness before implementation or adoption.

Response. The SBOE disagrees with the commenters' proposal to postpone the adoption of TEKS based on statutory requirements for revision of standards under SB 24 and SB 27, 89th Texas Legislature, Regular Session, 2025. The SBOE TEKS review and revision process was adopted by a bipartisan elected SBOE in 2023; required representation from numerous experts, educators, and stakeholder groups to ensure maximum participation from across the state; and provided access to work products publicly throughout the process.

Comment. One administrator and one parent stated that Texas students deserve to see themselves and their communities reflected in the social studies curriculum. The commenters noted that inclusion, diversity, and learning from different perspectives help students become well-rounded and independent critical thinkers. The commenters described that a curriculum that omits or minimizes diverse histories may leave students with an incomplete understanding of the society they live in. The commenters requested revisions that ensure students from every background can see their histories and contributions represented.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for reflecting the diverse experiences, histories, and contributions of the many individuals and groups that have shaped Texas, the United States, and the world based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher, six parents, and one community member stated that social studies instruction should be grounded in historical accuracy, complete factual information, and truthful representation of the past. The commenters explained that inaccurate, incomplete, or simplified content may distort students' understanding of history. The commenters noted that students benefit from learning true historical facts, a full picture of collective history, and context that enables informed judgment. The commenters described that historical instruction should not omit key facts or present one-sided accounts that weaken understanding. The commenters requested that the standards be revised or maintained to ensure accurate, factual, complete, and context-rich instruction.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for concepts to support historical accuracy based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher, one parent, and one community member stated support for keeping Texas history and American history at the center of social studies instruction. The commenters explained that students should understand the foundational history of Texas, the United States, liberty, citizenship, and the events and people that shaped the state and nation. The commenters noted that Texas has a rich history and that students benefit from learning about the state's development, heritage, and relationship to the nation. The commenters described Texas and American history as important for civic understanding and appreciation of freedoms and responsibilities. The commenters requested that the standards preserve strong instruction in Texas and American history.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies

TEKS, as amended, with consideration for strengthening Texas and American history through civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. Three teachers and four parents stated that the proposed standards should be developmentally appropriate, realistic, and structured to support a well-rounded social studies education. The commenters explained that some content is too advanced, abstract, or extensive for younger students and may result in memorization without meaningful understanding. The commenters noted that students need time to build foundational knowledge, understand concepts, and engage with content at an appropriate developmental level. The commenters described concerns about breadth versus depth, course timing, and whether students can retain or revisit major topics across grade levels. The commenters requested revisions that reduce unrealistic expectations, provide appropriate flexibility, and ensure students receive a balanced and developmentally suitable curriculum.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for a balanced and developmentally suitable curriculum based on feedback from numerous experts, educators, and stakeholder groups. The SBOE-adopted framework based in research-based evidence supports the teaching of historical concepts to young children in the form of storytelling, which provides a clear pathway for young children to acquire social studies knowledge. Throughout the adoption process, the SBOE considered the number of standards compared to the amount of available instructional time at the elementary level to provide realistic expectations for elementary social studies instruction.

Comment. Three parents and one community member stated that the proposed standards may create division by appearing to prioritize particular political, cultural, religious, or ideological viewpoints. The commenters explained that students should receive facts and balanced representation rather than content that reinforces polarization or treats some identities as more central than others. The commenters noted that curriculum should help students understand history and civic life without encouraging division among communities. The commenters described that students should see themselves reflected while also learning accurate information about others. The commenters requested revisions that reduce divisive framing, avoid political or ideological imbalance, and support a fair and inclusive social studies curriculum.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historical accuracy and representation of different perspectives based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two community members stated that students need stronger and more consistent social studies instruction. The commenters explained that social studies is important for developing civic knowledge, historical understanding, and preparation for participation in society. The commenters noted concern that students may be falling behind or lacking a solid social studies foundation. The commenters described social studies as necessary for students to understand history, government, and their roles as citizens. The commenters requested that social studies remain a meaningful and sufficiently supported part of the curriculum.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening social studies instruction through civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. One teacher and one parent stated that students need a full and complete account of history rather than a one-sided or incomplete version. The commenters noted that students should understand the broader historical record, including events and perspectives that affect their civic knowledge. The commenters described that incomplete coverage could disadvantage students and weaken public understanding. The commenters requested that the standards include full historical context and avoid omissions that limit student understanding.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening a complete account of history through civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. One out-of-state commenter noted that the standards use the term "enslaved people" rather than "slave" and explained that modern historians and many mainstream publications prefer the term because they contend that it emphasizes personhood and more accurately describes slavery's arbitrary and involuntary nature. The commenter stated that they take no formal position on whether "enslaved" or "slave" is the more appropriate term to use for state social studies standards. The commenter suggested adding a written explanation and assurances that educators will not be reprimanded for using the term "slave" in good faith.

Response. The SBOE disagrees with the commenter's proposal to add a written explanation and assurances regarding the use of the terms "enslaved people" rather than "slave" based on TEC, §28.002. The SBOE's responsibility is to adopt essential knowledge and skills for student learning, while decisions regarding instructional practices, educator guidance, and classroom implementation remain subject to applicable state law and local district policies. Therefore, the SBOE determined that additional language providing assurances regarding terminology use is not necessary within the TEKS and that the standards appropriately address the history of slavery and the experiences of enslaved individuals based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher expressed that while some of the proposed options are good, the new plan focuses too much on Texas history in many different levels. The commenter explained that we want students to understand history that is comparable to other states and countries. The commenter stated this plan hides some truths, sugarcoats other parts, and ignores the typical historical alignment expected, especially at the high school level. The commenter explained this plan also doesn't bode well for those choosing between on-level and Advanced Placement (AP) courses as the curriculum wouldn't be similar enough for students since AP is not state specific. The commenter agreed that Texas history is important but that one year is sufficient.

Response. The SBOE disagrees with the commenter's proposal to reduce the emphasis on Texas history, revise the scope and sequence to more closely mirror curricula in other states or Advanced Placement courses, or limit Texas history instruction to a single year based on TEC, §28.002. The SBOE is required to include the essential knowledge and skills necessary for students to understand the history, geography, government, economics, and culture of Texas in addition to broader national and global perspectives. The SBOE maintains that the standards provide an appropriate balance among Texas, United States, and world history and are structured to build student knowledge and civic understanding progressively across grade levels. Therefore, the SBOE determined that the proposed revisions were not necessary and took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One community member commented relating to compliance and real teaching.

Response. The SBOE disagrees with the commenter's proposal to revise the standards based on concerns regarding compliance and the commenter's assertion that the standards should focus on "real teaching," because the adopted social studies TEKS were developed through the SBOE review and rulemaking process to satisfy statutory requirements and provide students with the essential knowledge and skills required by state law. Consistent with TEC, §28.002; SB 24, 89th Texas Legislature, Regular Session, 2025, which requires instruction on communist regimes and ideologies in social studies courses; and SB 27, which revised graduation requirements and social studies-related curriculum provisions, the SBOE maintains that the standards appropriately address legislative requirements while supporting meaningful instruction in history, geography, government, economics, and citizenship.

Comment. One parent stated that what is being done now is not working and that children are suffering because of a broken education system. The commenter explained that more life skills should be taught rather than constant test preparation. The commenter noted that the amount of time their second grader spends on homework that will not help them in the real world is reckless.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One community member expressed that students and teachers need to know factual, documented information. The commenter noted that there must be no partisan bias, whether political, gender-related, or religious. The commenter expressed that education is foundering in this country and especially in this state.

Response. The SBOE disagrees with the commenter's proposal to revise the standards based on concerns regarding partisan, political, gender-related, or religious bias based on TEC, §28.002, and the statutory requirements enacted through SB 24 and SB 27, 89th Texas Legislature, Regular Session, 2025. The SBOE maintains that the standards are intended to provide students with factual content, historical knowledge, civic understanding, and analytical skills appropriate to each grade level. The SBOE further maintains that the adopted standards support evidence-based instruction and balanced study of significant historical events, individuals, ideas, and institutions.

Comment. One parent stated they are very concerned about the proposed TEKS. The commenter requested that the SBOE address local control and parental rights to support clearer opt out and notification provisions.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two teachers stated opposition to the proposed revision that would replace Grade 8 United States History with Texas History and reserve comprehensive U.S. History for Grade 11. The commenter explained that Grade 8 U.S. History provides a critical foundation in constitutional government, federalism, westward expansion, sectional conflict, and Reconstruction, which supports success in later coursework and civic learning. The commenter noted that delaying meaningful engagement with foundational U.S. history and civic concepts until Grade 11 postpones essential learning during a formative stage of students' academic development. The commenter requested that the SBOE reconsider the proposed change and preserve Grade 8 United States History as a foundation for historical understanding, civic knowledge, and future coursework.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving a strong progression of United States history instruction based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One parent stated that it boggles their mind that a Western civilization course (based on The Golden Thread, or equivalent) is not even offered in the State of Texas; meanwhile, courses on psychology and sociology are offered.

Response. The SBOE disagrees with the commenter's proposal to add or require a separate Western civilization course based on *The Golden Thread* or a similar framework based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the public-school curriculum. The SBOE maintains that the existing social studies program provides students with opportunities to study Western civilization and its contributions within broader history courses while also ensuring exposure to diverse cultures, societies, and perspectives based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One community member requested to keep curriculum focused on Texas and American history. The commenter stated that their history should not be rewritten to accommodate foreign ideologies that are against freedom, individual accountability, patriotism, Christianity, and the U.S. Constitution. The commenter explained that students need to learn the actual history of this country without the bias of those who do not know the history of this country.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening Texas and American history through civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. One community member stated that climate change should be examined and not hidden. The commenter stated that not providing information to students is depriving them of the ability to make their own decisions about how to solve this problem.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One parent emphasized the importance of teaching about genocide to help students understand past and present atrocities, raise awareness, and prevent future occurrences. The commenter expressed concern that removing genocide-related content from Texas public school curricula could diminish students' understanding of this issue and set a negative precedent for other states.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving instruction related to genocides based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One community member expressed concern that the curriculum fails to include significant societal changes that impact citizenship and noted that there is limited mention of the computer and internet. The commenter stated that the curriculum should be modified to include detailed discussion of social media, artificial intelligence, misinformation and disinformation, and remote technology, including changes accelerated by the COVID-19 pandemic, and explained that these topics significantly influence human behavior and society. The commenter explained that without these updates, students will be ill-prepared to be responsible citizens in 2030 and stated that students must be educated to recognize propaganda and misinformation to make well-informed, rational decisions, including voting decisions.

Response. The SBOE disagrees with the commenter's proposal to revise the standards based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the adopted standards already support the development of critical-thinking, source-analysis, research, and information-evaluation skills that enable students to examine contemporary issues and emerging technologies through classroom instruction and locally selected resources.

Comment. One community member expressed concern about the staleness of the curriculum and asked why content stops at 2016. The commenter noted that by the time the curriculum is implemented in 2030, the content will be approximately 14 years old and explained that this gap does not reflect the pace of global change. The commenter stated that outdated content is detrimental to students and indicated that the curriculum should be updated to include more recent developments to ensure relevance and better preparation for an evolving world.

Response. The SBOE disagrees with the commenter's proposal to revise the standards to include more recent historical developments beyond the current end point of the course content. Based on TEC, §28.002, the SBOE is responsible for adopting essential knowledge and skills that provide a coherent and balanced curriculum across grade levels. The SBOE maintains that the adopted standards provide students with the historical knowledge, analytical skills, and civic understanding necessary to evaluate contemporary events through classroom instruction and locally selected instructional resources. Therefore, the SBOE determined that additional revisions to extend the historical timeline were not necessary and took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, based on feedback from numerous experts, educators, and stakeholder groups

Comment. Three parents and two community members stated that revisions need to be made to Native American terminology and examples in the updated TEKS. The commenters explained that the term Native American should be considered in place of American Indian throughout the standards where appropriate. The commenters noted that terminology should reflect preferences expressed by tribes in Texas. The commenters described that the commenters also requested that stories and examples highlight tribes that have received federal recognition. The commenters identified these changes as ways to support respectful and accurate representation of Native American communities. The commenters requested that the standards use terminology and examples that better align with tribal identity and historical accuracy.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the use of terminology and examples that better align with tribal identity and concepts to support historical accuracy based on feedback from numerous experts, educators, and stakeholder groups. This feedback indicated that, when possible, the standard should name the specific tribe name and American Indian as a general term.

Comment. Two teachers, one administrator, two parents, and one community member stated that the standards improve chronological coherence and grade-level progression. The commenters explained that students need clear timelines, sequence, context, and cause-and-effect relationships to understand history meaningfully. The commenters noted that the proposed structure may move too quickly across periods, regions, and concepts without adequate scaffolding or opportunities to revisit themes. The commenters described that disconnected or poorly sequenced content can weaken students' ability to retain information and understand how events relate to one another. The commenters identified a coherent progression as necessary for cumulative learning and historical understanding. The commenters requested a clearer sequence that supports chronology, continuity, change over time, and increasing rigor across grades.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the chronological sequencing of historical events and concepts to support accurate historical understanding based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted a social studies framework with a clear identification of time frames to be studied at each grade level in Grades 3-8 to provide strong chronological instruction, continuity, and change over time. The rigor of verbs included in standards provide for increased progression of critical thinking both within and across grades.

Comment. Thirty teachers, 106 parents, 5 administrators, 2 counselors, 62 community members, 2 college representatives, and 1 out-of-state commenter stated that religious content in the social studies TEKS should be taught with balance, academic neutrality, and comparable coverage of major world religions and belief systems. The commenters explained that public schools should teach about religion academically without promoting, favoring, or disparaging any faith. The commenters noted concerns that Christianity and Judeo-Christian influences receive greater emphasis while other traditions receive limited coverage or context. The commenters identified concerns that imbalanced

religious coverage may limit students' understanding of diverse cultures and global history and may contribute to exclusion, bias, or misunderstanding. The commenters requested revisions to ensure accurate, balanced, secular, and historically grounded treatment of major religions and belief systems, including meaningful and comparable coverage of world religions throughout the required curriculum.

Response. The SBOE disagrees with the commenters' proposal to include a balance of religious content because TEC, §28.002(a)(2)(G), requires instruction in religious literature (including the Hebrew Scriptures (Old Testament) and New Testament) and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Seven teachers, 21 parents, and 3 community members stated that civil rights, Reconstruction, rights expansion, and related movements should receive stronger and more accurate treatment in the high school standards. The commenters explained that students need clear instruction on civil rights legislation, court cases, grassroots organizing, major leaders, and the long struggle for equal protection and voting rights. The commenters noted concerns that some proposed wording omits major figures, weakens historical continuity, or reduces modern civil rights content. The commenters described civil rights history as essential to understanding citizenship, constitutional interpretation, and modern American society. The commenters requested that civil rights and rights-expansion content be restored, clarified, and sequenced coherently.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for representation of civil rights and rights-expansion content based on feedback from experts, educators, and stakeholder groups. The SBOE adopted specific key topics and subtopics to guide the formation of student expectations that included civil rights and the expansion of rights in the context of Texas, United States, and world history.

Comment. One parent and two out-of-state commenters stated that African American history, Black experiences, and Black leadership should be strengthened in the high school standards. The commenters explained that standards should include more complete treatment of Black political action, organizations, civil rights movements, community leadership, and resistance. The commenters described African American history as central to U.S. history rather than supplementary content. The commenters requested that the standards include fuller and more accurate coverage of African American history and Black civic contributions. The SBOE adopted specific key topics and subtopics to guide the formation of student expectations in the context of Texas, United States, and world history.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for accurate representation of African American history and contributions based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher, one administrator, and one parent stated that women's representation and gender-related historical content should be strengthened in the high school standards. The commenters explained that women's roles in political, social, economic, and civic life are marginalized or insufficiently represented. The commenters noted that students need to understand women's contributions across eras, including reform movements, wartime roles, civil rights, political leadership, and public life. The commenters described women's history as necessary for a complete account of U.S. and world history. The commenters identified omissions or limited treatment of women as reducing historical accuracy and student engagement. The commenters requested revisions that add or preserve women's contributions and gender-related historical context.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for representing women's contributions in historical context of Texas, the United States and the world. Based on feedback from numerous experts, educators, and stakeholder groups, the SBOE adopted standards include reform movements, wartime roles, suffrage, and public life

Comment. Four teachers, one administrator, three parents, and two community members stated that Native American, Indigenous, and tribal perspectives should be strengthened in the high school standards. The commenters explained that Indigenous peoples should be represented as active political, cultural, and historical communities rather than primarily through European or U.S. expansion narratives. The commenters noted concerns about terminology, sovereignty, treaty rights, tribal governance, and omission of Indigenous perspectives. The commenters described Indigenous history as central to understanding Texas, U.S., and world history. The commenters identified Native continuity, federal policy, diplomacy, dispossession, and tribal nations as important for accurate instruction. The commenters requested that the standards include Native American and Indigenous perspectives, terminology, governance, and historical agency.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for inclusion of Native American perspectives in the context of Texas, United States, and world history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two teachers and two parents stated that language related to capitalism, free enterprise, and economic systems should be clarified and corrected in the high school standards. The commenters explained that definitions should acknowledge nuance, including government involvement, mixed economies, regulation, labor, markets, and public policy. The commenters noted concern that excluding government involvement from capitalism or presenting economic systems too simply may mislead students. The commenters described economic vocabulary as important for understanding history, policy, and civic decision-making. The commenters identified mercantilism, transatlantic trade, industrial leaders, robber barons, inflation, unemployment, and fiscal and monetary policy as related concepts needing accuracy. The commenters requested revisions that provide balanced, precise, and historically grounded instruction in economic systems.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for appropriate instruction in economic systems based on feedback from numerous experts, educators, and stakeholder groups. SBOE-adopted standards include opportunities for stu-

dents to define key economic terms such as labor, markets, and public policy.

Comment. Two teachers, six parents, and one community member stated that late twentieth-century historical content, including Reagan, the Cold War, and the Berlin Wall, should be treated with greater accuracy and balance. The commenters explained that standards should avoid one-sided accounts of presidential leadership, foreign policy, economic policy, or the end of the Cold War. The commenters noted concern that timelines or causal claims about the Berlin Wall and Cold War events may be incomplete or inaccurate. The commenters described modern political and economic events as needing careful source-based treatment. The commenters identified the Reagan presidency, industrial and economic policy, and Cold War developments as areas needing revision. The commenters requested more balanced and historically precise treatment of late twentieth-century events.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historical accuracy and contextualization of the Reagan presidency, the Berlin Wall, and the Cold War based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Three teachers, one administrator, and four parents stated that modern and contemporary history should be restored or strengthened in high school standards. The commenters explained that students need coverage of recent events and developments to understand current civic, political, social, technological, and global issues. The commenters noted that limiting the curriculum before recent history may leave students unprepared to understand the present. The commenters described omissions such as the 2020 election, January 6, and other contemporary developments as relevant to civic understanding. The commenters identified modern history as necessary for connecting historical patterns to current public life. The commenters requested revisions that include appropriate modern and contemporary history while maintaining historical accuracy and balance.

Response. The SBOE disagrees with the commenters' proposal to revise the high school social studies standards to require additional contemporary historical content, including specific recent political events and developments. Based on TEC, §28.002, the SBOE is responsible for adopting essential knowledge and skills that establish a coherent and balanced curriculum while allowing educators to use current events and instructional resources to connect historical content to contemporary issues.

Comment. Twelve teachers, 4 administrators, 18 parents, 4 community members, and 1 college representative stated that high school standards should prioritize historical thinking, source analysis, inquiry, and critical thinking. The commenters explained that students need to examine primary and secondary sources, identify bias, compare interpretations, and develop evidence-based conclusions. The commenters noted concern that expanded content lists and recall-based standards reduce time for analysis and inquiry. The commenters described disciplinary skills as essential for civic literacy, college readiness, and informed decision-making. The commenters identified source work, research, argumentation, and interpretation as important parts of rigorous social studies instruction. The commenters requested that standards preserve and strengthen historical thinking and source-analysis skills.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving and strengthening historical thinking and source-analysis skills based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted a social studies strand of "social studies skills (based on disciplinary thinking skills)" to support student learning of social studies skills. Student expectations are tagged with the letter "S" at the end of every statement where a social studies skill has been applied in the learning objective.

Comment. Twenty-three teachers, 20 administrators, 23 parents, 18 community members, and 1 college representative stated that the high school standards contain too many expectations, overly complex student expectations, or unclear structures that make instruction and assessment difficult. The commenters explained that multi-part standards and dense content lists reduce clarity and create pacing problems. The commenters noted that teachers need standards that are teachable, assessable, and organized for coherent instruction. The commenters described overly broad or overloaded student expectations as increasing cognitive load and reducing opportunities for deeper learning. The commenters identified clearer structure, fewer embedded topics, and improved accessibility as necessary. The commenters requested that the standards be streamlined, reorganized, and clarified.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for pacing, reorganization, and clarification of social studies standards based on feedback from numerous experts, educators, and stakeholder groups. The SBOE considered the amount of content adopted compared to the amount of available instructional time in all grade levels and courses. The SBOE-adopted social studies TEKS represent a reduction in the number of standard breakouts and course content when compared to the current standards.

Comment. Twelve teachers, 2 administrators, 4 parents, 12 community members, and 1 out-of-state commenter stated that proposed changes may conflict with AP, IB, dual credit, and advanced-course pacing or curriculum requirements. The commenters explained that advanced courses often follow external frameworks and may not align with state check-in assessments or expanded state content sequences. The commenters noted that students in advanced U.S. history courses may be in different units when state assessments occur. The commenters described alignment conflicts as affecting teachers' ability to meet both state and advanced-course expectations. The commenters identified AP, IB, and dual credit course integrity as important to student opportunity and rigor. The commenters requested guidance or revisions that prevent conflicts between state standards, assessments, and advanced-course curricula.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for adopting appropriate standards for student participating in Kindergarten-Grade 12 social studies classrooms in the high school level. Chapter 113, Subchapter D, provides guidance on AP, IB, and dual credit courses.

Comment. Eight teachers, two administrators, two parents, and three community members stated that the high school standards should be accurate, balanced, specific, and unbiased across his-

torical topics. The commenters explained that unclear wording, unsupported claims, omissions, and one-sided framing can distort historical understanding. The commenters noted that standards should align with historical scholarship and avoid political, religious, or ideological imbalance. The commenters described accuracy and balance as necessary for public trust and rigorous instruction. The commenters identified multiple areas needing clearer phrasing, improved specificity, or better contextualization. The commenters requested revisions that improve clarity, accuracy, balance, specificity, and historical integrity.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for clarity, accuracy, specificity, and historical integrity based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two teachers, two administrators, and three community members stated that colonial, founding, and early U.S. history content should be revised for accuracy, balance, and coherence. The commenters explained that standards should clarify mercantilism, the transatlantic slave trade, founding-era debates, early government development, and sources used to explain religious or political influence. The commenters noted that early U.S. history should connect causes, events, and consequences without oversimplification. The commenters described stronger early-history framing as important for later understanding of the Constitution, slavery, federalism, and civic institutions. The commenters identified precise language and source-based explanation as needed. The commenters requested that colonial, founding, and early U.S. history standards be revised for clearer context and historical accuracy.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for clear context and historical accuracy in early United States history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One community member stated that removing multiple TEKS limits students' understanding of how government and the political system operate and expressed concern that partial instruction can leave citizens confused and more easily influenced, which the commenter described as inconsistent with developing informed participants in a representative democracy. The commenter explained that instruction on citizenship and civic responsibilities is essential and noted that, previously, an entire class period was dedicated to this topic. The commenter stated that reducing or removing this content weakens students' preparation for civic participation. The commenter requested that instruction on citizenship and civic responsibilities be restored to ensure students develop a clear understanding of their role and obligations within the political system.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. One teacher stated that Texas students deserve social studies standards that prepare them for high school, college, and informed citizenship by emphasizing rigorous national historical literacy alongside state history, not replacing it.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for ensuring that Texas students are prepared for high school, postsecondary education, careers, and informed citizenship through rigorous instruction in United States history alongside Texas history.

Comment. One administrator stated that psychology introduced metaphysical and religious concepts such as dualism, free will, and the soul, moving away from empirical behavioral science.

Response. The SBOE disagrees with the commenter's proposal to revise the psychology standards based on concerns that the course introduces metaphysical or religious concepts such as dualism, free will, and the soul based on TEC, §28.002, which authorizes the SBOE to establish essential knowledge and skills for social studies courses. The SBOE maintains that examining philosophical and historical questions related to human behavior, cognition, and consciousness does not constitute religious instruction but instead provides students with important intellectual context for understanding the evolution of psychological inquiry.

Comment. One administrator stated that sociology dramatically increased theoretical density to a level more appropriate for college coursework.

Response. The SBOE disagrees with the commenter's proposal to revise the sociology standards based on concerns that the course contains an increased level of theoretical content. Based on TEC, §28.002, the SBOE is authorized to establish the essential knowledge and skills for social studies courses. The SBOE maintains that exposure to sociological theories and concepts is necessary for students to understand social institutions, culture, human behavior, social change, and the structure of societies.

Comment. Three teachers stated that the SBOE proposal for §113.33 includes culture elements, a strong socialization strand, groups, bureaucracy, and society types such as pre-industrial, industrial, and post-industrial societies. The commenter explained that the alternative includes the same socialization, groups, and bureaucracy content while adding emphasis on the life course. The commenter noted that the SBOE proposal does not include an explicit institutions strand. The commenter described the alternative as expanding culture, restoring institutions, and adding content on population, urbanization, movements, and globalization. The commenter indicated support for the alternative revisions to broaden and strengthen the sociology standards.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for appropriate sociology standards based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Sixteen teachers, two administrators, four parents, and three community members stated that the proposed middle school sequence, course structure, and content load are not developmentally appropriate or realistic for Grades 6-8. The commenters explained that students may lack the foundational social studies knowledge assumed by the framework because elementary social studies instruction is often limited. The commenters noted that the proposed structure compresses large

amounts of U.S., Texas, world, and civic content into single-year courses and may create pacing challenges before statewide assessments. The commenters described concerns that the new sequence disrupts the current progression from Texas history to U.S. history and may reduce students' ability to build chronological understanding. The commenters identified Grade 8 as especially problematic because the proposed capstone structure appears to function as another broad survey course rather than a synthesis of prior learning. The commenters requested that the middle school sequence be revised to preserve coherent progression, reduce overload, and align expectations to student readiness and classroom realities.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for preserving coherent progression and aligning expectations based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted a social studies framework rooted in chronology with clear time frames to allow depth of instruction across grades each year.

Comment. Two teachers, one administrator, two parents, and one college representative stated that middle school standards should emphasize historical inquiry, diverse perspectives, and balanced historical narratives rather than memorization or predetermined conclusions. The commenters noted concern that some Texas history standards emphasize celebratory political or military narratives while giving less attention to social, cultural, labor, environmental, and civic history. The commenters described older or sanitized narratives as limiting students' understanding of historical complexity. The commenters identified the Texas Revolution, Texas Rangers, labor conflicts, racial violence, and regional identity as topics needing fuller treatment. The commenters requested that the standards be revised to strengthen inquiry, source-based reasoning, diverse representation, and balanced presentation of controversial historical issues.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for diverse representation and balanced presentation of controversial historical issues based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two teachers, two administrators, two parents, and two community members stated that standards addressing the Texas Revolution, Mexican independence, and related Texas history content should be revised for historical accuracy and context. The commenters explained that the causes of the Texas Revolution should include the role of slavery and Anglo settlers' desire to protect the institution of slavery, while also recognizing that slavery was not the only cause. The commenters noted that standards on Mexican independence should accurately describe the Mexican War of Independence, including social inequality, economic crisis, and Spain's political crisis after Napoleon's invasion. The commenters described concerns that some wording omits key causes, uses unclear language, or leaves historically significant context unstated. The commenters identified the abolition of slavery in Mexico, circumvention of antislavery laws, the Treaty of Velasco, and the significance of "Come and Take It" as areas needing correction or clarification. The commenters requested revisions that accurately describe Mexican independence, Texas Revolution causes, and slavery-related context.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historical accuracy and context based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two teachers, 16 parents, and 1 out-of-state commenter stated that multiple middle school standards require targeted technical edits so that wording, alignment, and accessibility are clearer. The commenters explained that some standards use inaccurate terms, unclear scope, unnecessary primary-source requirements, or knowledge statements that do not align with the listed student expectations. The commenters described these edits as necessary to improve teacher usability and reduce confusion. The commenters identified wording changes such as replacing "including" with "such as," adding missing skills citations, and clarifying causal language. The commenters requested that the SBOE revise these standards for technical accuracy, specificity, and alignment.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for technical accuracy, specificity, and alignment based on recommendations from numerous experts, educators, and stakeholder groups.

Comment. Seven teachers, three administrators, two parents, eight community members, and one out-of-state commenter stated that Progressive Era, Great Depression, Dust Bowl, and New Deal content should be revised for accuracy, chronology, and completeness. The commenters requested that the standards be revised to provide clearer causal relationships and a more complete account of Progressive Era, Great Depression, Dust Bowl, and New Deal history.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the chronological sequencing and causal relationships of historical events and concepts to support accurate historical understanding. The SBOE also adopted key topics and subtopics that guided the formation of student expectations supporting chronological sequencing and causal relationships.

Comment. Five teachers, 2 administrators, 2 parents, and 10 community members stated that World War II, Holocaust, Axis powers, and Japanese American incarceration content should be corrected and expanded for historical accuracy. The commenters explained that some World War II standards contain inaccurate wording about Axis invasions, Germany's violation of the Treaty of Versailles, Soviet actions, and the relationship between war events and Texas. The commenters noted that Holocaust language should distinguish antisemitism, Nazi policy, mass murder, killing centers, concentration camps, and other targeted groups with precise and respectful terminology. The commenters identified "incarceration" as more accurate than "internment" for Japanese American experiences. The commenters requested revisions that correct World War II chronology, improve Holocaust terminology, include omitted figures and sites, and address constitutional questions raised by wartime detention.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historical accuracy based on feedback from numerous

experts, educators, and stakeholder groups. This feedback included experts from the Texas Holocaust, Genocide, and Antisemitism Advisory Commission (THGAAC).

Comment. Four teachers, one administrator, one parent, and seven community members stated that standards addressing communism, socialism, totalitarianism, and economic ideology should be revised for context, accuracy, and analytical balance. The commenters explained that introducing socialism only through The Communist Manifesto or presenting communism apart from historical examples may conflate socialism with Marxism-Leninism and reduce students' ability to understand democratic allies or mixed economic systems. The commenters noted that propaganda, censorship, public shaming, surveillance, and forced conformity were used by multiple totalitarian and authoritarian governments, not only communist regimes. The commenters described some standards as repetitive, ideologically framed, or unsupported by the historical context of the grade level. The commenters identified a need to compare ideological foundations, property rights, government roles, individual economic freedom, and historical evidence across systems. The commenters requested revisions that consolidate repetitive content and present communism, socialism, fascism, and totalitarian methods with historical context and balance.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for appropriate use of repetitive content to support long term memory and historical context based on recommendations from numerous experts, educators, and stakeholder groups. The SBOE-adopted standards meet statutory requirements associated with TEC, §28.002(h-11) and (h-12), focused on the dangers of communist ideology.

Comment. Two teachers, four administrators, one parent, two community members, and one college representative stated that content related to Native American history, Indian Removal, tribal sovereignty, and settler interactions should be strengthened in the middle school standards. The commenters described current wording as minimizing the scale, legal significance, and human consequences of removal. The commenters identified higher-order thinking and Indigenous agency as necessary for accurate instruction. The commenters requested revisions that address Native experiences, legal context, sovereignty, forced removal, and the causes and consequences of settler-Indigenous interactions.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for accurate instruction related to Native American history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Four teachers, 4 administrators, 18 parents, and 1 out-of-state commenter stated that standards related to the Civil War, Reconstruction, slavery, race, segregation, and constitutional rights should be revised for accuracy and completeness. The commenters explained that several standards should more clearly identify slavery and enslaved labor as central to sectional conflict, the Texas Constitution of 1836, the cotton economy, westward expansion, and the Civil War. The commenters identified race, legal rights, Black Texans' experiences, and constitutional amendments as necessary for understanding later civil rights history. The commenters requested revisions that present slavery, Civil War causation, Reconstruction, segregation, and constitutional rights with greater clarity and historical accuracy.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historical accuracy on topics of slavery, Reconstruction, segregation, and constitutional rights based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted key topics and subtopics that guided the formation of student expectations containing these topics.

Comment. Two teachers, three administrators, one parent, and four community members stated that civil rights legislation, immigration law, naturalization, and related demographic changes should be added or strengthened in middle school standards. The commenters explained that the Civil Rights Act of 1964, Voting Rights Act of 1965, and Immigration and Nationality Act of 1965 are central to understanding the Civil Rights era and modern Texas. The commenters noted that the Immigration and Nationality Act ended national-origin quota systems and shaped immigration from Latin America and Asia, Texas's population growth, workforce needs, and community development. The commenters described immigration as both a historical and civic process involving birthright citizenship, naturalization, rights of lawful permanent residents, and congressional authority over immigration law. The commenters identified Ellis Island, Galveston, El Paso, Chinese Exclusion, Johnson-Reed restrictions, refugee experiences, and modern citizenship as relevant context. The commenters requested that the standards include civil rights legislation, the 1965 immigration law, and naturalization as required historical and civic content.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for instruction on civil rights, immigration, citizenship, and demographic change based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted key topics and subtopics that guided the formation of student expectations containing these topics and specific content aligns with statutory requirements on civic knowledge outlined in SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. One teacher, two administrators, two parents, and one out-of-state commenter stated that the standards should include stronger treatment of labor history, worker organization, and women's legal and economic roles. The commenters explained that economic history is incomplete when it emphasizes business leaders or employers without comparable attention to organized labor, labor conflict, worker safety, the eight-hour workday movement, and the actions of government and employers. The commenters noted that women are often represented primarily as individual figures, suffragists, or reform participants while their legal status, coverture, property rights, industrial labor, and economic dependence receive limited attention. The commenters requested standards that include organized labor and women's legal and economic roles as substantive historical topics.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the treatment of labor history, worker organization, and women's legal and economic roles based on feedback from numerous experts, educators, and stakeholder groups. The SBOE

adopted key topics and subtopics that guided the formation of student expectations containing these topics.

Comment. Two administrators stated that natural resources, environmental history, agriculture, and Mexican American labor history should be strengthened in Texas history standards. The commenters noted that current standards include some industries but give limited attention to resource management, soil conservation, water challenges, energy production, and environmental factors such as the Dust Bowl. The commenters requested that the standards include natural resources, environmental history, agricultural labor, and Mexican American labor history as required components.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for instruction related to Texas natural resources, environmental history, agriculture, and labor history based on feedback from numerous experts, educators, and stakeholder groups. The SBOE adopted key topics and subtopics that guided the formation of student expectations containing these topics.

Comment. One administrator noted that social studies skills are included in the introduction for Grades 6-8 and stated that the wording of the skills is strong and beneficial for instruction. The commenter explained that placing these skills only in the introduction rather than in the knowledge and skills sections may lead to them being overlooked in practice. The commenter noted that teachers may read them initially but not consistently integrate them into instruction without explicit placement alongside content standards. The commenter requested that the skills be embedded within the knowledge and skills sections rather than remaining only in the introduction to ensure they are consistently addressed and implemented in classroom instruction.

Response. The SBOE disagrees with the commenter's proposal to embed social studies skills throughout the individual knowledge and skills statements rather than maintaining them in the introductory sections based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the curriculum. The SBOE maintains that the existing organization appropriately integrates social studies skills throughout instruction while avoiding unnecessary repetition within individual student expectations. Therefore, the SBOE determined that additional revisions to embed the skills throughout the knowledge and skills statements were not necessary and took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS as amended.

Comment. One teacher recommended omitting §113.22(c)(9)(F). The commenter stated that while this event falls in the scope of the period, the knowledge statement indicates this section is about Post War America and Early Cold War. The commenter noted it would take a very nuanced and deep understanding for a 7th grader to explain how these three events connect to the Cold War.

Response. As result of public comment, §113.22(c)(9)(F) was amended to read, "explain the establishment in 1948 of Israel in the ancestral homeland of the Jewish people (H, G/Civ)."

Comment. One teacher recommended revising §113.22(c)(12)(B) to read, "explain the causes of a decrease in public trust in government, including the Watergate scandal and how the loss of public trust resulted in the War Powers Act." The commenter stated that as written, it makes it sound like the War Powers Act caused the distrust, when it was distrust that fueled actions like the War Powers Act to limit executive power.

Response. As result of public comment, §113.22(c)(12)(B) was amended to read, "describe how the Watergate scandal decreased public trust in government and demonstrated constitutional principles of checks and balances and respect for the rule of law (H, G/Civ)."

Comment. One parent expressed concern that the student expectation addressing the Pershing Expedition lacks sufficient historical context. The commenter suggested that students need an understanding of the Mexican Revolution of 1910 to make sense of the Pershing Expedition and recommended either incorporating that historical context into the standards or removing the student expectation.

Response. The SBOE disagrees with the commenter's proposal to revise §113.22(c)(2)(A) to require explicit inclusion of the Mexican Revolution of 1910 as context for the Pershing Expedition or to remove the student expectation based on TEC, §28.002, which authorizes the SBOE to establish essential knowledge and skills for social studies instruction. The SBOE maintains that the existing standard appropriately addresses the Pershing Expedition as a historically significant event and allows educators to provide additional historical context, including related developments in Mexico, through classroom instruction and instructional resources. Therefore, the SBOE determined that the proposed revision was not necessary and took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS as amended.

Comment. One community member stated that in §113.21(c)(2), there is a missing standard in the Early Republic unit for Grade 6, noting that Marbury v. Madison is not addressed even though the course covers the period when the case was decided. The commenter stated that the concept of judicial review does not appear until the 12th grade U.S. government course, creating a gap in earlier instruction. The commenter explained that Marbury v. Madison (1803) established the Supreme Court's power to strike down laws that violate the Constitution, identifying it as the principle of judicial review and describing it as foundational to constitutional enforcement. The commenter noted that Grade 6 students study Thomas Jefferson's presidency, the Early Republic, and the founding of American constitutional government but are not taught how judicial review came to exist. The commenter explained that without this foundation, students cannot fully understand the role of the Supreme Court in Civil War constitutional debates, Reconstruction amendments, or 20th-century civil rights cases, indicating that delaying instruction until later grades leaves a fundamental gap. The commenter requested the addition of a new Grade 6 standard under the Early Republic knowledge statement to read, "explain the significance of Marbury v. Madison, including the principle of judicial review."

Response. The SBOE disagrees with the commenter's proposal to add a new student expectation in §113.21(c)(2) requiring instruction on *Marbury v. Madison* and the principle of judicial review based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the curriculum. The SBOE maintains that concepts related to the judicial branch and the principle of judicial review are addressed in later coursework where students examine the structure, powers, and functions of government in greater depth. Therefore, the SBOE determined that adding a separate Grade 6 student expectation on *Marbury v. Madison* was not necessary to meet the objectives of the course and took action to adopt the proposed standards

as amended based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Three community members stated that §113.22(c)(8)(C) is overly dense and includes too much detail for Grade 7 instruction. The commenter explained that the standard requires students to learn multiple specific elements at once, including a general concept, a production region, refining cities, pipelines, an industrial corridor, and an interpretive framework, which may lead to surface-level coverage or skipped content. The commenter noted that Grade 7 is already an overloaded course and described concern that the current structure undermines instructional focus, clarity, and student understanding. The commenter requested revising the standard to explain how Texas oil production and transportation supported the Allied war effort during World War II, including the role of the Permian Basin, Gulf Coast refineries, and the Big Inch pipeline.

Response. As result of public comment, §113.22(c)(8)(C) was amended to read, "identify the role of oil production and transportation as part of the American Arsenal of Democracy during World War II, including oil production in the Permian Basin, the Big Inch and Little Big Inch pipelines, refining in the Texas Gulf Coast, and the petrochemical industry along the Houston Ship Channel (H, E)."

Comment. One community member stated that in §113.23(c)(12)(E), the proposed standard attributes border violence primarily to the actions of Pancho Villa and explained that this framing presents a one-directional interpretation of a complex and multilateral period of conflict. The commenter requested revision to read, "analyze how the Mexican Revolution increased border tensions and violence in Texas, including Pancho Villa's raids, the U.S. military's Pershing Expedition, and the Porvenir Massacre (H, Geo/C)."

Response. As result of public comment, §113.23(c)(10)(E) was amended to read, "explain how the Mexican Revolution increased border tensions, including Pancho Villa's raids (H)."

Comment. One teacher recommended revising §113.22(c)(7)(A) to read, "explain the debate over the role of government in the economy, including limited government, free enterprise, and government regulation."

Response. The SBOE disagrees with the commenter's proposal to revise §113.22(c)(7)(A) based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the adopted standards appropriately address economic principles and the role of free enterprise within the broader study of Texas and United States history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher and one community member recommended revising §113.22(c)(8)(C) to read, "explain how Texas oil production and transportation supported the Allied war effort during World War II, including the role of the Permian Basin, Gulf Coast refineries, and the Big Inch pipeline."

Response. As result of public comment, §113.22(c)(8)(C) was amended to read, "identify the role of oil production and transportation as part of the American Arsenal of Democracy during World War II, including oil production in the Permian Basin, the Big Inch and Little Big Inch pipelines, refining in the Texas Gulf Coast, and the petrochemical industry along the Houston Ship Channel (H, E)."

Comment. One teacher and one parent recommended revising §113.23(c)(6)(J) to read, "explain how constitutional principles championed in the Federalist Papers, including republican government, separation of powers, and judicial authority, are reflected in the United States and Texas governments."

Response. As result of public comment, §113.23(c)(6)(J) was deleted.

Comment. One teacher and one parent recommended revising §113.23(c)(12)(E) to read, "analyze how the Mexican Revolution increased border tensions and violence in Texas, including Pancho Villa's raids, the U.S. military's Pershing Expedition, and the Porvenir Massacre."

Response. As result of public comment, §113.23(c)(10)(E) was amended to, "explain how the Mexican Revolution increased border tensions, including Pancho Villa's raids (H)."

Comment. One community member stated the standards for this year are a reiteration of the history of Texas from the Pre-Columbian period to 2016. The commenter explained the standards are more specific and extensive and emphasize economic developments uncritically.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for the scope and specificity of Texas history content based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two community members stated that §113.23(c)(12)(E) should be expanded to provide a more complete account of the impact of the Mexican Revolution on Texas. The commenter proposed revising the standard to analyze how the Mexican Revolution increased border tensions and violence, including Pancho Villa's raids, the U.S. military's Pershing Expedition, and the Porvenir Massacre. The commenter explained that this revision strengthens historical accuracy by connecting regional conflict, U.S. military response, and violence along the border and requested that the standard be revised to reflect these key events and their significance.

Response. As result of public comment, §113.23(c)(10)(E) was amended to read, "explain how the Mexican Revolution increased border tensions, including Pancho Villa's raids (H)."

Comment. Two parents stated concerns related to changes in English language arts (ELA) TEKS rather than the social studies TEKS. The commenters explained that current ELA instruction and performance are showing signs of progress and that changes could disrupt practices they view as effective. The commenters noted that altering a system that is improving may create unnecessary disruption for students, families, and educators. The commenters described maintaining effective current ELA practices as important for continued student progress. The commenters requested that decision-makers refrain from changing ELA TEKS in ways that could interfere with current improvement.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Twelve teachers, 2 administrators, 5 parents, and 9 community members opposed required, scripted, or restrictive reading lists that require specific texts and limit teacher choice. The commenters stated that public schools should teach about religion without endorsing one faith tradition and noted concern

that Protestant Christian Bible readings appear emphasized without comparable representation of other religious traditions. The commenters requested reconsideration, rejection, or revision of the proposed lists to allow teacher options within genres, broaden representation, support religious neutrality, preserve local control, and maintain an inclusive public-school environment.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated that proposed changes to Texas social studies curriculum and graduation requirements would make students less competitive in college admissions and the national and global job market. The commenter requested maintaining a full education that includes required courses such as world history and macroeconomics.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One parent asked for students to read entire books and stated that learning how to read a full book is important. The commenter noted concern about attention and reading stamina and requested more books for students.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated that Dante's Inferno is a complex text with dark themes and difficult content. The commenter described concerns about gore, body decomposition, sexual content, child abuse, and the need to teach both complex language and dark subject matter. The commenter indicated that some parents may request another option due to the nature of the content.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One community member stated support for the SBOE's previously approved social studies TEKS and required reading list. The commenter requested keeping Celebrate Freedom Week while adding back American exceptionalism, American heroes, and more emphasis on original documents. The commenter explained that students should celebrate freedom through standards that bring back American heroes, original documents, and a focus on American exceptionalism.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two parents and three community members opposed requiring Bible readings or scriptures in public school settings. The commenters stated that required Biblical texts may conflict with religious freedom, separation of church and state, and parents' rights to choose religious doctrine and settings for their children. The commenters requested removing or avoiding required Bible readings and creating a more diverse reading list where applicable.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated support for the idea of common literary texts across grade levels and made two requests. The commenter requested including one modern coming-of-age story per grade level and making some state assessment questions related to required texts because every school would read them. The commenter also requested reconsidering Romeo and Juliet for 9th grade as a foundational text students can discuss with their families at a critical time in their lives.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher expressed opposition to the proposed ELA, social studies, and literary works TEKS because the proposals move too quickly and do not allow sufficient time for review and input from educators, families, and communities. The commenter stated that required literary lists reduce teacher flexibility and that bilingual; deaf and hard of hearing; English as a second language, and special education students need adaptable and culturally responsive instruction. The commenter requested that the SBOE slow the process, gather broader public input, and revise the proposals before adoption.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher stated that proposed reading and language arts texts such as Paul Revere's Ride, The Gettysburg Address, Anne Frank: The Diary of a Young Girl, Beyond Courage, and writings by national leaders are valuable additions supporting social studies instruction. The commenter noted that alignment with content should be reviewed carefully because students from diverse cultural backgrounds may need historical context to understand the texts. The commenter requested review of content, layout, and cross-curricular alignment to better support students and teachers.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One parent stated, "The American Story book series by David and Tim Barton."

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One counselor, one parent, and one community member supported including biblical references and foundational literary works in the proposed literature list. The commenters stated that biblical references are used for literary and historical knowledge rather than religious instruction and help students understand major works of Western literature, culture, history, law, art, founding documents, and civic life. The commenters requested maintaining foundational texts from sources such as Shakespeare, the Bible, and America's founding documents to preserve shared knowledge and cultural literacy.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Four community members opposed restrictions or state-directed lists that override parents' ability to determine what is appropriate for their children. The commenters stated that children mature at different rates and that teachers and parents, rather than a state restriction or board mandate, should determine appropriate reading. The commenters expressed disapproval of the list as overriding Texans' parental rights.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. One teacher expressed concern about the proposed English II required texts and requested clarification on integration with existing curriculum, scope and sequence, TEKS alignment, and differentiation for pre-AP and advanced programs.

The commenter stated that, as a Christian parent, they had concerns about biblical texts, translation choices, classroom interpretation, parent roles, and maintaining boundaries. The commenter requested that instruction remain aligned to TEKS and avoid proselytizing.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Four parents and five community members expressed concern that the proposed social studies TEKS contain religious or cultural bias and requested that the SBOE address those concerns before adoption. The commenters stated that the standards appear to elevate Christianity, especially Protestant Christianity, or Christian nationalist framing over other religions, cultures, and perspectives. The commenters explained that students should receive accurate, balanced, and constitutionally appropriate social studies instruction that recognizes religious freedom, separation of church and state, and the contributions of diverse communities. The commenters requested removal of religiously biased content, additional review of religious-content concerns, and standards that are nonpartisan, non-discriminatory, and suitable for public schools.

Response. The SBOE disagrees with the commenters' proposal to review religious content to support standards that are nonpartisan and suitable for public schools because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Four parents and two community members expressed support for the proposed social studies TEKS and for preserving their focus on Texas, American, Western, and civic foundations. The commenters stated that the standards strengthen instruction on American exceptionalism, foundational principles of liberty, civic knowledge, Texas and American history, and Western traditions. The commenters explained that they appreciate qualified content advisors and believe the proposed standards provide a strong, fact-based, age-appropriate foundation for learning about the history, principles, and values that shaped Texas and the United States. The commenters requested adoption or preservation of the proposed standards and, in some cases, rejection of amendments that would alter that focus.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021.

Comment. One community member expressed concern that the proposed changes do not adequately emphasize important aspects of the nation's history and achievements. The commenter also believed the revisions place disproportionate emphasis on certain groups and recommended adopting a more balanced approach grounded in accurate information and effective educational practices to promote unity.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for standards that emphasize the historical foundations, principles, and institutions that shaped Texas and the United States based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One community member stated that the social studies documents are filled with errors. The commenter suggested taking the time to correct them.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for accuracy, clarity, and technical precision based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One community member expressed concern that the draft was not publicly accessible, making it difficult to review the proposed changes and provide meaningful feedback.

Response. This comment is outside the scope of the proposed rulemaking.

Comment. Two parents stated that parental rights and family concerns be respected in curriculum decisions. The commenters explained that topics involving beliefs, religion, or sensitive content should recognize the role of parents and families. The commenters noted that families hold different beliefs and that public schools should not displace family authority in areas they view as personal or value based. The commenters described concerns about the state determining how religious content or other perspectives are presented to children. The commenters identified parent involvement and transparency as important to public trust. The commenters requested curriculum decisions that respect family roles and avoid content they believe should be addressed at home.

Response. The SBOE disagrees with the commenters' proposal to address concerns with curriculum decisions about religion because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Twelve teachers, 4 administrators, 34 parents, 26 community members, and 1 college representative opposed required Bible passages, Bible-based instruction, or religious instruction in public school classrooms. The commenters stated that public schools serve students of many faiths and no faith and should remain religiously neutral rather than promoting one faith tradition. The commenters explained that religious education belongs with families, homes, churches, Sunday schools, or private faith schools, and several identified parental rights as a central concern. The commenters noted constitutional concerns related to separation of church and state, the First Amendment, and public use of tax dollars for religious instruction. The commenters requested removing required Bible passages or religious instruction from public school curriculum and keeping public education inclusive and secular.

Response. The SBOE disagrees with the commenters' proposal to remove or reconsider required religious texts because TEC, §28.002(a)(2)(G), requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Four teachers stated that biblical references may be appropriate only when directly tied to the historical context of a specific region, event, or course. The commenters noted that U.S. and Texas history should not present the United States as a Christian nation and should recognize Enlightenment and other civic influences. The commenters requested reconsideration of broad religious literature requirements outside contexts where they are historically and academically appropriate.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for ensuring that religious and biblical content is presented within appropriate academic contexts based on TEC, §28.002(a)(2)(G), that requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Three teachers, 17 parents, 14 community members, and 2 college representatives supported including Bible references, biblical literature, Judeo-Christian values, or Christianity's influence in the social studies TEKS. The commenters explained that the Bible can be taught as a reference tool or source of background knowledge rather than as religious instruction, and several noted the value of beginning this learning in early grades through a sequenced and spiraled curriculum. The commenters requested support for standards that preserve Texas and American history, strengthen patriotism and civic responsibility, and recognize Judeo-Christian influences.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening civic understanding, constitutional context, and age-appropriate treatment of rights and responsibilities that emphasize the requirements under SB 3, 87th Texas Legislature, Second Called Session, 2021. The SBOE also considered the commenter's proposal of recognizing Judeo-Christian influences based on TEC, §28.002(a)(2)(G), which requires instruction in religious literature and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025.

Comment. Two teachers, 4 parents, and 13 community members supported curriculum emphasizing traditional American and Texan values or the Christian/Judeo-Christian nature of the nation's founding while opposing Islamic influence, Sharia law, or Islamic teaching in public schools. The commenters stated that Islam and Sharia law have no role in the founding or development of Texas or the United States and should not be presented as an acceptable form of governance. The commenters explained that public funds should not support instruction they viewed as promoting Islamic beliefs or practices and requested that any discussion of Islam be excluded, limited, or presented in a way they considered factual. The commenters requested standards that emphasize American values, Texas history, Judeo-Christian heritage, and constitutional principles without Islamic influence.

Response. The SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for American values, Texas history, Judeo-Christian heritage and constitutional principles. TEC, §28.002(a)(2)(G), requires instruction in religious literature, including the Hebrew Scriptures (Old Testament) and New Testament and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025

Comment. One teacher, one parent, and one community member expressed concern that the standards over-credit Christianity and "Western civilization" for the achievements of human history while minimizing the contributions of others. The commenters explained that the organization of ancient and medieval grades as "roots of Western civilization to America" and the framing of the Renaissance as a "restoration" of Greco-Roman ideas omit the role of Islamic scholars who preserved and advanced that knowledge and noted that contributions of other groups are minimized or framed narrowly, such as Mansa Musa being referenced only as having "inspired worldwide exploration" (§113.5(c)(2)(C)). The commenters stated that selectively attributing achievements to one tradition while minimizing others presents an incomplete and distorted account of history. The commenters explained that this approach can promote a hierarchy of peoples and beliefs rather than an accurate understanding of historical development. The commenters requested that the standards attribute contributions accurately and broadly, including Islamic, African, Asian, and Indigenous contributions and revise "restoration" and "roots-of-the-West-only" framings to reflect a more comprehensive and balanced account of history.

Response. The SBOE disagrees with the commenters' proposal to revise the standards based on TEC, §28.002, which authorizes the SBOE to adopt the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the standards are designed to provide students with an understanding of the historical development of civilizations, cultures, institutions, and ideas that have contributed to Texas, United States, and world history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One out-of-state commenter expressed appreciation for the inclusion of Hinduism, Dharmic traditions, and Indian history in the proposed standards and stated that these elements support an introductory understanding of comparative world religions and global history. The commenter explained that the inclusion of key texts and concepts, as well as recognition of contributions to global civilization, provides a positive foundation for students' learning. The commenter noted concerns about a standard linking caste to cultural and religious identity and explained that this framing may oversimplify a complex social system and contribute to misconceptions about Hinduism and South Asian societies. The commenter requested that this content be relocated to a broader discussion of social, political, or economic structures to provide appropriate context and avoid unintended stereotyping.

Response. The SBOE disagrees with the commenter's proposal to relocate content to a broader discussion of social, political, or economic structures based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the adopted standards provide students with the historical knowledge, analytical skills, and civic understanding necessary to examine world history, international developments, and historical conflicts based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One parent expressed that, as a former student and teacher, they value respect, truth, and moral responsibility and

stated that denying historical facts would conflict with these principles. The commenter explained that historical events in Palestine, including the displacement of Palestinians and ongoing conflict, should be taught accurately and described concerns about how these events are represented. The commenter noted that religious beliefs inform their perspective on these issues and emphasized the importance of truthfulness in teaching history. The commenter stated that students should receive accurate and honest instruction about historical events and explained that misleading or incomplete narratives would fail to meet this standard. The commenter requested that the SBOE ensure future history instruction presents factual and truthful accounts so that students are not misled about events in the Holy Land.

Response. The SBOE disagrees with the commenter's proposal to revise the standards to include additional content regarding Palestine and the modern Middle East based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the social studies curriculum. The SBOE maintains that the adopted standards provide students with the historical knowledge, analytical skills, and civic understanding necessary to examine world history, international developments, and historical conflicts.

Comment. Two community members expressed appreciation for the opportunity to provide feedback and for the inclusion of standards addressing Judaism, ancient Israel, the Holocaust, and the modern State of Israel. The commenters stated that terminology and context should be clarified, including using "ancient Israelites" rather than "ancient Hebrews" and separating standards on the Holocaust and the modern State of Israel. The commenters explained that the Holocaust should be accurately described as the Nazi genocide against Jews driven by antisemitism and identified opportunities to add omitted topics such as anti-immigration legislation in the 1920s and the Galveston Movement. The commenters requested revisions to strengthen accuracy, rigor, and completeness in Jewish and Judaism-related content.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for historical accuracy, rigor, and completeness of Jewish history and Judaism-related content in Texas, United States, and world history based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two community members opposed what they described as an inaccurate or privileged Judeo-Christian framework in the proposed TEKS. The commenters stated that Christian and Hebrew sources are presented as positive, formative influences while other religious, philosophical, Indigenous, and non-Western traditions are treated more narrowly or omitted. The commenters requested revisions that reduce repetition, remove misleading religious framing, align with credible scholarship, and present colonial and founding history with greater accuracy, balance, and analytical rigor.

Response. The SBOE disagrees with the commenters' proposal to reduce repetition and remove Judeo-Christian religious framing because TEC, §28.002(a)(2)(G), requires instruction in religious literature including the Hebrew Scripture (Old Testament) and New Testament and its impact on literature and history as part of the required curriculum, a statutory requirement affirmed by Texas Attorney General Opinion No. KP-0503 (RQ-0621-KP) as issued on November 17, 2025

Comment. One parent requested that instruction on Islam include additional information about traditional marriage witness requirements and gender roles within those practices.

Response. The SBOE disagrees with the commenter's proposal to revise the standards to include additional instruction regarding specific religious marriage practices based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for the curriculum. The SBOE maintains that the standards appropriately address major religions within their historical and cultural contexts and provide students with the knowledge necessary to understand their influence on civilizations and societies based on feedback from numerous experts, educators, and stakeholder groups.

Comment. Two parents and one community member requested that social studies instruction keep to factual content and support critical analysis of complex historical topics. The commenters explained that students should evaluate difficult topics rather than avoid them and identified examples such as Barbary slavers, skin color in slavery and segregation, religious/legal systems, and the role of different communities in Texas history. The commenters requested accurate, transparent, and intellectually honest instruction that supports thoughtful analysis.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for factual content, historical evidence, and critical analysis of complex historical issues based on feedback from numerous experts, educators, and stakeholder groups.

SUBCHAPTER A. ELEMENTARY

19 TAC §§113.1 - 113.6

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of communist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new sections implements Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular

Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.1. Social Studies, Kindergarten, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Kindergarten, students begin their study of social studies by learning about themselves as American citizens and members of a home, family, and classroom and the role of rules in communities and by developing an early understanding of citizenship, patriotism, and civic responsibility in a republican self-government. Through stories, symbols, celebrations, and everyday experiences, students explore Texas and national heritage and the contributions of individuals that help communities function and foster respect for others. The concept of chronology is introduced. Students apply geographic concepts using maps, globes, and images, and acquire information from a variety of oral storytelling and visual sources to build foundational historical and economic understanding while practicing civic habits that preserve liberty through participation and listening skills.

(A) Students learn about rules and citizenship by examining how families, schools, and communities work together. They explore the purpose of rules, practice critical thinking as an individual, respectful discussion, and identify the Constitution as the supreme law of the land, an important national document that protects freedoms and liberty. Students recognize community helpers and public servants, learn how people honor service, and develop an understanding of patriotism through national and state symbols, pledges, songs, and stories. Through these experiences, students begin to see themselves as citizens who show respect, responsibility, and pride in their community, state, and country.

(B) Students explore history, geography, and culture through stories of American Indians, early explorers, and early American communities. They learn about the Iroquois, Cherokee, and Comanche by examining stories, homes, foods, artifacts, and regions using maps and images. Students hear stories of exploration, the Plymouth Colony, the first Thanksgiving, and important historical figures such as George Washington. These studies help students understand how people lived in different places, how geography influenced daily life, and how cooperation and leadership shaped early communities.

(C) The course introduces foundational economic and geographic concepts by helping students distinguish between wants and needs, goods and services, and individual ownership. Students use maps and globes to identify continents, oceans, and important locations, describe relative location, and understand where they live in relation to other places. The year concludes with stories of innovation and leadership, highlighting individuals whose ideas and service contributed to the growth of America and Texas. Throughout Kindergarten, students build essential social studies vocabulary and skills that prepare them for deeper historical, civic, and geographic study in later grades.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) use primary and secondary sources, including stories, artifacts, and documents to learn about people, events, and places in the past (H, GEO/C, S);

(B) identify what happened and why in a story or event, using the words "because" and "so" to describe simple cause-and-effect relationships (H, G/Civ, S);

(C) use the sequential terms first, next, then, and last to retell events from stories and describe the change over time (H, Geo/C, S);

(D) answer a question about first, the past by pointing to or describing information from a story, image, or artifact shared in class (H, G/Civ, Geo/C, S); and

(E) practice civil discourse by taking turns speaking, listening respectfully while others share ideas, and expressing disagreement using kind words, recognizing that working together and following rules helps communities function (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In historical settings, the student understands the concept of location and the physical and human characteristics of place. The student is expected to:

(A) use spatial terms, including over, under, near, far, left, and right, to describe relative location;

(B) identify and use geographic tools to determine location as they examine places from the past; and

(C) identify physical characteristics of place to explain how geographic locations influenced human characteristics.

(9) The student understands how to use maps and geographic tools to represent and interpret location and patterns when studying history. The student is expected to:

(A) identify and use cardinal directions in the study of historic events;

(B) recognize and apply basic map elements such as titles, labels, symbols, and legends in the study of historic events;

(C) use latitude and longitude to describe absolute location in the study of historic events;

(D) interpret a variety of maps, including thematic maps, in the study of historic events; and

(E) identify geographic patterns and relationships across time and place.

(10) The student understands and applies basic economic concepts in the study of history. The student is expected to:

(A) identify and describe how scarcity, needs, and wants have influenced history;

(B) recognize the role of goods and services and the roles of producers and consumers in the study of historic events; and

(C) identify basic economic patterns and relationships using historical examples.

(11) There is no effective study of Social Studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) American Indians in Early America. The student knows stories about the Iroquois, Cherokee, and Comanche. The student is expected to:

(A) retell, in ways that maintain meaning, American Indian origin stories, including Wise Owl from the Iroquois, Ye-Ho-Waah from the Cherokee, and Clever Coyote from the Comanche (H, Geo/C, S);

(B) identify the bison (buffalo) in pictures as food hunted by the Comanche (H, Geo/C, S);

(C) identify, using pictures, that the Iroquois lived in longhouses, the Comanche lived in tipis, and the Cherokee lived in wattle-and-daub houses (H, Geo/C, S);

(D) identify on a map that the Iroquois lived in the Northeast forests, the Cherokee in the Southeastern woodlands, and the Comanche in the Great Plains (H, Geo/C, S);

(E) describe trading as giving something to get something in return (H, Geo/C, E, S); and

(F) identify artifacts, including arrowheads, pottery, and animal hides, traded by the Iroquois, Comanche, and Cherokee (H, Geo/C, S).

(2) Early Exploration of America and Texas. The student understands early exploration using globes and maps. The student is expected to:

(A) define a continent as a large piece of land on Earth and locate a continent on a map (Geo/C, S);

(B) identify North America as the continent where we live (Geo/C, S);

(C) locate, on a globe and a map, Europe, the Atlantic Ocean, North America, and Texas (Geo/C, S); and

(D) describe relative location using the spatial terms near and far (Geo/C, S).

(3) Early Exploration of America and Texas. The student understands stories about Explorers. The student is expected to:

(A) retell, using pictures, a globe, and a map, the story of Christopher Columbus, who sailed from Spain across the Atlantic Ocean and landed in the Americas in 1492 (H, Geo/C, S);

(B) retell, using pictures and a map, the story of Cabeza de Vaca, who shipwrecked near the Texas coast and traveled across Texas (H, Geo/C, S); and

(C) retell, using pictures and a map, the story of Coronado, who went in search of gold in the Americas (H, Geo/C, S).

(4) The Plymouth Colony. The student knows the story of the Mayflower. The student is expected to:

(A) retell, using pictures and a map, the story of the Pilgrims who sailed on a wooden ship called the Mayflower across the ocean (H, Geo/C, S);

(B) explain that the Pilgrims were people from England who came to America seeking religious freedom to practice and share their Christian faith, make choices about their government, and work together to build a community (H, G/Civ, Geo/C, S);

(C) explain that the Mayflower Compact was an agreement based on Christian values to work together, to choose leaders, and to follow rules for the good of the community (H, G/Civ, Geo/C, S); and

(D) locate on a map England and Massachusetts (Geo/C, S).

(5) The Plymouth Colony. The student knows the story of the Plymouth Thanksgiving. The student is expected to:

(A) describe Squanto as a Wampanoag Indian leader who helped the Pilgrims learn to grow food and survive in a new place (H, Geo/C, S);

(B) describe Massasoit as a Wampanoag Indian who worked with the Pilgrims to make peace and share food during the Plymouth Thanksgiving story (H, Geo/C, S); and

(C) retell the story of the Plymouth Thanksgiving between the Pilgrims who gave thanks to God and their Wampanoag neighbors (H, Geo/C, S).

(6) George Washington: Father of Our Country. The student understands that George Washington is known as the Father of Our Country. The student is expected to:

(A) identify a portrait of George Washington as a primary source and describe details in the portrait that tell about who George Washington was and the time period in which he lived (S);

(B) locate North America; the United States; Washington, D.C.; and Virginia on a map and identify Virginia as the birthplace of George Washington (Geo/C, S);

(C) retell, using a timeline, stories of George Washington, including his life as a responsible and respectful child, a general in the military, and the first president of the United States (H, G/Civ, S);

(D) explain why George Washington is called the Father of Our Country, including his role in uniting the nation and as the first president of the United States (H, G/Civ, S); and

(E) identify Washington, D.C., as the capital of the United States, named after George Washington, where the current president lives and works (Geo/C, S).

(7) Free Enterprise. The student understands key elements of free enterprise. The student is expected to:

(A) identify examples of goods and services (G/Civ, E, S);

(B) identify examples of wants and needs (G/Civ, E, S);

(C) describe individual ownership using the words mine and yours (G/Civ, E, S); and

(D) describe how people choose what goods and services to buy, including important family decisions to purchase food and water as a need instead of toys and snacks as wants (G/Civ, E, S).

(8) American Citizenship. The student knows symbols of patriotism. The student is expected to:

(A) identify the Bald Eagle, the Liberty Bell, and the Statue of Liberty as national symbols of freedom and independence (H, G/Civ, S); and

(B) identify "The National Anthem" when played aloud and practice good citizenship behaviors while listening, including standing and facing the flag, with hand over heart, as physically able (H, G/Civ, S).

(9) American Citizenship. The student understands examples of patriotism. The student is expected to:

(A) identify the American flag as a national symbol of freedom (H, G/Civ, S);

(B) retell the story of Betsy Ross, who is remembered as a good citizen and for making the first American flag, using the sequential terms beginning, middle, and end (H, S);

(C) recite the Pledge of Allegiance, practicing good citizenship behavior, including standing and facing the flag, with hand over heart, as physically able (H, G/Civ, S); and

(D) use voting as a method for decision making and recognize that voting is a right, responsibility, and privilege of American citizenship (G/Civ).

(10) We the People: Rules in the Community. The student understands the role of rules. The student is expected to:

(A) define community as a group of people who live and work together (Geo/C, S);

(B) distinguish among the terms community, city, state, and country (Geo/C);

(C) explain the purpose for having rules at home, school, and in the community (G/Civ, S); and

(D) identify the Constitution as the most important rule book in our country, protecting freedoms for Americans (G/Civ, S).

(11) Lone Star Heritage: Stories and Symbols. The student knows stories and symbols of faith, fairness, and freedom in Texas. The student is expected to:

(A) retell the story about Father Damián Massanet, who came to Texas to help people build missions and teach Christianity to American Indians (H, Geo/C, S);

(B) retell the story about Tejano leader José Antonio Navarro that describes how he welcomed settlers to present day San Antonio, Texas (H, Geo/C, S); and

(C) retell the story about Sam Houston that describes his leadership role in Texas independence from Mexico, including his role as a general (H, Geo/C, S).

(12) Lone Star Heritage: Stories and Symbols. The student knows symbols of Texas pride. The student is expected to:

(A) identify the Texas flag as a symbol of Texas pride (H, G/Civ, S);

(B) recite the Texas Pledge of Allegiance, practicing good citizenship behavior, including standing and facing the flag, with hand over heart, as physically able (H, G/Civ, S);

(C) explain that reciting the Texas Pledge of Allegiance shows pride and is an example of being a good citizen (G/Civ); and

(D) recite the state song "Texas, Our Texas, " including the first version and refrain, identify the song from the melody, and demonstrate good citizenship behaviors while listening, including standing and facing the flag, with hand over heart, as physically able (G/Civ, S).

(13) American Citizenship. The student understands the importance of community helpers. The student is expected to:

(A) identify police officers, firefighters, military members, veterans, and elected officials as community helpers (G/Civ, S);

(B) describe how police officers, firefighters, military members, veterans, and elected officials help people in the community (G/Civ, S);

(C) identify ways people honor members of the military on Memorial Day and Veterans Day, including saying thank you for your service, attending parades, and flying the American flag (G/Civ, S); and

(D) retell, using pictures, the story of Oveta Culp Hobby, including her leadership role in helping women serve our country through the Woman's Army Auxiliary Corps (H, G/Civ, S).

(14) Innovations That Changed America and Texas. The student knows stories of innovation that changed America and Texas. The student is expected to:

(A) retell, using sequential terms, before, after, next, first, or last, the story of Benjamin Franklin that highlights his contributions as an inventor, including the invention of bifocals and the lightning rod, and as a business owner (H, G/Civ, S);

(B) retell, using pictures, the story of Charles Goodnight, including his work as a Texas rancher and his invention of the chuck wagon, which helped feed cowboys working on the open range (H, Geo/C, S); and

(C) retell, using pictures, the story of Bessie Coleman, who was born in Atlanta, Texas, and became the first African American and Native American woman to earn an international pilot's license, showing courage in pursuing her dream of flight (H, Geo/C, S).

§113.2. Social Studies, Grade 1, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 1, students study Texas and American history through stories, symbols, and important events that highlight freedom, unity, work, and patriotism. Students explore how communities, governments, and economies function and how people in the past worked together to shape Texas and the United States. Using maps, songs, symbols, timelines, and storytelling, students develop foundational civic, geographic, historical, and economic understanding while building respect for shared traditions and democratic values.

(A) Students examine symbols, traditions, and civic ideals that represent freedom and unity in Texas and the United States. They study Texas symbols such as the Lone Star, the Texas flag, and state songs, as well as national symbols, including the American flag, Independence Hall, and the Liberty Bell. Students explore the meaning of liberty through the Declaration of Independence and learn how holidays such as Independence Day, Veterans Day, Memorial Day, Juneteenth, and Martin Luther King, Jr. Day honor freedom, service, and equality. Through these studies, students connect patriotic symbols and celebrations to shared civic values.

(B) Students investigate key historical events, people, and communities that shaped Texas and the nation. They learn about Thanksgiving stories in both Texas and early America, Pilgrim life and self-government, and cooperation between American Indians and settlers. Students study Texas settlement and independence through stories of the Comanche, missions, Stephen F. Austin, William B. Travis, and the Texas Declaration of Independence. They also explore the American Revolution, the Civil War, and the Civil Rights Movement by examining the roles of leaders such as Thomas Jefferson, Abraham Lincoln, Martin Luther King, Jr., and other individuals who worked to expand liberty, justice, and equality. Maps, timelines, and storytelling help students understand place, sequence, and historical change.

(C) The course emphasizes free enterprise and economic life by helping students understand how work, jobs, and resources support individuals and communities. Students learn about producers and consumers, goods and services, and how people earn a living as workers, business owners, and community members. They explore how natural resources, including oil and natural gas, contributed to Texas's growth and study innovators and leaders who supported economic development. Throughout Grade 1, students strengthen map skills, historical thinking, and civic understanding, building a foundation for deeper study of Texas and United States history in later grades.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chrono-

logical approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) distinguish between a primary source, such as a photograph, artifact, or document and a secondary source such as a textbook or storybook, and explain what the source can tell us about people or events in the past (H, Geo/C, S);

(B) identify the cause and effect in a historical event or story (H, G/Civ, S);

(C) use sequential terms, including first, next, then, and last, and before and after to place events on a timeline and describe one way life has changed over time (H, Geo/C, S);

(D) describe what a photograph, artifact, map, or image shows, and explain what it reveals about the people or place it represents (H, Geo/C, S);

(E) answer a question about the past by identifying information from a source and explaining in a complete sentence how that information supports the answer (H, G/Civ, Geo/C, S); and

(F) practice civil discourse by listening respectfully to the perspectives of others, taking turns during discussion, and expressing disagreement using respectful language, recognizing that democratic communities depend on people who can share ideas and work through differences (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In historical settings, the student understands the concept of location and the physical and human characteristics of place. The student is expected to:

(A) use spatial terms, including over, under, near, far, left, and right, to describe relative location;

(B) identify and use geographic tools to determine location as they examine places from the past; and

(C) identify physical characteristics of place to explain how geographic locations influenced human characteristics.

(9) The student understands how to use maps and geographic tools to represent and interpret location and patterns when studying history. The student is expected to:

(A) identify and use cardinal directions in the study of historic events;

(B) recognize and apply basic map elements such as titles, labels, symbols, and legends in the study of historic events;

(C) use latitude and longitude to describe absolute location in the study of historic events;

(D) interpret a variety of maps, including thematic maps, in the study of historic events; and

(E) identify geographic patterns and relationships across time and place.

(10) The student understands and applies basic economic concepts in the study of history. The student is expected to:

(A) identify and describe how scarcity, needs, and wants have influenced history;

(B) recognize the role of goods and services and the roles of producers and consumers in the study of historic events; and

(C) identify basic economic patterns and relationships using historical examples.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation.

In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Thanksgiving. The student understands the story of Thanksgiving in El Paso as giving thanks to God. The student is expected to:

(A) locate North America, the state of Texas, El Paso, the Chihuahuan Desert, and the Rio Grande on a map and identify their relative location using cardinal directions north, south, east, and west (Geo/C, S); and

(B) retell the story of Don Juan de Oñate, including the celebration of Thanksgiving in 1598 after safely crossing the desert (H, Geo/C, S).

(2) Thanksgiving. The student understands the story of Thanksgiving. The student is expected to:

(A) locate on a map Europe, England, the Atlantic Ocean, North America, and Massachusetts (Geo/C, S);

(B) identify that the Pilgrims crossed the Atlantic Ocean, from Europe to America, seeking economic opportunities, freedom to worship God, and to advance the Christian faith (G/Civ, Geo/C, S);

(C) identify Plymouth Rock as a symbol of the Pilgrims' landing (Geo/C, S);

(D) retell the story of the Plymouth Thanksgiving, including that the Pilgrims gave thanks to God (H, Geo/C);

(E) explain that Thanksgiving became a tradition of gratitude, cooperation, and celebration in America and Texas (H, Geo/C, S); and

(F) explain how the Wampanoag Indians and Pilgrims worked together despite differences and the Wampanoag Indians helped the Pilgrims survive (H, Geo/C, S).

(3) Life in Early America and the Beginning of Self-Government. The student understands Pilgrim life in early America and the beginning of self-government. The student is expected to:

(A) describe the Mayflower Compact as an agreement between the Pilgrims to live and work according to their beliefs and religious faith (H, G/Civ, S);

(B) explain the ways Pilgrim families practiced self-government by making their own rules and electing their own leaders (H, G/Civ, S);

(C) explain the purpose of a meeting house as a place where Pilgrims prayed, held church services, talked about community needs, voted on community matters, and chose leaders (H, G/Civ, S); and

(D) use voting as a method for decision making and identify that this method was also used by Pilgrims (G/Civ, S).

(4) The American Declaration of Independence and Symbols of Freedom. The student understands how important events, people, and places from the American Revolution remind us that our nation was founded on liberty and unity. The student is expected to:

(A) locate on a map North America; Boston, Massachusetts; and Philadelphia, Pennsylvania (Geo/C, S);

(B) retell the story of the Boston Tea Party, including that colonists threw tea into the harbor to protest unfair taxes, using the sequential terms beginning, middle, and end (H, G/Civ, S);

(C) describe the role that Paul Revere, William Dawes, and Samuel Prescott played in alerting the colonists that the British army was coming (H, G/Civ, S);

(D) identify Thomas Jefferson as the writer of the Declaration of Independence, a document which sought freedom from being ruled by a king (H, G/Civ, S);

(E) describe the term liberty as used in the Declaration of Independence as freedom from being ruled by a king (H, G/Civ, S); and

(F) recite the phrase "Life, Liberty, and the Pursuit of Happiness" as an important phrase in American history (H, G/Civ, S).

(5) The American Declaration of Independence and Symbols of Freedom. The student knows symbols of American freedom. The student is expected to:

(A) explain the meaning of the stars and stripes on the American flag (H, Geo/C, S);

(B) recite the first stanza and identify the song from the melody of "America the Beautiful" (H, Geo/C, S);

(C) explain the meaning of "America the Beautiful" by Katherine Lee Bates, including features of America's landscape (H, Geo/C, S);

(D) identify historical symbols of liberty in Philadelphia, Pennsylvania, including the Liberty Bell and Independence Hall (G/Civ, Geo/C); and

(E) explain the historical significance of Independence Hall, including the signing and first public reading of the Declaration of Independence (H, G/Civ, Geo/C, S).

(6) The American Declaration of Independence and Symbols of Freedom. The student understands the importance of key national holidays in America. The student is expected to:

(A) identify July 4, 1776, as the date of American Independence and describe how people today celebrate July 4th, including attending parades and watching fireworks displays (H, G/Civ, Geo/C, S); and

(B) identify Veterans Day and Memorial Day as holidays that honor members of the military who have served to defend American freedom (H, Geo/C, S).

(7) The Settlement of Texas and Texas Heroes. The student understands important characteristics of the Comanche. The student is expected to:

(A) describe how the use of horses helped the nomadic Comanche to migrate and hunt bison (buffalo) (H, Geo/C, S);

(B) retell, using illustrations and writing, the story of the Legend of the Bluebonnet often associated with the Comanche (Geo/C, S); and

(C) identify the Bluebonnet as a symbol of Texas (H, Geo/C, S).

(8) The Settlement of Texas and Texas Heroes. The student understands stories about the settlement of Texas and Texas heroes. The student is expected to:

(A) define missions as communities where American Indians lived, worked, and learned Christianity (H, Geo/C, S);

(B) explain that American Indians and the Spanish lived together in missions, resulting in a blending of cultures, including food, clothing, and languages (H, Geo/C, S); and

(C) retell the story about Antonio de Olivares founding the mission near the San Antonio River that became the Alamo (H, Geo/C, S).

(9) The Settlement of Texas and Texas Heroes. The student understands stories about Texas Independence. The student is expected to:

(A) retell the story of Stephen F. Austin as the "Father of Texas," including how he helped people settle and build communities in Texas (H, Geo/C, S);

(B) retell the story of the Texas Declaration of Independence, including that Texans came together to declare why they wanted to be free from Mexico (H, Geo/C, S);

(C) retell the story of William B. Travis, including his role as a commander at the Alamo, who showed courage and leadership during Texas's fight for independence (H, Geo/C, S); and

(D) explain that on March 2, 1836, Texas declared its independence from Mexico and that this date is now celebrated as Texas Independence Day (H, Geo/C, S).

(10) Lone Star Heritage: Stories and Symbols. The student knows symbols of Texas freedom. The student is expected to:

(A) identify the symbolism of the Texas flag: the Lone Star as a symbol of Texas freedom because it represents unity and the colors on the flag: blue represents loyalty, white represents purity, and red represents bravery (H, G/Civ, Geo/C, S); and

(B) recite the first four stanzas from and identify from the melody the song "Deep in the Heart of Texas" (H, Geo/C, S).

(11) Abraham Lincoln and the Civil War. The student understands the role of Abraham Lincoln in the Civil War. The student is expected to:

(A) describe how the country was divided over different views on slavery, including people who supported slavery and people who did not, which led to the Civil War (H, S);

(B) retell events of Abraham Lincoln's life using a timeline, including details about his childhood, his election as president, and his speech, the Gettysburg Address (H, S);

(C) identify Abraham Lincoln as the president who ended slavery and protected liberty for all people in America (H, G/Civ, S);

(D) locate Washington, D.C., on a map and identify the Lincoln Memorial in a picture (Geo/C, S); and

(E) explain that the Lincoln Memorial in Washington, D.C., is a landmark that honors Abraham Lincoln and has inspired many important speeches, including "I Have a Dream" by Martin Luther King, Jr. (H, G/Civ, Geo/C, S).

(12) Abraham Lincoln and the Civil War. The student understands the importance of Juneteenth. The student is expected to identify Juneteenth as a national holiday that celebrates when enslaved people in Texas learned they were free and Dr. Opal Lee as the Grandmother of Juneteenth (H, Geo/C, S).

(13) Free Enterprise Shapes Texas. The student understands how free enterprise shaped Texas in the past. The student is expected to:

(A) identify oil and natural gas as valuable natural resources that are found deep in the ground or under the seabed (Geo/C, E, S);

(B) explain that the discovery of oil in Texas led to new towns, transportation, products, and support of education (H, E, S);

(C) describe Pattillo Higgins and Anthony Lucas as wildcatters who found oil at Spindletop Hill in Beaumont in 1901, starting the Texas oil boom (H, E, S);

(D) describe William P. Hobby as a Texas leader and governor who supported business and helped Texas grow during the early oil years (H, E, S); and

(E) describe H.L. Hunt as a wildcatter and speculator who worked in Texas to develop land and oil projects, showing courage and skill (H, E, S).

(14) Free Enterprise Shapes Texas. The student understands how free enterprise shapes Texas today. The student is expected to:

(A) identify farmers as producers who grow crops and ranchers as producers who raise livestock (G/Civ, E);

(B) identify that people in the community are considered consumers, including when they buy food from the grocery store (G/Civ, E);

(C) explain how people in the community trade goods and services to meet needs and wants (G/Civ, E);

(D) explain why people have jobs, including to earn money, care for the family, and contribute to the community (G/Civ, E, S); and

(E) identify jobs in the local community, including teacher, business owner, and truck driver (G/Civ, Geo/C, S).

(15) The Civil Rights Movement. The student understands the importance of the civil rights movement in American history. The student is expected to:

(A) retell stories of Martin Luther King, Jr. using sequential terms, including his life as a pastor and civil rights leader, explaining that he worked peacefully for liberty and equality for all Americans (H, G/Civ, S);

(B) identify "I Have a Dream" as a speech by Martin Luther King, Jr. that expressed his dream for people to be treated fairly, "judged by the content of their character and not by the color of their skin" (H, G/Civ, S);

(C) identify Martin Luther King, Jr. Day as a holiday that honors the life and work of Martin Luther King, Jr. (H, G/Civ, S);

(D) identify the Martin Luther King, Jr. Memorial in Washington, D.C., in pictures (H, Geo/C, S); and

(E) explain that the Martin Luther King, Jr. Memorial in Washington, D.C., is a place that honors Martin Luther King, Jr. and his work for equality (H, Geo/C, S).

(16) The Civil Rights Movement. The student understands stories of equality and justice. The student is expected to:

(A) describe Claudette Colvin and Rosa Parks as women who refused to give up their seats on a segregated bus to protest unfair laws (H, G/Civ, S);

(B) describe Dr. Hector P. Garcia as a leader in Texas who worked peacefully for equal rights for Hispanic Americans and veterans in Texas (H, G/Civ, S); and

(C) describe Ruby Bridges as a young African American student who bravely walked into an all-white school so that black and white children could learn together (H, G/Civ, S).

§113.3. Social Studies, Grade 2, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 2, students learn about people, places, and events that helped shape America and Texas by exploring stories from long ago through maps, timelines, and historical examples. Students study how early civilizations lived, how communities made rules, and how people worked together to seek freedom, safety, and opportunity. Through age-appropriate stories and symbols, students build an understanding of geography, citizenship, and history while making connections between the past and their lives today.

(A) Students begin by learning about the world and early civilizations to understand that people have lived in many places for a long time. They identify the continents and oceans and explore how early groups met their needs by farming, trading, building communities, and creating rules. Students learn about ancient peoples such as the Clovis, Hebrews, Greeks, Romans, and African civilizations, focusing on how their ideas, tools, and laws helped shape later societies. These early examples introduce students to important ideas such as leadership, fairness, and cooperation.

(B) Students explore the fight for freedom and the growth of American democracy through stories of the American Revolution and the early nation. They learn why colonists wanted independence, what liberty means, and how people worked together to create a new country. Students study important individuals from the Revolutionary era and learn how the Constitution and Bill of Rights protect freedoms and require everyone to follow the same laws. They also learn about the War of 1812 and how shared symbols and stories helped strengthen American identity.

(C) The course emphasizes Texas history and growth by examining how people settled the land, built communities, and worked toward independence. Students learn about Spanish missions, the Texas Revolution, and the leaders and groups who helped Texas become independent. They explore why people came to Texas seeking opportunity and how different groups contributed to farming, ranching, trade, and community life. The year concludes with a study of the Civil War and the struggle for freedom and equality, helping students understand how the past continues to shape Texas and the United States today.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) distinguish between primary and secondary sources, identify the author or creator and purpose of a source, and interpret how the type of source affects what it can tell us about people or events in the past (H, Geo/C, S);

(B) identify causes and effects of a historical event or story (H, G/Civ, Geo/C, E, S);

(C) construct and interpret a timeline to place events in chronological order, identify whether events are close together or far apart in time, and describe how a person, place, or community changed over time (H, Geo/C, S);

(D) analyze a photograph, artifact, map, or other visual source as historical evidence by describing what it shows and explaining what it reveals about the people or events it represents (H, S); and

(E) practice civil discourse by listening respectfully to the perspectives of others, asking clarifying questions, and expressing disagreement through reasoned response rather than personal attack, recognizing that democratic self-government depends on citizens who can discuss differences productively (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In historical settings, the student understands the concept of location and the physical and human characteristics of place. The student is expected to:

(A) use spatial terms, including over, under, near, far, left, and right, to describe relative location;

(B) identify and use geographic tools to determine location as they examine places from the past; and

(C) identify physical characteristics of place to explain how geographic locations influenced human characteristics.

(9) The student understands how to use maps and geographic tools to represent and interpret location and patterns when studying history. The student is expected to:

(A) identify and use cardinal directions in the study of historic events;

(B) recognize and apply basic map elements such as titles, labels, symbols, and legends in the study of historic events;

(C) use latitude and longitude to describe absolute location in the study of historic events;

(D) interpret a variety of maps, including thematic maps, in the study of historic events; and

(E) identify geographic patterns and relationships across time and place.

(10) The student understands and applies basic economic concepts in the study of history. The student is expected to:

(A) identify and describe how scarcity, needs, and wants have influenced history;

(B) recognize the role of goods and services and the roles of producers and consumers in the study of historic events; and

(C) identify basic economic patterns and relationships using historical examples.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Ancient Civilizations: People and Places that Influenced America and Texas. The student knows the continents and oceans of the world. The student is expected to:

(A) identify on a map and describe the relative locations of the seven continents and five oceans (Geo/C, S); and

(B) explain that people have lived in many parts of the world for a long time (H, Geo/C, S).

(2) Ancient Civilizations: People and Places That Influenced America and Texas. The student understands stories about early civilizations and their characteristics. The student is expected to:

(A) identify the Clovis in North America and Texas (H, G/Civ, Geo/C, E, S);

(B) identify the Hebrews in the Middle East as people who had written laws that taught moral responsibility (H, G/Civ, Geo/C, E, S);

(C) identify people who changed the land in the Americas by farming and using water, including the Olmec who dug canals, the Ancestral Pueblo who built irrigation systems, and the Mississippians who farmed near the Mississippi River (H, G/Civ, Geo/C, E, S);

(D) identify the Greek and Roman civilizations in Europe as people who developed ideas, including democracy, the republic, elected leaders, responsibilities of citizenship, and written laws that influenced America and Texas government (H, G/Civ, Geo/C, E, S);

(E) identify the Roman civilizations as people who developed innovations, including aqueducts (H, G/Civ, Geo/C, E, S); and

(F) identify the continent of Africa on a map and identify contributions from ancient African kingdoms, including art, trade, and irrigation (H, Geo/C, E).

(3) American Heroes in the American Revolutionary War. The student knows the locations of the original thirteen colonies. The student is expected to:

(A) define colony as a new place where people move to live that is ruled by another country (H, Geo/C, S); and

(B) locate the original thirteen American colonies on a map, using cardinal directions to describe relative locations (H, Geo/C, S).

(4) American Heroes in the American Revolutionary War. The student understands the reasons for the American Revolutionary War. The student is expected to:

(A) define the American Revolutionary War as the war in which Americans fought the British for independence (H, G/Civ, Geo/C, S);

(B) locate America, the Atlantic Ocean, and Great Britain on a map (Geo/C, S);

(C) explain the reasons for the American Revolutionary War, including taxation without representation and a desire for liberty (H, E, S); and

(D) recite the phrase from the Declaration of Independence, "We hold these truths to be self-evident, that all men are created equal," and identify the phrase as coming from the Declaration (H, G/Civ).

(5) American Heroes in the American Revolutionary War. The student understands stories about the American Revolutionary War. The student is expected to:

(A) identify "Give me liberty, or give me death!" as words spoken by Patrick Henry in support of independence (H, G/Civ, Geo/C, S);

(B) explain that the Oneida and Tuscarora people were part of the Iroquois Confederacy who helped Americans by scouting, carrying messages, and sharing food during the American Revolutionary War (H, G/Civ, Geo/C, S);

(C) explain that Martha Washington helped injured American soldiers in the American Revolutionary War (H, G/Civ, Geo/C, S);

(D) explain that Marquis de Lafayette was a French ally who helped George Washington and the Americans fight for freedom during the American Revolutionary War (H, G/Civ, Geo/C, S);

(E) explain that the Continental Army led by General George Washington, with the assistance of the French allies and James Armistead, won the Battle of Yorktown (H, G/Civ, Geo/C, S); and

(F) explain that pastors preached about freedom, inspired America's independence, and served in the Continental Army (H, G/Civ, Geo/C).

(6) The Rule of Law. The student understands the concept of rule of law and its connection to the United States Constitution. The student is expected to:

(A) explain how people choose leaders at the national, state, and local levels through voting (G/Civ);

(B) explain that rule of law means everyone, including leaders, must follow the same rules to keep society fair and safe (G/Civ);

(C) identify the Constitution as the highest law in the United States (G/Civ);

(D) define amendment as a change in a written document (S);

(E) explain that the Bill of Rights is a set of amendments to the Constitution that protect liberties, including speech and religion (H, G/Civ, S); and

(F) describe the story of the Constitutional Convention, including James Madison and the debates to decide what kind of government the United States would have (H).

(7) The War of 1812. The student understands stories about key people and symbols associated with the War of 1812. The student is expected to:

(A) explain that the War of 1812, also known as the Second War for Independence, was fought between America and Great Britain, which strengthened American identity (H, G/Civ, Geo/C, S);

(B) retell the story of Francis Scott Key writing the "Star-Spangled Banner, " which became the national anthem in 1931 (H, G/Civ, Geo/C, S);

(C) recite from memory the first verse of the "Star-Spangled Banner" (H, G/Civ, Geo/C); and

(D) retell the story of First Lady Dolley Madison who saved George Washington's portrait when the British burned the White House (H, G/Civ, Geo/C, S).

(8) People and Events that Made Texas. The student understands stories about people and events of the Texas Revolution. The student is expected to:

(A) explain that religious communities known as Spanish missions in Texas were built near rivers for farming and ranching (H, G/Civ, Geo/C, S);

(B) describe how people in the mission grew crops, raised animals, traded goods, and shared religion (H, G/Civ, Geo/C, S);

(C) explain how Spanish and American Indian culture blended, bringing new foods, animals, and religions to Texas (H, G/Civ, Geo/C, S);

(D) explain that the Texas Declaration of Independence was modeled after the American Declaration of Independence and was signed on March 2, 1836, at Washington-on-the-Brazos (H, G/Civ);

(E) explain that the Texas Declaration of Independence was a document that declared Texas's independence from Mexico, allowing the formation of the Republic of Texas (H, G/Civ, S);

(F) identify the Alamo as a place where Texans, including James Bowie and David Crockett, fought bravely against Mexican forces and explain why the Alamo is remembered as a symbol of courage and sacrifice in Texas (H, G/Civ, Geo/C);

(G) explain that the Battle of Goliad was a pivotal battle that served as a rallying cry for Texian soldiers (H, G/Civ, Geo/C);

(H) explain that the phrase "Remember the Alamo !" motivated Texian resolve for the final battle at San Jacinto (H, G/Civ, Geo/C, S);

(I) explain that the Battle of San Jacinto in the Texas Revolution was the final victory that gave Texas its independence from Mexico (H, G/Civ, Geo/C, S);

(J) explain the role of Sam Houston as a commander of the Texian Army who won the Battle of San Jacinto (H, G/Civ, Geo/C, S);

(K) explain the role of Juan Seguin as a Tejano officer who helped the Texian Army fight for independence (H, G/Civ, Geo/C, S);

(L) identify American Indian tribes, including the Tonkawa and Cherokee in Texas, as allies who helped the Texian Army as scouts (H, G/Civ, Geo/C, S);

(M) explain that the government of the Texas Republic was modeled after the government of the United States (H, G/Civ, Geo/C, S); and

(N) sequence, using a timeline, major events of the Texas Revolution, including the Battle of Gonzales, the signing of the Texas Declaration of Independence, the Battle of the Alamo, the Battle of Goliad, and the Battle of San Jacinto (H, G/Civ, Geo/C, S).

(9) Texas as a Land of Opportunity. The student understands that people came to America and Texas seeking freedom, safety, and opportunity for a better life. The student is expected to:

(A) explain how Tejano ranching and farming helped shape the community culture during the Spanish and Mexican Texas era, including vaquero skills and irrigation through acequias (H, Geo/C, E, S);

(B) retell the story of Tejano Rancher Martin de Leon who established one of the earliest communities in what would become Victoria, Texas (H, Geo/C, E, S);

(C) retell the story of how German and Czech immigrants established farming communities that contributed to local economies and regional development in what would become known as the Hill Country of Texas (H, Geo/C, E, S);

(D) retell the story of how Irish immigrants in the mid-1800s contributed to agriculture and railroads as Texas continued to grow (H, Geo/C, E, S);

(E) retell the story of Charles Schreiner who expanded ranching, business, and community leadership during westward growth in the late 1800s Texas frontier (H, Geo/C, E, S);

(F) retell the story of Richard and Henrietta King who established large-scale ranching on the King Ranch and contributed to economic development in what would become South Texas (H, Geo/C, E, S); and

(G) explain that Chinese immigrants helped Texas grow by building railroads for transportation of people and goods (H, Geo/C, E, S).

(10) Texas as a Land of Opportunity. The student practices good citizenship by volunteering, voting, and celebrating patriotic holidays. The student is expected to use voting as a method for decision making and identify voting as a right, responsibility, and privilege of American citizenship (H, G/Civ).

(11) People of the Civil War. The student understands the causes, people, and events of the Civil War. The student is expected to:

(A) identify a civil war as a war between citizens of the same country (H, G/Civ, Geo/C, S);

(B) identify the Union as states who remained in the United States (H, G/Civ, Geo/C, S);

(C) identify the Confederacy as southern states that left the United States because they wanted states to make their own rules, including to keep slavery (H, G/Civ, Geo/C, E, S);

(D) identify the Union states and the Confederate states on a map (H, G/Civ, Geo/C, S);

(E) explain that slavery took away people's freedom, forcing them to work without pay in harmful conditions, and slaves were treated as property instead of human beings (H, G/Civ, E, S);

(F) identify that Africans were enslaved and transported to the Americas against their will and they remained enslaved in the United States (H);

(G) explain that the Civil War was fought because of disagreements over the right to have slaves (H, G/Civ, E, S);

(H) explain that Abraham Lincoln was the president who worked to preserve the Union and to end slavery, and recite and explain the meaning of "four score and seven years ago" (H, G/Civ, S);

(I) identify Frederick Douglass as an African American leader who fought for liberty and equality during the time of slavery (H, G/Civ, S);

(J) explain that the Underground Railroad was a secret network of people, homes, and hiding places that helped enslaved people escape to freedom (H, Geo/C, S);

(K) locate Underground Railroad routes that led north to Canada and south from Texas to Mexico on a map (H, Geo/C, S);

(L) retell the story of Harriet Tubman as a leader who helped enslaved people find freedom using the Underground Railroad (H, G/Civ, S);

(M) identify Ulysses S. Grant as a Union general who led the northern states to win the Civil War (H, G/Civ, S);

(N) identify Robert Smalls as an African American who helped the Union cause by boldly taking control of a Confederate ship, the Planter, and sailing it to freedom, carrying his family and other enslaved people to safety (H, G/Civ, S);

(O) identify Robert E. Lee as a Confederate general who led the Confederate states and surrendered to General Grant in Virginia (H, G/Civ, S); and

(P) identify Jefferson Davis as the president of the Confederate states and recognize that he led the Southern states during the Civil War (H, G/Civ, S).

§113.4. Social Studies, Grade 3, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 3, students study the development of early civilizations and their lasting influence on Western civilization, the United States, and Texas. Students examine how geography, natural resources, and human innovation shaped the ways people lived, worked, governed, and interacted over time. Through the study of ancient river valley civilizations, early American and Texas cultures, and the civilizations of Israel, Greece, and Rome, students develop an understanding of how ideas, beliefs, and systems from the past continue to affect life in America and Texas today.

(A) Students analyze the movement of people and the development of societies from hunting and gathering to farming and trade. They explore how access to land and water influenced settlement patterns, how scarcity led to trade, and how cultural and technological contributions such as writing systems, architecture, calendars, laws, and forms of government supported growing civilizations. Students compare different systems of leadership and government, including unlimited and limited forms of power, and examine early ideas of citizenship, democracy, and the rule of law.

(B) Students also study the histories and cultures of early peoples in Texas, including how geography influenced where communities formed, how natural resources were used to meet basic needs, and how trade and leadership systems supported cooperation and survival. The course emphasizes the use of maps, artifacts, and primary sources to understand the past and make connections across time and place.

(C) Throughout Grade 3, students connect ancient civilizations to modern America and Texas by identifying shared ideas, values, and structures. These connections help students understand the foundations of laws, government, cultural traditions, and civic responsibilities in their own communities and prepare them for future studies in history, geography, economics, and civics.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) distinguish between primary and secondary sources, identify the author, date, and purpose of a source, interpreting what the source reveals about the people or civilization being studied (H, Geo/C, S);

(B) identify the causes and effects of historical events (H, G/Civ, Geo/C, E, S);

(C) sequence events to illustrate how civilizations changed over time (H, Geo/C, S);

(D) analyze maps, images, artifacts, and other visual sources as historical evidence by describing what the source shows and explaining what it reveals about the people who created it (H, Geo/C, S);

(E) answer a question about the past using information from a source and explain how the source supports the answer (H, G/Civ, Geo/C, E, S); and

(F) engage in civil discourse about social studies topics, including those with multiple perspectives (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In historical settings, the student understands the concept of location and the physical and human characteristics of place. The student is expected to:

(A) use spatial terms, including over, under, near, far, left, and right, to describe relative location;

(B) identify and use geographic tools to determine location as they examine places from the past; and

(C) identify physical characteristics of place to explain how geographic locations influenced human characteristics.

(9) The student understands how to use maps and geographic tools to represent and interpret location and patterns when studying history. The student is expected to:

(A) identify and use cardinal directions in the study of historic events;

(B) recognize and apply basic map elements such as titles, labels, symbols, and legends in the study of historic events;

(C) use latitude and longitude to describe absolute location in the study of historic events;

(D) interpret a variety of maps, including thematic maps, in the study of historic events; and

(E) identify geographic patterns and relationships across time and place.

(10) The student understands and applies basic economic concepts in the study of history. The student is expected to:

(A) identify and describe how scarcity, needs, and wants have influenced history;

(B) recognize the role of goods and services and the roles of producers and consumers in the study of historic events; and

(C) identify basic economic patterns and relationships using historical examples.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) The Neolithic Revolution and the Fertile Crescent and Connections to America and Texas. The student understands the Neolithic Revolution and the Fertile Crescent and their connections to America and Texas. The student is expected to:

(A) identify and label the seven continents, five oceans, the Mediterranean Sea, the Fertile Crescent, Mesopotamia, Egypt, the Nile River, and the Tigris and Euphrates Rivers on a map (Geo/C, S);

(B) explain that hunter-gatherer societies moved from place to place to follow food sources and used natural resources for shelter, clothing, and tools (H, Geo/C);

(C) explain how the location of the Fertile Crescent shaped settlement patterns and describe how rivers supported irrigation and farming (H, Geo/C);

(D) describe the transition from hunting and gathering to herding and farming that produced a more stable food supply and less scarcity and allowed civilizations to develop (H, Geo/C, E);

(E) identify that the Phoenician alphabet was an early form of written communication that was adapted by numerous civilizations, including the Greeks, which resulted in expanded trade opportunities (H, E);

(F) explain how ancient Egyptian people used papyrus and hieroglyphic writing to write information and how the Rosetta Stone helped historians translate ancient languages (H, Geo/C);

(G) compare ancient Egyptian pyramids and obelisks built to honor rulers with similar building designs in the Washington and San Jacinto monuments that honor important leaders or events (H, Geo/C); and

(H) compare the difference between systems of government, including the ancient Egyptian pharaohs who held unlimited political and religious power and the limited government of the United States in which power comes from the people (H, G/Civ).

(2) Mesoamerican and other American Civilizations and Connections to America and Texas. The student understands Mesoamerican and other American civilizations and their connections to America and Texas. The student is expected to:

(A) identify and explain how the land bridge of Beringia shaped migration patterns along coastal routes through the ice-free corridor into what would become the United States (H, Geo/C);

(B) explain how plains, river valleys, and water sources influenced the movement of the Clovis culture across North America and areas that are now part of Texas (H, Geo/C);

(C) locate on a map the Poverty Point civilization and describe the civilization as an early culture of people that traveled and traded goods along the Ohio and Mississippi rivers (H, Geo/C, E, S);

(D) locate on a map Mesoamerica (Geo/C, S);

(E) identify the Olmec culture as an early civilization in the Americas known for farming, trade, and carved stone heads (H, Geo/C, E); and

(F) identify Mayan civilization contributions, including architecture, writing, astronomy, and counting (H, Geo/C).

(3) Mesoamerican and other American Civilizations and Connections to America and Texas. The student understands the traits and contributions of civilizations and cultures that began more than 20,000 years ago in Texas. The student is expected to:

(A) locate on a map the eight major geographic regions of Texas, including East Texas, Blackland Prairie, Coastal Plains, South Texas, West Texas, Panhandle, Hill Country, and Trans-Pecos (H, Geo/C, S);

(B) identify the Gault Site in Williamson County (H, Geo/C, S); and

(C) locate on a map the White Shaman rock art site in the lower Pecos River valley and explain that the site contains rock art created by early civilizations in Texas (H, Geo/C).

(4) Mesoamerican and other American Civilizations and Connections to America and Texas. The student understands that geography shaped the development of early civilizations in what would become Texas. The student is expected to:

(A) identify early civilizations, including Caddo, Karankawa, Coahuiltecans, and Ancestral Pueblo, in what would become Texas (H, Geo/C);

(B) explain how geographical features, including rivers, plains, deserts, and coasts, influenced where people chose to settle in the past (H, Geo/C);

(C) explain how early civilizations farmed in fertile river valleys, hunted on the plains, used coastal resources, and gathered plants (H, Geo/C);

(D) explain how early civilizations used natural resources to make homes, including grass houses in river valleys, tipis on the plains, and adobe dwellings in deserts (H, Geo/C);

(E) identify how people used specialization and trade to solve the problems of resource scarcity (H, Geo/C, E); and

(F) identify that the name Texas is believed to have come from the Caddo word Tejas, meaning "friend" or "ally" (H, Geo/C).

(5) Ancient Israel and Connections to America and Texas. The student understands important ancient Israelite historical events and contributions to Western civilization, America, and Texas. The student is expected to:

(A) locate on a map the region of the ancient kingdom of Israel, including ancient Judea, the Jordan River, and Jerusalem (H, Geo/C, S);

(B) explain important stories from ancient Hebrew tradition found in the Old Testament of the Bible, including the Exodus from Egypt, the Promised Land, and the Ten Commandments (H, Geo/C);

(C) describe how Hebrew teachings, including the Ten Commandments, provided foundational ideas about right and wrong that influenced American laws (H, Geo/C);

(D) explain how the Hebrew idea of being a chosen people with a promised land influenced Puritans and others who moved to North America (H, Geo/C);

(E) identify Abraham as an ancient Hebrew leader whose story is important to Abrahamic religions (H, Geo/C);

(F) describe Moses' contributions as a law-giver through the Ten Commandments (H, G/Civ, Geo/C); and

(G) describe Moses as a Biblical figure who led the Israelites out of Egyptian slavery and later served as inspiration for African Americans held in slavery in America and Texas, and as inspiration for Colonists during the American Revolution (H, Geo/C).

(6) Ancient Greece and Connections to America and Texas. The student understands important ancient Greek historical events and contributions to Western Civilization, America, and Texas. The student is expected to:

(A) locate on a map Greece and Greek city-states Athens and Sparta (Geo/C, S);

(B) describe how the Parthenon is an example of ancient Greek architecture that influenced the design of the Lincoln Memorial and compare how both structures were built to honor important figures or events (H, Geo/C);

(C) explain how the ancient Greek Olympic Games influenced modern sports competitions in which Americans and Texans participate today (H, Geo/C);

(D) identify the influence of the Greek language on English vocabulary (H, Geo/C);

(E) explain why ancient Greek pottery is a primary source and compare it to a secondary source that explains Greek daily life (H, Geo/C, S);

(F) describe how Greek myths were used to explain daily life, including weather (H, Geo/C);

(G) explain the Battle of Thermopylae as an ancient Greek event and compare the battle to the Alamo in Texas history that showed courage and sacrifice while being outnumbered and fighting to the last man (H, Geo/C);

(H) compare the Library of Alexandria, named for Alexander the Great, as an early center of learning for scholars and elites to libraries that help people learn and share knowledge in America and Texas today (H, Geo/C);

(I) explain how citizens in ancient Greece used voting to make decisions together using early ideas of democracy and describe how these ideas influenced self-government in America and Texas (H, G/Civ, Geo/C);

(J) explain the reasons for adopting the Second Amendment, including the natural right of self-defense, the importance of an armed citizenry, and concerns regarding standing armies and government tyranny (G/Civ);

(K) use voting as a method for group decision making and identify that voting is an essential principle in the democratic process (G/Civ);

(L) describe Greek ideas about citizenship, liberty, and responsibilities and explain how these ideas influence rights, including voting, and duties of citizens in America and Texas today (H, G/Civ, Geo/C); and

(M) explain Greek ideas about the rule of law, including separation of powers, following rules, and serving on juries, and compare these ideas to laws and government in America and Texas today (H, G/Civ, Geo/C).

(7) Ancient Rome and Connections to America and Texas. The student understands important Roman Republic historical events and contributions to Western civilization, America, and Texas. The student is expected to:

(A) locate on a map what constituted the Roman Empire (H, Geo/C, S);

(B) compare the myth of the founding of Rome by Romulus with the story of the founding of the Roman Republic by Brutus

and explain what these stories teach about leadership and government (H, G/Civ, Geo/C);

(C) explain how republican ideas from Ancient Rome, including written laws and representative government with a senate, influenced the United States Constitution (H, G/Civ);

(D) explain that George Washington was called the "American Cincinnatus" because of his commitment to civic duty and his willingness to relinquish power and return to the farm and that Sam Houston compared himself to the ancient Roman leader Gaius Marius who was honored for his military leadership (H, G/Civ, Geo/C);

(E) explain how Julius Caesar and Augustus changed the Roman Republic into an empire and identify lasting Roman influences on America and Texas, including the naming of the months of July and August (H, G/Civ, Geo/C);

(F) identify Roman architectural features of columns and domes that appear in government buildings, including the U.S. Capitol, the Jefferson Memorial, and the Texas State Capitol (H, Geo/C);

(G) explain the meaning and significance of the Latin phrase "E Pluribus Unum" that is used on U.S. currency, coins, the presidential seal, and government buildings (H, Geo/C); and

(H) explain that the Western Roman Empire weakened because emperors were spending more money than they had, causing instability, and describe why this was an important lesson for the founders of America (H, G/Civ, Geo/C, E).

(8) Ancient Rome and Connections to America and Texas. The student understands that important tenets of Christianity during the time of the Roman empire influenced Western Civilization, America, and Texas. The student is expected to:

(A) identify Jesus of Nazareth as the central figure in Christianity and describe how His teaching of the Golden Rule to treat others the way you want to be treated has become a well-known phrase in American culture (H, Geo/C);

(B) identify that Christianity began among Jewish communities living under Roman rule and that the Christians faced persecution and were enslaved for not worshipping the emperor (H, Geo/C);

(C) describe how Christian beliefs, including valuing every individual, doing what is right, and showing compassion for others, helped shape American ideas about equality, rights, and treating people with dignity (H, G/Civ, Geo/C);

(D) identify that the Roman Road system was a literal pathway for the spread of Christianity as a religion (H, Geo/C);

(E) explain that the spread of Christianity under Emperor Constantine led to its acceptance as the religion of the Roman Empire (H, G/Civ, Geo/C); and

(F) identify that the Jewish diaspora occurred when many Jewish people were forced to leave their homeland and settle in other parts of the world, including by the Romans (H, Geo/C).

§113.5. Social Studies, Grade 4, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 4, students study the Middle Ages and the early modern period to understand how civilizations in Africa, Asia, Europe, and the Americas developed and how their ideas, systems, and innovations shaped Western civilization, the United States, and Texas. Students examine the role of geography, trade, belief systems, and leadership in the growth of societies and analyze how interactions among regions led to the exchange of goods, knowledge, and cultural traditions.

(A) Students explore major civilizations and historical developments in Africa, Asia, Europe, and the Americas, including the rise of powerful kingdoms and empires, the spread of religion, and the development of political, economic, and legal systems. They study how trade routes connected distant regions, how technological and agricultural innovations supported population growth, and how ideas such as the rule of law, individual rights, and limits on government power emerged over time. Students also examine how these ideas influenced the foundations of American and Texas government, law, and culture.

(B) Students investigate the histories and cultures of peoples in the Americas and Texas during the Middle Ages, with an emphasis on how geography influenced settlement patterns, resource use, trade, and social organization. They analyze how civilizations adapted to diverse environments, developed complex societies, and participated in regional and long-distance trade networks. Students use maps and primary sources to understand historical perspectives and changes over time.

(C) The course concludes with a study of the Renaissance and the Age of Exploration, focusing on how renewed interest in classical ideas, scientific innovation, and economic motivations led to global exploration and lasting change. Throughout Grade 4, students make connections between medieval and early modern history and life in the United States and Texas today, building a foundation for understanding historical continuity, civic values, and global interdependence.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic,

expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) distinguish between primary and secondary sources, identify the author, date, and purpose of a source, and explain how these factors affect how the source should be used as evidence (H, G/Civ, Geo/C, S);

(B) explain how the historical context in which an event occurred or a source was created shapes its meaning, including considering what people at the time knew, believed, and experienced (H, S);

(C) identify the causes and effects of historical events (H, G/Civ, Geo/C, E, S);

(D) construct and interpret timelines to sequence events across multiple time periods and identify patterns of continuity and change over time (H, Geo/C, S);

(E) analyze maps, images, artifacts, and other visual sources as historical evidence by describing what the source shows, explaining what it reveals about the past, and identifying what questions it leaves unanswered (H, Geo/C, S);

(F) construct a written response to a historical question by stating a clear claim, supporting it with evidence from sources, and explaining the reasoning that connects the evidence to the claim (H, G/Civ, Geo/C, E, S); and

(G) engage in civil discourse about social studies topics, including those with multiple perspectives (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In historical settings, the student understands the concept of location and the physical and human characteristics of place. The student is expected to:

(A) use spatial terms, including over, under, near, far, left, and right, to describe relative location;

(B) identify and use geographic tools to determine location as they examine places from the past; and

(C) identify physical characteristics of place to explain how geographic locations influenced human characteristics.

(9) The student understands how to use maps and geographic tools to represent and interpret location and patterns when studying history. The student is expected to:

(A) identify and use cardinal directions in the study of historic events;

(B) recognize and apply basic map elements such as titles, labels, symbols, and legends in the study of historic events;

(C) use latitude and longitude to describe absolute location in the study of historic events;

(D) interpret a variety of maps, including thematic maps, in the study of historic events; and

(E) identify geographic patterns and relationships across time and place.

(10) The student understands and applies basic economic concepts in the study of history. The student is expected to:

(A) identify and describe how scarcity, needs, and wants have influenced history;

(B) recognize the role of goods and services and the roles of producers and consumers in the study of historic events; and

(C) identify basic economic patterns and relationships using historical examples.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) The Middle Ages in Europe and Connections to America and Texas. The student understands important historical events and contributions to Western civilization in the Early Middle Ages. The student is expected to:

(A) locate on a map the Alps and Pyrenees mountains, Israel, the North Sea, Germany, Spain, Portugal, France, and the United Kingdom (H, Geo/C, S);

(B) identify the Catholic Church and the Pope as important institutions in Europe during the Middle Ages that taught people what the Bible meant when many could not read and influenced kings and leaders (H, Geo/C);

(C) explain that the purpose of the Crusades was to reclaim Christian control of the Holy Land and Jerusalem after previous Muslim conquests (H, Geo/C, E); and

(D) describe how monks preserved important Greek and Roman texts and the Bible during the Middle Ages by copying them by hand and how this knowledge later influenced the ideas of the American founders (H, Geo/C).

(2) The Middle Ages in Africa and Asia and Connections to America and Texas. The student understands important historical events and contributions from Africa and Asia in the Middle Ages. The student is expected to:

(A) locate on a map Ghana, the Mali Empire, China, the Indian Ocean, and the Middle East (Geo/C);

(B) describe Mansa Musa of the Mali Empire as one of the wealthiest rulers in history whose wealth came from gold, salt, and slavery using Sub-Saharan trade routes (H, Geo/C);

(C) identify the Silk Road as a major trade route where resources, wealth, and ideas were exchanged and identify Marco Polo as an important explorer (H, Geo/C, E); and

(D) identify the widespread practice of slavery in the world of the Middle Ages, including the kingdoms of Africa, the nations of southeast Asia, the Indian subcontinent, and the nations of the Middle East (H, Geo/C).

(3) The Middle Ages in Europe and Connections to America and Texas. The student understands important historical events and contributions from medieval Europe. The student is expected to:

(A) identify Charlemagne as the Holy Roman Emperor in medieval Europe who helped unite much of Western Europe (H, G/Civ, Geo/C);

(B) identify the Norse people and explain their influence on Europe through Viking exploration and raids (H, G/Civ, Geo/C);

(C) describe how Norse culture influenced the English language, including names of the days of the week still used in America and Texas (H, Geo/C);

(D) identify Leif Erikson as a Norse explorer who explored North America before Christopher Columbus (H, Geo/C);

(E) explain feudalism, including the roles of castles and knights, as a system of land ownership and protection in medieval Europe (H, G/Civ, Geo/C);

(F) describe chivalry as a code of honor for knights that emphasized courage, loyalty, and respectful treatment of others (H, Geo/C);

(G) identify English common law as a system in which judges reference precedents to help make fair and consistent rulings in medieval England (H, G/Civ, Geo/C);

(H) explain how English common law influenced American and Texas law by establishing the consistency of law; the rule of law; the idea that laws apply to everyone; and protections for individual rights (H, G/Civ, Geo/C);

(I) use voting as a method for group decision making and explain that voting is an individual right, responsibility, and privilege in America and Texas today (G/Civ);

(J) explain that the Magna Carta, created in 1215 in England with the help of the Archbishop of Canterbury, was the first document that limited the power of the king and reflected Christian ideas about individual rights and English legal traditions (H, G/Civ, Geo/C);

(K) explain how ideas from the Magna Carta influenced limits on government power and protection of rights as a central component of the United States Constitution (H, G/Civ, Geo/C); and

(L) identify the watermill, windmill, iron plough, and crop rotation as important medieval innovations and explain how these innovations were later used in America and Texas (H, Geo/C).

(4) People in the Americas and Texas. The student understands how civilizations and trade grew and changed in the Americas in the Middle Ages. The student is expected to:

(A) locate on a map the Americas, Andes Mountains, Amazon River, Texcoco Lake, Rio Grande, Mexico, Texas, the Yucatan Peninsula, and the Caribbean Sea (H, Geo/C, S);

(B) explain that physical geography, including rivers, plains, coastlines, and mountains, impacted locations of communities and trade in the Americas and Texas (H, Geo/C, E);

(C) describe the significant contributions of the Mayan civilization, emphasizing the pyramids at Chichén Itzá as the focal point of the political structure, and innovations, including the Mayan calendar system (H, G/Civ, Geo/C);

(D) describe the growth and change of the Inca Empire, including Machu Picchu as an architectural achievement, the mit'a system of labor for building projects and farming, terrace farming as an agricultural innovation, and regional trade that helped meet the supply and demand for goods (H, G/Civ, Geo/C, E);

(E) describe the significance of Tenochtitlán as a key location of the Aztec Empire and describe the practices of urban planning, chinampas which were floating gardens supporting agriculture, and military conquest and enslavement in maintaining imperial control (H, G/Civ, Geo/C);

(F) identify examples of primary sources, including glyph writing and quipus which were knotted strings for record keeping, in the Americas (H, Geo/C, S); and

(G) explain the influence of Mesoamerican cultural heritage on Texas culture, including corn tortillas and tamales, and musical traditions (H, Geo/C).

(5) People in the Americas and Texas. The student understands civilizations in Texas in the centuries prior to European exploration and settlement. The student is expected to:

(A) identify the geography of the Caddo, including the development of permanent villages in the Piney Woods region of East Texas and parts of present-day Oklahoma, Arkansas, and Louisiana (H, Geo/C);

(B) describe key characteristics of Caddo settlements, including the construction of the mound complex at the Caddo Mounds State Historic Site in Alto, Texas (H, Geo/C);

(C) identify that the Caddo supported their society through farming and trade, including the cultivation of the "three sisters" crops that consisted of corn, beans, and squash; the use of crop rotation; and the participation in extensive regional trade networks (H, Geo/C, E);

(D) locate on a map West Texas and the Big Bend region, including areas along major river corridors and desert environments, as places where the Jumano and Pueblo lived and traded (H, Geo/C, S);

(E) describe key characteristics of Apache life in the Plains, including the use of tipis and grass huts, migrating and hunting bison (buffalo), and the use of bison (buffalo) jumps to obtain food and materials (H, Geo/C);

(F) identify how the Apache interacted with other peoples through conflict, including fighting other tribes to control access to scarce resources on the Plains of Texas (H, Geo/C);

(G) identify important regional sites, including sacred springs used by Coahuiltecan peoples and the Loma Sandia burial site near present-day Corpus Christi (H, Geo/C); and

(H) compare the differences between natural resources and climate in east and west Texas and the effect on American Indian tribes (H, Geo/C).

(6) The Renaissance and Connections to America and Texas. The student understands important contributions to Western civilization from the Renaissance. The student is expected to:

(A) locate on a map the Italian trade states of Florence, Genoa, and Venice (H, Geo/C, S);

(B) describe the Renaissance as a restoration of classical Greek and Roman ideas of liberty, self-government, and art (H, G/Civ, Geo/C);

(C) explain that the Renaissance focused on the value of the individual and that this core characteristic influenced American founders' ideas about rights and government (H, G/Civ, Geo/C);

(D) explain that Leonardo da Vinci was described as a "Renaissance Man" because he was an artist, scientist, and inventor who inspired others (H, G/Civ, Geo/C);

(E) explain that the term "Renaissance Man" was used to describe American founders Benjamin Franklin and Thomas Jefferson and that the term is still used today (H, G/Civ, Geo/C); and

(F) explain that wealthy patrons, including the Medici family, played a crucial role in developing traditions of private investment and sponsorship that helped shape modern banking systems and contributed to the development of free enterprise in the economic systems of the United States and Texas (H, G/Civ, Geo/C, E).

(7) Columbus and the Beginning of Exploration. The student understands important causes for the Age of Exploration and the voyages of Christopher Columbus. The student is expected to:

(A) identify France, Portugal, Spain, and England as major countries that supported exploration and explain the reasons for exploration, including accumulating wealth and glory and spreading religion during the Age of Exploration (H, G/Civ, Geo/C, E);

(B) explain that scientific innovations, including the caravel ship and the compass for navigation, made transatlantic exploration more accessible (H, Geo/C);

(C) locate on a map the four voyages of Christopher Columbus (H, Geo/C, S);

(D) explain that Columbus was attempting to test a faster route to Asia by sailing west across the Atlantic and that he landed in the Americas thinking it was Asia (H, Geo/C);

(E) describe why Columbus claiming of the land for Spain is significant because he represented rulers who sought more wealth, expansion of their territories, and to spread their faith of Christianity (H, G/Civ, Geo/C, E);

(F) describe Columbus' alliances and conflicts with the Taino and the Carib (H, G/Civ, Geo/C, E);

(G) identify Columbus Day as a holiday that commemorates Columbus's voyages (H, G/Civ, Geo/C); and

(H) explain that the name "America" comes from Amerigo Vespucci, an Italian explorer who identified that the lands Columbus explored were not Asia (H, Geo/C).

§113.6. Social Studies, Grade 5, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2030-2031 school year.

(b) Introduction.

(1) In Grade 5, the learning is vertically aligned to content in Kindergarten-Grade 4, building upon important ideas in more complex and meaningful ways. Students study major global, American, and Texas developments from the Reformation through the founding of the United States to understand how ideas, events, and systems shaped the political, economic, and civic foundations of America and Texas. Students examine how challenges to authority, scientific discovery, religious beliefs, economic change, and the exchange of ideas influenced individual rights, self-government, and the pursuit of freedom. These connections help students understand the foundations of laws, government, cultural traditions, and civic responsibilities in their own communities and prepare them for future studies in history, geography, economics, and civics.

(A) Students explore the Protestant Reformation, the Scientific Revolution, and the Enlightenment to understand how questioning religious and political authority led to new ideas about natural rights, limited government, consent of the governed, and economic freedom. They analyze how technological and scientific innovations supported economic growth and helped spread ideas that influenced American colonists and the founders of the United States and Texas.

(B) Students investigate European exploration and colonization in the Americas, including the establishment of New Spain and the British colonies. They examine how geography shaped settlement patterns, regional economies, and trade, as well as how interactions among peoples involved cooperation, conflict, cultural exchange, and the development of labor systems, including indentured servitude and slavery.

(C) Students study the growth of self-government in colonial America, including representative institutions, written agreements, religious freedom, reform movements, and English legal traditions. They examine the causes, major events, and key individuals of the American Revolution and analyze how colonial resistance to British political and economic policies led to independence. Students explore how the ideas expressed in the Declaration of Independence reflected Enlightenment principles and shaped American beliefs about equality and individual rights.

(D) Students conclude the course by examining the challenges faced by the new nation and the creation of the United States Constitution. They analyze the weaknesses of early government, the compromises made to form a stronger union, and the principles embedded in the Constitution, including separation of powers, checks and balances, federalism, and the protection of individual rights through the Bill of Rights. Throughout Grade 5, students use maps, timelines, primary sources, and historical evidence to analyze cause-and-effect relationships, compare perspectives, and connect historical developments to the foundations of American and Texas government, law, economy, and civic responsibility.

(2) The primary purpose of Texas and American social studies is to educate students to become proud, responsible, and patriotic citizens who respect the dignity and rights of their fellow citizens, who love their country, and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) distinguish between primary and secondary sources, identify the author, date, and purpose of a source, and explain how these factors affect how the source should be used as evidence (H, G/Civ, Geo/C, S);

(B) explain how the historical context in which an event occurred or a source was created shapes its meaning, including considering what people at the time knew, believed, and experienced (H, S);

(C) identify the causes and effects of historical events (H, G/Civ, Geo/C, E, S);

(D) construct and interpret timelines to sequence events across multiple time periods and identify patterns of continuity and change over time (H, Geo/C, S);

(E) analyze maps, images, artifacts, and other visual sources as historical evidence by describing what the source shows, explaining what it reveals about the past, and identifying what questions it leaves unanswered (H, Geo/C, S);

(F) construct a written response to a historical question by stating a clear claim, supporting it with evidence from sources, and explaining the reasoning that connects the evidence to the claim (H, G/Civ, Geo/C, E, S); and

(G) engage in civil discourse about social studies topics, including those with multiple perspectives (G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In historical settings, the student understands the concept of location and the physical and human characteristics of place. The student is expected to:

(A) use spatial terms, including over, under, near, far, left, and right, to describe relative location;

(B) identify and use geographic tools to determine location as they examine places from the past; and

(C) identify physical characteristics of place to explain how geographic locations influenced human characteristics.

(9) The student understands how to use maps and geographic tools to represent and interpret location and patterns when studying history. The student is expected to:

(A) identify and use cardinal directions in the study of historic events;

(B) recognize and apply basic map elements such as titles, labels, symbols, and legends in the study of historic events;

(C) use latitude and longitude to describe absolute location in the study of historic events;

(D) interpret a variety of maps, including thematic maps, in the study of historic events; and

(E) identify geographic patterns and relationships across time and place.

(10) The student understands and applies basic economic concepts in the study of history. The student is expected to:

(A) identify and describe how scarcity, needs, and wants have influenced history;

(B) recognize the role of goods and services and the roles of producers and consumers in the study of historic events; and

(C) identify basic economic patterns and relationships using historical examples.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Reformation, Scientific Revolution, and the Enlightenment and Connections to America and Texas. The student understands important historical events and effects of the Protestant Reformation, the Scientific Revolution, and the Enlightenment. The student is expected to:

(A) identify Martin Luther as a leader of the Protestant Reformation and King Henry VIII as the leader of the Protestant movement in England (H, G/Civ, Geo/C);

(B) explain how the Protestant Reformation encouraged people to question church leaders and kings and later influenced American colonists to challenge unfair rule and demand greater freedom (H, G/Civ, Geo/C);

(C) explain how the printing press helped spread Reformation ideas quickly, including wider access to the Bible (H, G/Civ, Geo/C);

(D) explain how disagreements over religious freedom during the Protestant Reformation led many Europeans to later migrate to America, shaping early Separatist, Puritan, and Quaker colonial settlements (H, G/Civ, Geo/C);

(E) explain how technological improvements in transportation and farming during the Scientific Revolution supported economic development by making goods easier to produce and trade (H, Geo/C, E);

(F) explain Charles Montesquieu's influence on American government, including his ideas about separation of powers, and how these ideas influenced the government structures for the United States and Texas (H, G/Civ); and

(G) explain how Adam Smith's idea of economic freedom, including how people make choices about buying, selling, and working, helped foster capitalism in America and Texas (H, Geo/C, E).

(2) Exploration and Early Settlements in America. The student understands important historical events and developments in the European settlements of the Americas. The student is expected to:

(A) identify Hernán Cortés as a Spanish conquistador who explored central Mexico and conquered with the Tlaxcalan allies the Aztec Empire under the rule of Moctezuma II (H, G/Civ, Geo/C);

(B) identify Francisco Pizarro as a Spanish conquistador who conquered the Inca Empire while exploring the Andes region of South America (H, G/Civ, Geo/C);

(C) explain the founding of New Spain, including the establishment of Mexico City, at the site of the former Tenochtitlán, as the capital of Spanish rule in the Americas (H, G/Civ, Geo/C);

(D) locate New Spain on a map and explain that Spanish control extended into present-day Texas and present-day American Southwest (H, G/Civ, Geo/C, S);

(E) describe the encomienda system and explain the role of Friar Bartolomé de las Casas in speaking out against the

mistreatment of American Indians leading to protective reforms (H, G/Civ, Geo/C, E);

(F) identify the Columbian Exchange on maps and explain the movement of goods, diseases, technology, and ideas between Europe, Africa, and the Americas during the Columbian Exchange (H, Geo/C, E, S);

(G) identify the middle passage as part of the Transatlantic slave trade as the forcible, inhumane transport of enslaved Africans to the Americas (H, Geo/C);

(H) describe how most enslaved Africans were taken to South America and the Caribbean to support the production of cash crops, with the American colonies receiving a smaller portion of enslaved people compared to other regions in the Americas (H, Geo/C, E);

(I) identify René-Robert Cavelier, Sieur de La Salle, and explain his role in French exploration of North America, including claiming the land for France that would become the Louisiana Purchase (H, Geo/C, E); and

(J) explain the economic importance of fur trading to French exploration and settlement in North America (H, Geo/C, E).

(3) Exploration and Settlements in Texas. The student understands important historical events and developments in the Spanish settlement of Texas. The student is expected to:

(A) locate on a map and describe major geographic features found in locations in Texas, including the Gulf Coastal Plains, Gulf of America, Great Plains, Guadalupe Mountains, Rio Grande River, Piney Woods, Hill Country, and Big Bend National Park (Geo/C, S);

(B) identify Alonso Alvarez de Pineda as the first European to map the Texas Gulf Coast (H, G/Civ, Geo/C, E);

(C) identify that Cabeza de Vaca was one of the first Europeans to explore modern day Texas and the Southwest (H, G/Civ, Geo/C, E);

(D) identify that Francisco Coronado traveled through Texas and the Southwest (H, G/Civ, Geo/C, E);

(E) identify the effects of Spanish rule, including the establishment of Spanish Catholic missions and presidios to spread Christianity, including in modern-day San Antonio and El Paso (H, G/Civ, Geo/C);

(F) explain how the blending of the American Indian and Spanish cultures led to contributions in the Americas, including vaquero culture and the religious tradition of Las Posadas (H, G/Civ, Geo/C, E); and

(G) explain how the horse transformed the life of the Comanches and how their expert horsemanship resulted in the expansion of bison (buffalo) hunting, raiding, and travel (H, Geo/C).

(4) Trade and the Spread of Ideas. The student understands important world exchanges between European powers and world civilizations during and after the Age of Exploration. The student is expected to:

(A) explain that a cause of the Age of Exploration was the conquest of Constantinople by the Ottoman Empire that closed off Europe from the Silk Road and trade with Asia (H, G/Civ, Geo/C, E);

(B) describe the economic concept of mercantilism and explain how exploration of the New World and mercantilism led to the rise of smugglers, pirates, and privateers (H, G/Civ, Geo/C, E);

(C) explain how changes among Christians following the Protestant Reformation influenced events in England, creating conflicts between Catholics and Protestants, including the defeat of the Spanish Armada and the Glorious Revolution (H, G/Civ, Geo/C); and

(D) compare absolute monarchy based on divine right and unlimited government demonstrated by James I with self-government and personal liberty sought in the American colonies (H, G/Civ, Geo/C).

(5) The British Colonies in America. The student understands the founding of American colonies. The student is expected to:

(A) identify on a map the thirteen American colonies (H, Geo/C, S);

(B) describe the geography of three regions of the thirteen colonies, including New England with rocky soil and good harbors, the Middle Colonies with broad rivers for trade, and the Southern colonies with fertile soil and long crop-growing seasons (H, Geo/C, E, S);

(C) explain the founding of Jamestown, including interactions between the Powhatan people and the English, the cooperation between Pocahontas and John Smith, and the challenges faced by colonists during the Starving Time (H, Geo/C);

(D) explain that the Pilgrims founded Plymouth Colony in 1620 and the Puritans founded Massachusetts Bay in 1630 to gain religious freedom (H, G/Civ, Geo/C);

(E) explain how the Wampanoag people, including Squanto, helped the colonists survive the first winter by sharing agricultural knowledge and resources (H, G/Civ, Geo/C, E);

(F) describe the Plymouth Thanksgiving as a time when colonists and American Indians came together to give thanks after surviving the first year (H, Geo/C);

(G) explain how ideas about private property and economic opportunity at Jamestown laid the groundwork for free enterprise in America (H, G/Civ, Geo/C, E);

(H) compare the self-government modeled in Jamestown and Plymouth through decision making processes in the Virginia House of Burgesses and the Mayflower Compact reflecting consent of the people (H, G/Civ, Geo/C);

(I) explain how religious freedom and John Winthrop's image of a "City Upon a Hill" inspired colonial America's beliefs about community, purpose, and American exceptionalism (H, G/Civ, Geo/C);

(J) describe religious diversity in the American colonies and locate on a map settlements founded by various religious groups, including Anglicans, Catholics, and Quakers (H, G/Civ, Geo/C, S);

(K) compare periods of cooperation and conflict between colonists and American Indian groups, including the Powhatan Confederacy and the Powhatan Anglo Wars (H, G/Civ, Geo/C, E);

(L) compare the use of indentured servitude and slavery as labor systems in the American colonies, including length of service (H, G/Civ, Geo/C, E); and

(M) describe early reform movements in the American colonies, including the beginnings of the anti-slavery movement by the Quakers (H, G/Civ, Geo/C).

(6) The British Colonies in America. The student understands important ideas and events that influenced self-government in colonial America. The student is expected to:

(A) define salutary neglect as a British policy of loosely enforcing laws and trade regulations in the American colonies, which allowed colonists greater self-government (H, G/Civ, Geo/C, E);

(B) explain that the Great Awakening inspired colonists to pursue the cause of independence and liberty (H, G/Civ, Geo/C);

(C) explain the influence of Enlightenment ideas, including John Locke's belief in reason, limited government, and consent of the governed, and how these ideals later shaped American and Texan beliefs about fair government (H, G/Civ, Geo/C);

(D) identify examples of the growth of local self-government, including holding town meetings, electing neighbors to colonial assemblies to make laws for the community, and providing for self-defense through militias (H, G/Civ, Geo/C); and

(E) explain the influence of the English Bill of Rights and the Magna Carta on colonial self-government (H, G/Civ, Geo/C).

(7) The American Revolution and the Pursuit of Freedom. The student understands important causes, events, and effects of the American Revolution. The student is expected to:

(A) identify mercantilism as an economic system that limited colonial trade and production to benefit Great Britain, which increased discontent among colonists (H, G/Civ, Geo/C, E);

(B) explain the effects of the French and Indian War on Great Britain, including increased debt, greater control over the colonies, and increased taxes from the colonies (H, G/Civ, Geo/C, E);

(C) identify the Proclamation of 1763 as a British law that limited colonial expansion west of the Appalachian Mountains (H, G/Civ, Geo/C, E);

(D) describe the Stamp Act as one of several acts that required colonists to pay taxes on printed materials and led to protests over taxation without representation (H, G/Civ, Geo/C, E);

(E) describe the Tea Act, including how it gave the British East India Company exclusive control over tea sales in the colonies, and explain how colonists opposed the Act and responded with the Boston Tea Party (H, G/Civ, E);

(F) describe the role of Samuel Adams and the Sons of Liberty in organizing colonial protests and resistance to British taxation and rule (H, G/Civ); and

(G) describe the Intolerable Acts as the British response to colonial resistance and explain how colonists responded, including efforts to unite opposition to British rule (H, G/Civ).

(8) The American Revolution and the Pursuit of Freedom. The student understands events and significant individuals of the American Revolution. The student is expected to:

(A) describe how colonists organized resistance to British rule through the Committees of Correspondence and the Continental Congress (H, G/Civ, Geo/C);

(B) describe the differing perspectives of Patriots and Loyalists and explain how these divisions affected colonial society (H, G/Civ, Geo/C);

(C) explain the significance of the Battles of Lexington and Concord as the first battles of the American Revolution, including the role of the Minutemen, and describe how these events led to the formation of the Continental Army led by General George Washington (H, G/Civ, Geo/C);

(D) explain how Thomas Paine's writings, including "Common Sense" and "The American Crisis," argued for colonial independence from Great Britain, influenced public opinion, and helped inspire soldiers to persevere at Valley Forge (H, G/Civ, Geo/C);

(E) explain the significance of the Declaration of Independence, adopted on July 4, 1776, including Thomas Jefferson as primary author, and its foundational ideas that all people have unalienable rights, including "life, liberty, and the pursuit of happiness" (H, G/Civ, Geo/C);

(F) describe the contributions of Abigail Adams during the Founding Era, including her call for leaders to "remember the ladies" (H, G/Civ);

(G) explain how General George Washington's crossing of the Delaware River and victory at the Battle of Trenton affected American morale and the continuation of the Continental Army (H, G/Civ, Geo/C);

(H) explain how the American victory at the Battle of Saratoga was considered a turning point of the Revolutionary War and helped secure French support for the Revolution (H, G/Civ, Geo/C);

(I) explain how American and allied forces, including Marquis de Lafayette and James Armistead Lafayette, defeated the British at the Battle of Yorktown under Washington's command, effectively ending the Revolution (H, G/Civ);

(J) identify the Treaty of Paris of 1783 as the agreement that ended the American Revolutionary War and recognized the independence of the United States (H, G/Civ); and

(K) describe Phillis Wheatley as the first African American woman to publish a book of poetry, an enslaved writer whose work advanced the ideal of liberty during the Revolutionary era (H, G/Civ).

(9) The United States Constitution and the Age of Washington. The student understands the American founders' efforts at self-governance as an independent country. The student is expected to:

(A) explain the weaknesses of the Articles of Confederation, including that the national government was too weak to protect frontier lands, control trade between states, and manage economic problems (H, G/Civ, Geo/C, E);

(B) describe how the Northwest Ordinance established a process for creating new states and prohibited slavery in the Northwest Territory (H, G/Civ, Geo/C);

(C) explain how delegates at the Constitutional Convention made decisions and describe the Connecticut Compromise (H, G/Civ, Geo/C);

(D) identify and recite the phrase from the Constitution "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America" (H, G/Civ);

(E) explain that the three-fifths compromise and the slave trade compromise helped the states agree on the Constitution by settling arguments about slavery, taxes, and trade, even though they delayed solving the larger problem of slavery (H, G/Civ, Geo/C, E);

(F) explain the basic principles of American government found in the U.S. Constitution to prevent tyranny by defining "popular sovereignty" as power derived from the people, "republicanism" as elected representatives, "limited government" as the people protected from unfair use of governmental power, and "separation of powers" as dividing powers between the three branches of government (H, G/Civ, Geo/C);

(G) identify and describe the purpose of the three branches of government, including the executive, judicial, and legislative branches (G/Civ);

(H) explain checks and balances among the three branches of government (G/Civ);

(I) explain federalism as the sharing of power between national and state governments (G/Civ);

(J) identify that the Constitution protects individual rights and freedoms with the Bill of Rights (G/Civ);

(K) explain examples of civic responsibilities, including obeying the law, voting, showing patriotism, and serving the country (G/Civ);

(L) explain that the Constitution is the supreme law of the land (G/Civ); and

(M) explain how George Washington's Farewell Address encouraged national unity, warned against political divisions, and advised the nation to avoid permanent alliances with other countries (H, G/Civ, Geo/C).

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

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SUBCHAPTER B. MIDDLE SCHOOL

19 TAC §§113.21 - 113.23

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of communist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new sections implements Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.21. Social Studies, Grade 6, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2031-2032 school year.

(b) Introduction.

(1) In Grade 6, students study political, economic, and social change in the world, United States, and Texas during the 19th and early 20th centuries. Students examine how ideas about liberty, opportunity, equality, and government power shaped historical events and continue to influence civic life.

(A) Students explore how revolutionary ideas spread across Europe and the Americas, including the influence of the American Revolution on independence movements such as the Mexican War for Independence. They examine how the Early Republic expanded, built national identity, and addressed political and economic challenges.

(B) Students investigate westward expansion and its impact on Texas and the nation. They analyze how migration, technology, economic opportunity, and beliefs such as Manifest Destiny shaped settlement and affected American Indian communities. Students study the settlement of Texas, the Texas Revolution, statehood, and the Mexican-American War to understand how conflict and political decisions shaped Texas's development.

(C) Students examine how slavery and sectional conflict between Northern and Southern states led to the Civil War.

(D) Students examine the Reconstruction Era, including African Americans' acquisition of citizenship, individual rights, and the long-term effects of the Civil War.

(E) Students examine the Civil War and Reconstruction to understand how sectional conflict and slavery led to war and how Reconstruction sought to redefine citizenship, rights, and responsibilities, while also considering the long-term effects of its conclusion.

(F) Students examine the Gilded Age and the closing of the frontier. They examine how industrialization, immigration, urban growth, and technological change transformed Texas and American societies.

(G) Throughout Grade 6, students use maps, timelines, and primary and secondary sources to analyze cause and effect, compare perspectives, and identify continuity and change.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to preserve liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) identify the author of a source, explain the historical context in which it was created, and analyze how the author's point of view may have influenced its content (H, S);

(B) evaluate the credibility and reliability of sources by examining their origin, purpose, audience, and context, and corroborate information across sources to draw evidence-based conclusions (H, S);

(C) distinguish between primary and secondary sources and explain the advantages and limitations of each for understanding a historical event or period (H, S);

(D) analyze cause-and-effect relationships between historical events, distinguishing between immediate causes and long-term contributing factors (H, S);

(E) compare and contrast multiple perspectives on a historical event (H, S);

(F) develop and support a historical argument using evidence from primary and secondary sources, including a clear claim, supporting evidence, and reasoned analysis (H, S);

(G) construct and interpret timelines to sequence events, identify patterns of historical change and continuity, and analyze relationships between events across time periods (H, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (H, G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In examining history over time, the student analyzes the concept of location and the physical and human characteristics across time and place. The student is expected to:

(A) apply spatial thinking by using precise geographic vocabulary and tools to describe relative and absolute locations in the study of historic events;

(B) interpret and analyze the influence of physical characteristics of places, including landforms, bodies of water, natural resources, and climate, throughout history;

(C) evaluate how geographic factors have influenced patterns of settlement, economic activity, cultural development, and human-environment interaction across time and place; and

(D) examine how people adapt to and modify their environments in different historical contexts.

(9) The student further analyzes and applies geographic tools to represent and interpret spatial patterns and relationships in the study of history. The student is expected to:

(A) interpret and construct maps using essential elements, including cardinal and intermediate directions, scale, symbols, legends, and coordinates, in the study of historic events;

(B) use latitude and longitude to determine absolute locations in the study of historic events and places;

(C) analyze and compare thematic maps; and

(D) identify, explain, and draw conclusions about geographic patterns, distributions, and relationships at local, regional, and global scales about historic events.

(10) The student analyzes and applies economic concepts to understand how individuals and groups made decisions about the use of scarce resources in the study of history. The student is expected to:

(A) explain the influence of scarcity, opportunity cost, and tradeoffs in historic settings;

(B) analyze how incentives have influenced decision-making throughout history;

(C) describe how labor, entrepreneurship, and industry interact to create economic growth and influence historical change;

(D) identify the role of supply and demand in historic events; and

(E) identify, explain, and draw conclusions about economic patterns, distributions, and relationships across time and place.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) Revolutions in Europe and the Americas during the 1800s. The student understands revolutions around the world and connections to America and Texas. The student is expected to:

(A) explain that the Enlightenment ideals of the American Revolution, including those of John Locke, inspired the Mexican War of Independence (H, G/Civ);

(B) describe the social hierarchy caste system in Mexico, including peninsulares, criollos, mestizos, American Indians, enslaved Africans, and Afro-Mexicans (H, Geo/C); and

(C) describe the causes of the Mexican War of Independence from Spain, including social inequality and economic crisis, that led to an independent Mexico (H).

(2) The Early Republic and Emergence of an American Culture. The student understands the history of America during the Early Republic from 1800 to 1825. The student is expected to:

(A) explain how the election of Thomas Jefferson in 1800 led to the first peaceful transfer of power between opposing political parties in the United States (H, G/Civ);

(B) explain how the Louisiana Purchase in 1803 doubled the size of the United States and strengthened national security by giving the United States control of the Mississippi River (H, G/Civ, E);

(C) describe anti-slavery movements in early America, including the work of John Woolman, and how these efforts continued into the national period of the United States (G/Civ);

(D) identify 1808 as the year that Congress and President Thomas Jefferson outlawed the importation of enslaved people (H, Geo/C);

(E) identify the First Barbary War, including the Battle of Tripoli Harbor, as the United States' first major overseas use of military force, and explain that it tested the new United States Navy (H, G/Civ);

(F) explain how causes of the War of 1812, including British impressment of American sailors, restrictions on free trade, and the arming of American Indian groups, contributed to growing conflict between the United States and Great Britain (H, G/Civ);

(G) explain how key events of the War of 1812, including the Battle of New Orleans under Andrew Jackson's leadership and the writing of the Star-Spangled Banner, strengthened national pride and contributed to the emergence of an American national culture (H, Geo/C); and

(H) explain the purpose of the Monroe Doctrine as a warning to European nations not to create new colonies in the Western Hemisphere (H, G/Civ).

(3) Texas Settlement-Geography. The student understands the geography of settling Texas. The student is expected to:

(A) locate Texas landforms on a map, including Galveston Bay, Matagorda Bay, Padre Island, the Big Bend, the Panhandle, the Gulf Coast, the Sabine River, and the Red River (Geo/C); and

(B) identify on a map how climate and natural resources in Texas, including timber and farmland, influenced where people settled (Geo/C).

(4) Texas Settlement-Motivations. The student understands the motivations of early American settlers in Texas. The student is expected to:

(A) describe how the Mexican government offered land grants to American settlers to increase population in Texas and helped defend the region from raids and conflicts with American Indian tribes (H, Geo/C);

(B) summarize how the Panic of 1819, including bank failures, job losses, and falling farm prices, contributed to migration to Texas (E);

(C) describe how similarities, including federalism and popular sovereignty, between the Mexican Constitution of 1824 and the United States Constitution served as motivation for settlers to come to Texas (G/Civ); and

(D) explain how Stephen F. Austin and the Old Three Hundred led to the establishment of American communities in Mexican Texas, including distributing land grants through the empresario system (H).

(5) Westward Expansion and the Industrial Revolution. The student understands how westward expansion shaped America

and Texas, including early settlement from 1825 to 1835. The student is expected to:

(A) identify how innovations, including steamboats which improved transportation and the cotton gin which increased production, influenced westward expansion (H, Geo/C, E);

(B) explain how the term "Manifest Destiny" describes when Americans sought new lands and opportunity in the belief that the United States should expand from the Atlantic to the Pacific Ocean (H, Geo/C);

(C) describe how the presidency of Andrew Jackson expanded suffrage and expanded federal power during the nullification crisis and the Indian Removal Act (H, G/Civ, E); and

(D) explain how the Trail of Tears impacted tribal relations along the Northern border of Texas (H, G/Civ, Geo/C).

(6) Westward Expansion and Texas. The student understands how westward expansion shaped Texas, including the Texas Revolution. The student is expected to:

(A) explain how the suspension of the Mexican Constitution of 1824 and early conflicts such as the Battle of Gonzales ("Come and Take It") and the Siege of Béxar increased tensions between Texian settlers and the Mexican government (H, G/Civ);

(B) describe the contribution of William B. Travis, including how his command at the Alamo became a symbol of defending a just cause (H);

(C) explain why Texians declared independence from Mexico through the Texas Declaration of Independence and identify the significance of March 2, 1836, as Texas Independence Day (H);

(D) describe key events of the Texas Revolution and the role of Santa Anna, including the Battle of the Alamo ("Remember the Alamo"), the Battle of Goliad ("Remember Goliad"), and the Battle of San Jacinto, and explain how these events influenced the outcome of the revolution (H);

(E) explain the contribution of Sam Houston's leadership of the Texian army, including his role in securing independence at the Battle of San Jacinto (H); and

(F) identify how the Treaties of Velasco helped end the Texas Revolution and led to the establishment of the Republic of Texas (H).

(7) Westward Expansion and Texas Statehood. The student understands how westward expansion shaped Texas, including the changes in Texas from independence through 1848. The student is expected to:

(A) explain how the annexation of Texas in 1845 contributed to the outbreak of the Mexican-American War (H, G/Civ);

(B) describe important events of the Mexican-American War and the role of Texans, including military service and support for U.S. forces along the Texas-Mexico border, during the war (H); and

(C) explain how the Treaty of Guadalupe Hidalgo ended the war in 1848 and transferred territory to the United States through the Mexican Cession (H, Geo/C).

(8) Texas, the Civil War, and Reconstruction. The student understands the causes, effects, events, and people of the Civil War in Texas and America. The student is expected to:

(A) explain how slave labor contributed to sectionalism by shaping the Southern economy and increasing economic differences between the Northern and Southern states (H, E);

(B) explain how the Missouri Compromise and Nat Turner's Rebellion heightened sectional tensions and deepened disagreements over slavery in the United States (H, G/Civ);

(C) explain the central role of the expansion of slavery in causing sectionalism, disagreement over states' rights, and the Civil War (H, Geo/C);

(D) identify how religious roots of the Second Great Awakening influenced the abolition movement by encouraging moral opposition to slavery and inspiring individuals to work for social reform (H, Geo/C);

(E) identify the contributions on public opinion against slavery of Frederick Douglass, Sojourner Truth, Harriet Beecher Stowe, and William Lloyd Garrison (H);

(F) describe the relationship between Harriet Tubman's role in the Underground Railroad to help enslaved people escape to freedom and the role of Moses who led the Israelites in the biblical story of the Exodus that inspired Tubman's nickname the "Moses of her People" (H, Geo/C);

(G) explain how major events increased sectional disagreements over slavery between the North and South and helped lead to the Civil War, including the Missouri Compromise, the Compromise of 1850 and its impact on Texas, Bleeding Kansas, and the Dred Scott decision (H, G/Civ, E);

(H) explain how political events, including the founding of the Republican Party, John Brown's raid on Harpers Ferry, the election of Abraham Lincoln, the secession of South Carolina, and the attack on Fort Sumter, led to the outbreak of the Civil War (H, G/Civ);

(I) explain why Texas Governor Sam Houston was removed from office for his refusal to swear loyalty to the Confederacy (H, G/Civ);

(J) describe the significance of major Civil War battles, including Antietam, Gettysburg, Vicksburg, and Appomattox, and identify major Civil War generals, including Grant, Sherman, Lee, and Jackson (H, Geo/C);

(K) describe the significance of Civil War battles fought in Texas, including Galveston, Sabine Pass, and Palmito Ranch (H, Geo/C);

(L) describe the role of Texas in the Civil War, including the importance of the "cotton road" to avoid Union blockades, and Texas's supply of cattle and other resources to the Confederacy (H, E);

(M) explain the main ideas expressed in Lincoln's Emancipation Proclamation, the Gettysburg Address, and the Second Inaugural Address and recite, "Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal." (H, S);

(N) describe the significance of Abraham Lincoln's assassination and how it affected the nation at the end of the Civil War (H); and

(O) identify that Memorial Day was created to honor and remember the sacrifice of American soldiers after the Civil War (H).

(9) Texas, the Civil War, and Reconstruction. The student understands the causes, effects, events, and people of the Reconstruction in Texas and America. The student is expected to:

(A) define Reconstruction as the period after the Civil War when the United States, including Texas, worked to rebuild the nation (H);

(B) explain how newly freed African Americans gained citizenship, individual rights, and started to participate in the free enterprise system (G/Civ, E);

(C) identify the 13th Amendment, which formally abolished slavery in the United States (G/Civ);

(D) identify that the 14th Amendment gave citizenship to formerly enslaved people born or naturalized in the U.S. and established that no state may deprive any person of life, liberty, or property without due process of law (G/Civ);

(E) describe the amendment process of the United States Constitution (G/Civ);

(F) identify the 15th Amendment, which gave Black men the right to vote in the United States (G/Civ);

(G) explain why Juneteenth is an important symbol of the end of slavery during Reconstruction (H);

(H) explain the shift from slavery to participation in the free enterprise system, including sharecropping, the desire for land ownership, and the start of the Texas Freedom Colonies (E);

(I) explain how acts of violence, including intimidation by groups like the Ku Klux Klan, were used to limit the rights of African Americans in Texas during Reconstruction (H, Geo/C, E); and

(J) explain how the Compromise of 1877 led to the end of Reconstruction and the loss of African American political representation and rights (H, G/Civ).

(10) The Gilded Age in America and Texas. The student understands interactions and influences between America and other regions of the world in the late 1800s and early 1900s. The student is expected to:

(A) compare major population movements in Antebellum America, including westward migration along the Oregon and Mormon Trails, migration to California during the Gold Rush, and European immigration, that contributed to settlement of Texas (H, Geo/C);

(B) describe how immigrants entered the United States through Ellis Island and Angel Island and Texas through Galveston and El Paso, and identify federal immigration restrictions, including the Chinese Exclusion Act (H, G/Civ, Geo/C);

(C) explain how the explosion of the USS Maine and the use of yellow journalism increased public support for American overseas expansion and contributed to the outbreak of the Spanish-American War (H, Geo/C);

(D) describe the Spanish-American War, including the service of Texan soldiers in the Rough Riders under Theodore Roosevelt (H);

(E) identify Jim Crow laws and how the Supreme Court case Plessy v. Ferguson established the "separate but equal" doctrine (H, G/Civ);

(F) compare the ideas of W. E. B. Du Bois, Booker T. Washington, and Marcus Garvey and how each proposed different strategies for achieving equality and improving the lives of African Americans (H, Geo/C);

(G) explain how new technologies, including electricity, steel, and improved transportation, changed manufacturing, communication, and daily life in the United States during the late 1800s, including the contributions of Alexander Graham Bell and Thomas Edison (H, Geo/C, E);

(H) identify the contributions of major business leaders, including Andrew Carnegie's role in the steel industry and philanthropy, John D. Rockefeller's work in the oil industry, and Jay Gould's leadership of railroads, which extended into Texas (H, E);

(I) explain the growth of the Texas oil industry, including Spindletop in 1901 and how oil production contributed to economic development and industrial growth in Texas (H, E);

(J) identify how migration contributed to the growth of Texas cities and the development of the United States as a melting pot (H, Geo/C);

(K) describe the creation of the Populist Party and why farmers in the United States and Texas organized to address economic challenges and demand political reforms (H, G/Civ, E);

(L) describe how monopolies and labor unions shaped industrial life in the United States and Texas (H, E);

(M) compare socialist ideas as found in The Communist Manifesto, including class struggle and abolishing private property, with American constitutional principles of individual rights and limited government (H, G/Civ, E);

(N) explain how communist ideology promotes class conflict, violent revolution, and a dictatorship to enforce equality and why these methods conflict with democratic self-government, the rule of law, protections for individual liberty, and freedom of religion (H, G/Civ, E); and

(O) describe the significance of the Galveston Hurricane of 1900, including significant loss of life and the development of the Galveston Sea Wall (H, Geo/C).

(11) The Texas Frontier. The student understands important changes in the Texas and American frontier. The student is expected to:

(A) identify important developments during westward expansion after the Civil War, including the American cowboy era, the Chisholm Trail, the Goodnight-Loving Trail, and the growth of "cowtowns" that supported the cattle industry (H, Geo/C);

(B) describe how agricultural traditions, including vaquero practices in places like the King Ranch and irrigated farming in South Texas, helped shape Texas's economy (H, Geo/C, E);

(C) explain how land grants and railroad expansion supported westward settlement, including support of agriculture, and describe how the railroad contributed to the closing of the frontier by establishment of cities and towns and making long cattle drives less necessary (H, Geo/C, E); and

(D) identify why cultural traditions, including Fiestas Patrias, Cinco de Mayo, Las Posadas, and Día de los Muertos, are reflected in Mexican-American communities in Texas (H, Geo/C).

§113.22. Social Studies, Grade 7, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2032-2033 school year.

(b) Introduction.

(1) In Grade 7, students study the world, United States, and Texas from the Progressive Era through the early 21st century to understand how reform, worldwide conflict, political ideology, economic change, and innovation shaped modern American and Texas societies. Students examine how democratic ideas, freedom, equality, and government authority influenced historical events and continue to affect civic life.

(A) Students explore the Progressive Era to understand how Americans responded to industrialization and social inequality. They analyze how reform expanded the role of government, how technology transformed daily life, and how Texans contributed to political change and historical preservation.

(B) Students examine World War I and World War II to understand how worldwide conflict reshaped the United States and Texas. They analyze how leadership, technology, and citizen participation affected the homefront, civil liberties, and America's role in world affairs. Emphasis is placed on Texas's contributions to war efforts.

(C) Students study the rise of communism, the Cold War, and the collapse of communist regimes to understand how ideological conflict shaped global politics after World War II. They analyze how the United States and its allies responded through diplomacy, economic policy, military strength, and international cooperation.

(D) Students investigate domestic and global change in the late 20th century, including the Civil Rights Movement, presidential leadership, including three presidents from Texas, and conflicts such as the Vietnam War and the Gulf War. They examine how political decisions, civic participation, and foreign policy shaped American society and Texas's role in national affairs.

(E) Students conclude the course by examining contemporary America and Texas. They analyze how technological innovation, including the internet and social media, transformed communication, the economy, and daily life.

(F) Throughout Grade 7, students use primary and secondary sources, maps, and data to analyze cause and effect, compare perspectives, and evaluate evidence.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to preserve liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) identify the author of a source, explain the historical context in which it was created, and analyze how the author's point of view may have influenced its content (H, S);

(B) evaluate the credibility and reliability of sources by examining their origin, purpose, audience, and context, and corroborate information across sources to draw evidence-based conclusions (H, S);

(C) distinguish between primary and secondary sources and explain the advantages and limitations of each for understanding a historical event or period (H, S);

(D) analyze cause-and-effect relationships between historical events, distinguishing between immediate causes and long-term contributing factors (H, S);

(E) compare and contrast multiple perspectives on a historical event (H, S);

(F) develop and support a historical argument using evidence from primary and secondary sources, including a clear claim, supporting evidence, and reasoned analysis (H, S);

(G) construct and interpret timelines to sequence events, identify patterns of historical change and continuity, and analyze relationships between events across time periods (H, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (H, G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In examining history over time, the student analyzes the concept of location and the physical and human characteristics across time and place. The student is expected to:

(A) apply spatial thinking by using precise geographic vocabulary and tools to describe relative and absolute locations in the study of historic events;

(B) interpret and analyze the influence of physical characteristics of places, including landforms, bodies of water, natural resources, and climate, throughout history;

(C) evaluate how geographic factors have influenced patterns of settlement, economic activity, cultural development, and human-environment interaction across time and place; and

(D) examine how people adapt to and modify their environments in different historical contexts.

(9) The student further analyzes and applies geographic tools to represent and interpret spatial patterns and relationships in the study of history. The student is expected to:

(A) interpret and construct maps using essential elements, including cardinal and intermediate directions, scale, symbols, legends, and coordinates, in the study of historic events;

(B) use latitude and longitude to determine absolute locations in the study of historic events and places;

(C) analyze and compare thematic maps; and

(D) identify, explain, and draw conclusions about geographic patterns, distributions, and relationships at local, regional, and global scales about historic events.

(10) The student analyzes and applies economic concepts to understand how individuals and groups made decisions about the use of scarce resources in the study of history. The student is expected to:

(A) explain the influence of scarcity, opportunity cost, and tradeoffs in historic settings;

(B) analyze how incentives have influenced decision-making throughout history;

(C) describe how labor, entrepreneurship, and industry interact to create economic growth and influence historical change;

(D) identify the role of supply and demand in historic events; and

(E) identify, explain, and draw conclusions about economic patterns, distributions, and relationships across time and place.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) The Progressive Era. The student understands the important ideas and effects of the Progressive Era in America. The student is expected to:

(A) describe the influence of Susan B. Anthony, Elizabeth Cady Stanton, and Minnie Fisher Cunningham in the passage of the 19th Amendment (H, G/Civ);

(B) compare the Founders' belief in limited government and free enterprise with the Progressive belief that government should set rules to protect workers and consumers (H, G/Civ);

(C) explain the effects of Theodore Roosevelt's major domestic policies, including conservation efforts that led to the creation of the National Park Service, including Big Bend National Park, which protected natural resources, and the Meat Inspection Act, which improved food safety for consumers (H, G/Civ, E);

(D) explain the effects of Theodore Roosevelt's major foreign policies, including the Roosevelt Corollary to the Monroe Doctrine and support for construction of the Panama Canal (G/Civ, E);

(E) identify the roles of Adina de Zavala and Clara Driscoll in the preservation of the Alamo and Texas historical heritage (H, Geo/C); and

(F) explain how Henry Ford's use of the assembly line developed division of labor and economies of scale, leading to more profits for Ford and a better quality of life for Americans through access to cars at a reasonable price (H, E).

(2) World War I: United States and Texas. The student understands the impact of World War I on America. The student is expected to:

(A) describe the Pershing Expedition, including U.S. military operations launched from Fort Bliss into Mexico (H, G/Civ);

(B) explain that unrestricted submarine warfare and the Zimmermann Telegram about Texas contributed to United States involvement in World War I (H, G/Civ);

(C) explain the impact of artillery, machine guns, tanks, barbed wire, poison gas, and trench warfare on the high death toll and widespread destruction of land in Europe during World War I (H);

(D) explain that Americans supported the war through citizenship actions, including purchasing Liberty Bonds, volunteerism, and conserving food and fuel (H, G/Civ);

(E) explain how the Espionage and Sedition Acts limited civil liberties, including speech and dissent, during World War I, reflecting tensions between the need to preserve liberty and the need to preserve life (H, G/Civ);

(F) explain how the Selective Service Act created a draft to raise troops for World War I (H, G/Civ);

(G) identify that the American Doughboys, including Texans of the 90th Infantry, "Tough 'Ombres," and the 36th Division, fought in major World War I offensives (H); and

(H) identify that Armistice Day was a holiday to mark the end of World War I and later became Veterans Day (H).

(3) Communism and Other Totalitarian Regimes. The student understands the emergence of communism. The student is expected to:

(A) identify the key tenets of communism as:

(i) property is owned by government rather than individuals (G/Civ, E);

(ii) a single political party makes all decisions (G/Civ, E); and

(iii) rights come from government, not from God, because communism rejects the existence of God (G/Civ, E);

(B) explain the Communist (Bolshevik) Revolution of 1917, including how the Bolsheviks overthrew the Russian government, ending Russia's involvement in World War I, and established the world's first communist government (H, G/Civ, E);

(C) identify differences between the Reds and the Whites during the Russian Civil War and how the victory of the Reds led to the creation of a communist government (H, G/Civ); and

(D) explain characteristics that defined the Bolshevik government in Russia, including a one-party dictatorship with concentrated political power, the elimination of opposition, and the mass violence used to control society (H, G/Civ).

(4) 1920s and 1930s: United States and Texas. The student understands important events in America during the Roaring Twenties and the Great Depression. The student is expected to:

(A) identify domestic challenges for the United States following World War I related to racial violence, including the Tulsa Race Riots and intolerance of Black Americans, Catholics, Jews, Mexicans, Mexican-Americans, and immigrants by the Ku Klux Klan (H, E);

(B) identify domestic challenges for the United States following World War I related to Prohibition, including the rise of organized crime (H, G/Civ);

(C) describe American economic developments during the 1920s, including the Great Migration, growing prosperity, and the expansion of the stock market, and how increased consumer demand contributed to economic growth (H, E);

(D) describe cultural developments of the 1920s, including the rise of radio, Hollywood films, flapper culture, Art Deco architecture, and professional sports (H, Geo/C);

(E) describe African American cultural developments during the 1920s, including the Harlem Renaissance, jazz and blues music, and the contributions of Texas blues musician Blind Lemon Jefferson (H, Geo/C);

(F) explain the causes of the Great Depression, including the stock market crash of 1929 and bank failures, and describe its effects on American society, including widespread unemployment, the growth of Hoovervilles, and fears of communism (H, E);

(G) describe the presidency of Franklin D. Roosevelt during the Great Depression, including his use of radio and fireside chats to communicate with the American public (H, G/Civ);

(H) describe the role of Texan Sam Rayburn in supporting New Deal legislation and later as Speaker of the U.S. House of Representatives (H, G/Civ);

(I) explain the geographic causes of the Dust Bowl, including drought, high winds, and over-farming, and the effects on agriculture and migration (H, Geo/C); and

(J) describe how Texans relied on churches, charities, and community support during the Dust Bowl and rebuilt their lives with a shared sense of endurance and hope (H, Geo/C, E).

(5) 1920s and 1930s: United States and Texas. The student understands the key efforts of the New Deal and their connection to Progressive Ideas. The student is expected to:

(A) explain how Texans participated in New Deal programs, including the Soil Conservation Service (SCS) and the Civilian Conservation Corps (CCC) (H, G/Civ, E);

(B) describe the purpose of the Social Security Act (H, G/Civ); and

(C) identify workers' rights promoted during the New Deal and the role of Frances Perkins as the first female Secretary of Labor, including how these efforts reflected Progressive ideas about protecting workers through government action (H, G/Civ, E).

(6) Communism and Other Totalitarian Regimes. The student understands the causes, effects, and impacts of communism and other totalitarian regimes post-World War I. The student is expected to:

(A) describe Joseph Stalin's rise to power, including the use of political repression, the Great Terror, show trials, forced labor camps, and mass arrests (H, G/Civ, E);

(B) describe the effects of Joseph Stalin's economic policies, including forced land seizures, widespread poverty, and mass suffering in the Holodomor famine in Ukraine (H, G/Civ, E);

(C) identify methods used by communist regimes to spread and maintain their ideology, including propaganda, public shaming tactics, censorship, and forced conformity (H, G/Civ);

(D) explain communist attempts to seize power and the effects of these efforts in China during the 1920s and in Spain during the 1930s (H, G/Civ);

(E) explain how communist ideology promotes class conflict, violent revolution, and a dictatorship to enforce equality and why these methods conflict with democratic self-government, the rule

of law, protections for individual liberty, and freedom of religion (H, G/Civ, E);

(F) explain the conditions that led to the rise of Adolf Hitler and the Nazi Party in Germany, including propaganda, the Treaty of Versailles, unemployment, lost savings, and hyperinflation (H, G/Civ);

(G) explain how the Reichstag Fire was used by Adolf Hitler and the Nazi Party to limit civil rights and gain greater control of the German government (H, G/Civ);

(H) describe how the long history of antisemitism, including Jew Badge, Jewish ghettos, and racial pseudo-science shaped Nazi polices, including Nuremburg Laws and the November Pogrom previously known as Kristallnacht (H, G/Civ, E); and

(I) compare fascist ideas with American constitutional principles, including a strong dictator with limited government and denial of individual rights with the American Bill of Rights (H, G/Civ, E).

(7) World War II: United States and Texas. The student understands causes, effects, and impacts of World War II on America and Texas. The student is expected to:

(A) identify how Germany violated the Treaty of Versailles by rebuilding the German military (H, G/Civ);

(B) identify the countries comprised of the Axis and Allied Powers (H);

(C) describe the early Axis invasions, including Japan's invasion of China, Italy's invasion of Ethiopia, and Germany's invasion of Poland with initial Soviet cooperation (H);

(D) explain how Great Britain responded under Winston Churchill's leadership to German attacks, including the evacuation at Dunkirk and the Battle of Britain (H);

(E) describe the attack on Pearl Harbor and the significance of Franklin D. Roosevelt's "Day of Infamy" speech (H);

(F) identify how a need for wartime production during World War II led to the Bracero Program and the growth of military facilities and defense industries (H);

(G) identify the causes and effects of Japanese internment during World War II (H, S);

(H) identify major World War II innovations, including code-breaking technology, vastly improved aircraft, aircraft carriers, radar, and the atomic bomb (H);

(I) explain how the Navajo and Comanche code talkers used their spoken-language codes to function as a secure military communication innovation during World War II (H);

(J) describe American volunteerism, including victory gardens, and sacrifice, including savings bonds, during World War II (H, G/Civ);

(K) identify Hitler's invasion of the Soviet Union and the Battle of Stalingrad as major turning points on the Eastern Front during World War II (H);

(L) identify D-Day and the Battle of the Bulge as key battles in the Allied campaign to defeat Germany in Western Europe (H);

(M) identify the Battle of Midway as a major naval battle that shifted the balance of power in the Pacific during World War II (H);

(N) identify the strategy of island-hopping and the battles of Iwo Jima and Okinawa as part of the Allied campaign against Japan (H);

(O) identify the outcomes of the Conferences at Yalta and Potsdam, including the division of Germany into occupation zones, plans for rebuilding Europe after World War II, and growing tensions between the United States and the Soviet Union that contributed to the Cold War (H);

(P) explain why President Harry S. Truman decided to use atomic bombs developed through the Manhattan Project on Hiroshima and Nagasaki, including to avoid continued American casualties (H, G/Civ, S);

(Q) describe the Holocaust as the systemic, bureaucratic, state-sponsored persecution and murder of six million Jews by the Nazi regime and its collaborators (H);

(R) describe how the war crime trials established accountability for crimes against humanity in both theaters of World War II, including the Nuremberg and Tokyo Trials (H, G/Civ); and

(S) describe how antisemitic propaganda and dehumanization led to Jews being put in an extensive camp system (H).

(8) World War II: United States and Texas. The student understands Texas's contributions in World War II. The student is expected to:

(A) identify the contributions of Texans Audie Murphy and Chester Nimitz during World War II (H);

(B) identify shipbuilding in Houston and aircraft manufacturing in Fort Worth during World War II as examples of the American Arsenal of Democracy (H, E);

(C) identify the role of oil production and transportation as part of the American Arsenal of Democracy during World War II, including oil production in the Permian Basin, the Big Inch and Little Big Inch pipelines, refining in the Texas Gulf Coast, and the petrochemical industry along the Houston Ship Channel (H, E);

(D) identify the role of United States military bases, including Fort Hood in Killeen, Fort Bliss in El Paso, and Kelly Field in San Antonio, in supporting World War II operations (H, G/Civ); and

(E) identify that Axis prisoners of war were detained in camps in Texas during World War II, including camps in Hearne and Fort Bliss (H, G/Civ).

(9) Post War America and Early Cold War: Western Liberty and Communist Tyranny. The student understands the social, economic, and political impact of events related to the spread of freedom and stopping communism in the late 1900s. The student is expected to:

(A) describe the Cold War as a period of tension between the United States and the Soviet Union that shaped global politics after World War II (H, G/Civ);

(B) describe the development of nuclear weapons as a deterrent during the Cold War (H);

(C) describe how the Iron Curtain divided Europe between communist and western regimes represented by the Berlin Wall, symbolizing the contrast between communism and western traditions of liberty and representative government (H, G/Civ, E);

(D) explain how the United States' economic aid to Europe was intended to rebuild war-torn nations and limit the spread of communism through the Marshall Plan after World War II (H, G/Civ, E);

(E) explain how the Truman Doctrine committed the United States to supporting countries resisting communism during the early Cold War, including containment and the Korean War (H, G/Civ, E);

(F) explain the establishment in 1948 of Israel in the ancestral homeland of the Jewish people (H, G/Civ);

(G) describe how President Dwight D. Eisenhower supported the creation of the interstate highway system, including I-10, impacting transportation, the economy, and national defense (H, G/Civ, E);

(H) describe how the Soviet launch of Sputnik influenced President Dwight D. Eisenhower's support for scientific advancement, including the creation of the National Aeronautics and Space Administration (NASA), during the Cold War (H, G/Civ, E);

(I) describe the Bay of Pigs invasion and how the failed attempt to overthrow Cuba's communist government affected United States and Cuba relations (H, G/Civ, E);

(J) analyze President John F. Kennedy's support for the space program and Houston's role in the United States' efforts to compete with the Soviet Union during the Space Race (H, G/Civ, E);

(K) describe the significance of the assassination of President John F. Kennedy in Dallas, Texas, in 1963, including transfer of the presidency to Lyndon B. Johnson (H, G/Civ); and

(L) describe the important contributions of NASA mathematicians Katherine Johnson, Dorothy Vaughan, and Mary Jackson, whose calculations helped make early American spaceflight possible (H, G/Civ, E).

(10) Civil Rights Movement. The student understands the causes, effects, and impact of the Civil Rights movement. The student is expected to:

(A) explain how the murder of Emmett Till became a turning point that encouraged many Americans to work for greater equality and justice (H, G/Civ);

(B) describe key methods of nonviolent protest used during the Civil Rights Movement, including the bus boycott following the protests by Claudette Colvin and Rosa Parks, sit-ins, marches, and freedom rides (H, G/Civ);

(C) describe the participation of Texas citizens in the Civil Rights Movement, including the efforts of Barbara Jordan, the first African American woman elected to Congress (H, G/Civ);

(D) describe Dr. Martin Luther King Jr.'s "I Have a Dream" speech as an appeal to America's founding ideals of liberty and equality in the Declaration of Independence (H, G/Civ, S);

(E) explain the impact of Brown v. Board of Education and the Civil Rights Act of 1964 on desegregation and expansion of equal rights in the United States (H, G/Civ);

(F) describe the significance of the assassination of Dr. Martin Luther King Jr., including speedy passage of the Civil Rights Act of 1968 (H, G/Civ);

(G) explain how Mexican-Americans worked to secure civil rights through marches, boycotts, and legal action, including the leadership of Dolores Huerta, Hector P. Garcia, and the League of United Latin American Citizens (LULAC) in Texas (H, G/Civ); and

(H) describe the goals of the American Indian Movement and how the Wounded Knee Occupation drew national attention to Native American civil rights issues (H, G/Civ).

(11) Civil Rights Movement. The student understands domestic and foreign developments during the presidency of Lyndon B. Johnson. The student is expected to:

(A) identify Lyndon B. Johnson as a former congressman and senator from Texas (H, G/Civ);

(B) explain how the Great Society programs expanded the federal government in contrast to the founding fathers, who believed in limited government (H, G/Civ);

(C) explain the impact of mass media and television on American culture and politics during the 1960s and early 1970s, including shaping public opinion and shared national experiences (H, G/Civ);

(D) identify societal changes for women from the 1960s through the early 1970s from laws, including Title IX of the Education Amendments of 1972 expanding equal access in school sports, but also from the counterculture movement, including changing attitudes toward marriage that increased rates of divorce (H, Geo/C);

(E) describe demographic changes in the United States after World War II, including suburbanization, the Baby Boom, and urban migration patterns (H, Geo/C);

(F) describe the Vietnam War, including its significance as a Cold War proxy war, as a conflict during the Cold War in which the United States became involved in Southeast Asia to prevent the spread of communism according to the Containment Policy and Domino Theory (H, G/Civ, E);

(G) explain how the Containment Policy and Domino Theory influenced United States involvement in the Vietnam War (H, G/Civ, E); and

(H) describe the effects of the military draft and the anti-war movement on American society during the Vietnam War, including the 26th Amendment and draft resistance (H, G/Civ, Geo/C).

(12) Contemporary America and Texas. The student understands important events in Richard Nixon's presidency. The student is expected to:

(A) identify Richard Nixon's 1968 presidential election victory, the meaning of the term "silent majority," and the role of the "silent majority" in shaping political support during Nixon's presidency (H, G/Civ); and

(B) describe how the Watergate scandal decreased public trust in government and demonstrated constitutional principles of checks and balances and respect for the rule of law (H, G/Civ).

(13) Contemporary America and Texas. The student understands important conflicts and resolutions in which America was involved. The student is expected to:

(A) explain how the communist victory in Vietnam led the United States to be more cautious about sending troops into future conflicts and to rely more on diplomacy and alliances in foreign policy (H, G/Civ); and

(B) describe United States diplomatic efforts in the Middle East, including the Camp David Accords and the Iran Hostage Crisis (H, G/Civ).

(14) Contemporary America and Texas. The student understands people associated with the end of the Cold War. The student is expected to:

(A) identify Ronald Reagan's presidential leadership, including domestic economic recovery after the oil crisis and foreign

relations with the Soviet Union to end the Cold War, including the fall of the Berlin Wall (H, G/Civ, E);

(B) identify the role of Margaret Thatcher in supporting democratic ideals and strengthening Western opposition to communism during the Cold War (H, G/Civ, E);

(C) identify how Mikhail Gorbachev's reforms in the Soviet Union contributed to the easing of Cold War tensions and the collapse of communism (H, E); and

(D) identify the roles of Pope John Paul II, Ronald Reagan, and the Solidarity movement, led by Lech Wałęsa, in opposing communist rule in Eastern Europe (H, E).

(15) Contemporary America and Texas. The student understands major events and their effects during the 1990s. The student is expected to:

(A) describe the presidency of George H. W. Bush, including his leadership during the end of the Cold War and the Gulf War (H, G/Civ);

(B) identify post-Cold War efforts, including the dissolution of the Soviet Union and the creation of the North American Free Trade Agreement (NAFTA), and explain the effects of these efforts on United States foreign and economic policy (H, G/Civ, E); and

(C) explain how the invasion of Kuwait led to the Gulf War and increased United States involvement in the Middle East (H, G/Civ).

(16) Contemporary America and Texas. The student understands the presidencies of George W. Bush and Barack Obama. The student is expected to:

(A) explain the September 11, 2001, terrorist attacks motivated by radical Islam and the immediate impact of the attacks on the United States, including national security concerns and public response (H, G/Civ);

(B) describe the War on Terror and explain the role of al-Qaeda and Osama bin Laden in shaping United States foreign policy after September 11, 2001 (H, G/Civ);

(C) explain the impact of the Iraq War during the presidency of George W. Bush and the effects on United States involvement in the Middle East (H, G/Civ); and

(D) identify the significance of the election of Barack Obama as the first African American president in United States history (H, G/Civ).

§113.23. Social Studies, Grade 8, Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2032-2033 school year.

(b) Introduction.

(1) Social studies instruction in Grade 8 is a Texas history capstone course emphasizing vertically aligned topics presented in Grades 3-7 in more complex and meaningful ways. In Grade 8, students study the major ideas of western civilization as manifest in the history of Texas. Students examine how Texas developed within regional, national, and global contexts and how American founding ideals and historical decisions continue to influence life in Texas today.

(A) Students connect the development of Western thought from ancient times through the Enlightenment with the impact of these ideas on the founding documents of the United States and Texas.

(B) Students examine European exploration, colonization, and the Mexican National Period to understand how imperial competition, political change, and settlement shaped early Texas.

(C) Students study the Texas Revolution, the Republic of Texas, and early statehood to understand how political conflict, military struggle, and nation-building influenced Texas's path. They examine annexation, slavery, sectional tension, and the Civil War, and analyze how Reconstruction reshaped Texas government, society, and the frontier.

(D) Students examine Texas's transformation during the late 19th and 20th centuries, including industrialization, ranching, immigration, oil development, and global conflict. They analyze how the Great Depression, World War II, civil rights efforts, modernization, and demographic change reshaped Texas communities and expanded the role of government.

(E) Students conclude the course by examining contemporary Texas. They analyze how energy markets, politics, migration, culture, and economic change shaped Texas from the 1970s to the present and how American founding principles continue to influence Texas government, law, and civic culture.

(F) Throughout Grade 8, students use maps, primary and secondary sources, and historical analysis to examine cause and effect, compare perspectives, and identify continuity and change.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to preserve liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referenced as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) In Grades 3-8, the adopted social studies framework provides a structural guide for how content is sequenced across grade levels. The framework also creates a distribution of content related to Texas, U.S., and world history at each grade level, using a chronological approach. In Kindergarten-Grade 2, the framework provides a focus on building a foundation of stories about people, places, events, ideas, and traditions of America and Texas.

(4) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(5) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (7) of

this subsection while also making continual connections across those key topics and grade levels. Student expectations contain strand codes at the end of each statement. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(6) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) identify the author of a source, explain the historical context in which it was created, and analyze how the author's point of view may have influenced its content (H, S);

(B) evaluate the credibility and reliability of sources by examining their origin, purpose, audience, and context, and corroborate information across sources to draw evidence-based conclusions (H, S);

(C) distinguish between primary and secondary sources and explain the advantages and limitations of each for understanding a historical event or period (H, S);

(D) analyze cause-and-effect relationships between historical events, distinguishing between immediate causes and long-term contributing factors (H, S);

(E) compare and contrast multiple perspectives on a historical event (H, S);

(F) develop and support a historical argument using evidence from primary and secondary sources, including a clear claim, supporting evidence, and reasoned analysis (H, S);

(G) construct and interpret timelines to sequence events, identify patterns of historical change and continuity, and analyze relationships between events across time periods (H, S); and

(H) engage in civil discourse about social studies topics, including those with multiple perspectives (H, G/Civ, S).

(7) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(8) In examining history over time, the student analyzes the concept of location and the physical and human characteristics across time and place. The student is expected to:

(A) apply spatial thinking by using precise geographic vocabulary and tools to describe relative and absolute locations in the study of historic events;

(B) interpret and analyze the influence of physical characteristics of places, including landforms, bodies of water, natural resources, and climate, throughout history;

(C) evaluate how geographic factors have influenced patterns of settlement, economic activity, cultural development, and human-environment interaction across time and place; and

(D) examine how people adapt to and modify their environments in different historical contexts.

(9) The student further analyzes and applies geographic tools to represent and interpret spatial patterns and relationships in the study of history. The student is expected to:

(A) interpret and construct maps using essential elements, including cardinal and intermediate directions, scale, symbols, legends, and coordinates, in the study of historic events;

(B) use latitude and longitude to determine absolute locations in the study of historic events and places;

(C) analyze and compare thematic maps; and

(D) identify, explain, and draw conclusions about geographic patterns, distributions, and relationships at local, regional, and global scales about historic events.

(10) The student analyzes and applies economic concepts to understand how individuals and groups made decisions about the use of scarce resources in the study of history. The student is expected to:

(A) explain the influence of scarcity, opportunity cost, and tradeoffs in historic settings;

(B) analyze how incentives have influenced decision-making throughout history;

(C) describe how labor, entrepreneurship, and industry interact to create economic growth and influence historical change;

(D) identify the role of supply and demand in historic events; and

(E) identify, explain, and draw conclusions about economic patterns, distributions, and relationships across time and place.

(11) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation.

In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(12) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(13) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (7) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(c) Knowledge and skills.

(1) The Influence of American Founding Documents and Principles. The student identifies key ideas developed over time in western civilization to better understand the choices made first by the founders of the United States and then by the founders of Texas. The student is expected to:

(A) identify how ideas from the classical world established foundational concepts of self-government, including the structures of Athenian democracy and the Roman Republic and ideas that citizens have duties, not just rights (H, G/Civ);

(B) identify how ideas from the Judeo-Christian tradition established foundational concepts of moral law, including the equality of man as created in the image of God (H, G/Civ);

(C) identify how ideas from the Middle Ages established foundational concepts on limiting government power, including ideas that checks on authority are necessary and the importance of the rule of law (H, G/Civ);

(D) identify how ideas from the Reformation established foundational concepts on the need for freedom of conscience (H, G/Civ);

(E) identify how ideas from the Enlightenment established foundational concepts of natural rights, including the impact of free markets based on property rights, and social contract theory (H, G/Civ); and

(F) explain major aspects of the founding documents of the United States, including key elements of the Declaration of Independence and the Constitution, and identify how key ideas of western civilization are reflected in those documents (H, G/Civ).

(2) The Age of Contact. The student understands the Age of Contact. The student is expected to:

(A) describe the experiences of Spaniard Álvar Núñez Cabeza de Vaca, including how his relationship with American Indians changed his views and how his diaries led other explorers to the Americas (H, Geo/C, E);

(B) explain the significance of La Salle, including how French exploration intensified imperial rivalry between France and Spain in Texas (H, Geo/C, E); and

(C) identify Spanish imperial goals, including how Spanish Catholic missionary belief and the writings of Bartolome de la Casas encouraged equal treatment of American Indian converts under the Spanish mission system in Texas, which worked in tension with other imperial goals (H, G/Civ).

(3) Mexican National Period. The student understands how Mexico's independence affected Mexican Texas. The student is expected to:

(A) identify how the French invasion of Spain and the ideas of the American Revolution encouraged early leaders of the Mexican War for Independence (H);

(B) explain the significance of events during the Mexican War for Independence, including the call for people to rise up against the caste system in Mexico in the Grito de Dolores and the depopulation of Texas that came from Spanish campaigns (H);

(C) explain how the federalist Mexican Constitution of 1824 limited government similarly to the U.S. Constitution and how the State Colonization Law of 1825 based on federalism encouraged settlement to revitalize Texas (H, G/Civ); and

(D) identify empresarios, including Stephen F. Austin, Green DeWitt, Martin de León, and James Hewetson, and describe the role of empresarios to recruit immigrants to Texas from the United States, Ireland, and Mexico (H, Geo/C, E).

(4) Texas Revolution and the Republic. The student understands the political, economic, and military causes, course, and consequences of the Texas War for Independence. The student is expected to:

(A) identify how the suspension of the Mexican Constitution of 1824 by Santa Anna weakened federalism and centralized authority, leading to increased tension in Mexican Texas (H, G/Civ);

(B) identify the chain of events that contributed to escalating conflict leading to the Texas Revolution, including the Fredonian Rebellion, the Mier y Terán Report, the Law of April 6, 1830, the Conventions of 1832 and 1833, and Stephen F. Austin's expedition to Mexico City (H, G/Civ, Geo/C);

(C) describe the outbreak of the Texas Revolution and early military engagements, including the first battle at Gonzales and the Siege of Béxar (H);

(D) explain how the siege of the Alamo became an inspiration for Texans and Americans, and describe the roles of Mexican General Antonio Lopez de Santa Anna and Texas heroes William Travis, Juan Seguin, David Crockett, and James Bowie (H, G/Civ);

(E) identify and recite the Travis Letter (H, S);

(F) identify Tejanos who signed the Texas Declaration of Independence, including Jose Antonio Navarro, Francisco Ruiz, and Lorenzo de Zavala (H, G/Civ, Geo/C);

(G) explain how the Alamo and the Goliad Massacre increased fear resulting in the Runaway Scrape (H);

(H) explain how the Battle of San Jacinto and the Treaties of Velasco established the Republic of Texas but did not guarantee safety from further attacks (H);

(I) compare the principles expressed in the Texian Declaration of Independence with the United States Declaration of Independence, including grievances, natural rights, and self-government (H, G/Civ, S);

(J) compare the primary structures of the Constitution of the Republic of Texas of 1836 with the U.S. Constitution, including three branches of government and the Bill of Rights (H, G/Civ, S);

(K) describe how ideas from the Federalist Papers, including republican government in Federalist 10, separation of powers

in Federalist 51, and judicial authority in Federalist 78, are reflected in the United States Constitution and 1836 Texas Constitution (Geo/C);

(L) compare the Enlightenment ideas of Alexis de Tocqueville and Lorenzo de Zavala regarding representative government, individual rights, and citizen participation in a democracy (H, G/Civ); and

(M) contrast the shared political philosophy of Enlightenment principles of self-government during the American Revolution with Mexican-American independence movements' opposition to colonial restrictions and social inequalities (H, G/Civ).

(5) Texas Revolution and the Republic. The student understands the challenges of nation-building, security, diplomacy, and annexation faced by the Republic of Texas. The student is expected to:

(A) describe Mexican military efforts to reclaim Texas, how these invasions threatened the security of the Republic of Texas, and efforts of the Republic to seek alliances and diplomatic recognition for protection (H);

(B) identify that conflicts between Texans and American Indian groups, including Fort Parker with Cynthia Ann Parker, the Council House Fight with Matilda Lockhart, the Battle of Neches with Chief Bowles, and Plum Creek with John "Jack" Hays, contributed to concerns that Texans could not live safely with American Indians (H);

(C) explain the role of Texas Rangers in defending the Republic of Texas, including border and frontier patrol (H, G/Civ);

(D) contrast the presidencies of Mirabeau B. Lamar and Sam Houston, including views on annexation, American Indians, and Mexico, and identify similarities to debates in the Roman Republic over territorial expansions and the preservation of republican government (H, G/Civ);

(E) explain arguments made by American leaders regarding the annexation of Texas, including economic concerns, security, and the expansion of slavery (H, G/Civ, Geo/C, E, S);

(F) explain how the United States annexed Texas and identify Anson Jones as the architect of annexation in 1845 (H, G/Civ); and

(G) identify that, unlike other states, Texas retained ownership of its public lands as a condition of annexation, providing the state with significant authority over land management and natural resources (H, G/Civ).

(6) Texas Early Statehood. The student understands slavery and secession. The student is expected to:

(A) describe the causes of the Mexican-American War, including the Texas annexation and the Rio Grande boundary dispute, and explain how the Treaty of Guadalupe Hidalgo redefined Texas's borders and the rights of its new citizens (H, Geo/C);

(B) explain the role of the United States Army in Texas during early statehood, including forts built to protect settlers and the Texas frontier (H, G/Civ, Geo/C);

(C) explain how debates and sectional tensions developed in Texas and the United States before the Civil War, including disagreements over the expansion of slavery into new territories and the Compromise of 1850, concerns about protecting the cotton-based economy, and arguments about whether the federal government or the states should decide laws regarding slavery (H, G/Civ, Geo/C, E); and

(D) explain Sam Houston's resistance to the Texas Ordinance of Secession because of his loyalty to the United States Constitution, which led to his removal as governor of Texas (H, G/Civ).

(7) Civil War and Reconstruction. The student understands how Civil War and Reconstruction reshaped Texas society and government. The student is expected to:

(A) explain the strategic importance of Texas to the Confederate war effort, including supply routes, the Union blockade on ports, and frontier defense, and identify how Confederate conscription forced many Texas men who were not supporters of the Confederacy into the army (H);

(B) identify major military events involving Texas during the Civil War, including the Battle of Galveston, the Battle of Sabine Pass, and The Red River Campaign (H, Geo/C);

(C) explain Union military attempts in Texas to control the transportation of goods, including cotton in coastal South Texas, and the land and sea operations along the Texas coast (H);

(D) explain the significance of the Great Hanging at Gainesville and the Battle of the Nueces as examples of internal conflict and political repression during the Civil War (H);

(E) explain the significance of the announcement of Order No. 3 by General Gordon Granger on Juneteenth that freed slaves in Texas two years after the Emancipation Proclamation (H);

(F) describe the policies enacted during Reconstruction in Texas following the Civil War, including military districts that enforced the 13th, 14th, and 15th Amendments, and explain the resistance in eastern Texas to the implementation of Reconstruction amendments (H, G/Civ);

(G) explain the purpose of the Freedom Colonies in building community among freed slaves and identify African American political leaders who were elected in Texas, including George T. Ruby, Norris Wright Cuney, Walter Moses Burton, and Matthew Gaines, during Reconstruction (H, G/Civ);

(H) explain the role of African American institutions during Reconstruction, including the Freedmen's Bureau (H, G/Civ, Geo/C);

(I) explain how Reconstruction ended in Texas, including the end of military districts in former Confederate states and the removal of Edward J. Davis as governor (H);

(J) describe the migration and settlement patterns in western Texas, including veterans and other Texans post-Civil War (H, G/Civ);

(K) compare the Texas Constitution of 1876 with the United States Constitution, including protection of individual rights, limited executive authority, and emphasis on local control (H, G/Civ, S); and

(L) identify the effect of the Civil War and the "equal protection" language of the 14th Amendment as expanding the power of the federal government, including the idea that "these United States" became "the United States" (H, G/Civ).

(8) Texas Immigration, Expansion, and Agriculture. The student understands the development of the frontier. The student is expected to:

(A) describe the role of individuals in shaping the United States American Indian policy after the Civil War, including Quanah Parker at the Treaty of Medicine Lodge Creek, William Tecumseh Sherman at the Salt Creek Prairie Massacre, and Ranald Mackenzie at the Red River War (H, G/Civ);

(B) identify African Americans, including Buffalo Soldiers and Britt Johnson, that helped to shape the Texas frontier (H, Geo/C); and

(C) describe how differing views of land use between Plains Indians and American and Texan settlers contributed to conflict, including the role of the bison (buffalo) (H, G/Civ, Geo/C).

(9) Texas Immigration, Expansion, and Agriculture. The student understands how industrialization transformed Texas's economy, labor systems, politics, and society. The student is expected to:

(A) describe how limiting the role of government to preserve property rights and maintain free markets allowed for cotton production and the expansion of agriculture that supported industrial growth in Texas (H, Geo/C);

(B) describe how tenant farming and sharecropping developed in Texas and explain the effects on farmers and laborers (H, Geo/C, E);

(C) identify that cattle drives run by cowboys occurred on the open range to bring cattle to higher priced markets (H, E);

(D) explain how technological innovations, including barbed wire and windmills, transformed ranching practices and land use in Texas, including at the King, Espuela, and XIT Ranches, providing lower priced food to consumers and generating greater profits (H, Geo/C, E);

(E) identify the role of James "Jim" Hogg in the creation of the Texas Railroad Commission for regulating business and protecting farmers (H, G/Civ, E);

(F) identify how conflicts between supporters of free enterprise and organized labor led to the Great Southwest Railroad Strike and the Galveston Longshoremen's Strike that resulted in mob violence and resistance to organized labor (H, E);

(G) describe the effects of Plessy v. Ferguson and the rise of Jim Crow segregation on the social status of African Americans in Texas after Reconstruction (H, G/Civ, Geo/C, E, S); and

(H) identify how economic opportunities associated with free enterprise influenced immigration patterns to Texas during the late 19th and early 20th centuries, including Mexican, German, and Czech immigration (H, Geo/C).

(10) The Age of Oil. The student understands how petroleum, global markets, revolution, and world wars transformed Texas in the early and mid-20th century. The student is expected to:

(A) explain how Spindletop contributed to the oil boom, Texas oil and gas companies, and urbanization in Texas (H, E);

(B) identify oil boom advances that fueled Texas, including the discovery of the East Texas Field and the rotary drill bit (H, E);

(C) explain the effects of the free enterprise system on Midland, Corpus Christi, and Houston, including changes in employment, population growth, and regional development (H, Geo/C, E);

(D) explain how oil production and transportation connected Texas to global markets through the Houston Ship Channel and its development after the Galveston Hurricane of 1900 (H, E);

(E) explain how the Mexican Revolution increased border tensions, including Pancho Villa's raids (H);

(F) explain Texas's role in World War I, including the significance of the Zimmermann Telegram, the contributions of Edward M. House, and oil production in supporting the Allied victory (H, E); and

(G) describe the role of Annie Webb Blanton in women's suffrage, which led to expanded voting rights in the 19th Amendment (H, G/Civ, Geo/C).

(11) Texas in the Great Depression and World War II. The student understands life in Texas during the Great Depression and the contribution of Texans to American victory in World War II. The student is expected to:

(A) describe the role of Dan Moody in political conflict and reform in Texas between the 1920s and 1930s, including his prosecution of the Ku Klux Klan and opposition to the Ferguson political machine, and how these efforts led to transparency in government (H, Geo/C);

(B) explain the cause of the Dust Bowl in Texas and the United States, including poor land management, prolonged drought, and high winds (H, Geo/C);

(C) identify expansion of federal government responses to economic hardship caused by the Dust Bowl during the Great Depression, including the Agricultural Adjustment Administration (AAA), in Texas (H, G/Civ, E);

(D) identify effects of expanded federal involvement in the agriculture economy, including reducing the risk of financial collapse for many landowning farmers, reduced income for tenant farmers and sharecroppers, stabilized prices for agriculture goods, and higher prices for consumers, in Texas (H, G/Civ, E);

(E) identify the contributions of Texans in military leadership during World War II, including Chester Nimitz, Earl Rudder, Samuel Dealey, and Oveta Culp Hobby (H);

(F) describe the military contributions of Doris Miller and Audie Murphy and explain why they are considered to be American heroes (H);

(G) explain how expanded oil consumption, the increased number of military bases, and homefront industrial mobilization expanded economic opportunities in Texas communities during World War II (H, Geo/C, E);

(H) contrast the treatment and conditions of prisoners-of-war detained in Texas and the United States with the treatment of prisoners-of-war detained in Germany and Japan in World War II due in part to America's historic commitment to the rule of law (H, Geo/C, E);

(I) explain how World War II mobilization ended the Great Depression through increased industrial production, employment, and federal spending, and compare this outcome with the more limited economic recovery under New Deal policies (H, Geo/C, E); and

(J) describe the Bracero Program and explain how wartime labor needs reshaped agriculture and migration patterns in Texas (H, Geo/C).

(12) Texas in the 1950s and Civil Rights Era. The student understands how postwar change accelerated civil rights efforts, modernization, cultural identity, and demographic transformation in Texas. The student is expected to:

(A) explain how early civil rights activism in Texas and the United States was strengthened by veterans of the world wars and contributed to demands for equal protection under law, including the Felix Longoria episode (H, Geo/C, E);

(B) identify the role of the National Association for the Advancement of Colored People (NAACP) and Lulu Belle Madison White in Sweatt v. Painter, which expanded equal protection under the law (H, G/Civ, S);

(C) explain how Mexican-Americans used court cases, including Delgado v. Bastrop ISD, to expand equal protection under the law (H, G/Civ, S);

(D) explain how national civil rights milestones affected Texas, including Brown v. Board of Education and the role of James L. Farmer in organizing freedom rides (G/Civ);

(E) identify the key pillars of postwar modernization in Texas, including petroleum expansion, industrial growth, urbanization, infrastructure development, and population increases (H, E); and

(F) identify the Civil Rights Act of 1964 and the Voting Rights Act of 1965 as major pieces of Great Society legislation during Lyndon B. Johnson's presidency focused on expanding equal protection of the law (H, G/Civ).

(13) Communism and Other Totalitarian Regimes. The student understands the impacts of communism and the role Texas played in combating communism. The student is expected to:

(A) contrast a communist government's absence of checks and balances and preservation of individual property rights with the decisions made by the founders of America and Texas and the idea of government's role to preserve natural rights (H, G/Civ, E);

(B) identify socialism as an economic system based on government ownership of property described to be a transitional phase away from private property rights and the free market toward a fully communist system of government (G/Civ);

(C) describe how the Space Race during the Cold War led to economic development in Texas, including the Johnson Space Center, that resulted in the moon landing (H, G/Civ);

(D) identify the effect of Mao Zedong and the Chinese Communist Party on China, including widespread deaths from the Great Leap Forward and the Cultural Revolution, and the formation of a republican government in Taiwan (H, G/Civ); and

(E) explain how the Vietnam War affected Texas, including Vietnamese immigration to Texas to flee communism (H, Geo/C, E).

(14) Texas in the 1960s and 1970s. The student understands how Texas leaders and national events of the 1960s and 1970s reshaped government, economics, culture, and politics in Texas. The student is expected to:

(A) identify major War on Poverty legislation of Lyndon Baines Johnson's presidency, including healthcare, federal education laws, federal housing laws, and direct welfare programs (H, G/Civ);

(B) explain how the career of Barbara Jordan demonstrated the expansion of equality in Texas and in national politics (H, G/Civ);

(C) identify Mexican civil rights movements in Texas during the 1960s, including the Chicano Movement and the fall of La Raza Unida because of corruption (H, Geo/C); and

(D) explain how events in the Middle East, including the Yom Kippur War, resulted in the oil embargo that led to the growth in the Texas economy (H, E).

(15) Contemporary Texas. The student understands the evolution of Texas identity into the modern era. The student is expected to:

(A) explain how the Texas Centennial of 1936 helped foster a shared Texas identity through the Texas Centennial Exposition, Centennial monuments and markers, historical preservation efforts, educational programs, and statewide civic celebrations (H, G/Civ);

(B) explain how civic traditions are demonstrated in American principles, including individual liberty, transfer of power, self-government, private property rights, free enterprise, and federalism in Texas (H, G/Civ);

(C) analyze ways Texans have expressed Texas cultural identity through economic development, military service, immigration, energy production, and technology (H, G/Civ, Geo/C, E, S);

(D) analyze the influence of frontier traditions, western heritage, and regional distinctiveness on modern Texas culture and public life, including art and the writings of Fred Gipson and Larry McMurtry (Geo/C, S); and

(E) describe how the United States Bicentennial of 1976 shaped American culture and public understanding of United States history and explain the role of commemorations in cultivating shared identity and historical understanding, including for the Texas Bicentennial in 2036 (H, G/Civ).

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

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Cristina De La Fuente-Valadez
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Texas Education Agency
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For further information, please call: (512) 475-1497

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SUBCHAPTER C. HIGH SCHOOL

19 TAC §§113.32 - 113.39

STATUTORY AUTHORITY. The new sections are adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of commu-

nist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new sections implements Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.32. Psychology (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) Psychology, an elective course, introduces students to the scientific study of behavior and mental processes. Students explore the origins and development of psychology, including major modern psychological theories and philosophical foundations that have influenced the field. Students examine methods of psychological research and analyze how scientific inquiry is used to understand human behavior. Students gain insight into how individuals think, learn, and interact with the world through the study of the following topics: the biological basis of psychology; the five senses, perception, and cognition; human development, learning and intelligence; personality, motivation and emotion; and health and wellness of the mind.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) construct and defend an evidence-based argument about a psychological concept backed by evidence and use reasoning to connect evidence to the claim (G/Civ, S);

(B) engage in civil discourse about psychological topics, including those with multiple perspectives (G/Civ, Geo/C, S);

(C) interpret psychological research and evaluate the extent to which research findings can be generalized across populations (S); and

(D) analyze how cultural, historical, and social context influences the development and interpretation of psychological theories and research findings (H, Geo/C, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Origins of Psychology and Major Modern Psychological Theories. The student understands the origins of psychology and major psychological theories. The student is expected to:

(A) identify and compare the concept of the soul in ancient Scriptures, including the Hebrew Bible, the Egyptian Book of the Dead, the Vedas, and the Buddhist Pali Canon (H, Geo/C, S);

(B) identify the unique contributions of foundational psychology, including Ivan Pavlov, Wilhelm Wundt, Sigmund Freud, and William James, and their unique contributions (H);

(C) identify the effects of the cognitive revolution in psychology (H, S); and

(D) explain the computational theory of mind and criticisms of this theory (Geo/C, S).

(2) Psychological Research. The student understands the methods and role of psychological research. The student is expected to:

(A) describe basic methods of social scientific reasoning and compare the characteristics of qualitative and quantitative psychological research (S);

(B) explain the difference between correlation and causation when interpreting psychological research (S);

(C) identify standards of the American Psychological Association (APA) for ethical decision making in relation to the collection, storage, and use of psychological data (H, G/Civ, S);

(D) interpret mean, median, and mode as measures of central tendency and range and standard deviation as dispersion to create and answer questions and demonstrate understanding of the information gathered (S);

(E) explain how false positives, statistical error, publication bias, and confirmation bias contribute to the replication crisis and affect the reliability of research conclusions (S); and

(F) identify major subfields of psychology and describe career opportunities related to psychology in a free enterprise system (G/Civ, Geo/C, E, S).

(3) Biological Basis of Psychology. The student understands the biological basis of psychology. The student is expected to:

(A) describe the structure and function of the central and peripheral nervous systems and explain how the nervous system influences behavior and psychological development (Geo/C, S);

(B) describe the structure and function of the endocrine system and explain how the endocrine system influences behavior and psychological development (Geo/C, S);

(C) describe empirical methods of evolutionary psychology by comparing the characteristics of qualitative and quantitative psychological research (H, S); and

(D) analyze psychological mechanisms, including preferences, fear, cooperation, jealousy, and patriotism, as products of natural selection (Geo/C, S).

(4) Philosophical Psychology. The student understands major ideas of philosophical psychology. The student is expected to:

(A) compare Plato's and Aristotle's theories of the soul (H, G/Civ, Geo/C, S);

(B) explain the concept of freedom of the will as it relates to liberty and American patriotism (H, G/Civ, Geo/C, S); and

(C) analyze how the United States Declaration of Independence and "What to a Slave is the Fourth of July?" address liberty and patriotism in America (H, G/Civ, Geo/C, S).

(5) The Five Senses, Perception, and Cognition. The student understands the role of the five senses, perception, and cognition in psychology. The student is expected to:

(A) explain the processes of sensation and perception in relation to real world experiences (Geo/C, S);

(B) explain cognition processes of memory, language development, and language acquisition (Geo/C, S); and

(C) identify states and levels of consciousness, including wakefulness, sleep, and dreaming (S).

(6) Development, Learning, and Intelligence. The student understands the role of development, learning, and intelligence in psychology. The student is expected to:

(A) analyze the nature versus nurture debate (Geo/C, S);

(B) summarize Jean Piaget's theory of cognitive development (H, S);

(C) summarize Erik Erikson's stages of psychosocial development (H, Geo/C, S);

(D) explain principles of operant and classical conditioning and the principles of social learning (S); and

(E) define intelligence and evaluate its measurements, including qualitative and quantitative psychological research (Geo/C, S).

(7) Personality, Motivation, and Emotion. The student understands the role of personality, motivation, and emotion in psychology. The student is expected to:

(A) define the concept of personality (Geo/C, S);

(B) compare the theories of personality, including psychodynamic, trait, humanistic, and sociocultural (Geo/C, S);

(C) evaluate personality assessment tools based on evidence from qualitative and quantitative psychological research (Geo/C, S);

(D) compare current theories of motivation, including Maslow's Hierarchy of Needs and Drive Reduction Theory (H, Geo/C, S); and

(E) compare current theories of emotion, including James-Lange Theory and Two-Factor Theory (H, Geo/C, S).

(8) Health, Wellness, and the Mind. The student understands the role of health and wellness of the mind. The student is expected to:

(A) describe characteristics of common forms of mental illness, including anxiety disorders, depressive disorders, schizophrenia, and bipolar disorders (Geo/C, S);

(B) describe common psychiatric treatments used for mental illness, including cognitive behavior therapy, behavioral therapy, psychodynamic therapy, and biomedical treatment (Geo/C, S); and

(C) describe the impact of positive psychology on society, including building a sense of belonging through civic engagement in the United States (Geo/C, S).

§113.33. Sociology (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course.

(c) Introduction.

(1) Sociology, an elective course, is an introductory study of social behavior, human interaction, and the organization of society. This course examines the development of sociology as a social science by exploring the theories, concepts, and methods used to study individuals, groups, and institutions. Students analyze the relationship between the individual and society while also examining how social forces influence behavior in an ever-changing world. Through the study of topics such as the foundations of sociology, sociological research methods, society and social structures, socialization, groups and organizations, government and politics, and the role of social capital, students develop an understanding of how social systems operate and how individuals interact within them. This course places emphasis on sociological theories and frameworks to help students interpret social patterns, evaluate research, and apply theoretical perspectives to contemporary social issues.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) create a claim about a sociological concept backed by evidence and use reasoning to connect evidence to the claim (G/Civ, S);

(B) engage in civil discourse about sociological topics, including those with multiple perspectives (G/Civ, S); and

(C) explain how historical, cultural, political, and economic factors interact to influence social institutions, group behavior, and individual identity across diverse communities (H, G/Civ, Geo/C, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) What is Sociology? The student understands the development of the field of sociology, leading sociological ideas, and culture in society and its different forms. The student is expected to:

(A) identify central concepts of sociology, including culture, socialization, social structure, social institutions, and social stratification (H, Geo/C, S);

(B) identify prominent sociologists and their key ideas, including Adam Smith, August Comte, Karl Marx, Max Weber, Emile Durkheim, Jane Addams, Harriet Martineau, and Robert Merton (H);

(C) describe elements of culture, including identity, language, faith-based systems, shared practices, and material goods (Geo/C, S);

(D) explain ways cultural concepts in society are studied, including interpreting literature, media, popular culture, and historical documents (Geo/C, S); and

(E) explain how key aspects of deviant behavior regulate conduct in society, including formal violations of official, codified laws and norms, and informal minor violations of unwritten social rules or customs (H, G/Civ, Geo/C).

(2) Sociological Research. The student understands the scientific process of studying the social world and the role of ethics in sociological research. The student is expected to:

(A) explain how the scientific method is used to study the social world, including formulating a question, developing a hypothesis, designing a study, drawing conclusions, and reporting the results (S);

(B) describe qualitative and quantitative research methods employed to investigate the social world (Geo/C, S);

(C) identify ethical obligations of social scientists, including informed consent, confidentiality, and avoiding harm (G/Civ, Geo/C); and

(D) evaluate sociological research and value neutrality (S).

(3) Sociological Perspectives. The student understands major sociological theories and their impact on society. The student is expected to:

(A) explain the functionalist view of society and how social institutions maintain stability through manifest functions, latent functions, and latent dysfunctions, including Robert Merton (G/Civ, Geo/C, E);

(B) explain conflict theory through the contributions of Karl Marx and native Texan, C. Wright Mills (H, G/Civ, E);

(C) explain rational choice theory and how it affects human behavior, including consumer buying habits, the rational choice of committing a crime, and voting behavior (G/Civ, Geo/C, E);

(D) apply Max Weber's Iron Cage to a real-world situation (G/Civ, Geo/C, S); and

(E) explain symbolic interactionism through the contributions of George Herbert Mead and Herbert Blumer (H, G/Civ, Geo/C).

(4) Society. The student understands pre-industrial, industrial, and post-industrial societies. The student is expected to:

(A) differentiate between types of societies, including pre-industrial, industrial, and post-industrial societies (H, G/Civ, Geo/C, E, S); and

(B) explain the causes and effects of social change as societies transition between stages of development (H, Geo/C, G/Civ, E, S).

(5) Socialization. The student understands the concepts and processes of how people socialize in society, and the importance of social group agents. The student is expected to:

(A) explain, using a visual representation, the concept of "self" and how society influences individual identity (Geo/C, S);

(B) explain the development of self through role theory and the social construction of reality (Geo/C, S);

(C) explain the concept of agency and the role of agency in shaping individual identity (Geo/C);

(D) identify agents of socialization, including family, peers, school, workplace, government, media, and religion (G/Civ, Geo/C);

(E) compare the impact of agents of socialization across the life course, including childhood, adolescence, and adulthood (G/Civ, Geo/C, E, S); and

(F) analyze how bias, prejudice, discrimination, and stereotypes influence attitudes and social institutions (H, G/Civ, Geo/C, E, S).

(6) Groups and organizations. The student understands the types and functions of groups and how group size influences group dynamics. The student is expected to:

(A) describe types of groups, including primary, secondary, reference, in and out, and digital communities (Geo/C);

(B) describe subcultures and what makes subcultures unique (Geo/C);

(C) explain how groups serve emotional and expressive needs (Geo/C);

(D) explain the function and styles of group leadership using the writings of the United States founding fathers (H, Geo/C); and

(E) describe the structure and function of bureaucracies and explain how these relate to students' lives and society (G/Civ, Geo/C).

(7) Government and Politics. The student understands how power, authority, forms of government, and economic systems influence society. The student is expected to:

(A) analyze the meaning of Lord Acton's quote that "Power tends to corrupt; absolute power corrupts absolutely" with George Washington's voluntary relinquishment of power by declining a third term (H, G/Civ);

(B) analyze how anarchy, direct democracy, and representative democracy distribute power and decision-making in society (G/Civ, Geo/C, S); and

(C) compare how free enterprise systems and socialism distribute power, resources, and opportunities in society (G/Civ, Geo/C, E, S).

(8) Social Capital. The student understands social capital and how it facilitates action, helps individuals achieve goals, and contributes to individual and community well-being. The student is expected to:

(A) explain how social capital is a form of capital that generates benefits for individuals and groups, including building strong relationships, accessing resources, exchanging ideas, creating opportunities, and increasing trust (Geo/C, E);

(B) explain how social capital fosters entrepreneurship and business creation, including establishing networks, exchanging innovative ideas, accessing financial resources, and building business resilience (Geo/C, E); and

(C) evaluate Robert Putnam's view on the importance of civic engagement and social capital in democratic life, including voter turnout, social trust, political engagement, and community well-being (H, G/Civ, Geo/C).

(9) Social Stratification. The student understands social stratification as a hierarchical organization of individuals in society based on factors like wealth, power, education, and social status. The student is expected to:

(A) describe how social stratification is a sociological concept that is metaphorically derived from geology and the study of layered, stratified rock (Geo/C);

(B) describe the systems of social stratification, including class systems, caste systems, estate systems, slavery systems, and meritocracy (Geo/C, E);

(C) explain how individuals are ranked into layers based upon socioeconomic factors like wealth, income, education, occupation, social status, and power (Geo/C, E);

(D) explain how social mobility and the upward and downward movement of individuals and groups are influenced by education, occupation, and income (Geo/C, E); and

(E) explain how the free enterprise system positively impacts upward social mobility for individuals and groups, including the formation and growth of businesses, reducing poverty, and building social capital (Geo/C, E).

§113.34. Special Topics in Social Studies (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.

(c) Introduction.

(1) In Special Topics in Social Studies, an elective course, students are provided the opportunity to develop a greater understanding of the historic, political, economic, geographic, multicultural, and social forces that have shaped their lives and the world in which they live. Students will use social science knowledge and skills to engage in rational and logical analysis of complex problems using a variety of approaches, while recognizing and appreciating diverse human perspectives.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Social studies skills. The student uses problem-solving and decision-making skills, working independently and with others, in a variety of settings. The student is expected to:

(A) apply social studies methodologies encompassing a variety of research and analytical tools to explore questions or issues thoroughly and fairly to include multiple perspectives (H, S);

(B) evaluate effects of major political, economic, and social conditions on a selected social studies topic (G/Civ, Geo/C, E);

(C) appraise a geographic perspective that considers physical and cultural processes as they affect the selected topic (Geo/C);

(D) examine the role of diverse communities in the context of the selected topic (H, Geo/C);

(E) analyze ethical issues raised by the selected topic in historic, cultural, and social contexts (H, Geo/C);

(F) depending on the topic, use a problem-solving process to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution (S); and

(G) depending on the topic, use a decision-making process to identify a situation that requires a decision, gather information, identify options, predict consequences, and take action to implement a decision (S).

(2) Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology. The student is expected to:

(A) locate, analyze, organize, synthesize, evaluate, and apply information about the selected topic, identifying, describing, and evaluating multiple points of view (S);

(B) differentiate between valid primary and secondary sources and use them appropriately to conduct research and construct arguments (H, S);

(C) read narrative texts critically and identify points of view from the historical context surrounding an event and the frame of reference that influenced the participants (H, S);

(D) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions (S);

(E) collect visual images (photographs, paintings, political cartoons, and other media) to enhance understanding and appreciation of multiple perspectives in a social studies topic (S);

(F) identify bias in written, oral, and visual material (S);

(G) evaluate the validity of a source based on language, corroboration with other sources, and information about the author (S); and

(H) use appropriate mathematical skills to interpret social studies information, including maps and graphs (Geo/C, S).

(3) Social studies skills. The student creates written, oral, and visual presentations of social studies information. The student is expected to:

(A) apply the conventions of usage and mechanics of written English (S);

(B) use social studies terminology correctly (S);

(C) use appropriate oral communication techniques (S);

(D) construct a thesis that is supported by evidence (S);

(E) recognize and evaluate counter arguments (S);

(F) use visual images (photographs, paintings, and other media) to facilitate understanding and appreciation of multiple perspectives in a social studies topic (S);

(G) develop a bibliography with ideas and information attributed to source materials and authors using accepted social science formats such as Modern Language Association Style Manual (MLA) and Chicago Manual of Style (CMS) to document sources and format written materials (S); and

(H) use computer software to create written, graphic, or visual products from collected data (S).

§113.35. Social Studies Research Methods (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.

(c) Introduction.

(1) In Social Studies Research Methods, an elective course, students conduct advanced research on a selected topic in social studies using qualitative and/or quantitative methods of inquiry. Students present their research results and conclusions in written and visual or oral format. The course is designed to be conducted in either classroom or independent settings.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating

resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) Social studies skills. The student understands the need for an organizing framework to identify an area of interest and collect information. The student is expected to:

(A) select a social studies issue, topic, or area of interest (S);

(B) write a rationale and preliminary ideas for research methods (S);

(C) develop a literature review (S); and

(D) develop a thesis (S).

(2) Social studies skills. The student applies a process approach to a research topic, applying the ideas, theories, and modes of inquiry drawn from the social sciences in the examination of persistent issues and social questions. The student is expected to:

(A) understand the basic requirements and philosophical foundations for qualitative and quantitative methods of inquiry, including inductive and deductive reasoning, to determine the most effective research approach from a variety of alternatives (S);

(B) select and design a research project, including an examination of the theory and methods applicable to the research topic (S);

(C) collect information from a variety of sources (primary, secondary, written, and oral) using techniques, including questionnaires, interviews, and library research (S);

(D) use current technology, including library topic catalogues, networks, online information systems, academic journals, primary sources on the Internet, email interviews, and video interviews, to collect information about the selected topic (S);

(E) use information from sources that take into account multiple perspectives (S);

(F) differentiate between primary and secondary sources and use each appropriately to conduct research and construct arguments (S);

(G) develop and use criteria for the evaluation of qualitative and/or quantitative information (S);

(H) describe the results of the research process (S);

(I) generate logical conclusions from research results (S);

(J) justify a conclusion with supporting evidence (S);

(K) make predictions as to future actions and/or outcomes based on conclusions of research (S); and

(L) develop a bibliography in a format appropriate to the social sciences such as Modern Language Association Style Manual (MLA) and Chicago Manual of Style (CMS) to document sources and format written materials (S).

(3) Social studies skills. If doing qualitative research, the student employs the processes of critical social science inquiry to understand an issue, topic, or area of interest using a variety of sources, checking their credibility, validating and weighing evidence for claims, and searching for causality. The student is expected to:

(A) interpret the historiography of the research topic (S);

(B) apply key social science concepts, including time, chronology, causality, change, conflict, and complexity, to explain, analyze, and show connections among patterns of historical change and continuity (S);

(C) investigate, interpret, and analyze multiple historical and contemporary viewpoints within and across cultures (S);

(D) relate important events, recurring dilemmas, and persistent issues to topic (S); and

(E) employ empathy, skepticism, and critical judgment to analysis of topic (S).

(4) Social studies skills. If doing quantitative research, the student is expected to:

(A) apply the scientific method in a research project (S);

(B) create a matrix applying research methodologies that employ survey research, ethnography, primary documents, and statistical analysis to given subject areas (S);

(C) determine the most efficient research approach (S);

(D) utilize basic statistical approaches and tools in the analysis of aggregate information (S);

(E) define and compute statistical information using various statistical approaches, including means testing and correlation, measures of central tendency and distribution, the development of categorical systems, and logical analysis (S);

(F) analyze information using a spreadsheet or statistical analysis information software (S);

(G) apply the fundamental principles and requirements of validity and reliability as used in the social sciences (S);

(H) interpret patterns of behavior reflecting attitudes and values that contribute or pose obstacles to cross-cultural understanding (S); and

(I) utilize applicable ethical standards in collecting, storing, and using human experimental or survey data (S).

(5) Social studies skills. The student creates a written and oral presentation of research and conclusions. The student is expected to:

(A) apply the conventions of usage and mechanics of written English (S);

(B) present a thesis and conclusion (S);

(C) use appropriate social science terminology (S);

(D) justify a conclusion with supporting evidence and address counter arguments as appropriate (S);

(E) construct visuals, including statistical compilations, charts, graphs, tables, timelines, and maps, to convey appropriate data (S);

(F) create a presentation on a selected topic using word-processing, graphics, and multimedia software (S);

(G) incorporate and present visual images (photographs, paintings, and other media) to enhance presentation (S); and

(H) develop a bibliography with ideas and information attributed to source materials and authors using accepted social science formats such as Modern Language Association Style Manual (MLA) and Chicago Manual of Style (CMS) to document sources and format written materials (S).

(6) Social studies skills. The student understands the principles and requirements of the scientific method. The student is expected to:

(A) select a social studies issue, topic, or area of interest (S);

(B) select and design a research project, including an examination of the theory and methods applicable to the research topic (S);

(C) describe the results of the research process (S); and

(D) justify a conclusion with supporting evidence and make predictions as to future actions and/or outcomes based on the conclusions of research (S).

§113.36. Social Studies Advanced Studies (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. Students shall be awarded one-half credit for successful completion of this course. Students may take this course with different course content for a maximum of two credits.

(c) Introduction.

(1) In Social Studies Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student investigates, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:

(A) analyze the relationship between his or her interests and career/discipline (S);

(B) review literature from varied sources from the selected career or discipline (S);

(C) identify a problem, issue, or concern (S);

(D) survey and/or interview professionals to determine the appropriateness of a project (S); and

(E) develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project (S).

(2) The student demonstrates understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:

(A) develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation (S);

(B) simulate the methods and/or technologies used in the research process particular to the selected field or discipline (S); and

(C) review and revise the original proposal to reflect changes needed based upon preliminary research and practices (S).

(3) The student develops products that meet standards recognized by the selected profession or discipline. The student is expected to:

(A) collaborate with the appropriate professionals to define the product (S);

(B) develop a plan for product completion (S);

(C) develop assessment criteria for successful completion of the project (S);

(D) establish the appropriateness of the product for the intended audience (S);

(E) implement the plan for product completion (S); and

(F) maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes (S).

(4) The student demonstrates an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:

(A) review and revise the plan to present the findings (S);

(B) make arrangements for the presentation of findings to an appropriate audience (S);

(C) present findings, simulating the skills used by professionals (S);

(D) consider feedback received from the audience (S);

(E) reflect on the study and its potential for impact on the field (S); and

(F) reflect on personal learning experiences of the study (S).

§113.37. Economics Advanced Studies (One-Half Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. Students may take this course with different course content for a maximum of one credit. Students who are pursuing the Distinguished Achievement Program may take Economics Advanced Studies to earn state credit for developing, researching, and presenting their mentorship or independent study advanced measure.

(c) Introduction.

(1) In Economics Advanced Studies, an elective course, students conduct in-depth research, prepare a product of professional quality, and present their findings to appropriate audiences. Students, working independently or in collaboration with a mentor, investigate a problem, issue, or concern; research the topic using a variety of technologies; and present a product of professional quality to an appropriate audience.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6)

of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student investigates, independently or collaboratively, a problem, issue, or concern within a selected profession or discipline. The student is expected to:

(A) analyze the relationship between his or her interests and career/discipline (S);

(B) review literature from varied sources from the selected career or discipline (S);

(C) identify a problem, issue, or concern (S);

(D) survey and/or interview professionals to determine the appropriateness of a project (S); and

(E) develop a proposal that includes well-defined questions, goals and objectives, rationale, and procedures for the project (S).

(2) The student demonstrates understanding of the research methods and/or technologies used in a selected profession or discipline. The student is expected to:

(A) develop an understanding of the requirements and practices of the profession in the selected career or discipline through observation (S);

(B) simulate the methods and/or technologies used in the research process particular to the selected field or discipline (S); and

(C) review and revise the original proposal to reflect changes needed based upon preliminary research and practices (S).

(3) The student develops products that meet standards recognized by the selected profession or discipline. The student is expected to:

(A) collaborate with the appropriate professionals to define the product (S);

(B) develop a plan for product completion (S);

(C) develop assessment criteria for successful completion of the project (S);

(D) establish the appropriateness of the product for the intended audience (S);

(E) implement the plan for product completion (S); and

(F) maintain a journal to document all phases of the implementation of the plan and reflections on learning experiences and processes (S).

(4) The student demonstrates an understanding of the selected problem, issue, or concern by explaining or justifying findings to an appropriate audience for public comment or professional response. The student is expected to:

(A) review and revise the plan to present the findings (S);

(B) make arrangements for the presentation of findings to an appropriate audience (S);

(C) present findings, simulating the skills used by professionals (S);

(D) consider feedback received from the audience (S);

(E) reflect on the study and its potential for impact on the field (S); and

(F) reflect on personal learning experiences of the study (S).

§113.38. Ethnic Studies: Mexican American Studies (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) In Ethnic Studies: Mexican American Studies, an elective course, students learn about the history and cultural contributions of Mexican Americans. Students explore history and culture from an interdisciplinary perspective. The course emphasizes events in the 20th and 21st centuries, but students will also engage with events prior to the 20th century.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student understands historical points of reference in Mexican American history. The student is expected to apply absolute and relative chronology through the sequencing of significant individuals, events, and time periods (H).

(2) The student understands developments related to pre-colonial settlements and Spanish colonization of Mesoamerica and North America. The student is expected to:

(A) explain the significance of the following events as turning points relevant to Mexican American history: Aztec arrival in Mexico's central valley, establishment of the Aztec Empire, Hernán Cortés's first encounter with the Aztecs, Spanish conquest of the Aztecs, creation of the New Laws, and Jesuit expulsion from the Americas (H, G/Civ, Geo/C, E); and

(B) examine the contributions of significant individuals from the Spanish colonial era, including Moctezuma II, Hernán Cortés, La Malinche, Bartolomé de las Casas, and Sor Juana Inés de la Cruz (H, G/Civ, Geo/C).

(3) The student understands developments related to Mexican independence and Mexico's relationship with the United States from 1800-1930. The student is expected to explain the significance of the following events as turning points relevant to Mexican American history: the Grito de Dolores, Mexico's acquisition of independence, Texas's declaration of independence from Mexico, Mexican-American War, Treaty of Guadalupe Hidalgo, Mexican Revolution, creation of the U.S. Border Patrol, and Mexican repatriation of the 1930s (H, G/Civ, Geo/C, E).

(4) The student understands the causes and impact of the Mexican American civil rights movement from the 1930s to 1975. The student is expected to:

(A) explain the significance of the following events as turning points relevant to Mexican American history: U.S. entry into World War II, Bracero Program, Longoria Affair, Operation Wetback, Hernández v. Texas, Brown v. Board of Education, Civil Rights Act of 1964, Voting Rights Act of 1965, Farmworkers strike and boycott, and establishment of La Raza Unida Party (H, G/Civ, Geo/C, E); and

(B) identify the contributions of significant individuals from the civil rights era, including Dolores Huerta, Reies López Tijerina, José Ángel Gutiérrez, Rubén Salazar, Emma Tenayuca, Rodolfo "Corky" Gonzales, Marcario García, Hector P. García, Raul "Roy" Perez Benavidez, Martha P. Cotera, Jovita Idár, Jovita González de Mireles, Sara Estela Ramírez, Leonor Villegas de Magnon, Adela Sloss Vento, María L. de Hernández, and Alicia "Alice" Dickerson Montemayor (H, G/Civ, Geo/C, E).

(5) The student understands the development of voting rights and ideas related to citizenship for Mexican Americans from 1975 to the present. The student is expected to:

(A) explain the significance of the following events as turning points relevant to Mexican American history: the Immigration Reform and Control Act, Illegal Immigration Reform and Immigration Responsibility Act; and H.R. 4437 passed by the U.S. House of Representatives in 2006 (H, G/Civ); and

(B) identify the contributions of significant individuals, including Raul Yzaguirre, William "Willie" Velásquez, Gloria Evangelina Anzaldúa, Henry Cisneros, Cherríe L. Moraga, and Bill Richardson (H, G/Civ, Geo/C).

(6) The student understands the impact of geographic factors on major events related to Mexican Americans. The student is expected to:

(A) locate places and regions of cultural and historical significance in Mexican American history (H, Geo/C);

(B) identify physical and human geographic factors related to the settlement of American Indian societies (H, Geo/C);

(C) explain how issues of land use related to Mexican Independence, Texas Independence, and the Mexican Revolution (H, G/Civ, Geo/C, E);

(D) analyze physical and human geographic factors related to Mexican migration from the 1910s to the 1930s (H, Geo/C);

(E) identify physical and human geographic factors related to the migration of Mexican laborers as part of the 1940s Bracero Program (H, G/Civ, Geo/C, E); and

(F) analyze the physical and human geographic factors related to contemporary Mexican migration to and Mexican American migration within the United States (H, Geo/C).

(7) The student understands domestic issues related to Mexican American population growth, labor force participation, and the struggle to satisfy wants and needs given scarce resources. The student is expected to:

(A) analyze the economic impact of Mexican repatriation of the 1930s (E);

(B) evaluate the contributions of the Bracero Program to the U.S. war effort and the development of the agricultural economy in the American Southwest (H, E);

(C) explain the struggle to create a farmworkers union and the union's efforts to fight for better wages (G/Civ, E);

(D) analyze the economic contributions of the Mexican American labor force (E);

(E) analyze the purchasing power of the Mexican American population as it relates to U.S. household consumption and gross domestic product (GDP) (E); and

(F) discuss current issues related to the Mexican American labor force (G/Civ, E).

(8) The student understands the significance of political decisions and the struggle for Mexican American political power throughout U.S. history. The student is expected to:

(A) describe how Mexican Americans have participated in supporting and changing government (G/Civ);

(B) analyze the impact of Salvatierra v. Del Rio Independent School District (ISD), Delgado v. Bastrop ISD, and Hernández v. Texas on Mexican Americans and the end of the biracial paradigm (G/Civ);

(C) analyze the Mexican American struggle for civil rights as manifested in the Chicano movement (G/Civ, Geo/C);

(D) evaluate the successes and failures of the Mexican American civil rights movement and the farmworkers movement (H, G/Civ, Geo/C, E);

(E) analyze the significance of U.S. Supreme Court decisions in Miranda v. Arizona, San Antonio ISD v. Rodríguez, and Plyler v. Doe (G/Civ); and

(F) discuss the role of various organizations, including the American G.I. Forum, the League of United Latin American Citizens (LULAC), the Mexican American Legal Defense and Educational Fund (MALDEF), the National Association of Latino Elected and Appointed Officials (NALEO), and the National Council of La

Raza (NCLR), that have participated in the Mexican American struggle for political power (H, G/Civ, Geo/C, E).

(9) The student understands the debates surrounding the nature of respectful expression of different points of view in a constitutional republic. The student is expected to:

(A) describe the rights and responsibilities of Mexican American citizens and Mexican immigrants in civic participation within the United States (G/Civ, Geo/C);

(B) discuss ways American citizens and immigrants interpret formal citizenship and cultural citizenship, including membership in one nation and membership in diverse cultural and national groups (G/Civ, Geo/C);

(C) discuss ways individuals contribute to the national identity as members of diverse cultural groups (Geo/C); and

(D) analyze the connotations and histories of identity nomenclature relevant to Mexican Americans, including Mexican, Spanish, Hispanic, Latina/o, Chicana/o, illegal, undocumented, Mexican American, American Mexican, or simply American (H, G/Civ, Geo/C).

(10) The student understands the relationship between Mexican American artistic expression and the times during which the art was created. The student is expected to:

(A) describe how the characteristics and issues of Mexican American history have been reflected in various genres of art, music, film, and literature (H, Geo/C);

(B) analyze the significance of selected works of Mexican American literature, including "I am Joaquín" (1967) by Rodolfo "Corky" Gonzales and "Pensamiento Serpentino" (1971) by Luis Valdez (Geo/C);

(C) describe the role of artistic expression in mobilizing Mexican Americans and others toward civic participation and action, including the role of "Teatro Campesino" during the farmworkers movement (H, G/Civ, Geo/C);

(D) identify the contributions of women, including Sandra Cisneros and Norma Alarcón (Geo/C); and

(E) identify the impact of Mexican American popular culture on the United States and the world over time (H, Geo/C).

(11) The student understands the impact of Mexican American individuals and groups on the development of science and technology in American society and on a global scale. The student is expected to:

(A) explain the major ideas in astronomy, mathematics, and architectural engineering that developed in the Maya and Aztec civilizations (H, G/Civ, Geo/C, E); and

(B) identify contributions to science and technology in the United States and the world made by Mexican Americans, including Albert Baez, Martha E. Bernal, Ellen Ochoa, Linda Garcia Cubero, and Mario José Molina (Geo/C).

(12) The student applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including electronic technology. The student is expected to:

(A) use social studies terminology correctly (S);

(B) analyze diverse points of view related to contemporary Mexican American issues (S);

(C) create a written and/or oral presentation on a contemporary issue or topic relevant to Mexican Americans using critical methods of inquiry (S); and

(D) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions (S).

§113.39. Ethnic Studies: African American Studies (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. This course is recommended for students in Grades 10-12. Students shall be awarded one credit for successful completion of this course.

(c) Introduction.

(1) In Ethnic Studies: African American Studies, an elective course, students learn about the history and cultural contributions of African Americans. This course is designed to assist students in understanding issues and events from multiple perspectives. This course develops an understanding of the historical roots of African American culture, especially as it pertains to social, economic, and political interactions within the broader context of United States history. It requires an analysis of important ideas, social and cultural values, beliefs, and traditions. Knowledge of past achievements provides citizens of the 21st century with a broader context within which to address the many issues facing the United States.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions.

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) The student understands the influential historical points of reference in African history prior to 1619. The student is expected to:

(A) identify the major eras, civilizations, and contributions of African history that are foundational to humanity and predate American slavery (H, G/Civ, Geo/C, E);

(B) describe and compare the various pre-colonial, indigenous, and ancestral roots of African Americans, including educational systems, social and political developments, family structures, global trade, and exchange (H, G/Civ, Geo/C, E); and

(C) analyze the effects of dehumanization through the capture, trade, and enslavement of Africans, within a regional and global context, including the Atlantic Slave Trade (H, Geo/C, E).

(2) The student understands the economic, political, and social development of slavery during the American colonial period, 1619 to 1775. The student is expected to:

(A) analyze the African diaspora, including the role of Africans and Europeans (H, G/Civ, Geo/C, E);

(B) compare and contrast the colonization of North, Central, and South America and the West Indies and neighboring islands and analyze the interactions among enslaved Africans and Native Americans (H, G/Civ, Geo/C, E);

(C) describe and explain the impact of the Middle Passage on African American culture (H, Geo/C, E); and

(D) explain the causes for the growth and development of slavery, primarily in the Southern colonies (H, G/Civ, Geo/C, E).

(3) The student understands the rationalization and ramifications for the continuation and growth of slavery and the anti-slavery movement in the United States from independence (1776) through the Emancipation Proclamation (1863). The student is expected to:

(A) analyze the economic, social, religious, and legal rationalization used by some Americans to continue and expand slavery after declaring independence from Great Britain (H, G/Civ, Geo/C, E);

(B) describe the impact of the Three-Fifths Compromise and the Fugitive Slave Act (H, G/Civ, E);

(C) analyze the role that slavery played in the development of nationalism and sectionalism during the early 19th century (H, G/Civ, Geo/C, E);

(D) analyze and evaluate various forms of individual and group resistance against the enslavement of African Americans (H, G/Civ, Geo/C);

(E) analyze the influence of significant individuals and groups prior to and during the abolitionist movement to determine their impact on ending slavery, including the work of David Walker, Elijah P. Lovejoy, John Brown, Sojourner Truth, Frederick Douglass, the American Anti-Slavery Society, and the Underground Railroad (H, G/Civ, Geo/C); and

(F) analyze national and international abolition efforts, including the gradual emancipation of enslaved people in the North (1777-1804), the U.S. ban on the slave trade (1808), the abolition of slavery in Mexico (1829) and Great Britain (1833), and the significance of the Guerrero Decree in the Texas Revolution (H, G/Civ, E).

(4) The student understands African American life from the Civil War through World War I. The student is expected to:

(A) summarize the roles and experiences of African American soldiers and spies in both the North and South during the Civil War (H, G/Civ, Geo/C);

(B) describe and analyze the successes and failures of Reconstruction (H, G/Civ, Geo/C, E);

(C) compare the opportunities and challenges faced by African Americans from post-Reconstruction to the early 20th century and viewpoints and actions of African Americans, including Ida B. Wells, W.E.B. Du Bois, Booker T. Washington, Marcus Garvey, the National Association for the Advancement of Colored People (NAACP), Freedmen's Towns, and the Exodusters (H, G/Civ, Geo/C, E);

(D) explain the circumstances surrounding increased violence and extremism, including the Ku Klux Klan (KKK), the Colfax Massacre, lynchings, race riots, and the Camp Logan Mutiny (The Houston Riot of 1917) (H, G/Civ, Geo/C);

(E) explain the impact of the convict leasing system on African Americans, including the Sugar Land 95 (H, G/Civ, Geo/C, E);

(F) explain how the rise of Jim Crow laws affected the life experiences of African Americans in the late 19th and early 20th centuries (H, G/Civ, Geo/C);

(G) describe the impact of the U.S. Supreme Court decision Plessy v. Ferguson (1896) (H, G/Civ, Geo/C);

(H) analyze the social, economic, and political actions of African Americans in response to the Jim Crow era during the early 20th century, including the Great Migration, civil rights organizations, social organizations, political organizations, and organized labor unions (H, G/Civ, Geo/C, E);

(I) examine the experiences of African American soldiers during and after World War I (H, Geo/C); and

(J) describe the impact of African American military service from Reconstruction through World War I, including the role of the Buffalo Soldiers (H, G/Civ, Geo/C, E).

(5) The student understands change and continuity in the African American cultural identity during the Great Depression, World War II, and the Civil Rights Movement. The student is expected to:

(A) compare the positive and negative effects of the Great Depression and New Deal on the social and economic status of African Americans in various geographic regions (G/Civ, Geo/C, E);

(B) describe the impact of U.S. Supreme Court decisions Sweatt v. Painter (1950) and Brown v. Board of Education (1954) (G/Civ, Geo/C);

(C) describe the continued struggle for civil rights in America during this time in history, including the notable works of the NAACP, National Urban League, Jackie Robinson, Rosa Parks, Martin Luther King Jr., Daisy Bates and the Little Rock Nine, the Student Non-Violent Coordinating Committee (SNCC), and local leaders (G/Civ, Geo/C);

(D) describe the interactions of the people of the diaspora relative to the struggle for civil rights (Geo/C);

(E) describe the impact of racism during World War II (H, G/Civ, Geo/C);

(F) explain the contributions of significant African American individuals and groups during World War II, including Doris "Dorie" Miller, the Tuskegee Airmen, and the 761st Tank Battalion (H, G/Civ, Geo/C);

(G) analyze how the effects of World War II laid the groundwork for the Civil Rights Movement, including Harry S. Truman's Executive Order 9981 and the contributions of A. Phillip Randolph, Mary McLeod Bethune, and Thurgood Marshall (H, G/Civ, Geo/C, E);

(H) analyze the successes, failures, and ongoing impact of the Civil Rights Movement, including methods, sit-ins, boycotts, marches, speeches, music, and organizations (H, G/Civ, Geo/C, E); and

(I) evaluate the extent to which the Civil Rights Movement transformed American politics and society (H, G/Civ, Geo/C, E).

(6) The student understands the progress made and challenges faced by African Americans from the post-Civil Rights Era to contemporary times. The student is expected to:

(A) identify and explain the issues confronting African Americans in the continuing effort to achieve equality (H, G/Civ, Geo/C, E);

(B) describe the major achievements of contemporary African Americans and how their contributions have shaped the American experience, including John H. Johnson, Muhammad Ali, Fannie Lou Hamer, Shirley Chisholm, Earl G. Graves, Barbara Jordan, Colin Powell, Condoleezza Rice, and Barack Obama (H, G/Civ, Geo/C, E); and

(C) analyze the progress and challenges for African American men and women socially, economically, and politically from 1970 to the present, including the evolving role of education in the African American community (H, G/Civ, Geo/C, E).

(7) The student understands the impact of geographic factors on major events related to African Americans over time. The student is expected to:

(A) explain the causes and effects of forced and voluntary migration on individuals, groups, and societies throughout African American history (H, G/Civ, Geo/C, E);

(B) identify and explain the physical and human geographic factors that contributed to the Atlantic Slave Trade, the rise of the plantation system in the South, the development of textile mills in the North, and economic interdependence between the North and South (Geo/C, E);

(C) explain the westward movement and the Great Migration and summarize their impact on African Americans (H, Geo/C, E); and

(D) analyze how environmental changes impacted African American communities, including land use, settlement patterns, and urban development (Geo/C, E).

(8) The student understands ways in which African Americans have addressed opportunities, challenges, and strategies concerning economic well-being over time. The student is expected to:

(A) analyze the effects of the Industrial Revolution and the roles of "King Cotton" and the cotton gin in the economies of the United States and the world (H, Geo/C, E);

(B) explain how sharecropping and redlining limited economic opportunities for African Americans (G/Civ, E);

(C) explain how economic conditions and racism contributed to the Great Migration (Geo/C, E);

(D) evaluate the economic impact of the American labor movement and unionism on African Americans from the late 19th century to today (G/Civ, E);

(E) analyze how various geographic, cultural, social, political, and financial factors influenced the economic mobility of African Americans, including skin color, wealth, and educational background (G/Civ, Geo/C, E);

(F) evaluate the effectiveness of various approaches African Americans have used to solve economic issues (E);

(G) trace the rise and development African American businesses and entrepreneurship from the late 19th century to today (Geo/C, E); and

(H) examine the contributions of African American and Black American Business entrepreneurship, including Black Wall Street, black inventors, and the black experience in business, and the economic contributions of individuals, including Madame C. J. Walker and Maggie L. Walker (Geo/C, E).

(9) The student understands the significant impact of political decisions on African Americans throughout history. The student is expected to:

(A) compare and contrast how political perspectives of free and enslaved African Americans in the late 1700s and early 1800s were influenced by the unalienable rights expressed in the Declaration of Independence and civil rights in the Bill of Rights (G/Civ);

(B) explain the regional perspectives toward political rights of African American men and women from the early years of the republic through 1877 (G/Civ, Geo/C);

(C) analyze the construction, interpretation, and implementation of the 13th, 14th, and 15th Amendments to the U.S. Constitution and the effects on African American men and women between 1877 and 1920 (G/Civ);

(D) analyze how government policies, court actions, and legislation impacted African Americans from the 1920s through the 1950s (G/Civ);

(E) analyze the causes and effects of government actions and legislation addressing racial and social injustices from 1960 to the present day, including the issues of voting rights, civil rights, fair housing, education, employment, affirmative action, the War on Crime, the War on Drugs, mass incarceration, and health and nutrition (G/Civ, Geo/C, E); and

(F) analyze how the changing political environment has impacted civil rights from the late 20th century to the present (G/Civ).

(10) The student understands the impact of political interactions on the African American struggle for human rights over time. The student is expected to:

(A) analyze examples of conflict and cooperation between African Americans and other groups in the pursuit of individual freedoms and civil rights, including the Freedom Riders and the Memphis Sanitation Workers Strike (G/Civ, E);

(B) explain how various philosophies and ideologies influenced the African American experience for social, political, and legal equality, including fair housing, equal opportunity, affirmative action, and voting rights (G/Civ, Geo/C, E); and

(C) identify the contributions of African American leaders at local, state, and national levels of government (G/Civ).

(11) The student understands the importance of multiple and changing points of view regarding citizenship of African Americans. The student is expected to:

(A) trace how perceptions of the rights and civic responsibilities of African Americans have changed over time, including the idea of being considered property with no rights under slavery (H, G/Civ, Geo/C);

(B) analyze how regional differences influenced political perspectives of African American communities (G/Civ, Geo/C);

(C) analyze the significance and associations of identity nomenclature relevant to African Americans, including Negro and Black (H, Geo/C);

(D) analyze selected contemporary African American issues that have led to diverse points of view in public discourse, including rights and activism (G/Civ); and

(E) identify and describe the diversity of peoples of African ancestry, including Afro-Latinos, Afro-Caribbeans, and recent African immigrants (Geo/C).

(12) The student understands the development of African American culture and society and the impact of shared identities and differing experiences. The student is expected to:

(A) analyze the impact of assimilation, stereotypes, de facto practices, and oppression on the lives of African Americans (Geo/C);

(B) analyze ways in which African Americans have retained cultural identity over time while adapting to and contributing to mainstream American culture (Geo/C); and

(C) analyze the various cultural practices that have shaped the individual and collective identity of African Americans over time to understand shared and differing experiences (Geo/C).

(13) The student understands the cultural traditions and contributions of African Americans from the colonial era through Reconstruction. The student is expected to:

(A) identify and describe the influence of African oral traditions, visual art, literary art, theater, music, and dance on African American culture (Geo/C);

(B) describe the influence of enslavement on African American culture (Geo/C);

(C) identify the contributions of early African American literature, including the works of Jupiter Hammon and Phillis Wheatley (Geo/C);

(D) explain the origins and characteristics of different musical genres and traditions of African Americans (Geo/C); and

(E) describe the expanding influence of African American music through the work of performers, including the Fisk Jubilee Singers (Geo/C).

(14) The student understands the influence of artistic expression on the African American experience and American culture from Reconstruction to the present. The student is expected to:

(A) describe the development and influence of blues, ragtime, jazz, and hip hop music, including the achievements of composers Scott Joplin and James Reese Europe (Geo/C);

(B) describe how various African American expressions of dance forms, including tap dance, step dance, hip hop, and modern dance, and the contributions of African American dancers,

including the Dance Theater of Harlem, Katherine Dunham, Bill "Bojangles" Robinson, Alvin Ailey, and Misty Copeland, have contributed to the shared identity of various groups (Geo/C);

(C) explain the lasting impact of the Harlem Renaissance on American culture and society, including the achievements of Louis Armstrong, Josephine Baker, Duke Ellington, Langston Hughes, Sargent Johnson, Jules Bledsoe, Paul Robeson, Augusta Savage, and James VanDerZee (Geo/C);

(D) describe the reactions to and the influence of selected works by African American authors, including "The Souls of Black Folk" by W.E.B. Du Bois, "Native Son" by Richard Wright, "Their Eyes Were Watching God" by Zora Neale Hurston, "Beloved" by Toni Morrison, and "Eyes on the Prize" by Henry Hampton (Geo/C);

(E) describe storytelling, literary, filmmaking, and visual arts contributions related to self-identity made by African Americans, including Oscar Micheaux, John T. Biggers, James Baldwin, Lorraine Hansberry, Amiri Baraka, Sidney Poitier, Maya Angelou, Faith Ringgold, August Wilson, bell hooks, Spike Lee, John Singleton, and Oprah Winfrey (Geo/C);

(F) describe how characteristics of African American history and culture have been reflected in various genres of art, music, film, theatre, visual arts, and dance (Geo/C); and

(G) analyze the impact of popular culture on African Americans during significant eras (Geo/C).

(15) The student understands African American educational developments, achievements, and opportunities before and after the U.S. Supreme Court decision of Brown v. Board of Education (1954). The student is expected to:

(A) describe the efforts to prevent the education of enslaved people and free African Americans, including anti-literacy laws (G/Civ, Geo/C);

(B) analyze the expansion of educational opportunities for African Americans, including the Freedman's Bureau, Rosenwald Schools, the Second Morrill Act (1890), the establishment of Historically Black Colleges and Universities, and the role of the National Pan-Hellenic Council (Divine 9) (H, G/Civ, Geo/C); and

(C) describe contemporary issues in education for African American students, including the school-to-prison pipeline, opportunity gaps, overrepresentation in special education, and underrepresentation in gifted and talented opportunities (G/Civ, Geo/C).

(16) The student understands how African American achievements in science and technology have contributed to economic and social development in the United States. The student is expected to:

(A) identify examples of how advances made by African civilizations in areas, including astronomy, mathematics, architecture, and engineering, have contributed to science and technology in the United States (Geo/C);

(B) identify examples of how industrialization was influenced by African Americans over time (H, Geo/C); and

(C) describe the contributions of significant African American individuals to science, philosophy, mathematics, and technology, including Benjamin Banneker, George Washington Carver, Granville Woods, Mary Jackson, Katherine Johnson, Henrietta Lacks, Dorothy Vaughan, Mae Jemison, and Neil deGrasse Tyson (H, Geo/C).

(17) The student understands how historians use historiography to interpret the past and applies critical-thinking skills to organize and use information acquired from a variety of valid sources, including technology. The student is expected to:

(A) analyze primary and secondary sources, including maps, graphs, speeches, political cartoons, and artifacts, to acquire information to answer historical questions (S);

(B) analyze information by applying absolute and relative chronology through sequencing, categorizing, identifying cause-and-effect relationships, comparing and contrasting, finding the main idea, summarizing, making generalizations, making predictions, drawing inferences, and drawing conclusions (S);

(C) apply the process of historical inquiry to research, interpret, and use multiple types of sources of evidence (S);

(D) evaluate the validity of a source based on corroboration with other sources and information about the author, including points of view, frames of reference, and historical context (S); and

(E) identify bias and support with historical evidence a point of view on a social studies issue or event (S).

(18) The student communicates in written, oral, and visual forms. The student is expected to:

(A) create written, oral, and visual presentations of social studies information using effective communication skills, including proper citations and avoiding plagiarism (S); and

(B) use social studies terminology correctly (S).

(19) The student uses geographic tools to collect, analyze, and interpret data. The student is expected to:

(A) create a visual representation of historical information, including hematic maps, graphs, and charts (S); and

(B) pose and answer questions about geographic distributions and patterns shown on maps, graphs, charts, and available databases (S).

(20) The student uses problem-solving and decision-making skills, working independently and with others. The student is expected to use problem-solving and decision-making processes to identify a problem, gather information, list and consider options, consider advantages and disadvantages, choose and implement a solution, and evaluate the effectiveness of the solution (S).

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

Filed with the Office of the Secretary of State on October 12, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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For further information, please call: (512) 475-1497

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19 TAC §113.29

The State Board of Education (SBOE) adopts new §113.29, concerning foundations of economics. The new section is adopted with changes to the proposed text as published in the May 15,

2026 issue of the *Texas Register* (51 TexReg 3210) and will be republished. The adopted new Texas Essential Knowledge and Skills (TEKS) establish a new one-credit economics course that may be used to satisfy revised social studies graduation requirements under House Bill (HB) 27, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: In accordance with statutory requirements that the SBOE identify by rule the essential knowledge and skills of each subject in the required curriculum, the SBOE follows a board-approved cycle to review and revise the essential knowledge and skills for each subject.

The TEKS for social studies and economics were originally adopted effective September 1, 1998. The Kindergarten-Grade 12 social studies TEKS and the TEKS for economics were revised effective August 23, 2010. In 2015, the SBOE adopted revisions to the TEKS for certain Advanced Placement (AP) and International Baccalaureate (IB) social studies courses to require that students demonstrate proficiency in the TEKS for the corresponding AP and IB courses, in addition to the AP or IB course requirements. In 2018, the SBOE approved streamlining revisions to the social studies TEKS for Kindergarten-Grade 8 and four high school social studies courses (United States History Studies, World History Studies, World Geography, and United States Government). The SBOE also streamlined the TEKS for Economics with Emphasis on the Free Enterprise System and Its Benefits and consolidated the TEKS for economics into Chapter 113. In April 2020, the SBOE approved proposed revisions to Chapter 113, Subchapter D, to update references to course numbers and titles to reflect the revisions to the social studies TEKS.

In 2021, SB 1063, 87th Texas Legislature, Regular Session, amended TEC, §28.025, to add a one-half credit course in personal financial literacy and economics as an option to meet the one-half credit graduation requirement for economics under the Foundation High School Program. SB 1063 required that the SBOE adopt TEKS for the personal financial literacy and economics course and that the required curriculum for the course allocate two-thirds of the instructional time to personal financial literacy and one-third of instructional time to economics. At its June 2022 meeting, the SBOE adopted TEKS for the new course, §113.76, Personal Financial Literacy and Economics, and the rule became effective August 1, 2022.

In 2021, the 87th Texas Legislature passed HB 4509, Regular Session, and SB 3, Second Called Session, to require the teaching of informed patriotism and the founding documents of the United States and require the SBOE to adopt essential knowledge and skills for social studies that develop each student's civic knowledge, including an understanding of the fundamental moral, political, and intellectual foundations of the United States government. The SBOE approved proposed amendments to Chapter 113, Subchapters A-C, to update the standards for Kindergarten-Grade 8 and five high school courses (Economics with Emphasis on the Free Enterprise System and Its Benefits, United States History Studies Since 1877, World History Studies, World Geography Studies, and United States Government) to align with SB 3 requirements.

In October 2024, the chairman of the SBOE established an ad hoc committee on social studies standards. The committee was charged with evaluating Texas's current social studies learning standards, researching best practices in history and civics education, and providing recommendations for developing exemplary state standards to ensure that Texas students receive a high-quality social studies education that prepares them for informed citizenship.

The goal of the committee was to provide clear, actionable recommendations for developing social studies curriculum standards that will position Texas as a national leader in history and civics education. The standards should equip students with essential knowledge of world, United States, and Texas history; geography; and civic institutions while fostering the skills and dispositions needed for engaged citizenship in a diverse democratic republic.

In 2025, the 89th Texas Legislature, Regular Session, passed HB 27, which revised the high school social studies graduation requirement for students who enter Grade 9 in the 2026-2027 school year and thereafter. Under HB 27, students must successfully complete a one-half credit personal financial literacy course instead of the one-half credit economics course or one-half economics and personal financial literacy and economics course to satisfy the economics requirement under the Foundation High School Program. Additionally, the bill permits students in this cohort to select the third social studies credit required for graduation from one credit in economics, world geography, or world history. As a result, the bill requires the approval of a one-credit economics course for this cohort while the current one-half economics course offerings remain in place for students not subject to HB 27. The bill also added new TEC, §28.025(b-24), requiring the SBOE to allow a student to comply with the personal financial literacy requirement by successfully completing an AP course that contains substantively similar and rigorous academic content.

HB 824, 89th Texas Legislature, Regular Session, 2025, added TEC, §28.002(h-3), to require the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge, including the role of government officials, the voting process, the eligibility requirements to run for elected office, Robert's Rules of Order, and the elected officials who represent the student.

Additionally, SB 24, 89th Texas Legislature, Regular Session, 2025, added TEC, §28.002(h-11), to require the SBOE to adopt social studies TEKS for Grades 4-12 that develop each student's understanding of communist regimes and ideologies and that provide age and developmentally appropriate instruction and information on the topic.

During the April 10, 2025 Ad Hoc Committee on Social Studies meeting, a public hearing on recommendations for a framework to guide the organization of the TEKS for social studies, including the identification of core content topics that students should know in United States history, Texas history, world history, geography, and civics in Kindergarten-Grade 12, was conducted. Texas Education Agency (TEA) staff presented an update on the status and progress of the Social Studies Ad Hoc Committee's charges, and the Committee of the Full Board (COFB) heard public testimony at the June 2025 meeting. A survey to collect input on key topics, strand titles, course sequencing/layering, and effective practices to inform the social studies TEKS revision was distributed in August 2025.

At the September 2025 meeting, the SBOE approved the social studies framework course sequence and strands for Kindergarten-Grade 8. The SBOE designated content advisors for the social studies TEKS review, and an application to serve on social studies TEKS review work groups was posted on the TEA

website in October 2025. A discussion item regarding content advisor recommendations for key topics to be included in the social studies TEKS framework was presented to the COFB at the November 2025 meeting. The content advisors were also directed to address instructional requirements from HB 27, HB 824, and SB 24 in their recommendations. At the January 2026 meeting, the SBOE approved key topics and subtopics to be included in the new TEKS for social studies. Work group meetings were convened in February 2026 to develop draft recommendations for the new social studies TEKS. As part of the SBOE's process for the review and revision of the TEKS, education service centers (ESCs) collected feedback from educators in their regions on the work group drafts and submitted the feedback to TEA.

The SBOE held a public hearing and discussed the proposed new TEKS for social studies at a special called meeting in February 2026. In March 2026, TEA convened additional work groups to address the feedback from the SBOE and ESC focus groups to finalize their recommendations. At the April 2026 meeting, the SBOE held a public hearing on the proposed new TEKS. At the meeting, the SBOE removed §113.26, Personal Financial Literacy (One-Half Credit), Adopted 2026, from the proposal and directed staff to post both the proposed new course as presented in the April agenda and an alternative version presented during the meeting on the TEA website for informal public feedback. At that time, the SBOE also approved the remaining proposed new rules in 19 TAC Chapter 113, Subchapters A-D, for first reading and filing authorization. Proposed new 19 TAC Chapter 113, Subchapters A-D, were presented to the SBOE for second reading and final adoption at the June 2026 meeting. At that time, the SBOE approved §§113.1-113.6, 113.21-113.23, 113.29, and 113.32-113.39 for adoption. One course, §113.29, Foundations of Economics (One Credit), Adopted 2026, was approved with an effective date of 20 days after filing as adopted with the Texas Register.

The following changes were made since published as proposed.

Subsection (a) in §113.29 and §§113.32-113.39 related to implementation was updated to the 2033-2034 school year.

Subsection (c)(5) in §§113.29, 113.32, and 113.33 was amended by updating the paragraph to read, "Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include."

Section 113.29(d)(1) was amended by inserting the phrase "the history and theories of" after the word "understands."

New §113.29(d)(1)(C) was added to read, "compare mercantilism and economic nationalism using primary and secondary sources (H, G/Civ, E, S)."

Proposed §113.29(d)(2) related to mercantilism and economic nationalism was deleted.

Proposed §113.29(d)(3) and subparagraphs (A) and (C) related to classical economics were deleted, and subparagraphs (B) and (D) were re-lettered under subsection (d)(1).

Section 113.29(d)(2)(A) was amended to read, "explain how socialism is a step towards communism according to Marx (H, G/Civ, E, S)."

Section 113.29(d)(3) was amended by inserting the phrase "the ideas of limited government in" after the word "understands."

Section 113.29(d)(3)(A) was amended by replacing the verb "describe" with the verb "define."

Section 113.29(d)(3)(B) was amended to read, "explain that Friedrich Hayek emphasized individual choice, decentralized decision-making, and limited government intervention in the economy (H, E)."

New §113.29(d)(3)(C) was added to read, "explain that Milton Friedman supported free-market economics through competition, consumer choice, and limited government involvement in the economy (H, E)."

Section 113.29(d)(4) was amended to read, "Scarcity and Opportunity Cost (Micro). The student understands how scarcity influences economic decisions and the role of factors of production in the creation of goods and services."

New §113.29(d)(4)(A) was added to read, "define economic opportunity (E)."

New §113.29(d)(4)(B) was added to read, "explain scarcity in terms of opportunity cost (E)."

Proposed §113.29(d)(4)(B) related to types of capital was deleted.

Section 113.29(d)(4)(D) was amended by striking the word "the."

Section 113.29(d)(4)(E) was amended by inserting the phrase "and define services" after the word "capital."

Proposed §113.29(d)(4)(E) related to defining services was deleted.

Proposed §113.29(d)(5)(A) related to opportunity cost and tradeoffs was deleted and replaced by, "explain how choices involve tradeoffs and result in opportunity cost in decision-making (E, S)."

Proposed §113.29(d)(5)(B) related to defining services was deleted and replaced by, "explain how societies answer the fundamental economic question of what to produce when faced with scarcity and tradeoffs (G/Civ, E, S)."

New §113.29(d)(5)(C) was added to read, "explain how societies answer the fundamental economic question of how to produce when faced with scarcity and tradeoffs (G/Civ, E, S)."

Proposed §113.29(d)(5)(D) related to geographic relationships was deleted.

New §113.29(d)(5)(D) was added to read, "explain how societies answer the fundamental economic question of for whom to produce when faced with scarcity and tradeoffs (G/Civ, E, S)."

Proposed §113.29(d)(5)(E) related to ways to answer the fundamental economic question of what was deleted.

Section 113.29(d)(5)(E) was amended to read, "describe the concept of marginal analysis (E)."

Proposed §113.29(d)(5)(F) related to ways societies answer the fundamental economic question of how was deleted.

New §113.29(d)(5)(F) was added to read, "graph and explain how a production possibilities curve illustrates inefficiency, full use of resources, and unattainable economic conditions (E)."

Proposed §113.29(d)(5)(G) related to ways societies answer the fundamental economic question of for whom to produce was deleted.

Proposed §113.29(d)(6) related to economic and political freedom was deleted.

Section 113.29(d)(6)(B) was modified by adding the phrase "that shift " after the word "determinants" and striking "of " before the phrase "supply and demand."

Section 113.29(d)(6)(C) was amended to read, "graph supply and demand to illustrate movement along and shifts in supply and demand curves (G/Civ, E, S)."

Section 113.29(d)(6)(D) was amended to read, "explain shortages, surpluses, and equilibrium using supply and demand graphs (G/Civ, E, S)."

New §113.29(d)(6)(E) was added to read, "define Say's Law."

New §113.29(d)(6)(F) was added to read, "define equilibrium price and identify determinants of change to equilibrium price (E, S)."

Section 113.29(d)(7) was amended to read, "Supply, Demand, and Markets (Micro). The student understands how buyers and sellers interact in markets to determine prices, respond to scarcity, and generate profit. The student is expected to."

New §113.29(d)(7)(A) was added to read, "explain the circular flow model (E)."

Proposed §113.29(d)(7)(B) related to defining equilibrium price and identifying determinants of change was deleted.

Proposed §113.29(d)(7)(C) related to the circular flow model was deleted.

New §113.29(d)(7)(E) was added to read, "analyze how price controls, including price floors and price ceilings, can create surpluses or shortages (E)."

New §113.29(d)(7)(F) was added to read, "define profit in a market economy (G/Civ, E)."

Proposed §113.29(d)(8), (8)(A), and (8)(B) related to opportunity in economics were deleted.

Section 113.29(d)(8)(A) was modified by replacing the phrase "economic institutions with the phrase "the role of competition" after the verb "describe."

Section 113.29(d)(8)(B) was modified by adding the phrase "the role of competition in a" after the verb "describe."

Section 113.29(d)(8)(C) was modified by adding the phrase "the role of competition in an" after the verb "describe."

Section 113.29(d)(8)(D) was modified by adding the phrase "the role of competition in" after the verb "describe."

Proposed §113.29(d)(8)(E) related to market process was deleted.

Proposed §113.29(d)(8)(F) related to competition was deleted.

Proposed §113.29(d)(8)(G) related to research methods to synthesize information about business structures was deleted.

Proposed §113.29(d)(10), (10)(A), and (10)(B) related to scarcity, opportunity cost, and interest rates were deleted.

Section 113.29(d)(10) was amended to read, "Microeconomics of Public Policy (Micro). The student understands how government actions influence markets, including public goods and services, competition, regulation, incentives, and taxation. The student is expected to."

Section 113.29(d)(10)(B) was amended to read, "explain factors that influence individuals' use of public goods and services, including cost, access, and benefit to the community (G/Civ, E, S)."

New §113.29(d)(10)(C) was added to read, "describe the purpose of laws and regulations adopted in the United States to promote competition among firms (G/Civ, E, S)."

New §113.29(d)(10)(D) was added to read, "explain how government policies influence wage, including minimum wage, and price controls affect behaviors of individuals and firms (G/Civ, E, S)."

New §113.29(d)(10)(E) was added to read, "explain how moral hazard problem changes behavior and risk taking when firms and individuals are protected by government actions (G/Civ, E)."

New §113.29(d)(10)(F) was added to read, "identify factors that contribute to natural monopolies, including infrastructure costs and economies of scale (Geo/C, E, S)."

Section 113.29(d)(10)(G) was amended to read, "define sales, income, property, and excise (G/Civ, E)."

Proposed §113.29(d)(11) related to scarcity, opportunity cost, and production possibilities was deleted.

Proposed §113.29(d)(11)(B) related to factors that shift production possibilities curve was deleted.

Proposed §113.29(d)(11)(C) related to creating a production possibilities curve was deleted.

Section 113.29(d)(11)(D) was amended to read, "identify opportunity cost in using commodity, representative, and fiat monies (E)."

New §113.29(d)(12)(A)-(J) related to national statistics, economic measurement (macro), and evaluating the economy were added.

Proposed §113.29(d)(13) related to supply, demand, markets, and understanding of Say's Law was deleted.

Section 113.29(d)(13)(A) was modified by adding the phrase ", goals, and tools" after the phrase "describe the purpose."

Section 113.29(d)(13)(B) was amended to read, "define monetary policy and explain price stability (E)."

New §113.29(d)(13)(D) was added to read, "define full employment (E)."

New §113.29(d)(14)(E) was added to read, "describe supply-side economics (E)."

Section 113.29(d)(14)(F) was amended to read, "explain how Keynesian economics uses fiscal policy to stabilize the economy through aggregate demand (H, E)."

Proposed §113.29(d)(15) related to supply, demand, markets and understanding prices was deleted.

Proposed §113.29(d)(15)(B) related to analyzing price controls was deleted.

New §113.29(d)(15)(B) was added to read, "determine the relationship between productivity and the economy (E, S)."

Proposed §113.29(d)(16) related to supply, demand, markets, and understanding profit was deleted.

New §113.29(d)(18) was added to read, "Benefits of the Free Enterprise System. The student understands that benefits of the free enterprise system. The student is expected to."

New §113.29(d)(18)(F) was added to read, "describe the effects of intellectual property protections (G/Civ, E, S)."

New §113.29(d)(18)(I) was added to read, "evaluate the costs of government policies (G/Civ, E)."

Proposed §113.29(d)(19) related to decision and game theory was deleted.

Proposed §113.29(d)(19)(B) related to short-run, one-off game was deleted.

Proposed §113.29(d)(19)(C) related to Prisoner's Dilemma game was deleted.

Proposed §113.29(d)(19)(D) related to long-run games was deleted.

Proposed §113.29(d)(21) related to microeconomics of public policy and understanding competition was deleted.

Proposed §113.29(d)(22) related to microeconomics of public policy and understanding government controls was deleted.

Proposed §113.29(d)(23) related to microeconomics of public policy and understanding of moral hazards was deleted.

Proposed §113.29(d)(24) related to microeconomics of public policy and understanding of monopolies was deleted.

Proposed §113.29(d)(25) related to microeconomics of public policy and understanding taxation was deleted.

Proposed §113.29(d)(25)(B) related to income tax was deleted.

Proposed §113.29(d)(25)(C) related to property tax was deleted.

Proposed §113.29(d)(25)(D) related to excise tax was deleted.

Proposed §113.29(d)(26) related to microeconomics of public policy and understanding subsidiary was deleted.

Proposed §113.29(d)(29) related to money and monetary policy and understanding price stability was deleted.

Proposed §113.29(d)(29)(B) related to the Federal Reserve was deleted.

Proposed §113.29(d)(30) related to money and monetary policy (macro) and understanding full employment was deleted.

Proposed §113.29(d)(30)(A) related to full employment was deleted.

Proposed §113.29(d)(31) related to money and monetary policy (macro) and understanding monetary tools used by the Federal Reserve was deleted.

Proposed §113.29(d)(33) related to fiscal policy (macro) and understanding changes in federal spending and taxation was deleted.

Proposed §113.29(d)(33)(B) related to budget deficit and debt was deleted.

Proposed §113.29(d)(33)(D) related to national debt and fiscal policy was deleted.

Proposed §113.29(d)(34) related to fiscal policy (macro) and understanding modern approaches was deleted.

Proposed §113.29(d)(34)(B) related to supply-side economics was deleted.

Proposed §113.29(d)(35)(A)-(I) related to national statistics and economic measurement (macro) and understanding evaluating the economy were deleted.

Proposed §113.29(d)(36) related to national statistics and economic measurement (macro) and understanding factors included was deleted.

Proposed §113.29(d)(37)(I) related to the relationship between productivity and the economy was deleted.

Proposed §113.29(d)(38)(B) related to economic principles to analyze government decision-making was deleted.

Proposed §113.29(d)(40) related to benefits of the free enterprise system and understanding voluntary exchange was deleted.

Proposed §113.29(d)(41) related to benefits of the free enterprise system and understanding benefits of the free enterprise system was deleted.

Proposed §113.29(d)(41)(B) related to effects of intellectual property protections was deleted.

Proposed §113.29(d)(41)(E) related to costs of government policies was deleted.

Proposed §113.29(d)(41)(H) related to patterns of continuity and change in free enterprise versus command economies was deleted.

The SBOE approved the new section for first reading and filing authorization at its April 10, 2026 meeting and for second reading and final adoption at its June 26, 2026 meeting.

In accordance with TEC, §7.102(f), the SBOE approved the new section for adoption by a vote of two-thirds of its members to specify an effective date earlier than the beginning of the 2027-2028 school year. The earlier effective date will enable school systems to begin preparing for implementation of the new TEKS. The effective date is 20 days after filing as adopted with the Texas Register.

SUMMARY OF COMMENTS AND RESPONSES: The public comment period on the proposal began May 15, 2026, and ended at 5:00 p.m. on June 15, 2026. The SBOE also provided an opportunity for registered oral and written comments at its June 2026 meeting in accordance with the SBOE board operating policies and procedures. Following is a summary of public comments received and corresponding responses.

Comment. Eight teachers, 3 administrators, 3 parents, 11 community members, and two college representatives stated that more balanced instruction on economic systems and financial-literacy content. The commenters noted that standards should avoid one-sided affirmation of a single economic system and should instead help students compare strengths, limitations, tradeoffs, and historical outcomes. The commenters identified practical economic knowledge as important for understanding policy, work, and the modern economy. The commenters indicated that economic concepts should be presented with neutral language and historical complexity rather than as one-sided affirmation of a single system. The commenters requested standards that support analysis of evidence, competing perspectives, and practical economic knowledge.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for strengthening economic and financial literacy instruc-

tion based on feedback from numerous experts, educators, and stakeholders to extend the economics content within a one-year course with specific content focus on both micro- and macro-economics.

Comment. Three teachers, five parents, and one community member stated that standards are accurate, balanced, objective, comprehensive, and inclusive. The commenters explained that social studies education should provide fair and truthful instruction in history, geography, government, economics, culture, and civic responsibility. The commenters noted that students benefit from multiple perspectives, evidence-based learning, academic neutrality, and representation of diverse experiences. The commenters described that balanced standards should prepare students to understand Texas, the United States, and the world in a diverse society. The commenters identified accuracy and inclusion as necessary for student trust, engagement, and rigorous learning. The commenters indicated that social studies education should provide a fact-based understanding of history, government, economics, geography, and civic responsibility. The commenters requested revisions that preserve academic rigor, inclusivity, and factual accuracy.

Response. As a result of public comment, the SBOE took action to adopt the proposed new Kindergarten-Grade 8 and certain high school social studies TEKS, as amended, with consideration for academic rigor, varied perspectives, and factual accuracy based on feedback from numerous experts, educators, and stakeholder groups.

Comment. One teacher questioned the relevance of including the concepts of virtue, courage, and justice within the economics course standards. The commenter expressed concern that these concepts appear more closely aligned with government or civics instruction and asked whether they had been placed in the economics standards in error.

Response. The SBOE disagrees with the commenter's proposal to revise §113.29(d)(1)(B) by removing references to virtue, courage, and justice from the economics course based on TEC, §28.002, which authorizes the SBOE to establish the essential knowledge and skills for economics and other social studies courses. The SBOE maintains that economic systems do not operate independently of the social, political, and civic principles that shape individual and collective decision-making.

Comment. One parent commented that the standard in §113.29(d)(3)(A) is unnecessary because the content is already adequately addressed by the standards in §113.29(d)(3)(B)-(D). The commenter suggested that the standard is redundant and could be removed without diminishing student understanding of the topic.

Response. As a result of public comment, §113.29(d)(3)(A) was deleted.

Comment. One administrator stated specific instances of superficial content in §113.29(d)(41)(E).

Response. As a result of public comment, §113.29(d)(41)(E) was deleted.

Comment. One administrator stated that §113.29(d)(41)(E) should explicitly include the concept of tradeoffs as a core part of economic reasoning. The commenter proposed revising the standard to require students to evaluate the costs and benefits of government policies and explain the tradeoffs involved in policy decisions. The commenter explained that tradeoffs are a foundational concept in economics and that their inclusion strengthens analytical thinking. The commenter requested revising §113.29(d)(41)(E) to ensure students understand how policy decisions involve balancing competing priorities and outcomes.

Response. As a result of public comment, the SBOE took action to delete §113.29(d)(41)(E) from the proposed social studies TEKS, as amended, with consideration of tradeoffs as a core part of economic reasoning based on feedback from numerous experts, educators, and stakeholder groups.

STATUTORY AUTHORITY. The new section is adopted under Texas Education Code (TEC), §7.102(c)(4), which requires the State Board of Education (SBOE) to establish curriculum and graduation requirements; TEC, §28.002(a), which identifies the subjects of the required curriculum; TEC, §28.002(c), which requires the SBOE to identify by rule the essential knowledge and skills of each subject in the required curriculum that all students should be able to demonstrate and that will be used in evaluating instructional materials and addressed on the state assessment instruments; TEC, §28.002(h-3), as added by House Bill (HB) 824, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt essential knowledge and skills for the government component of the social studies curriculum that address specific topics to develop each student's civic knowledge; TEC, §28.002(h-11), as added by Senate Bill 24, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to adopt TEKS for Grades 4-12 social studies, as appropriate, that develop each student's understanding of communist regimes and ideologies; TEC, §28.025(a), which requires the SBOE to determine by rule the curriculum requirements for the foundation high school graduation program that are consistent with the required curriculum under TEC, §28.002; and TEC, §28.025(b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025, which requires the SBOE to allow a student to comply with the curriculum requirement for a one-half credit in personal financial literacy by successfully completing an advanced placement course designated by the SBOE as containing substantively similar and rigorous academic content.

CROSS REFERENCE TO STATUTE. The new section implements Texas Education Code, §§7.102(c)(4); 28.002(a); (c); (h-3), as added by HB 824, 89th Texas Legislature, Regular Session, 2025; and (h-11) as added by SB 24, 89th Texas Legislature, Regular Session, 2025; and 28.025(a); and (b-24), as added by HB 27, 89th Texas Legislature, Regular Session, 2025.

§113.29. Foundations of Economics (One Credit), Adopted 2026.

(a) Implementation. The provisions of this section shall be implemented by school districts beginning with the 2033-2034 school year.

(b) General requirements. This course is recommended for students in Grades 11 and 12. Students shall be awarded one credit for successful completion of this course. Students may not be awarded credit for both this course and the Economics with Emphasis on the Free Enterprise System and Its Benefits course adopted under this subchapter.

(c) Introduction.

(1) Foundations of Economics is the culmination of the economic content and concepts studied from Kindergarten through required secondary courses. Beginning with the history of economic thought, the focus is on microeconomic principles concerning production, consumption, and distribution of goods and services (the problem of scarcity) in the United States and a comparison with those in other

countries around the world. Students analyze the interaction of supply, demand, and price. Students will investigate the macroeconomic concepts of specialization and trade, economic growth, key economic measurements, and monetary and fiscal policy. Students will study the roles of the Federal Reserve System and other financial institutions, government, and businesses in a free enterprise system. Types of business ownership and market structures are discussed. Students apply critical-thinking skills using economic concepts to evaluate the costs and benefits of economic issues.

(2) The primary purpose of Texas and American social studies is to educate students to become responsible, self-governing citizens who respect the rights of their fellow citizens and who cherish liberties and laws. Over the course of multiple grades:

(A) students understand how to emulate the preservation of liberty as citizens who value the idea of civic virtue under the Constitution;

(B) students understand that a constitutional republic is a representative form of government whose elected leaders derive their authority from the consent of the governed and are sworn to uphold the Constitution. Students also understand that the United States was formed as a federal republic, a union of sovereign states, with a general government formed for limited purposes; and

(C) students understand the benefits of the United States free enterprise system, also referred to as capitalism or the free market system. This system, predicated on limited government and strong property rights, emphasizes the individual exercise of economic decisions without government interference, allowing people the opportunity to prosper.

(3) Student expectations are organized around key topics, identified as knowledge and skills statements. Within each key topic, expectations address concepts as they relate to these topics chronologically. Where key topics are thematic rather than chronological, incorporate these thematic concepts into stories and history to create schema for understanding.

(4) Student expectations within each knowledge and skills key topic address the statutory requirements listed in paragraph (6) of this subsection while also making continual connections across those key topics and grade levels. Student expectations are organized chronologically through recurring strands coded at the end of each student expectation. Strands include:

(A) History (World, United States, and Texas), coded with H;

(B) Government and Civics, coded with G/Civ;

(C) Geography and Culture, coded with Geo/C;

(D) Economics, coded with E; and

(E) Social Studies Skills, based on disciplinary thinking skills, coded with S.

(5) Social studies instruction should emphasize the acquisition of historical, geographic, economic, and civic knowledge while using social studies skills to strengthen understanding of significant people, places, events, ideas, and institutions. Where appropriate, skills should include:

(A) analyze economic data, including graphs, charts, and statistical models, to identify patterns, draw conclusions, and make evidence-based predictions about economic trends (E, S);

(B) construct and defend an evidence-based economic argument and use reasoning to connect evidence to the claim (E, S);

(C) engage in civil discourse about economics topics, including those with multiple perspectives(G/Civ, E, S); and

(D) evaluate the reliability, bias, and perspective of economic sources to determine their validity in supporting an economic argument (E, S).

(6) Student expectations embed relevant statutory requirements, including:

(A) Texas Education Code (TEC), §28.002(a)(1)(D)--Social Studies, consisting of Texas, United States, and world history; government; economics, with emphasis on the free enterprise system and its benefits; and geography;

(B) TEC, §28.002(a)(2)(G)--Religious Literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature;

(C) TEC, §28.002(h)--Informed American Patriotism, Texas History, and the Free Enterprise System;

(D) TEC, §28.002(h-1)(1)-(3), (h-2)(1)-(3), and (h-3)--Knowledge of Civics;

(E) TEC, §28.002(h-1)(4)--Founding documents and primary sources of the United States;

(F) TEC, §28.002(h-11) and (h-12)--Understanding of Communist Regimes and Ideologies (for Grades 4 and higher);

(G) TEC, §28.0022--Certain instructional requirements and prohibitions;

(H) TEC, §29.907--Celebrate Freedom Week;

(I) TEC, §29.9071--Texas Military Heroes Day; and

(J) TEC, §29.9072--Holocaust Remembrance Week.

(7) There is no effective study of social studies without review of primary sources. In certain circumstances, specific primary sources are named in the Texas Essential Knowledge and Skills (TEKS), but instructional materials should include additional primary sources relevant to subjects identified in the TEKS. Primary sources are embedded as appropriate within the context of the study of history. Additional primary source material, including written documents, visual sources, audio and audio-visual sources, oral sources, and artifacts are encouraged. Primary source material should be used where appropriate and must be used when identified in a student expectation. In early grades, before students have requisite reading skills to read directly from copies of primary sources, the primary source materials should be included as a visual aid.

(8) To support the teaching of essential knowledge and skills, the use of a variety of rich material is encouraged. Where appropriate, local topics should be included to create relevance. Motivating resources are available from museums, historical sites, presidential libraries, local and state civic offices, and preservation societies.

(9) The list of places, events, and people in this course curriculum is not considered exhaustive. Additional examples aligned with statutes listed in paragraph (6) of this subsection can be incorporated as time permits. Statements that contain the word "including" reference content that must be mastered.

(d) Knowledge and skills.

(1) History of Economic Thought. The student understands the history and theories of economics. The student is expected to:

(A) define economics (E);

(B) identify the relationship between virtue, including trust, courage, and justice, and individual economic endeavors in historical and religious texts, including the Torah and the Old Testament (H, E, S);

(C) compare mercantilism and economic nationalism using primary and secondary sources (H, G/Civ, E, S);

(D) explain the principles of free enterprise described in "An Inquiry into the Nature and Causes of the Wealth of Nations" by Adam Smith, including competition, division of labor, and limited government involvement in the economy (H, G/Civ, E, S); and

(E) explain how individual character traits, including responsibility and work ethic, were believed to contribute to economic success in classical economic thought (H, G/Civ, E, S).

(2) History of Economic Thought. The student understands the economics of socialism and communism. The student is expected to:

(A) explain how socialism is a step towards communism according to Marx (H, G/Civ, E, S);

(B) compare the role of individual effort and personal responsibility in the American free enterprise system with government or collective control in socialism and communism (H, G/Civ, E); and

(C) contrast virtue, character, and individual economic endeavors central to the American free enterprise system with socialism and communism (H, G/Civ, E, S).

(3) History of Economic Thought. The student understands the ideas of limited government in neoclassical economics. The student is expected to:

(A) define neoclassical economics (E);

(B) explain that Friedrich Hayek emphasized individual choice, decentralized decision-making, and limited government intervention in the economy (H, E); and

(C) explain that Milton Friedman supported free-market economics through competition, consumer choice, and limited government involvement in the economy (H, E).

(4) Scarcity and Opportunity Cost (Micro). The student understands how scarcity influences economic decisions and the role of factors of production in the creation of goods and services. The student is expected to:

(A) define economic opportunity (E);

(B) explain scarcity in terms of opportunity cost (E);

(C) explain the four factors of production, including land, labor, capital, and entrepreneurs (E);

(D) explain how types of capital can produce goods and services (E, S); and

(E) define types of goods as durable, non-durable, consumer, and capital, and define services (E).

(5) Scarcity and Opportunity Cost (Micro). The student understands the role of producers and consumers in scarcity and opportunity costs. The student is expected to:

(A) explain how choices involve tradeoffs and result in opportunity cost in decision-making (E, S);

(B) explain how societies answer the fundamental economic question of what to produce when faced with scarcity and tradeoffs (G/Civ, E, S);

(C) explain how societies answer the fundamental economic question of how to produce when faced with scarcity and tradeoffs (G/Civ, E, S);

(D) explain how societies answer the fundamental economic question of for whom to produce when faced with scarcity and tradeoffs (G/Civ, E, S);

(E) describe the concept of marginal analysis (E); and

(F) graph and explain how a production possibilities curve illustrates inefficiency, full use of resources, and unattainable economic conditions (E).

(6) Supply, Demand, and Markets (Micro). The student understands the principles of supply and demand. The student is expected to:

(A) define the laws of supply and demand (E);

(B) identify the determinants that shift supply and demand (E);

(C) graph supply and demand to illustrate movement along and shifts in supply and demand curves (G/Civ, E, S);

(D) explain shortages, surpluses, and equilibrium using supply and demand graphs (G/Civ, E, S);

(E) define Say's Law (E); and

(F) define equilibrium price and identify determinants of change to equilibrium price (E, S).

(7) Supply, Demand and Markets (Micro). The student understands how buyers and sellers interact in markets to determine prices, respond to scarcity, and generate profit. The student is expected to:

(A) explain the circular flow model (E);

(B) explain the role of buyers and sellers in markets (E);

(C) explain how scarcity influences supply, demand, and market prices (E);

(D) explain how price elasticity reflects how consumers and producers respond to changes in price (E);

(E) analyze how price controls, including price floors and price ceilings, can create surpluses or shortages (E); and

(F) define profit in a market economy (G/Civ, E).

(8) Supply, Demand and Markets (Micro). The student understands business structures. The student is expected to:

(A) describe the role of competition in market economies (G/Civ, E);

(B) describe the role of competition in a monopoly (E);

(C) describe the role of competition in an oligopoly (E); and

(D) describe the role of competition in pure competition (E).

(9) Decision and Game Theory (Micro). The student understands the fundamentals of the theory of the firm. The student is expected to:

(A) define the theory of the firm (E);

(B) define and apply the law of diminishing returns (E); and

(C) describe how firms make decisions using game theory (E, S).

(10) Microeconomics of Public Policy (Micro). The student understands how government actions influence markets, including public goods and services competition, regulation, incentives, and taxation. The student is expected to:

(A) identify public goods and services (E);

(B) explain factors that influence individuals' use of public goods and services, including cost, access, and benefit to the community (G/Civ, E, S);

(C) describe the purpose of laws and regulations adopted in the United States to promote competition among firms (G/Civ, E, S);

(D) explain how government policies influence wage, including minimum wage, and price controls affect behaviors of individuals and firms (G/Civ, E, S);

(E) explain how the moral hazard problem changes behavior and risk taking when firms and individuals are protected by government action (G/Civ, E);

(F) identify factors that contribute to natural monopolies, including infrastructure costs and economies of scale (Geo/C, E, S);

(G) define sales, income, property, and excise tax (G/Civ, E); and

(H) describe the economic impact of different types of taxation on consumers and firms (G/Civ, E).

(11) Money and Monetary Policy (Macro). The student understands the functions and attributes of money. The student is expected to:

(A) describe the basic functions of money (E);

(B) describe the attributes of money (E);

(C) compare commodity money, representative money, and fiat money (E, S); and

(D) identify opportunity cost in using commodity, representative, and fiat monies (E).

(12) National Statistics and Economic Measurement (Macro). The student understands what measures are used to evaluate the economy. The student is expected to:

(A) explain the factors in the country's overall level of income, employment, and prices (G/Civ, E);

(B) identify the components of Gross Domestic Product (GDP) (E, S);

(C) identify the types of unemployment as structural, frictional, and cyclical (E);

(D) describe inflation and its causes (E);

(E) determine the relationship between inflation and Purchasing Power Parity (PPP) (E, S);

(F) identify the determinants of aggregate supply and aggregate demand (E);

(G) interpret inflationary period, recessionary period, and equilibrium using the aggregate supply and aggregate demand graph (E, S);

(H) determine how changes in aggregate supply and aggregate demand impact the economy (E, S);

(I) describe how aggregate supply and aggregate demand affect unemployment and underemployment (E, S); and

(J) explain imprecision in economic measurement (E).

(13) Money and Monetary Policy (Macro). The student understands the Federal Reserve System. The student is expected to:

(A) describe the purpose, goals, and tools of the Federal Reserve System in setting monetary policy (G/Civ, E);

(B) define monetary policy and explain price stability (E);

(C) explain the role of the Federal Reserve in maintaining full employment (G/Civ, E);

(D) define full employment (E);

(E) define money supply (E);

(F) explain how increases and decreases in the money supply on the economy using a variety of resources can influence inflation, interest rates, and economic growth (G/Civ, E, S); and

(G) describe how the Federal Reserve uses monetary policy tools, including open market operations, reserve requirements, and the discount rate, to influence the money supply (G/Civ, E).

(14) Fiscal Policy (Macro). The student understands government fiscal policy in macroeconomics. The student is expected to:

(A) explain major revenue and expenditure categories (E);

(B) explain the government's role in taxation (G/Civ, E);

(C) explain budget deficits and surpluses (G/Civ, E);

(D) analyze how budget deficits and surpluses influence the creation of fiscal policy (G/Civ, E, S);

(E) describe supply-side economics (E); and

(F) explain how Keynesian economics uses fiscal policy to stabilize the economy through aggregate demand (H, E);.

(15) Business Cycle (Macro). The student understands the business cycle in macroeconomics. The student is expected to:

(A) label the business cycle model (E, S);

(B) determine the relationship between productivity and the economy (E, S);

(C) explain the factors in productivity increase (E);

(D) explain the factors in worker earnings (E);

(E) explain technological advances (E);

(F) explain entrepreneurship, entrepreneurial ventures and their effects (E);

(G) determine the relationship between calculated risk and the economy (E, S);

(H) determine the relationship between creative destruction and the economy (E, S); and

(I) determine the relationship between centralized capital spending and the economy (G/Civ, E, S).

(16) Public Choice Theory (Macro). The student understands Public Choice Theory. The student is expected to:

(A) define public choice theory (G/Civ, E); and

(B) describe how government officials act as rational actors (G/Civ, E).

(17) International Economics and the United States (Macro). The student understands the connection between international economics and the United States. The student is expected to:

(A) explain the concept of comparative advantage in trade (G/Civ, E, S);

(B) explain the advantages and consequences of trade (E, S);

(C) determine the effect of trade barriers on trade (G/Civ, E);

(D) define the balance of trade (E);

(E) evaluate labor productivity trends on trade (E, S); and

(F) evaluate the role of exchange rates on trade using economic data (E, S).

(18) Benefits of the Free Enterprise System. The student understands the benefits of the free enterprise system. The student is expected to:

(A) evaluate the role of voluntary exchange in free enterprise (E);

(B) compare the way in which economic questions are answered by different economic systems, including traditional, market, command, and mixed (G/Civ, Geo/C, E, S);

(C) define the competitive nature of free enterprise (E);

(D) define consumer sovereignty (E);

(E) describe the effect of consumer sovereignty on free enterprise (G/Civ, E, S);

(F) describe the effects of intellectual property protections (G/Civ, E, S);

(G) compare central planning to the free enterprise system (G/Civ, E);

(H) compare the economic development of the United States, Japan, and India to the USSR and China, focusing on free enterprise versus command economies (H, Geo/C, E, S);

(I) evaluate the costs of government policies (G/Civ, E); and

(J) evaluate why governments use anti-trust policies, anti-fraud regulation, utility regulation, historical preservation, and public and non-excludable goods to override free markets (G/Civ, E, S).

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

Filed with the Office of the Secretary of State on October 12, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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For further information, please call: (512) 475-1497

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TITLE 22. EXAMINING BOARDS

PART 10. TEXAS FUNERAL SERVICE COMMISSION

CHAPTER 206. ANATOMICAL FACILITIES, NON-TRANSPLANT ANATOMICAL DONATION ORGANIZATIONS, AND WILLED BODY PROGRAMS

22 TAC §206.16

The Texas Funeral Service Commission (Commission) adopts new §206.16, relating to Standard for Bloodborne Pathogen Screening of Anatomical Donors. Section 206.16 is adopted with changes as published in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5630). The rule will be republished.

REASONED JUSTIFICATION. Bodies and derived specimens used or distributed in an unembalmed, fresh, or fresh-frozen state present a different infection-control profile than bodies that have been embalmed and fixed with formalin. Based on the information presented to the State Anatomical Advisory Committee at its July 8 and July 29, 2026, meetings, the Commission finds that a uniform, risk-based screening standard is needed to protect students, faculty, licensees, and other personnel who handle anatomical donations, and to establish consistent donor-eligibility and documentation practices among the willed body programs and non-transplant anatomical donation organizations the Commission regulates.

The new section requires bloodborne pathogen screening by a qualified laboratory for every donor whose body or derived specimens are intended for use or distribution in an unembalmed state; does not require serologic screening as an infection-control measure for donors used only after documented formalin fixation and embalming; requires standard precautions regardless of testing status; makes serologic testing one component of, and not a substitute for, donor-eligibility review; and requires records sufficient to demonstrate compliance. The requirements are rationally connected to that factual basis: testing is required where fixation has not reduced infectious risk, is not required where it has, and is supplemented in every case by standard precautions and medical-history exclusion.

CHANGES TO THE PROPOSED TEXT. On the recommendation of the State Anatomical Advisory Committee, the Commission made the following changes to the proposed text. Changes (2) through (5) respond to the comments summarized below. Change (1) and the typographical correction in change (3) are nonsubstantive corrections made by the Commission.

(1) Subsection (c) is changed to provide that the definitions apply "when used in this section" rather than "when used in this chapter," so that the definitions do not alter the meaning of terms elsewhere in Chapter 206.

(2) Subsection (d)(3) is changed to require documentation of the postmortem interval when known or reasonably ascertainable, and to provide that separate documentation of the interval is not required when the organization documents the date and time of death and the date and time of specimen collection.

(3) Subsection (d)(4)(A) is changed to permit nucleic acid testing (NAT) as an alternative to Hepatitis B surface antigen testing, consistent with the NAT alternative already provided in subparagraphs (B) and (C), and a typographical error in the reference to a CLIA-certified laboratory in subsection (d)(4) is corrected.

(4) New subsection (d)(7) permits a non-transplant anatomical donation organization or willed body program to satisfy the testing requirements of subsection (d)(4) by relying on results obtained by a medical examiner, organ procurement organization, eye bank, or tissue bank, if the testing was performed by a qualifying laboratory, the specimen was collected after death or not more than seven days before death and was evaluated for plasma dilution when the donor received a transfusion or infusion, and the results, their source, and the collection date and time are documented in the donor eligibility record.

(5) Subsection (g)(3) is changed to conform the recordkeeping requirement to the change in subsection (d)(3).

Each change either clarifies the proposed text or reduces the burden it imposes. No change subjects any person to the rule who was not subject to it as proposed, and no change imposes a new requirement. The changes are a logical outgrowth of the proposal and of the comments received, and they do not require republication of the rule as a new proposal.

SUMMARY OF COMMENTS AND AGENCY RESPONSE. The Commission received one written comment on the proposed rule during the comment period, from Science Care, Inc., by letter dated September 17, 2026. The Commission also received one oral comment at its October 8, 2026, open meeting, from Kurt Clark, of UT Health Houston, speaking as a member of the State Anatomical Advisory Committee. Science Care supported adoption of the rule. It stated that it supports the Commission's efforts to establish clear standards for infectious disease testing and documentation, and it requested three revisions.

COMMENT: Science Care requested that the rule permit nucleic acid testing (NAT) to satisfy the testing requirement for Hepatitis B virus, as the proposal did for Hepatitis C and HIV. It proposed that subsection (d)(4)(A) read: "Hepatitis B surface antigen (HBsAg) testing or Nucleic Acid Testing (NAT);".

RESPONSE: The Commission agrees and has revised subsection (d)(4)(A) as the commenter proposed.

COMMENT: Science Care requested that the rule expressly allow a non-transplant anatomical donation organization to rely on qualified serologic and NAT results obtained by an organ procurement organization, whether from antemortem specimens collected immediately before death or from postmortem specimens. It stated that requiring duplicate testing would increase cost, delay the donation process, and create operational burden without a corresponding public health benefit when the original testing was conducted in accordance with applicable standards.

RESPONSE: The Commission agrees and has added subsection (d)(7). Science Care asked that reliance be conditioned on testing performed in compliance with applicable regulations and standards, and noted that shared results may come from antemortem specimens. The Commission adopted that condition by stating it in the rule. The testing must be performed by a laboratory meeting subsection (d)(4). The specimen must be collected after death or not more than seven days before death. If the donor received a transfusion or infusion before collection, the specimen must have been evaluated for plasma dilution in accordance with applicable standards. The results, their source, and the collection date and time must be documented in the donor eligibility record. The specimen-timing and plasma-dilution conditions are drawn from the federal donor-testing standards that apply to the organ procurement organizations and tissue banks whose results will be relied on (21 CFR §1271.80(b) and (d)(2)). Stating them in the rule allows the Commission to verify the reliability of shared results on inspection.

COMMENT: Kurt Clark, of UT Health Houston, speaking as a member of the State Anatomical Advisory Committee, commented at the Commission's October 8, 2026, meeting that the reliance provision should also include results obtained by medical examiners.

RESPONSE: The Commission agrees. Subsection (d)(7) applies to willed body programs as well as non-transplant anatomical donation organizations, and it covers results obtained by a medical examiner, eye bank, or tissue bank as well as an organ procurement organization. The rationale for avoiding duplicate testing applies equally to testing performed by those entities, and the conditions stated in subsection (d)(7) apply to every source.

COMMENT: Science Care noted that subsection (d)(3) required documentation of the postmortem interval in every case, while subsection (g)(3) required records of the interval only "when known." It proposed revised text for subsection (d)(3).

RESPONSE: The Commission agrees. It has adopted subsection (d)(3) in the form the commenter proposed and has conformed subsection (g)(3).

OTHER SUBMISSIONS. The Commission's public-comment workbook contains three web-form entries recorded in fields labeled for §206.16 or §206.18: from Maverick Medical Education (July 28, 2026), Texas Tech University Health Sciences Center-Lubbock (August 7, 2026), and Anatomy Gifts Registry (August 9, 2026). Each was submitted before this rule was published for comment. In each, the commenter's own rule selection and text address §206.12 or §206.14. The Commission has treated those entries as comments on those sections, not as comments on this rule.

STATUTORY AUTHORITY. The new section is adopted under Texas Health and Safety Code §691.022(c), which requires the Commission to "adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter, including rules establishing registration and inspection requirements and procedures"; §691.022(b), which requires the Commission to "adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of the commission or person authorized to receive the body or specimen"; §691.034(a-2), which requires the Commission to inspect and authorizes it to approve willed body programs and anatomical facilities "for the receipt and use of bodies and anatomical specimens"; §691.034(g), which requires the Commission to "adopt rules and procedures necessary to administer this section"; and Texas Occupations Code §651.005, which requires the Commission to regulate willed body programs, non-transplant anatomical donation organizations, and anatomical facilities as provided by Chapter 691.

The Commission interprets these provisions as authorizing it to set the conditions under which registered and approved entities

receive, distribute, and use bodies and anatomical specimens. A condition that an unembalmed body be screened before it is distributed for use, and that the screening be documented, is a registration and inspection standard within §691.022(c) and §691.034(g), and a standard for the handling of bodies by persons authorized to receive them within §691.022(b). As applied to non-transplant anatomical donation organizations, the rule establishes a substantive standard and does not alter the accreditation-based verification process described by §691.034(a-3).

The adopted rule affects Texas Health and Safety Code Chapters 691 and 692A and Texas Occupations Code Chapter 651.

Statutory Authority: Health and Safety Code §§691.022(b), (c), 691.034; Occupations Code §651.005. Cross-reference to Statute: Health and Safety Code Chapters 691 and 692A; Occupations Code Chapter 651.

§206.16. Standard for Bloodborne Pathogen Screening of Anatomical Donors.

(a) Purpose. The purpose of this section is to establish minimum health and safety standards for the screening and use of anatomical donors to reduce the risk of occupational exposure to bloodborne pathogens while recognizing the effectiveness of proper embalming and formalin fixation in reducing infectious risk.

(b) Applicability. This section applies to all entities participating in the procurement, acceptance, storage, distribution, and use of human anatomical donations under the authority of the Commission.

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

(1) "Embalmed" means a donor preserved using accepted arterial and cavity embalming techniques with sufficient formaldehyde fixation.

(2) "CLIA-certified laboratory" means a laboratory certified under the Clinical Laboratory Improvement Amendments.

(d) Screening Requirements for Unembalmed Donors.

(1) A Non-Transplant Anatomical Donation Organization or Willed Body Program shall require bloodborne pathogen screening for every donor whose body or derived specimens are intended for use or distribution in an unembalmed state.

(2) Blood specimens shall be collected as soon after death as practicable.

(3) The organization shall document the postmortem interval between death and specimen collection when known or reasonably ascertainable. Where the organization documents the date and time of death of the donor and the date and time of specimen collection from that donor, separate documentation of the postmortem interval is not required.

(4) Serologic testing shall be performed by a CLIA-certified laboratory or by a laboratory operated by an accredited medical school, hospital, or other qualified laboratory that meets applicable federal and state standards, and shall include, at a minimum:

(A) Hepatitis B surface antigen (HBsAg) testing or Nucleic Acid Testing (NAT);

(B) Hepatitis C antibody (anti-HCV) or Nucleic Acid Testing (NAT); and

(C) Human Immunodeficiency Virus (HIV) antigen/antibody testing or Nucleic Acid Testing (NAT).

(5) Documentation of testing results shall accompany the donor or be maintained in the donor eligibility record.

(6) Donors whose required testing cannot be completed shall not be distributed or used as unembalmed anatomical specimens unless otherwise authorized by applicable federal or state law.

(7) Notwithstanding paragraph (2) of this subsection, a Non-Transplant Anatomical Donation Organization or Willed Body Program may satisfy the testing requirements of paragraph (4) of this subsection by relying on test results obtained by a medical examiner, organ procurement organization, eye bank, or tissue bank if:

(A) the testing was performed by a laboratory meeting the requirements of paragraph (4) of this subsection;

(B) the specimen was collected after death or not more than seven days before death and, if the donor received a transfusion or infusion before collection, was evaluated for plasma dilution in accordance with applicable standards; and

(C) the results, the identity of the organization that obtained them, and the date and time of specimen collection are documented in the donor eligibility record.

(e) Embalmed Donors.

(1) Bloodborne pathogen serologic screening is not required as an infection-control measure for donors whose bodies or derived specimens will be used only after documented formalin fixation and embalming.

(2) Organizations shall maintain documentation demonstrating that embalming and formalin fixation have been completed prior to use or distribution.

(3) Regardless of donor testing status, organizations shall implement standard precautions, including appropriate personal protective equipment, safe sharps practices, environmental decontamination, and donor exclusion based on medical history, including known or suspected prion disease.

(f) Donor Eligibility.

(1) Serologic testing is one component of the donor eligibility determination and shall not be used as a substitute for medical history review, or other donor exclusion criteria established by the Commission or applicable law.

(2) Donors presenting known or suspected conditions that pose unacceptable infectious risks, including prion diseases where applicable, shall be excluded in accordance with applicable law and accepted medical standards.

(g) Documentation. Each participating organization shall maintain records of:

(1) Laboratory test results;

(2) Date and time specimens were collected;

(3) Postmortem interval at specimen collection, or the dates and times of death and specimen collection, when known or reasonably ascertainable;

(4) Embalming and fixation records, when applicable; and

(5) Donor eligibility determinations.

(h) The Commission may require documentation demonstrating compliance with this section as a condition of participation in anatomical donation programs under its oversight.

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

Filed with the Office of the Secretary of State on October 12, 2026.

TRD-202604338
Maria Haynes
Executive Director
Texas Funeral Service Commission
Effective date: November 1, 2026
Proposal publication date: August 28, 2026
For further information, please call: (512) 936-2488

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22 TAC §206.18

The Texas Funeral Service Commission (Commission) adopts new §206.18, relating to Registration and Disposition of Commercially Acquired Plastinated Human Remains. Section 206.18 is adopted without changes as published in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5633). The rule will not be republished.

REASONED JUSTIFICATION. Plastinated human remains are parts of human corpses that have been preserved by replacing water and lipids with curable polymers. They enter this state through producers, distributors, and vendors and are held by educational, healthcare-training, governmental, museum, and research recipients. Before this rule, no Commission rule required that commercially acquired plastinated remains be registered, tracked from acquisition through final disposition, or disposed of in a manner consistent with the treatment required for other anatomical material regulated under Chapter 691. The Commission finds that this gap prevents it from verifying the lawful acquisition and donor authorization of human remains used for teaching in this state and from ensuring their dignified final disposition.

The new section requires the direct producer or providing vendor to register each plastinated specimen with the Commission, including donor-authorization documentation and a unique identifier that remains with the specimen; requires recipients to keep records and to notify the Commission of possession and of later transfers, relocations, or changes in use within 30 days; exempts from registration specimens a recipient possessed before the effective date of the section; requires disposition in accordance with the disposition requirements of Chapter 206, including §206.14, with post-disposition notice to the Commission; and requires record retention for seven years after final disposition. Each requirement serves the identified purpose: registration and the unique identifier establish provenance and donor authorization, recipient notices maintain chain of custody, and the disposition requirement ensures dignified final disposition.

Scope of the rule as adopted. The preamble to the proposed rule referred to commercially acquired human skeletal material and listed definitions of terms that do not appear in the rule text. The rule as proposed and as adopted applies only to commercially acquired plastinated human remains. Commercially acquired skeletal material remains outside Chapter 206 under §206.1(b)(4).

SUMMARY OF COMMENTS AND AGENCY RESPONSE. The Commission received no comments on the proposed rule. The staff summary of public comments presented to the Commission at its October 8, 2026, meeting reflects that no comment on §206.18 was received during the comment period, which closed September 27, 2026. Because no comments were received, there are no submissions or proposals with which the Commission disagrees.

STATUTORY AUTHORITY. The new section is adopted under Texas Health and Safety Code §691.022(c), which requires the Commission to "adopt rules, establish procedures, and prescribe forms necessary to administer and enforce this chapter, including rules establishing registration and inspection requirements and procedures"; §691.022(b), which requires the Commission to adopt rules to ensure that each body and anatomical specimen is treated with respect while in the custody of a person authorized to receive it; §691.031(a)(3), which requires the Commission to adopt rules ensuring that "each person who has control or possession of a body or anatomical specimen" completes, maintains, and transfers a chain-of-custody form prescribed by the Commission; §691.033(a), which limits the use of bodies and anatomical specimens to further medical or forensic science to a willed body program, non-transplant anatomical donation organization, anatomical facility, or other person designated by the Commission; §691.034(b), which authorizes the Commission to investigate any "other person" it has reason to believe has improperly used a body or anatomical specimen; and Texas Occupations Code §651.005.

The Commission interprets these provisions as follows. Health and Safety Code §691.001(3) defines "anatomical specimen" as "a part of a human corpse." Plastination preserves, but does not change, the character of the material as part of a human corpse, so commercially acquired plastinated remains are anatomical specimens within Chapter 691. Section 691.031(a)(3) applies to each person who has control or possession of a body or anatomical specimen; the registration, unique-identifier, notice, and record requirements of the new section are the chain-of-custody form and records the Commission prescribes for plastinated specimens. Because §691.033(a) permits use of anatomical specimens to further medical or forensic science only by registered entities or persons designated by the Commission, registration of a specimen and its recipient under the new section is the means by which the Commission designates and tracks recipients that use plastinated specimens for education. Section 691.022(b) and the disposition requirements of Chapter 206 authorize the Commission to require that plastinated remains, like other anatomical specimens, receive dignified final disposition.

The adopted rule affects Texas Health and Safety Code Chapters 691 and 692A and Texas Occupations Code Chapter 651.

Statutory Authority: Health and Safety Code §§691.022(b), (c), 691.031, 691.033, 691.034; Occupations Code §651.005. Cross-reference to Statute: Health and Safety Code Chapters 691 and 692A; Occupations Code Chapter 651.

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

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Maria Haynes
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Texas Funeral Service Commission
Effective date: November 1, 2026
Proposal publication date: August 28, 2026
For further information, please call: (512) 936-2488

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 51. EXECUTIVE

SUBCHAPTER O. ADVISORY COMMITTEES

31 TAC §§51.601, 51.606 - 51.615, 51.631, 51.671 - 51.673

The Texas Parks and Wildlife Commission in a duly noticed meeting on August 20, 2026, adopted amendments to 31 TAC §§51.601, 51.606 - 51.615, 51.631, and 51.671 - 51.673, concerning Advisory Committees. Section 51.601, concerning General Requirements, is adopted with changes to the proposed text as published in the July 17, 2026, issue of the *Texas Register* (51 TexReg 4660). This rule will be republished. The amendments to §§51.606 - 51.615, 51.631, and 51.671 - 51.673 are adopted without change and will not be republished.

The change to §51.601 alters subsection (f) as proposed to replace generic language stipulating four-year terms with a specific term expiration date of July 1, 2030.

The amendments establish an expiration date of July 1, 2030, for the following advisory committees: White-tailed Deer Advisory Committee (WTDAC), Migratory Game Bird Advisory Committee (MGBAC), Upland Game Bird Advisory Committee (UGBAC), Private Lands Advisory Committee (PLAC), Bighorn Sheep Advisory Committee (BSAC), Wildlife Diversity Advisory Committee (WDAC), Mule Deer Advisory Committee (MDAC), Urban Outreach Advisory Committee (UOAC), Accessibility Advisory Committee (AAC), Boating and Waterways Advisory Committee (BWAC), Freshwater Fisheries Advisory Committee (FFAC), State Parks Advisory Committee (SPAC), Coastal Resources Advisory Committee (CRAC), and Oyster Advisory Committee (OAC). The department believes that these advisory committees continue to perform a valuable service for the department. Therefore, the department wishes to continue these advisory committees.

Parks and Wildlife Code, §11.0162, authorizes the chair of the Texas Parks and Wildlife Commission to "appoint committees to advise the commission on issues under its jurisdiction." Government Code, Chapter 2110, requires that rules be adopted regarding each state agency advisory committee. Unless otherwise provided by specific statute, the rules must (1) state the purpose of the committee; (2) describe the manner in which the committee will report to the agency; and (3) establish the date on which the committee will automatically be abolished, unless the advisory committee has a specific duration established by statute.

The amendment to §51.601, concerning General Requirements, establishes an expiration date of July 1, 2030 for committee member terms and provides for committee members to serve beyond the expiration date of their terms until a replacement is appointed by the chair. The amendment also replaces the word "Chairman" with the word "chair" (which occurs throughout the rules), which is intended to replace archaic language with generic references in a spare style to reflect modern usage and code construction practices.

The amendment to §51.611, concerning Wildlife Diversity Advisory Committee (WDAC), renames the committee and makes conforming changes to references accordingly, which is necessary to avoid potential confusion.

The department received three comments opposing adoption of the rules as proposed. Of the three comments, two provided a specific reason or rationale for opposing adoption. Those comments, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated dissatisfaction with recreational fishing harvest rules. The department disagrees that the comment is germane to the rules. No changes were made as a result of the comment.

One commenter opposed adoption and stated that subcommittees for a specific species of wildlife are not necessary and dilute focus on real needs. The department neither agrees nor disagrees with the comment and responds that the rules as adopted do not establish subcommittees. The department further responds that advisory committees dedicated to specific kinds of resources absolutely provide critical focus with respect to informing agency management decisions. No changes were made as a result of the comment.

The department received two comments supporting adoption of the rules as proposed.

The amendments are adopted under the authority of Parks and Wildlife Code, §11.0162 and Government Code, §2110.005 and §2110.008.

The adopted amendments affect Parks and Wildlife Code, §11.0162 and Government Code, §2110.005 and §2110.008.

§51.601. General Requirements.

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

(1) Advisory committee--A committee, council, commission, board, or task force or other entity with multiple members that has as its primary function advising the department.

(2) Chair--The chair of the Texas Parks and Wildlife Commission.

(3) Commission--The Texas Parks and Wildlife Commission.

(4) Department--The Texas Parks and Wildlife Department.

(5) Director--The Executive Director of the Texas Parks and Wildlife Department.

(b) Creation. The chair may appoint advisory committees to advise the commission on issues within the jurisdiction of the department or the commission.

(c) Function. Unless otherwise provided by law, an advisory committee will address only those matters about which advice is sought. An advisory committee will have no authority to establish agency policy.

(d) Expiration of advisory committee. Unless expressly provided in this subchapter or other law, each department advisory committee will expire on the expiration date established for each advisory committee.

(e) Membership. The chair may, in his or her sole discretion, appoint individuals to serve on an advisory committee. Membership in an advisory committee will not exceed 24 (excluding ex officio members). Unless otherwise provided by specific statute, membership of each advisory committee shall be balanced to ensure representation of industries or occupations regulated or directly affected by the department and consumers of services provided by the department or by the industries or occupations regulated by the department to which the advisory committee relates. Each advisory committee shall include at least one department employee as an ex officio member. Members may be subject to removal and/or replacement at the discretion of the chair.

(f) Term of members.

(1) Unless expressly provided in this subchapter or other law, the term of an advisory committee member shall expire on July 1, 2030.

(2) A committee member may continue to serve after the expiration date of a term until the chair appoints a replacement.

(g) Presiding officer. The presiding officer of each advisory committee shall be selected by the members of the advisory committee from its membership. The chair may make a recommendation to the advisory committee regarding the presiding officer.

(h) Subcommittees. The chair may also appoint one or more subcommittees of an advisory committee, so long as the membership of the advisory committee, including any subcommittees does not exceed 24.

(i) Meetings. Each committee shall meet at least once a year, but may meet as often as necessary. The department ex officio member of each advisory committee shall work with the presiding officer to schedule advisory committee meetings and provide adequate notice to department staff and to other members.

(j) Reports. On or before October 1 of each year of its existence, each advisory committee shall submit a report to the department. Upon receipt of the report, the department shall evaluate the advisory committee's work, usefulness and costs related to the committee's existence, including the cost of agency staff time spent in support of the committee's activities. Each report shall included the following:

(1) a summary or minutes of meetings conducted during the previous fiscal year (September 1-August 30);

(2) a summary of recommendations from the advisory committee; and

(3) other information determined by the advisory committee or the chair to be appropriate and useful.

(k) Expenses. Members of each advisory committee will serve without compensation or reimbursement for travel or other out-of-pocket expenses.

(l) Rules. For each advisory committee appointed, the commission shall adopt rules that address the purpose of the advisory committee and membership qualifications. Such rules may also address the terms of service, operating procedures, and other standards to ensure the effectiveness of an advisory committee appointed under this subchapter.

(m) Rulemaking Committees. Notwithstanding other provisions of this subchapter, as authorized by §2001.031, Texas Government Code (the Administrative Procedure Act), the Director may, from time to time, appoint ad hoc committees of experts or interested persons or representatives of the public to advise the Department about contemplated rulemaking. Members of such committees shall serve at the will of the Director and shall serve without compensation. Committees appointed under this subsection shall continue for no longer than one year, unless extended by the Director.

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604328
James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: October 29, 2026
Proposal publication date: July 17, 2026
For further information, please call: (512) 389-4775

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TITLE 34. PUBLIC FINANCE

PART 1. COMPTROLLER OF PUBLIC ACCOUNTS

CHAPTER 9. PROPERTY TAX ADMINISTRATION

SUBCHAPTER K. ARBITRATION OF APPRAISAL REVIEW BOARD DETERMINATIONS

DIVISION 1. GENERAL RULES

34 TAC §§9.4202, 9.4209, 9.4210

The Comptroller of Public Accounts adopts amendments to §9.4202, concerning definitions, §9.4209, concerning refund and arbitrator fee processing, §9.4210, concerning revising the RBA request form, without changes to the proposed text as published in the May 15, 2026, issue of the *Texas Register* (51 TexReg 3353). The rules will not be republished.

The amendments to §9.4202 add a "lessee" definition, modify the "property owner" definition and renumber subsequent paragraphs. The amendment to §9.4209 updates references to §9.4223, regarding dismissal for lack of jurisdiction and §9.4244 regarding dismissal for lack of jurisdiction, to incorporate changes adopted in separate rule packages. The amendment to §9.4210 adopts by reference a revised RBA request form to include an option for lessees. The form may be viewed at https://comptroller.texas.gov/forms/ap-219.pdf.

The comptroller did not receive any comments regarding adoption of the amendments.

The amendments are adopted under Tax Code, §41A.13, which requires the comptroller to adopt rules necessary to implement Tax Code, §41A.011 (Right to Appeal by Person Leasing Property).

The amendments implement Tax Code §41A.011 (Right to Appeal by Person Leasing Property).

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

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604243
Chris Blackwell
General Counsel and Associate Deputy Comptroller
Comptroller of Public Accounts
Effective date: October 25, 2026
Proposal publication date: May 15, 2026
For further information, please call: (512) 475-2220

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DIVISION 2. LIMITED BINDING ARBITRATION FOR PROCEDURAL VIOLATIONS

34 TAC §9.4223

The Comptroller of Public Accounts adopts amendments to §9.4223, concerning dismissal for lack of jurisdiction, without changes to the proposed text as published in the May 15, 2026, issue of the *Texas Register* (51 TexReg 3355). The rule will not be republished.

The amendment to subsection (a) adds new paragraph (10) with an additional ground for mandatory dismissal of a request for LBA due to lack of jurisdiction.

The comptroller received comments regarding adoption of the amendment from Alvin Lankford, Chief Appraiser of the Williamson Central Appraisal District and Paul Johnson.

Mr. Lankford suggested that an amendment could be made to the rule to clarify that Limited Binding Arbitration hearings are limited only to procedural issues and exclude disputes involving matters of opinion, appraisal judgment, or appraisal methodology. The comptroller thanks Mr. Lankford for his comment, but declines to make a change to the rule noting that this would require an amendment to §9.4220 of this title, which is not currently being amended.

Mr. Lankford suggested that a new dismissal reason could be added for Limited Binding Arbitration filings not related to Appraisal Review Board hearings. The comptroller thanks Mr. Lankford for his comment, but declines to make a change to the rule as this issue is currently addressed in §9.4223(a)(3) of this title.

Mr. Lankford suggested that a new dismissal reason could be added for Limited Binding Arbitration filings concerning a property for which a Regular Binding Arbitration has already been decided or dismissed. The comptroller thanks Mr. Lankford for his comment, but declines to make a change to the rule as this issue is currently addressed in §9.4223(a)(3) of this title.

Mr. Lankford suggested removing the phrase "for the same issues" from the rule text because the language appears to permit successive Limited Binding Arbitrations involving the same Appraisal Review Board hearing. The comptroller thanks Mr. Lankford for his comment, but declines to make a change to the rule as the rule incorporates the legal doctrine of collateral estoppel which must be based on the same issue of fact or law.

Mr. Johnson commented that the amendment is unnecessary and would never be used. The comptroller thanks Mr. Johnson for his comment, but declines to make a change to the rule as it addresses a specific need to streamline the Limited Binding Arbitration process by incorporating the legal doctrine of collateral estoppel to preserve resources by preventing relitigating issues.

Mr. Johnson suggested the comptroller ensure the Property Tax Arbitration System allow all jurisdictional issues to be identified. The comptroller thanks Mr. Johnson for his comment, but declines to make a change to the rule as the comment does not relate to the rule.

Mr. Johnson suggested the comptroller ensure the Property Tax Arbitration System allow appraisal districts to upload supporting documentation for all jurisdictional issues. The comptroller thanks Mr. Johnson for his comment, but declines to make a change to the rule as the comment does not relate to the rule.

Mr. Johnson suggested the comptroller ensure the Property Tax Arbitration System doesn't allow for dismissal of a pending Limited Binding Arbitration prior to a hearing being held. The comptroller thanks Mr. Johnson for his comment, but declines to make a change to the rule as the comment does not relate to the rule.

The amendments are adopted under Tax Code, §41A.13 (Rules), which allows the comptroller to adopt rules necessary to implement Tax Code, §41A.

The amendments implement Tax Code, §41A.015 (Limited Binding Arbitration to Compel Compliance with Procedural Requirements Related to Protests).

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

Filed with the Office of the Secretary of State on October 5, 2026.

TRD-202604244
Chris Blackwell
General Counsel and Associate Deputy Comptroller
Comptroller of Public Accounts
Effective date: October 25, 2026
Proposal publication date: May 15, 2026
For further information, please call: (512) 475-2220

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DIVISION 3. REGULAR BINDING ARBITRATION OF APPRAISAL REVIEW BOARD DETERMINATIONS

34 TAC §9.4240, §9.4244

The Comptroller of Public Accounts adopts amendments to §9.4240, concerning request for RBA, and §9.4244, concerning dismissal for lack of jurisdiction, without changes to the proposed text as published in the May 15, 2026, issue of the *Texas Register* (51 TexReg 3356). The rules will not be republished.

The amendments to §9.4240 clarify and update the requirements and structure of the process for lessees to appeal an ARB order determining a protest of property value. The amendments to §9.4244 add additional instances where the arbitrator shall dismiss a request for RBA due to lack of jurisdiction.

The comptroller did not receive any comments regarding adoption of the amendments.

The amendments are adopted under Tax Code, §41A.13, which requires the comptroller to adopt rules necessary to implement Tax Code, §41A.011 (Right to Appeal by Person Leasing Property).

The amendments implement Tax Code, §41A.011 (Right to Appeal by Person Leasing Property).

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

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TRD-202604245
Chris Blackwell
General Counsel and Associate Deputy Comptroller
Comptroller of Public Accounts
Effective date: October 25, 2026
Proposal publication date: May 15, 2026
For further information, please call: (512) 475-2220

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TITLE 37. PUBLIC SAFETY AND CORRECTIONS

PART 7. TEXAS COMMISSION ON LAW ENFORCEMENT

CHAPTER 221. PROFICIENCY CERTIFICATES

37 TAC §221.21

The Texas Commission on Law Enforcement (Commission) adopts amended 37 Texas Administrative Code §221.21, Firearms Proficiency for Community Supervision Officers, with no changes to the proposed text as published in the July 31, 2026 issue of the *Texas Register* (51 TexReg 5002). The rule will not be republished.

This adopted amended rule removes the requirements for community supervision and corrections department officers and parole officers to recertify firearms proficiency every year and to renew the firearms proficiency certificate every two years. This realigns the rule with the provisions of Texas Occupations Code §1701.257 and allows the Texas Department of Criminal Justice to determine any recertification or requalification requirements.

The public comment period began on July 31, 2026, and ended on September 3, 2026, at the conclusion of the public meeting of the Commission. No public comments were received.

The amended rule is adopted pursuant to Texas Occupations Code §1701.151, General Powers of Commission; Rulemaking Authority, and Texas Occupations Code §1701.257, Firearms Training Program for Supervision Officers. Texas Occupations Code §1701.151 authorizes the Commission to adopt rules for the administration of Occupations Code Chapter 1701. Texas Occupations Code §1701.257 requires the Commission to administer a training program and issue certificates relating to firearms proficiency for community supervision and corrections department officers or parole officers.

The amended rule as adopted affects or implements Texas Occupations Code Chapter 1701, Law Enforcement Officers, and Texas Government Code Chapter 76, Community Supervision and Corrections Departments. No other code, article, or statute is affected by this adoption.

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

Filed with the Office of the Secretary of State on October 8, 2026.

TRD-202604280
Gregory Stevens
Executive Director
Texas Commission on Law Enforcement
Effective date: November 1, 2026
Proposal publication date: July 31, 2026
For further information, please call: (512) 936-7700

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PART 11. TEXAS JUVENILE JUSTICE DEPARTMENT

CHAPTER 380. RULES FOR STATE-OPERATED PROGRAMS AND FACILITIES

SUBCHAPTER A. ADMISSION, PLACEMENT, RELEASE, AND DISCHARGE

DIVISION 5. PROGRAM COMPLETION AND RELEASE

37 TAC §380.8565

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC, Part 11, §380.8565, Discharge of Youth with Determinate Sentences upon Transfer to TDCJ or Expiration of Sentence, without changes to the proposed text as published in the August 21, 2026, issue of the *Texas Register* (51 TexReg 5514). The rule will not be republished.

SUMMARY OF CHANGES

Amendments to §380.8565 include adding that TJJD requests a juvenile court hearing to recommend the transfer of a youth to the Texas Department of Corrections, Correctional Institutions Division, if the youth is adjudicated or convicted of conduct that meets the following criteria: 1) the adjudication or conviction is classified as a first- or second- degree felony or is the offense of assault of a public servant; 2) the conduct occurred while the youth was committed to TJJD custody; 3) the youth was at least 16 years old when the conduct occurred; and 4) the youth has not completed the sentence.

PUBLIC COMMENTS

TJJD received no public comments on the proposed rulemaking action.

STATUTORY AUTHORITY

The amended section is adopted under §242.003, Human Resources Code, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs; and §244.014(a-1), Human Resources Code, which requires TJJD to refer a child with a determinate sentence to the juvenile court for a hearing for possible transfer to the TDCJ for confinement if the child is convicted or adjudicated for certain conduct.

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

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

Filed with the Office of the Secretary of State on October 8, 2026.

TRD-202604274
Jana Jones
General Counsel
Texas Juvenile Justice Department
Effective date: November 1, 2026
Proposal publication date: August 21, 2026
For further information, please call: (512) 490-7130

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SUBCHAPTER B. TREATMENT
DIVISION 1. PROGRAM PLANNING

37 TAC §380.8702

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC, Part 11, §380.8702, Rehabilitation Program Overview, without changes to the proposed text as published in the August 21, 2026, issue of the *Texas Register* (51 TexReg 5516). The rule will not be republished.

SUMMARY OF CHANGES

Amendments to §380.8702 include: 1) adding information related to the residential treatment model framework; 2) describing the core tools used in the treatment model framework, including behavior analysis, treatment targets, behavior modification principles, skills training, and youth and family involvement; 3) adding the expectation that residential treatment is oriented around clear behavioral expectations and privileges associated with progress; 4) outlining TJJD staff priorities that encourage motivation and engagement, including goal-setting with youth, collaborative planning, validating engagement, adaptation of treatment delivery to fit the youth, and explicit linkage between participation in treatment and youth's goals; 5) adding that the TJJD environment will be structured to reinforce skillful behavior in real time, block or weaken outcomes that reinforce unsafe or unskillful behavior, provide opportunities for skillful behavior, generalize skills across settings and staff, and teach youth to structure their own environments and select effective skills that maximize success; and 6) adding descriptions of egregious maladaptive behavior categories that TJJD staff will target, including life-threatening and aggressive; escape, abscond, and evasion; treatment-interfering and program-destroying; and quality-of-life-interfering.

PUBLIC COMMENTS

TJJD received no public comments on the proposed rulemaking action.

STATUTORY AUTHORITY

The amended section is adopted under §242.003, Human Resources Code, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

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

Filed with the Office of the Secretary of State on October 8, 2026.

TRD-202604275
Jana Jones
General Counsel
Texas Juvenile Justice Department
Effective date: November 1, 2026
Proposal publication date: August 21, 2026
For further information, please call: (512) 490-7130

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SUBCHAPTER E. BEHAVIOR MANAGEMENT AND YOUTH DISCIPLINE
DIVISION 1. BEHAVIOR MANAGEMENT

37 TAC §§380.9503 - 380.9505

The Texas Juvenile Justice Department (TJJD) adopts amendments to 37 TAC, Part 11, §380.9503, Rules and Consequences for Residential Facilities, and §380.9504, Rules and Consequences for Youth on Parole, with changes to the proposed text as published in the August 21, 2026, issue of the *Texas Register* (51 TexReg 5518). These rules will be republished. TJJD also adopts new §380.9505, Egregious Behavior Protocol, without changes to the proposed text as published in the August 21, 2026, issue of the *Texas Register* (51 TexReg 5518). This rule will not be republished.

SUMMARY OF CHANGES

Amendments to §380.9503 include: 1) updating language related to major rule violations to include that major rule violations are considered the most serious incidents and are categorized in the TJJD treatment hierarchy as life-threatening behavior targets; escape, abscond, and evasion behavior targets; or treatment-interfering or program-destroying behavior targets; 2) clarifying that responsive treatment is based on the degree of interference or intrusiveness such conduct has on any youth's ability to effectively engage in treatment; 3) adding *assault by threat, chunking fluids other than bodily fluids,* and *obstruction or retaliation* as a major rule violation; and 4) updating language related to minor rule violations to clarify that minor rule violations are considered treatment-interfering behavior targets, program-destroying behavior targets, or quality-of-life-interfering behavior targets.

Amendments to §380.9504 include updating language related to parole rule violations to include that parole rule violations are categorized in the TJJD treatment hierarchy based on the degree of interference or intrusiveness such conduct has on any youth's ability to engage effectively in treatment.

New §380.9505 includes: 1) the rule's applicability and general provisions; and 2) information pertaining to the egregious behavior protocol, safety-based measures, and youth returning to regular programming.

PUBLIC COMMENTS

TJJD received no public comments on the proposed rulemaking action.

STATUTORY AUTHORITY

The new and amended sections are adopted under §242.003, Human Resources Code, which requires the Board to adopt rules appropriate to properly accomplish TJJD's functions and to adopt rules for governing TJJD schools, facilities, and programs.

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

§380.9503. Rules and Consequences for Residential Facilities.

(a) Purpose. This rule establishes the actions that constitute violations of the rules of conduct for residential facilities. Violations of the rules may result in disciplinary consequences that are proportional to the severity and extent of the violation. Appropriate due process, including a consideration of extenuating circumstances, shall be followed before imposing disciplinary consequences.

(b) Applicability. This rule applies to youth assigned to residential facilities operated by the Texas Juvenile Justice Department (TJJD).

(c) Definitions. The following terms, as used in this rule, have the following meanings unless the context clearly indicates otherwise.

(1) Attempt to Commit--A youth, with specific intent to commit a rule violation, engages in conduct that amounts to more than mere planning that tends but fails to effect the commission of the intended rule violation.

(2) Bodily Injury--Physical pain, illness, or impairment of physical condition. Fleeting pain or minor discomfort does not constitute bodily injury.

(3) Direct Someone to Commit--Occurs when:

(A) a youth communicates with another youth;

(B) the communication is intended to cause the other youth to commit a rule violation; and

(C) the other youth commits or attempts to commit a rule violation.

(4) Possession--Actual care, custody, control, or management. It does not require the item to be on or about the youth's person.

(d) General Provisions.

(1) Formal incident reports are completed for alleged rule violations as required by internal operational procedures.

(2) A formal incident report is not proof that a youth committed an alleged rule violation. An incident report or other document describing conduct is not something that can be appealed or grieved; only the results of a hearing or rule-violation review may be appealed, as provided below.

(3) When a youth is found to be in possession of prohibited money as defined in this rule, a Level II hearing is required to seize the money. Seized money shall be placed in the student benefit fund in accordance with §380.9555 of this chapter.

(4) This paragraph applies only to youth not on parole status who are alleged to have engaged in conduct classified as a first- or second-degree felony while in a residential facility operated by or under contract with TJJD. A Level II hearing shall be requested on these youth unless it is determined that, given all circumstances, a Level II hearing is not appropriate. Such decision shall be documented. If a requested Level II hearing is held and the allegation is proved, the youth shall be reviewed for the most restrictive setting appropriate, including the intervention program described by §380.9510 of this chapter.

(e) Disciplinary Consequences.

(1) Disciplinary consequences shall be established in writing in TJJD's procedural manuals. Appropriate disciplinary consequences may be imposed only if the consequences are established in writing in TJJD's procedural manuals prior to the occurrence of the conduct for which the consequence is issued.

(2) Disciplinary consequences may include, but are not limited to, the following:

(A) suspension of privileges;

(B) restriction from planned activities;

(C) trust-fund restriction; and

(D) disciplinary transfer to a high-restriction facility (available only for youth on institutional status in a medium-restriction facility).

(3) The following are prohibited as disciplinary consequences:

(A) corporal or unusual punishment;

(B) subjecting a youth to humiliation, harassment, or physical or mental abuse;

(C) subjecting a youth to personal injury;

(D) subjecting a youth to property damage or disease;

(E) punitive interference with the daily functions of living, such as eating or sleeping;

(F) purposeless or degrading work, including group exercise as a consequence;

(G) placement in the intervention program under §380.9510 of this chapter;

(H) disciplinary isolation; and

(I) extending a youth's stay in a TJJD facility.

(4) A Level II hearing is required before imposing a disciplinary consequence that materially alters a youth's living conditions, including disciplinary transfer from a medium-restriction facility to a high-restriction facility. TJJD's procedural manuals will specify which disciplinary consequences require a Level II hearing. Disciplinary consequences requiring a Level II hearing are considered major consequences.

(5) This paragraph applies only to youth in high-restriction facilities. To impose a disciplinary consequence that does not require a Level II hearing, a rule-violation review is required. A rule-violation review is a process by which staff review evidence to determine whether a rule violation occurred. A rule-violation review results in a finding that the alleged violation is proven, the alleged violation is not proven, or a different rule was violated than the one alleged. A rule violation is proven if a preponderance of the evidence proves behavior meeting the definition of a rule violation occurred. The following steps are to be taken for every rule-violation review, regardless of whether a consequence is sought:

(A) a written description of the incident must be prepared;

(B) staff must notify the youth which rule violation the youth allegedly committed;

(C) staff must notify the youth which disciplinary consequence(s) staff is considering imposing, if any;

(D) the youth must be given the opportunity to review the relevant evidence considered by staff and to present the youth's own relevant evidence; and

(E) the youth must be given the opportunity to address the allegation, including providing any extenuating circumstances and information on the appropriateness of the intended consequence(s).

(6) If a Level II hearing is not required, a Level III hearing must occur before imposing disciplinary consequences for a youth in a medium-restriction facility, in accordance with §380.9557 of this chapter.

(f) Review and Appeal of Consequences.

(1) All disciplinary consequences shall be reviewed for policy compliance by the facility administrator or designee within three calendar days after issuance. The reviewing staff shall not be the staff who issued the discipline.

(2) The reviewing staff may remove or reduce any disciplinary consequence determined to be excessive or not validly related to the nature or seriousness of the conduct.

(3) Youth may appeal disciplinary consequences issued through a Level II hearing by filing an appeal in accordance with §380.9555 of this chapter.

(4) Youth in medium-restriction facilities may appeal disciplinary consequences issued through a Level III hearing by filing an appeal in accordance with §380.9557 of this chapter.

(5) The findings and disposition from a rule-violation review are not grievable, but they may be appealed to the facility administrator or designee on the grounds that the youth did not commit the rule violation found proven during the review, that the consequence is not appropriate, or that the youth was not provided with the requisite notice or opportunity to be heard. If the result of a rule-violation review is overturned, that fact shall be documented appropriately.

(g) Major Rule Violations. It is a violation to knowingly commit, attempt to commit, direct someone to commit, or aid someone else in committing any of the following conduct. Major rule violations are considered the most serious incidents and are categorized in the TJJD treatment hierarchy as life-threatening behavior targets; escape, abscond, and evasion behavior targets; or treatment-interfering or program-destroying behavior targets. Responsive treatment is based on the degree of interference or intrusiveness such conduct has on any youth's ability to effectively engage in treatment, including placing a youth on the egregious behavior protocol and other appropriate levels of intervention.

(1) Assault by Threat--Intentionally or knowingly threatening another with imminent bodily injury.

(2) Assault of Another Youth (No Injury)--Intentionally, knowingly, or recklessly engaging in conduct with the intent to cause bodily injury to another youth but the conduct does not result in bodily injury.

(3) Assault of Staff (No Injury)--Intentionally, knowingly, or recklessly engaging in conduct with the intent to cause bodily injury to a staff member, contract employee, or volunteer with the intent to cause injury but the conduct does not result in bodily injury.

(4) Assault Causing Bodily Injury to Another Youth--Intentionally, knowingly, or recklessly engaging in conduct that causes another youth to suffer bodily injury.

(5) Assault Causing Bodily Injury to Staff--Intentionally, knowingly, or recklessly engaging in conduct that causes a staff member, contract employee, or volunteer to suffer bodily injury.

(6) Attempted Escape--Committing an act with specific intent to escape that amounts to more than mere planning that tends but fails to effect an escape.

(7) Chunking Bodily Fluids--Causing a person to contact the blood, seminal fluid, vaginal fluid, saliva, urine, and/or feces of another with the intent to harass, alarm, or annoy another person.

(8) Chunking Other Fluids--Causing a person to contact any fluid or liquid not considered a bodily fluid with the intent to harass, alarm, or annoy another person.

(9) Distribution of Prohibited Substances--Distributing or selling any prohibited substances or items.

(10) Escape--Leaving a high-restriction residential placement without permission or failing to return from an authorized leave.

(11) Extortion or Blackmail--Demanding or receiving favors, money, actions, or anything of value from another in return for protection against others, to avoid bodily harm, or in exchange for not reporting a violation.

(12) Failure to Comply with Electronic Monitoring Program Conditions (for Youth in Medium-Restriction Residential Placement)--Failing to comply with one of the following conditions required by the youth's electronic monitoring program conditions:

(A) remain at the address listed at all designated times;

(B) follow curfew restriction as stated in the youth's conditions of placement or conditions of parole;

(C) remain at the approved placement while on electronic monitoring, going only to school, approved activities, religious functions, and medical/psychological appointments and then return to the approved placement, in accordance with the schedule identified in the conditions of placement or conditions of parole;

(D) wear the electronic monitoring device 24 hours a day;

(E) allow a TJJD staff member to enter the youth's residence to install, maintain, and inspect the device if required;

(F) notify the electronic monitoring officer as soon as possible within 24 hours if the youth experiences any problems with the electronic monitoring system; and

(G) charge the device daily for a minimum of one hour continuously in the morning and one hour continuously in the evening.

(13) Fighting Not Resulting in Bodily Injury--Engaging in a mutually instigated physical altercation with another person or persons that does not result in bodily injury.

(14) Fighting That Results in Bodily Injury--Engaging in a mutually instigated physical altercation with another person or persons that results in bodily injury.

(15) Fleeing Apprehension--Running from or refusing to come to staff when called and such act results in disruption of facility operations.

(16) Misuse of Medication--Using medication provided to the youth by authorized personnel in a manner inconsistent with specific instructions for use, including removing the medication from the dispensing area.

(17) Obstruction or Retaliation--Intentionally or knowingly threatening to harm another person on account of that person's status as a public servant or to prevent or delay the service of another person as a public servant, prospective witness, or informant.

(18) Participating in a Major Disruption of Facility Operations--Intentionally engaging in conduct that poses a threat to persons or property and substantially disrupts the performance of facility operations or programs.

(19) Possessing, Selling, or Attempting to Purchase Ammunition--Possessing, selling, or attempting to purchase ammunition.

(20) Possession of Prohibited Items--Possessing the following prohibited items:

(A) cellular telephone;

(B) matches or lighters;

(C) jewelry, unless allowed by facility rules;

(D) money in excess of the amount or in a form not permitted by facility rules (see §380.9555 of this chapter for procedures concerning seizure of such money);

(E) pornography;

(F) items which have been fashioned to produce tattoos or body piercing;

(G) cleaning products when the youth is not using them for a legitimate purpose; or

(H) other items that are being used inappropriately in a way that poses a danger to persons or property or threatens facility security.

(21) Possessing, Selling, or Attempting to Purchase a Weapon--Possessing, selling, or attempting to purchase a weapon or an item that has been made or adapted for use as a weapon.

(22) Possession or Use of Prohibited Substances and Paraphernalia--Possessing or using any unauthorized substance, including controlled substances or intoxicants, medications not prescribed for the youth by authorized medical or dental staff, alcohol, tobacco products, or related paraphernalia such as that used to deliver or make any prohibited substance.

(23) Refusing a Drug Screen--Refusing to take a drug screen when requested to do so by staff or tampering with or contaminating the urine sample provided for a drug screen. Note: If the youth says he/she cannot provide a sample, the youth shall be given water to drink and two hours to provide the sample.

(24) Refusing a Search--Refusing to submit to an authorized search of person or area.

(25) Repeated Non-Compliance with a Written, Reasonable Request of Staff (for Youth in Medium-Restriction Residential Placement)--Failing on two or more occasions to comply with a specific written, reasonable request of staff. If the request requires the youth to do something daily or weekly, the two failures to comply must be within a 30-day period. If the request requires the youth to do something monthly, the two failures to comply must be within a 60-day period.

(26) Sexual Misconduct--Intentionally or knowingly engaging in any of the following:

(A) causing contact, including penetration (however slight), between the penis and the vagina or anus; between the mouth and penis, vagina or anus; or penetration (however slight) of the anal or genital opening of another person by hand, finger, or other object;

(B) touching or fondling, either directly or through clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of another person;

(C) kissing for sexual stimulation;

(D) exposing the anus, buttocks, breasts, or genitals to another or exposing oneself knowing the act is likely to be observed by another person; or

(E) masturbating in an open and obvious way, whether or not the genitals are exposed.

(27) Stealing--Intentionally taking property with an estimated value of $100 or more from another without permission.

(28) Tampering with Monitoring Equipment--A youth intentionally or knowingly tampers with monitoring equipment assigned to any youth.

(29) Tampering with Safety Equipment--Intentionally tampering with, damaging, or blocking any device used for safety or security of the facility. This includes, but is not limited to, any locking device or item that provides security access or clearance, any fire alarm or fire suppression system or device, video camera, radio, telephone (when the tampering prevents it from being used as necessary for safety and/or security), handcuffs, or shackles.

(30) Tattooing/Body Piercing--Engaging in tattooing or body piercing of self or others. Tattooing is defined as making a mark on the body by inserting pigment into the skin.

(31) Threatening Another with a Weapon--Intentionally and knowingly threatening another with a weapon. A weapon is something that is capable of inflicting bodily injury in the manner in which it is being used.

(32) Unauthorized Absence--Leaving a medium-restriction residential placement without permission or failing to return from an authorized leave.

(33) Vandalism--Intentionally causing $100 or more in damage to state property or personal property of another.

(34) Violation of Any Law--Violating a Texas or federal law that is not already defined as a major or minor rule violation.

(h) Minor Rule Violations. It is a violation to knowingly commit, attempt to commit, direct someone to commit, or aid someone else in committing any of the following conduct. In terms of the TJJD treatment hierarchy, minor rule violations are considered treatment-interfering behavior targets, program-destroying behavior targets, or quality-of-life-interfering behavior targets.

(1) Breaching Group Confidentiality--Disclosing or discussing information provided in a group session to another person not present in that group session.

(2) Disruption of Program--Engaging in behavior that requires intervention to the extent that the current program of the youth and/or others is disrupted. This includes, but is not limited to:

(A) disrupting a scheduled activity;

(B) being loud or disruptive without staff permission;

(C) using profanity or engaging in disrespectful behavior toward staff or peers; or

(D) refusing to participate in a scheduled activity or abide by program rules.

(3) Failure to Abide by Dress Code--Failing to follow the rules of dress and appearance as provided by facility rules.

(4) Failure to do Proper Housekeeping--Failing to complete the daily chores of cleaning the living environment to the expected standard.

(5) Gang Activity--Participating in an activity or behavior that promotes the interests of a gang or possessing or exhibiting anything related to or signifying a gang, such as, but not limited to, gang-related literature, symbols, or signs.

(6) Gambling or Possession of Gambling Paraphernalia--Engaging in a bet or wager with another person or possessing paraphernalia that may be used for gambling.

(7) Horseplay--Engaging in wrestling, roughhousing, or playful interaction with another person or persons that does not rise to the level of an assault. Horseplay does not result in any party getting upset or causing injury to another.

(8) Improper Use of Telephone/Mail/Computer--Using the mail, a computer, or the telephone system for communication that is prohibited by facility rules, at a time prohibited by facility rules, or to inappropriately access information.

(9) Lending/Borrowing/Trading Items--Lending or giving to another youth, borrowing from another youth, or trading with another youth possessions, including food items, without permission from staff.

(10) Lying/Falsifying Documentation/Cheating--Lying or withholding information from staff, falsifying a document, and/or cheating on an assignment or test.

(11) Possession of an Unauthorized Item--Possessing an item the youth is not authorized to have (possession of which is not a major rule violation), including items not listed on the youth's personal property inventory. This does not include personal letters or photographs.

(12) Refusal to Follow Staff Verbal Instructions--Deliberately failing to comply with a specific reasonable verbal instruction made by a staff member.

(13) Stealing--Intentionally taking property with an estimated value under $100 from another without permission.

(14) Threatening Others--Making verbal or physical threats toward another person or persons.

(15) Unauthorized Physical Contact with Another Youth (No Injury)--Intentionally making unauthorized physical contact with another youth without the intent to cause injury and that does not cause injury, such as, but not limited to, pushing, poking, or grabbing.

(16) Unauthorized Physical Contact with Staff (No Injury)--Intentionally making unauthorized physical contact with a staff member, contract employee, or volunteer without the intent to cause injury and that does not cause injury, such as, but not limited to, pushing, poking, and grabbing.

(17) Undesignated Area--Being in any area without the appropriate permission to be in that area.

(18) Vandalism--Intentionally causing less than $100 in damage to state or personal property.

§380.9504. Rules and Consequences for Youth on Parole.

(a) Purpose. This rule establishes the actions that constitute violations of the rules of conduct youth are expected to follow while under parole supervision. Violations of the rules may result in disciplinary consequences, including revocation of parole, that are proportional to the severity and extent of the violation. Appropriate due process must be followed before imposing consequences.

(b) Applicability.

(1) This rule applies to youth on parole status who are assigned to a home placement.

(2) For parole revocation purposes, this rule also applies to youth on parole status who are assigned to a residential placement as a home substitute. However, this rule does not apply to the daily rules of conduct for these youth. For the daily rules of conduct, see §380.9503 of this chapter.

(c) General Provisions.

(1) Conditions of parole are provided to the youth before release on parole.

(2) Conditions of parole, including the rules of conduct, are reviewed with youth when they initially meet with their parole officers and at other times as necessary.

(3) Repeated violations of any rule of conduct may result in more serious disciplinary consequences.

(d) Definition. Possession--Actual care, custody, control, or management. It does not require the item to be on or about the youth's person.

(e) Parole Rule Violations. It is a violation to knowingly commit, attempt to commit, or aid someone else in committing any of the following conduct. Parole rule violations are categorized in the TJJD treatment hierarchy based on the degree of interference or intrusiveness such conduct has on any youth's ability to effectively engage in treatment.

(1) Abscond--Leaving a home placement or failing to return from an authorized leave when:

(A) the youth's parole officer did not give permission; and

(B) the youth's whereabouts are unknown to the youth's parole officer.

(2) Failure to Comply with Electronic Monitoring Program Conditions--Failing to comply with one of the following conditions required by the youth's electronic monitoring program conditions:

(A) remain at the address listed at all designated times;

(B) follow curfew restriction as stated in the youth's conditions of placement or conditions of parole;

(C) remain at the approved placement while on electronic monitoring, going only to school, approved activities, religious functions, and medical/psychological appointments and then return to the approved placement, in accordance with the schedule identified in the conditions of placement or conditions of parole;

(D) wear the electronic monitoring device 24 hours a day;

(E) allow a TJJD staff member to enter the youth's residence to install, maintain, and inspect the device if required;

(F) notify the electronic monitoring officer as soon as possible within 24 hours if the youth experiences any problems with the electronic monitoring system; and

(G) charge the device daily for a minimum of one hour continuously in the morning and one hour continuously in the evening.

(3) Failure to Comply with Sex Offender Conditions of Parole--Intentionally or knowingly failing to comply with one of the following conditions present in the youth's sex offender conditions of parole addendum:

(A) do not have unsupervised contact with children under the age specified by the conditions of parole;

(B) do not babysit or participate in any activity where the youth is responsible for supervising or disciplining children under the age specified by the conditions of parole; or

(C) do not initiate physical contact or touching of any kind with a child, victim, or potential victim.

(4) Failure to Report an Arrest or Citation--Failing to report an arrest or receipt of a citation to the youth's parole officer within 24 hours of arrest or citation.

(5) Participating in a Major Disruption of Facility Operations--Intentionally engaging in conduct that poses a threat to persons or property and substantially disrupts the performance of facility operations or programs. (This parole violation applies only to youth assigned to a residential placement as a substitute for home placement.)

(6) Possessing, Selling, or Attempting to Purchase Ammunition--Possessing, selling, or attempting to purchase ammunition.

(7) Possessing, Selling, or Attempting to Purchase a Weapon--Possessing, selling, or attempting to purchase a weapon or an item that has been made or adapted for use as a weapon.

(8) Refusing a Drug Screen--Refusing to take a drug screen when requested to do so by staff or tampering with or contaminating the urine sample provided for a drug screen.

(9) Repeated Non-Compliance with a Written, Reasonable Request of Staff--Failing on two or more occasions to comply with a specific condition of release under supervision and/or a specific written, reasonable request of staff. If the request requires the youth to do something daily or weekly, the two failures to comply must be within a 30-day period. If the request requires the youth to do something monthly, the two failures to comply must be within a 60-day period.

(10) Photos, Videos, or Social Media Posts with Weapon, Ammunition, or Unauthorized Substance--Appearing in photos, videos, or other images, whether or not posted to social media, with any weapon, ammunition, or unauthorized substance or related paraphernalia, including any object that reasonably resembles a weapon, ammunition, or unauthorized substance or related paraphernalia. The term weapon includes, but is not limited to, guns, explosive devices, knives, blades, and clubs. The term related paraphernalia includes, but is not limited to, items used to make or deliver unauthorized substances.

(11) Tampering with Monitoring Equipment--A youth intentionally or knowingly tampers with monitoring equipment assigned to any youth.

(12) Unauthorized Absence--Leaving a medium-restriction residential placement without permission or failing to return from an authorized leave.

(13) Possession or Use of Unauthorized Substances--Possessing, ingesting, inhaling, or otherwise consuming any unauthorized substance, including controlled substances or intoxicants, medications not prescribed for the youth by authorized medical or dental staff, alcohol or tobacco products, or related paraphernalia such as that used to deliver or make any unauthorized substance.

(14) Violation of Any Law--Violating a federal or state law or municipal ordinance.

(f) Possible Consequences.

(1) A parole rule violation may result in a Level I hearing or a Level hearing conducted in accordance with §380.9551 or §380.9557 of this chapter, respectively.

(A) This subparagraph applies only to youth alleged to have engaged in conduct classified as a first- or second-degree felony while on parole. Except as provided by this subparagraph, a Level I hearing shall be requested on these youth. The hearing may be deferred when requested by local prosecutors, as provided in §380.9551 of this chapter. The designated staff person may determine that, given all circumstances, a Level I hearing is not appropriate. Such decision shall be documented. If a Level I hearing is held and the youth's parole is revoked, the youth shall be reviewed for the most restrictive setting appropriate, including the intervention program described by §380.9510 of this chapter.

(B) Parole officers are encouraged to be creative in determining a consequence appropriate to address and correct the youth's behavior. Staff should use evidence-based interventions that relate to the youth's risk, needs, and responsivity when appropriate. All assigned consequences should be related to the misconduct when possible.

(2) Consequences through a Level hearing for a youth on parole include, but are not limited to:

(A) Verbal Reprimand--Conference with a youth including a verbal reprimand that draws attention to the misbehavior and serves as a warning that continued misbehavior could result in more severe consequences.

(B) Curfew Restriction--An immediate change in existing curfew requirements outlined in the youth's conditions of parole.

(C) Community Service Hours--Disciplinary assignment of a specific number of hours the youth is to perform community service in addition to the hours assigned when the youth was placed on parole. In no event may more than 20 community service hours be assigned through a Level hearing.

(D) Increased Level of Supervision--An assigned increase in the number of primary contacts between the youth and parole officer in order to increase the youth's accountability.

(E) Electronic Tracking--Assignment to a system that electronically tracks a youth's movement and location.

(F) Writing Assignment--An assignment designed for the youth to address the misbehavior and identify appropriate behavior in similar situations.

(3) Consequences through a Level I hearing for a youth on parole, including youth assigned to a residential placement as a home substitute, include:

(A) parole revocation and placement in any high- or medium-restriction program operated by or under contract with the Texas Juvenile Justice Department; and

(B) assignment of a length of stay consistent with §380.8525 of this chapter.

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

Filed with the Office of the Secretary of State on October 8, 2026.

TRD-202604277
Jana Jones
General Counsel
Texas Juvenile Justice Department
Effective date: November 1, 2026
Proposal publication date: August 21, 2026
For further information, please call: (512) 490-7130

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 17. STATE PENSION REVIEW BOARD

CHAPTER 610. FUNDING SOUNDNESS RESTORATION PLANS

40 TAC §§610.13 - 610.15, 610.20, 610.21, 610.30 - 610.32

The Pension Review (Board) adopts amendments to existing rules at 40 Texas Administrative Code (TAC), Chapter 610, §§610.13 - 610.15, 610.20, 610.21, and 610.30 - 610.32, regarding the Funding Soundness Restoration Plans for public retirement systems and their associated governmental entities, without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5151). These rules will not be republished.

EXPLANATION OF AND JUSTIFICATION FOR THE RULES

In 2015, the legislature passed House Bill 3310, creating the FSRP requirement for public retirement systems with a funding period greater than 40 years. In 2021, the legislature passed House Bill 3898, which updated the FSRP provisions, reducing the triggering funding period to greater than 30 years and adding additional requirements for public retirement systems and their associated governmental entities to formally adopt plans to improve their funding. The Board adopted 40 Texas Administrative Code Chapter 610 in 2022 to implement the updated statutory requirements. The Board recently completed its first quadrennial review of Chapter 610 and now adopts amendments to §§610.13 - 610.15, 610.20, 610.21 and 610.30 - 610.32 to clarify and improve compliance with the FSRP requirement.

SECTION-BY-SECTION SUMMARY

The adopted rules amend 40 TAC §610.13. The adopted rules make a minor grammatical correction.

The adopted rules amend 40 TAC §610.14. The adopted rules modify the applicability for the rules to specify that the rules apply to systems that submitted a voluntary FSRP only if the system did so before September 1, 2025.

The adopted rules amend 40 TAC §610.15. The adopted rules require that public retirement systems required by statute to provide a notice of inadequate financing to its members provide a copy of the notice to the Board.

The adopted rules amend 40 TAC §610.20. The adopted rules modify the applicability for the rules to specify that the rules apply to systems that submitted a legacy FSRP only if the system did so before September 1, 2025. The adopted rules amend rule language pertaining to the allowable degree of variation from corridors to remove any appearance of subjectivity. The adopted rules also make minor technical corrections.

The adopted rules amend 40 TAC §610.21. The adopted rules make a minor technical correction.

The adopted rules amend 40 TAC §610.30. The adopted rules specify that a system may submit an FSRP before the deadline so long as the Board reviews and determines the plan is sufficient to amortize the unfunded liability within the statutorily required timeframe.

The adopted rules amend 40 TAC §610.31. The adopted rules clarify that systems and sponsors must submit statutorily required progress updates and that the progress update must be submitted using a form prescribed by the Board. The adopted amendments also strike outdated references.

The adopted rules amend 40 TAC §610.32. The adopted rules amend rule language pertaining to the allowable degree of variation from corridors to remove any appearance of subjectivity and reflect that voluntary FSRPs were previously authorized.

PUBLIC COMMENTS AND INFORMATION RELATED TO THE COST, BENEFIT, OR EFFECT OF THE PROPOSED RULES

The Board drafted and distributed the proposed rules to persons internal and external to the agency. The proposed rules were published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5151). The Board requested public comments on the proposed rules and information related to the cost, benefit, or effect of the proposed rules, including any applicable data, research, or analysis. The public comment period closed on September 7, 2026. The Board did not receive any comments from interested parties on the proposed rules.

BOARD ACTION

At its meeting on September 30, 2026, the Pension Review Board adopted the proposed rules as published in the *Texas Register*.

STATUTORY AUTHORITY

The adopted rules are adopted under Texas Government Code Sections 802.2015(h) and 802.2016(h), which authorize the Pension Review Board to adopt rules as necessary to implement the Funding Soundness Restoration Plan requirement. The statutory provisions affected by the adopted rules are those set forth in Texas Government Code Sections 802.106, 802.2015, and 802.2016.

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

Filed with the Office of the Secretary of State on October 7, 2026.

TRD-202604273
Tamara Aronstein
General Counsel
State Pension Review Board
Effective date: October 27, 2026
Proposal publication date: August 7, 2026
For further information, please call: (512) 463-1736

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TITLE 43. TRANSPORTATION

PART 10. TEXAS DEPARTMENT OF MOTOR VEHICLES

CHAPTER 215. MOTOR VEHICLE DISTRIBUTION

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts amendments to 43 Texas Administrative Code (TAC) Chapter 215, Motor Vehicle Distribution. Specifically, the department adopts amendments to Subchapter A, General Provisions, §215.2 and the repeal of §215.1; adopts amendments to Subchapter B, Licenses, Generally, §§215.82 - 215.84, 215.89, and 215.91 and the repeal of §215.81; adopts amendments to Subchapter C, Franchised Dealers, Manufacturers, Distributors, and Converters, §§215.104, 215.110, 215.113, 215.115, 215.120, and 215.121; adopts amendments to Subchapter D, General Distinguishing Numbers and In-Transit Licenses, §§215.132 - 215.134, 215.140, 215.141, 215.144, 215.145, 215.152, 215.154, 215.155, and 215.158; adopts new §215.153 and §215.159, and repeals §215.131; adopts amendments to Subchapter E, Lessors and Lease Facilitators, §§215.175, 215.177, and 215.181 and repeals §215.171; and adopts amendments to Subchapter F, Advertising, §§215.242, 215.244, 215.246, and 215.270 and repeals §§215.241, 215.243, and 215.269.

The department adopts §§215.2, 215.82, 215.89, 215.91, 215.104, 215.110, 215.113, 215.115, 215.132, 215.140, 215.144, 215.145, 215.152, 215.154, 215.155, 215.158, 215.177, 215.181, 215.242, and 215.246; adopts new §215.153; and adopts the repeal of §§215.1, 215.81, 215.131, 215.171, 215.241, 215.243, and 215.269 without changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2638). The text of these rules will not be republished. The department adopts new §215.159, and amendments to §§215.83, 215.84, 215.120, 215.121, 215.133, 215.134, 215.141, 215.175, 215.244, and 215.270, with changes to the proposed text as published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2638). The department withdraws proposed new §215.107, withdraws the proposed amendments to §§215.85, 215.105, 215.108, 215.114, 215.137, 215.157, 215.264, and 215.500, and withdraws the repeal of §215.101. Accordingly, the department does not adopt §215.107 and retains the existing rule text for remaining affected sections. The text of §§215.83, 215.84, 215.120, 215.121, 215.133, 215.134, 215.141, 215.159, 215.175, 215.244 and 215.270 will be republished.

REASONED JUSTIFICATION. The department is reviewing Chapter 215 in accordance with Government Code, §2001.039, which requires state agencies to periodically review existing rules and determine whether the reasons for initially adopting the rules continue to exist. Notice of the department's intent to review and readopt Chapter 215 is published elsewhere in this issue of the *Texas Register*. As part of that review, the department determined that certain provisions should be amended, repealed, or replaced to improve clarity and consistency, eliminate unnecessary or duplicative language, incorporate statutory changes, and ensure the rules continue to effectively implement and administer applicable law. The department therefore adopts the amendments, new sections, and repeals described in the following paragraphs.

Subchapter A. General Provisions

§215.1

This section describing the purpose and scope of the chapter is repealed because the section is unnecessary, as relevant statutory references are incorporated into the applicable rules throughout the chapter.

§215.2

Adopted amendments to §215.2(a) add a reference to Transportation Code, Chapter 730, the Motor Vehicle Records Disclosure Act, to clarify that the definitions in Chapter 730 apply to Chapter 215 because the chapter includes rules implementing and enforcing that Act. The amendments also update related punctuation. An amendment to §215.2(b)(7) clarifies that the definition of standard license plate does not include a dealer's temporary license plate issued under Transportation Code, §503.062. A dealer's temporary license plate may only be used for the purposes authorized by Transportation Code, §503.062, whereas a dealer's standard license plate authorized by Transportation Code, §503.061 may be used for a broader range of authorized purposes.

Subchapter B. Licenses, Generally

§215.81

This section describing the purpose and scope of the chapter is repealed because it is unnecessary, as relevant statutory references are incorporated into the applicable rules throughout the chapter.

§215.82

Adopted amendments to §215.82 add "and Dealer's Temporary" to the title of the section and add "a dealer's temporary license plate" to the rule text to include this license plate type among the license plates for which a dealer may receive a replacement license plate or sticker at no charge if the dealer did not receive the original license plate ordered and requests a replacement within 45 days after the department mails the license plate in the department-designated system. Adopted amendments also delete unnecessary references to specific types of license holders eligible to receive a standard license plate because the phrase "standard license plate" is already defined in §215.2(b)(7) of this title (relating to Definitions; Conformity and Statutory Requirements) as a license plate issued to a license holder. Additional adopted amendments delete "standard" from the description of the license plate in §215.82(1) and (2) because those provisions apply to both standard license plates and dealer's temporary license plates. These amendments allow a dealer to receive a replacement at no charge if a dealer's temporary license plate is lost in the mail and the dealer promptly requests a replacement.

§215.83

Adopted amendments to §215.83 create new paragraph §215.83(a) to document existing requirements for a new applicant to register for an account in the department-designated licensing system through the department's website. These amendments require an applicant to designate an account administrator, provide the name and email address for that person, provide the business telephone number, name, business type, and social security number or employer identification number, as applicable, and specify that the applicant's licensing account administrator must be an owner, officer, manager, or bona fide employee. These amendments reflect existing requirements for establishing an account that an applicant may use to submit a license application. The remaining paragraphs are renumbered to accommodate new §215.83(a). At adoption, the depart-

ment made a conforming change to a relettered reference in §215.83(l).

§215.84

At adoption, the department withdrew proposed amendments that would have deleted §215.84(a) and relettered the remaining subsections, in response to public comments that the explanation §215.84(a) provided was helpful for readers. The adopted amendment to §215.84(c) makes a minor wording change without changing meaning.

§215.89

Adopted amendments to §215.89(a) delete an unnecessary phrase to streamline the subsection language. An amendment to §215.89(b)(2) updates, for ease of reference, a citation to the criminal offense guidelines for the motor vehicle industry in 43 TAC Chapter 211. An amendment to §215.89(b)(5) adds a modifying phrase identifying consumer harm as a factor that the department may consider when evaluating whether a license holder or applicant is unfit to hold a license due to insolvency or failure to obtain or maintain financial resources sufficient to meet financial obligations. Consideration of consumer harm is important because a license holder may reorganize finances due to a business setback but may not be considered unfit if no consumer harm resulted. An amendment to §215.89(b)(8) deletes an unnecessary introductory verb and connector and updates a citation to reflect the renumbering of provisions in Chapter 211.

§215.91

Occupations Code, §55.004(b-1), as amended by Senate Bill 1818, 89th Texas Legislature, Regular Session, requires all state licensing agencies, including the department, to issue a provisional license to military service members, military veterans, and military spouses while the agency processes a license application. Adopted amendments to §215.91(b) clarify the application process for a military service member, military spouse, or military veteran to obtain a provisional license. These clarifications are necessary for the department to identify and process these applications on an expedited basis as required by Occupations Code, §55.0041, as amended by House Bill 5629, 89th Legislature, Regular Session.

Adopted amendments to §215.91(b)(1) align the rule with Occupations Code, §55.004, as amended by Senate Bill 1818, to require licensing agencies to issue a provisional license while reviewing the application of a military service member, military spouse, or military veteran who is currently licensed and in good standing in another state or who was licensed in Texas within the prior five years. The amendments establish streamlined application requirements for a provisional license, as specified by Occupations Code, §§55.004 and 55.0041, and clarify that a military service member, military spouse, or military veteran may apply for a provisional license by downloading and completing the application form from the department website or by contacting the department. The amendments also require the applicant to submit the completed provisional license application to the department at the email address designated in the application form, delete the requirement to submit the more comprehensive online application specified in §215.83, and reletter the required attachments that must accompany the provisional license application. The amendments add new §215.91(b)(1)(C) and amend relettered §215.91(b)(1)(A) to clarify and separate documentation requirements applicable to military veterans from documentation required of active-duty military personnel and military spouses. Amendments to §215.91(b)(1)(D) clarify that the affidavit required by Occupations Code, §55.0041(b)(3), for applicants previously licensed in another state applies to military veterans as well as military service members and military spouses.

Adopted amendments to §215.91(b)(2) add the phrase "provisional license" to describe the application type and align the rule with Occupations Code, §55.004. Amendments to §215.91(b)(2)(A) add a reference to military veterans and update related punctuation and conjunctions. Amendments to §215.91(b)(2)(B) change a verb to "confirm" for consistency with §215.91(b)(2)(C). Amendments to §215.91(b)(2)(C) provide that, if the department confirms the information required by subparagraphs (A) and (B), the department will notify the applicant to submit a sufficient application as described in §215.83 at the time the department issues the provisional license, consistent with Occupations Code, §55.0041(b-1).

Adopted amendments to §215.91(b)(3) clarify that the department will issue a license within 10 days after receiving a sufficient application, or notify the applicant why a license cannot currently be issued, as required by Occupations Code, §55.0041(b-1), when the applicant holds a provisional license, is licensed in good standing in another state with substantially similar licensing requirements, or was licensed in good standing in Texas during the preceding five years. Another amendment to §215.91(b)(3) moves the final sentence to new §215.91(c) and reletters current §215.91(c) as §215.91(d) to improve readability. These amendments streamline the process for military service members, military spouses, and military veterans to apply for and obtain a provisional license consistent with Occupations Code, Chapter 55, without requiring substantial licensing-system modifications.

Subchapter C. Franchised Dealers, Manufacturers, Distributors, and Converters

§215.104

Adopted amendments to §215.104(a) and (b) modernize and simplify text to improve readability without changing meaning. An amendment to §215.104(a)(2) removes a typographical error. Amendments to §215.104(c) add a requirement for a franchised dealer to file a license amendment application within 10 days if the person responsible for the dealer's business activities changes due to the appointment of a receiver or the filing of bankruptcy and make related changes in punctuation and conjunction placement. These amendments help ensure that the appropriate representative receives department licensing and enforcement notices and may act within the time limits established by statute and rule. Amendments to §215.104(d) modernize and simplify text to improve readability without changing meaning.

§215.110

An adopted amendment to §215.110(b) clarifies that the information described is located in subsection (a), rather than elsewhere in the section, to avoid potential confusion.

§215.113

Adopted amendments to §215.113(c) update the subchapter designation in 43 TAC Chapter 224 and delete "License" from a referenced section title to correct the title and subchapter reference.

§215.115

Adopted amendments to §215.115(e) add "if applicable" and related punctuation because certain records identified in the subsection may not be relevant to every license holder's business.

§215.120

At adoption, the department revised the title of §215.120 to "Standard License Plates for Manufacturers, Distributors, and Converters" to clarify the scope of the section. Adopted amendments to §215.120(d) substitute "license holder" for "manufacturer, distributor, or converter" where that term clearly refers to a manufacturer, distributor, or converter and simplify the rule text without changing meaning. An amendment to §215.120(d)(2) substitutes "secured" for "affixed" for consistency in terminology. Amendments to §215.120(g) clarify that requests for additional standard license plates and supporting business justifications are submitted by manufacturers, distributors, and converters and remove language that could create uncertainty regarding the scope of the subsection. The amendments to §215.120(g) prevent any confusion or conflict with 43 TAC §215.139, relating to Dealer's Standard License Plate Allocation. An amendment to §215.120(g)(1) clarifies that the department may consider the number of vehicles assembled or modified during the prior 12 months at facilities in or serving the Texas market when evaluating requests for additional standard license plates. These amendments clarify the information the department may consider and address common issues raised by manufacturers requesting additional standard license plates.

At adoption, the department did not adopt the proposed amendments to §215.120(a) and (b). Those subsections retain the existing references to manufacturer and converter standard license plates. The department determined that retaining the existing terminology more clearly communicates the scope of the section and avoids potential confusion regarding the use of standard license plates. The department also revised §215.120(g) and (h) at adoption to expressly identify manufacturers, distributors, and converters as the persons subject to those provisions and to conform terminology throughout the section and to correct a capitalization error.

§215.121

The department received stakeholder comments that the proposed changes, which would have deleted §215.121(a), removed citations to §215.121(a), and relettered the remaining subsection, were unnecessary and removed language that was helpful to readers. The department therefore withdrew the proposed deletion of §215.121(a) and the proposed amendments to §215.121(b) that would have removed cross-references to §215.121(a) and would have made changes to improve readability in the absence of §215.121(a).

Adopted amendments to §215.121(b)(10) update references to relevant Transportation Code chapters that may result in sanctions if violated. An adopted amendment to §215.121(b)(11) updates a citation to the criminal offense guidelines in 43 TAC Chapter 211.

Adopted amendments add new §215.121(b)(19) to enforce Transportation Code, Chapter 730, the Motor Vehicle Records Disclosure Act, by establishing a sanction for violations of the Act by a manufacturer, distributor, converter, franchised dealer, or an employee or agent of those persons. The amendments also make related punctuation and conjunction changes. These license holders and their employees and agents have access to motor vehicle records protected by the Motor Vehicle Records Disclosure Act, and unauthorized disclosure may result in significant consumer harm.

Subchapter D. General Distinguishing Numbers and In-Transit Licenses

§215.131

This section describing the purpose and scope of the chapter is repealed because it is unnecessary, as relevant statutory references are incorporated into the applicable rules throughout the chapter.

§215.132

Adopted amendments update definitions consistent with other adopted changes in Subchapter D. Amendments delete the definition of "barrier" in §215.132(1), because adopted amendments to §215.140 remove that term, and renumber the remaining definitions accordingly. An amendment to renumbered §215.132(1) deletes the final sentence referencing a buyer's provisional license plate to align with the new definition of "buyer's provisional license plate" in renumbered §215.132(2). Amendments to renumbered §215.132(2) define a buyer's provisional license plate as a license plate a dealer may use when a general issue license plate for the vehicle or vehicle type is not available in the dealer's inventory, an exempt license plate application is pending department approval, or a retail purchaser requires a commercial fleet specific-use license plate that will be obtained through a department system. These amendments clarify the authorized uses of buyer's provisional license plates and facilitate retail vehicle transactions involving those circumstances.

§215.133

The department received public comments that the proposed amendments, which would have deleted §215.133(a) and (b) and relettered the remaining subsections, made the text less clear for readers. The department therefore withdrew these proposed amendments at adoption.

Adopted amendments to §215.133(c) add "license" to clarify the application type referenced and clarify that a dealer or wholesale motor vehicle auction reapplying for a GDN after the GDN expires or is closed must enter or verify current information, provide documentation necessary to satisfy new or revised requirements, and pay all required fees, including any outstanding civil penalties owed under a final order. An amendment to §215.133(d) updates a citation to Chapter 211. Amendments also delete §215.133(i) because that provision unnecessarily duplicates statutory language, and reletter the remaining subsections accordingly. Additional amendments delete an unnecessary reference to former §215.133(i) in relettered §215.133(i).

§215.134

The department received comments from stakeholders that proposed amendments, which would have deleted §215.134(a) and relettered the remaining subsections, would have made the rule text less clear for readers. Therefore, the department did not adopt these proposed amendments. However, the department adopted an amendment to §215.134(b) to add the word "license" for clarity and consistency. The department also adopted an amendment to §215.134(f), which updates a citation to Chapter 211.

§215.140

Adopted amendments to §215.140(a)(3)(A), §215.140(a)(4)(A)(i), and §215.140(b)(3)(A) add the term "legible" to clarify signlettering requirements and ensure that the public and the department can readily identify the GDN holder. Amendments to §215.140(a)(3)(B), §215.140(a)(4)(A)(ii), and §215.140(b)(3)(B) provide additional flexibility for dealer and auction signage by

recognizing signs permanently affixed or etched on an exterior window, wall, or door as an alternative to signs permanently installed in the ground. Amendments to §215.140(a)(5)(F) add "licensed" to describe a dealer's physical location and authorize the department to mail or deliver license plates to another physical location identified in the dealer's license record and approved by the department. This change provides operational flexibility for dealers with multiple locations and complements new §215.159 regarding license plate storage.

Amendments to §215.140(a)(6)(E) delete unnecessary license plate descriptors to improve readability without changing meaning. Amendments to §215.140(a)(11)(B)(iv) and (vii) replace the requirement for physical barriers separating display space with a requirement for permanent signage identifying a dealer's reserved display area. The department received feedback that the prior barrier requirement was difficult to implement and maintain in shared locations. The adopted amendments provide a simpler and less costly method of identifying dealer inventory areas while continuing to allow the department and the public to determine which display space belongs to a particular dealer.

§215.141

The department received stakeholder comments that the proposed changes, which would have deleted §215.141(a), removed citations to §215.141(a), and relettered the remaining subsections, were unnecessary and removed language that was helpful to readers. The department therefore withdrew the proposed deletion of §215.141(a) and the proposed amendments to §215.141(b) that would have removed cross-references to §215.141(a) and would have made changes to improve readability in the absence of §215.141(a).

The department adopted amendments to §215.141(b)(16) and (21) update references to Transportation Code chapters to include relevant chapters and remove references to chapters a license holder could not violate in this context. An amendment to §215.141(b)(17) updates a citation to Chapter 211. Amendments to §215.141(b)(26), (28), and (34) delete outdated references that are no longer necessary because of changes in law and the passage of time. Amendments add new §215.141(b)(36) to enforce Transportation Code, Chapter 730, the Motor Vehicle Records Disclosure Act, by providing a sanction for violations committed by a GDN holder or its employee or agent. These license holders and their employees and agents have access to protected motor vehicle record information, and unauthorized disclosure may result in significant consumer harm. At adoption, the department retained the parenthetical following the citation to Transportation Code, §501.100 in §215.141(b)(31). The department determined that retaining the parenthetical improves clarity and is consistent with other statutory citations within the rule.

Amendments also add new §§215.141(b)(37) - (39) to specify violations involving issuance and assignment of license plates. These provisions address issuance of an incorrect license plate type, failure to assign a secured license plate to the vehicle in the department-designated system, and voiding and reissuing the same license plate to extend a title or registration filing deadline. Department investigations of complaints received after elimination of temporary tags identified conduct of this nature, which may lead to unnecessary law-enforcement stops and delay proper titling and registration.

§215.144

Adopted amendments to §215.144(e)(8)(L) clarify that a dealer is not required to copy a purchaser's photo identification document when doing so would violate federal law. Amendments to §215.144(e)(8)(M) require that the odometer disclosure statement be properly executed by the seller and acknowledged by the purchaser and delete the phrase "signed by the buyer" for consistency with §217.4(d)(2) of this title. Amendments to §215.144(e)(8)(M) and (N) modify punctuation and conjunctions to accommodate new §215.144(e)(8)(O), which requires retention of the dealer's copy of the buyer's license plate receipt. This requirement helps ensure that a complete transaction record is available if the department investigates a complaint. An amendment to §215.144(l)(1) removes redundant language, and an amendment to §215.144(l)(2) corrects the title of the referenced section.

§215.145

Adopted amendments to §215.145(d)(1) and (e)(1) simplify terminology by replacing longer references with the term "amendment application." Amendments also add new subsection (h), requiring a dealer to file a license amendment application within 10 days when responsibility for management of the business changes because of appointment of a receiver or a bankruptcy filing. These amendments help ensure that the appropriate representative receives department notices and may act on behalf of the license holder within applicable statutory and regulatory deadlines.

§215.152

An adopted amendment to §215.152(e) revises wording to improve readability without changing meaning. An adopted amendment to §215.152(h) deletes an extraneous word. Adopted amendments to §215.152(i)(6) require a delivery service to notify the department that a license plate shipment is undeliverable before a dealer becomes ineligible to receive a quarterly allocation delivered to the licensed location. Amendments add new §215.152(i)(8), which makes an applicant or dealer ineligible for a quarterly allocation delivered to a licensed location if the person has filed a change of address and the department has not yet approved the proposed location. Related punctuation and conjunction changes accommodate that addition.

Amendments to §215.152(l) and (m) replace the term "general issue plates" with "buyer's license plates" because buyer's license plates include more than general issue plates, and replace "buyer" with the possessive form "buyer's" for consistency. An amendment to §215.152(n) replaces "receive" with "request" for consistency in terminology. An amendment to §215.152(o)(1) substitutes "dealer's" for "requestor's" because dealer license plate activity is a relevant factor the department may consider when evaluating an allocation request. An amendment to §215.152(p) corrects a cross-reference.

§215.153

Adopted new §215.153 describes a dealer's responsibilities when issuing a buyer's provisional license plate, a type of buyer's license plate used when another appropriate license plate is not available or cannot yet be assigned at the time of sale. The rule facilitates retail transactions involving depleted inventories of general issue license plates, pending exempt license plate applications, and commercial fleet vehicles.

Section 215.153(a) provides that a dealer is responsible for managing buyer's provisional license plate inventory within the

dealer's allocation and authorizes the department to require supporting documentation for requests involving those plates. Section 215.153(b) requires issuance of a buyer's provisional license plate when a suitable general issue plate is unavailable and the purchaser does not have an eligible plate available for reassignment. Section 215.153(c) authorizes use of a buyer's provisional license plate while an exempt plate application is pending. Section 215.153(d) addresses vehicles eligible for commercial fleet license plates.

Section 215.153(e) requires a dealer, except in commercial fleet transactions, to promptly obtain and assign the appropriate permanent plate. Section 215.153(f) establishes expiration requirements for buyer's provisional license plates. Section 215.153(g) requires destruction of an expired buyer's provisional license plate consistent with §215.158. Collectively, these provisions facilitate vehicle sales while maintaining accountability and reducing opportunities for license plate fraud.

§215.154

Adopted amendments to the graphic in §215.154(b) increase initial allocations of dealer's temporary license plates for GDN holders that sell trailers and semitrailers and for wholesale motor vehicle dealers that also hold a wholesale auction GDN. The department received a significant number of requests for additional dealer's temporary license plates from these license holders during implementation of the dealer license plate program, indicating that larger initial allocations are warranted. The amendments increase the allocation for trailer and semitrailer dealers from five to 15 plates and establish a new allocation category of 40 plates for wholesale motor vehicle dealers that also operate wholesale auctions.

Amendments also delete §215.154(c) and reletter the remaining subsections and graphic title because dealers licensed on July 1, 2025, have already received the initial allocations contemplated by that subsection. Amendments to relettered §215.154(f) require proof of the number of vehicles transported during the prior 12-month period, if applicable, when requesting a waiver for additional dealer's temporary license plates. This information assists the director in evaluating requests and minimizing unnecessary accumulation of unassigned license plates.

§215.155

Adopted amendments to §215.155(b) delete the term "general issue" because buyer's license plates include provisional license plates. Amendments to §215.155(e) delete language requiring registration fees to be remitted with the title transfer application because those transactions are processed separately.

§215.158

Adopted amendments to §215.158 delete the phrase "buyer's license plate or buyer's temporary" to clarify that loss, theft, or destruction of any license plate must be reported to the department.

§215.159

Adopted new §215.159 establishes options and requirements for a dealer to store and manage license plate inventory away from the licensed location, including at centralized storage locations used by multiple dealers. The rule provides operational flexibility while maintaining appropriate safeguards for license plate security and department oversight.

Section 215.159(a) requires a dealer to disclose the address of a license plate storage location and certify compliance with the rule. Section 215.159(b)(1) provides that a licensed location used for plate storage must comply with the premises requirements in §215.140. Section 215.159(b)(2) establishes requirements applicable to a storage location that is not itself a licensed location, including requirements concerning the physical structure, equipment, inventory organization, accessibility, posted business hours, staffing, security, and permissible locations.

These requirements ensure that license plate inventory remains secure, that dealers can access the department's systems and communicate with the department, and that the department may effectively monitor compliance with Transportation Code, §§503.063, 503.0631, and 503.0633. The rule also accommodates the operational needs of dealers while reducing opportunities for theft, diversion, or misuse of license plates.

Section 215.159(c) informs dealers that the department may inspect a license plate storage location before approving the location and during the license term to monitor compliance with applicable statutes and rules.

At adoption, the department revised the language of §215.159(a) and (b) to allow multiple dealers to use the same storage location, and to exempt storage locations from the limitation under §215.140(a)(7) that only four dealers can use the same location. The department made these revisions in response to feedback from independent dealers that have separate GDN licenses but share common ownership and preferred to store plates in one centralized location. These revisions provide additional flexibility for dealers and could reduce overhead costs for dealers that are able to share a common location.

Subchapter E. Lessors and Lease Facilitators

§215.171

This section describing the purpose and scope of the chapter is repealed because it is unnecessary, as relevant statutory references are incorporated into the applicable rules throughout the chapter.

§215.175

The department received stakeholder comments that the proposed changes, which would have deleted §215.175(a), removed citations to §215.175(a), and relettered the remaining subsections, were unnecessary and removed language that was helpful to readers. The department therefore withdrew the proposed changes to §215.175(a) and the proposed amendments to §215.175(b) that would have removed cross-references to §215.175(a) and would have made changes to improve readability in the absence of §215.175(a). At adoption, the department also corrected a reference in §215.175(b)(1) to reflect the full title of the referenced section

Adopted amendments to §215.175(b)(10) updates a reference to the applicable criminal offense guidelines in Chapter 211 of this title. Adopted amendments add new §215.175(b)(14) to enforce Transportation Code, Chapter 730, the Motor Vehicle Records Disclosure Act, by providing a sanction for violations committed by a vehicle lessor, vehicle lease facilitator, or their employee or agent. The amendments also make related punctuation and conjunction changes. Vehicle lessors, vehicle lease facilitators, and their employees and agents have access to motor vehicle records protected by the Motor Vehicle Records Disclosure Act, and unauthorized disclosure may result in significant consumer harm.

§215.177

An adopted amendment to §215.177(a)(2) adds the term "legible" to clarify sign-lettering requirements and ensure that the public and the department can readily identify the license holder.

§215.181

Adopted amendments to §215.181 revise a sentence to modernize the rule and improve readability without changing meaning.

Subchapter F. Advertising

§215.241

This section describing the purpose and scope of the chapter is repealed because it is unnecessary, as relevant statutory references are incorporated into the applicable rules throughout the chapter.

§215.242

Adopted amendments to §215.242 delete unnecessary phrases to improve readability without changing meaning.

§215.243

This section is repealed because it is unnecessary and redundant to treat a violation of an advertising rule as a prima facie violation of Occupations Code, Chapter 2301. Occupations Code, §2301.263 provides that a license issued under Chapter 2301 is subject to both Chapter 2301 and applicable board rules. Accordingly, treating an advertising rule violation as a separate prima facie violation of Chapter 2301 is unnecessary because the rule merely restates existing statutory authority.

§215.244

Adopted amendments to §215.244 add and modify definitions used in the advertising rules. An amendment to §215.244(1)(A)(ii) adds business cards to the list of items that constitute an advertisement. Amendments add §215.244(1)(A)(vi) and (vii) to modernize the definition of advertisement by expressly including statements or representations displayed on internet websites, social media platforms, other digital applications or platforms, and electronic communications such as email. Electronic forms of advertising have evolved significantly, and these amendments update the rule to reflect the most common methods of digital advertising. Additional amendments modify punctuation and conjunctions to accommodate new §215.244(1)(A)(vi) and (vii). At adoption, an amendment to §215.244(12) was altered slightly for consistency with the wording of other definitions in the section without changing meaning.

At adoption, the department received a public comment in opposition to a proposed amendment to §215.244 that would have created a new definition of the term "cure" for purposes of Occupations Code, §2301.203, which requires the department to provide a license holder an opportunity to cure an alleged advertising violation before issuing a notice of violation and recommended sanction. In response to the comments, the department did not adopt the proposed new definition of "cure," the proposed renumbering of other subparagraphs to accommodate the new definition, or the proposed amendment to the definition of "subsequent violation" in §215.244(17).

§215.246

Adopted amendments to §215.246 delete a redundant sentence because the requirement that an advertisement not be false, deceptive, or misleading is already provided by §215.242 of this title.

§215.269

This section is repealed because procedures governing the determination of violations under department rules have been moved to 43 TAC Chapter 224. The section is therefore redundant and no longer necessary.

§215.270

Adopted amendments to §215.270(a)(1) streamline rule language and modernize methods by which the department may communicate with license holders by expressly including email, while retaining the certified mail requirement.

In response to public comments, the department did not adopt proposed amendments that would have implemented revised definitions of "cure" and "subsequent violation" that were proposed but not adopted in §215.244.

Additional adopted amendments delete §215.270(c) and reletter the remaining subsection accordingly because publication of a retraction notice in a local newspaper is no longer an effective or efficient method of informing the public or curing an alleged advertising violation.

CHANGES AT ADOPTION. The department received comments on proposed §§215.84, 215.85, 215.101, 215.105, 215.107, 215.108, 215.114, 215.120, 215.121(a), 215.133(a)-(b), 215.134, 215.137, 215.141, 215.157, 215.175(a), 215.244, 215.270, 215.264, and 215.500. After consideration of the comments, the department modified §§215.84, 215.120, 215.121, 215.133, 215.134, 215.141, 215.175, 215.244, and 215.270 at adoption and determined to withdraw proposed new §215.107 and withdraw the proposed revisions to §§215.85, 215.101, 215.105, 215.108, 215.114, 215.137, 215.157, 215.264, and 215.500. Additionally, after further review of the proposal and operational considerations relating to license plate storage, the department revised the language of §215.159 at adoption.

The department received comments from stakeholders requesting reinstatement of rule language the department had proposed for amendment or repeal because it was identified during the review by the Texas Regulatory Efficiency Office as duplicative of statute, unnecessary, in need of streamlining, or in need of modernization in §§215.84(a), 215.85, 215.101, 215.105, 215.108, 215.114, 215.121(a), 215.133(a)-(b), 215.134, 215.137, 215.141, 215.157, 215.175(a), and 215.500. In response, the department withdrew all proposed revisions to §§215.85, 215.101, 215.105, 215.108, 215.114, 215.137, 215.157, and 215.500, and modified the proposed amendments in §§215.84, 215.121(a), 215.133(a)-(b), 215.134(a), 215.141, and 215.175(a) to remove the amendments identified by stakeholders as unnecessary or unhelpful.

The department also received comments regarding proposed new §215.107, which the department had proposed to require manufacturers and distributors to file a license amendment to transfer a line-make from one manufacturer or distributor to another. After consideration of those comments and further review of the proposal, the department determined not to adopt new §215.107 and therefore withdraws the proposed section.

The department revised §215.120 at adoption in response to comments regarding standard license plates. At adoption, the department revised the title of §215.120 to "Standard License Plates for Manufacturers, Distributors, and Converters" to clarify

the scope of the section. The department did not adopt the proposed amendments to §215.120(a) and (b) and retained the existing references to manufacturer and converter standard license plates. The department determined that retaining the existing terminology more clearly communicates the scope of the section and avoids potential confusion regarding the use of standard license plates. The department also revised §215.120(g) and (h) to expressly identify manufacturers, distributors, and converters as the persons subject to those provisions and to conform terminology throughout the section.

The department revised the amendments to §215.159(a) and (b) at adoption to allow multiple dealers to use the same license plate storage location, and to exempt storage locations from the limitation under §215.140(a)(7) that only four dealers can use the same location. The department made these revisions in response to feedback from independent dealers who requested to be able to store license plates in one centralized location, to reduce costs by allowing the dealers to share the costs of a common storage location.

The department also revised §215.141(b)(31) at adoption to retain the parenthetical following Transportation Code, §501.100 for clarity and consistency with other statutory citations appearing in the rule.

After consideration of comments received regarding the department's proposed definitions interpreting Occupations Code, §2301.203, the department revised amendments to §215.244 and §215.270 at adoption to remove the proposed new definitions of "cure" and "subsequent violation," and to remove proposed new text that referred to those proposed defined terms. The department also corrected wording in §215.244(12) at adoption so that it is consistent with other definitions in the section without changing its meaning.

After consideration of comments received regarding lease advertising disclosures, the department determined not to adopt the proposed amendments to §215.264. The department concluded that the existing provisions continue to provide an effective framework for compliance and therefore retained the current rule text.

Except as described in this section, the department adopts the rules as proposed. The department also made nonsubstantive grammatical, formatting, and conforming revisions throughout the adoption text to improve clarity and consistency.

SUMMARY OF COMMENTS.

The department received three timely written comments on the proposal from the Texas Automobile Dealers Association (TADA), the Texas Independent Automobile Dealers Association (TIADA), and the Texas Recreational Vehicle Association (TRVA).

Comment. TADA and TIADA commented in opposition to adoption of the proposed rule amendments in §§215.84(a), 215.85, 215.101, 215.105, 215.108, 215.114, 215.121(a), 215.133(a)-(b), 215.134(a), 215.137, 215.141, 215.157, and 215.175(a), which were identified as part of the Texas Regulatory Efficiency Office's review of the department's rules. The commenters asserted that the amendments are unnecessary and would create confusion or add unnecessary complexity and could disrupt established reliance on existing rule language without addressing a demonstrated need.

Response. The department agrees. As part of the Texas Regulatory Efficiency Office's review, the department identified rules that contained unnecessary or unenforceable language, required modernization, or duplicated statutory provisions. Throughout the review, Texas Regulatory Efficiency Office staff emphasized that it was important for the department to consider stakeholder feedback as part of the process. In light of the public comments indicating that stakeholders find helpful the language that was proposed for deletion, the department did not adopt the proposed changes to these sections that resulted from the Texas Regulatory Efficiency Office review.

Comment. TADA opposed adoption of the proposed amendments to §215.107 because manufacturers and distributors are aware of their licensing requirements. TADA stated that the rule should not include information required for a license amendment application because it does not need to be in a rule and the department may want to change it in the future. TADA also stated that the discussion of manufacturer licensing requirements in the department's eLicensing User Guide eliminates the need for the department to make a rule.

Response. The department disagrees. Texas Government Code §2001.004 requires state agencies to adopt rules reflecting all formal and informal procedures, including license application requirements. Under Government Code, Chapter 2001, such requirements must be adopted through notice-and-comment rulemaking or are subject to being voidable. While Occupations Code, Chapter 2301 establishes the general requirement for licensing, it does not provide the level of procedural detail necessary to ensure consistent implementation and enforcement. Proposed new §215.107 clarified how those statutory requirements apply in the context of a line-make transfer, including what information must be provided and how responsibilities are to be identified. Including this information in a manufacturer license application form or the eLicensing User Guides does not constitute notice-and-comment rulemaking under Government Code, Chapter 2001. However, after consideration of the comments received and further review of the proposal, the department has determined not to adopt proposed new §215.107 at this time and therefore withdraws the proposed section.

Comment: TADA commented in opposition to proposed new 215.107 because portions of the proposed language, including language regarding manufacturer and dealer obligations to perform warranty repairs, could create confusion.

Response: The department agrees. After consideration of the comments received and further review of the proposal, the department has determined not to adopt proposed new §215.107 at this time and therefore withdraws the proposed section.

Comment. TADA and TRVA opposed adoption of the term "licenses" in §215.107(a), stating that manufacturers and distributors do not typically license line-makes to each other. TADA commented that it is not aware of a situation in which manufacturers and distributors license line-makes to each other, and both commenters asserted that such arrangements are not anticipated by statutes requiring manufacturers to sell through franchise dealers.

Response. The department agrees. After consideration of the comments received and further review of the proposal, the department has determined not to adopt proposed new §215.107 at this time and therefore withdraws the proposed section.

Comment. TADA opposed adoption of amendments to §215.120 that remove the modifiers specifying "manufacturer" and "converter" plates, because doing so could create confusion about whether standard license plates are interchangeable. TADA rec-

ommended amending §215.120(g) to clarify that it applies only to manufacturers or converters.

Response. The department agrees that the removal of references to "manufacturer" and "converter" license plates could create confusion. To avoid confusion, the department is not adopting the proposed amendments to §215.120(a) and (b), and those subsections retain the current references to manufacturer and converter standard license plates. The rule, when read as a whole, applies to manufacturers, distributors, and converters. At adoption, the department revised the title of §215.120 to "Standard License Plates for Manufacturers, Distributors, and Converters" to clarify that scope. The department agrees that §215.120(g) prior to amendment could be read in isolation to apply more broadly. At adoption, the department revised subsection (g) to expressly reference manufacturers, distributors, and converters as the parties both requesting additional standard license plates and providing the supporting business justification for the request. The department also revised subsection (h) to similarly reference manufacturers, distributors and converters to better define the scope of the rule. These revisions clarify the intended scope of §215.120 and eliminate potential ambiguity and confirm that standard license plates are not interchangeable with other plate types.

Comment. TADA opposed adoption of the amendments to §215.121, and requested that TxDMV amend the rule to explicitly limit its application to manufacturers, distributors, and converters.

Response. The department disagrees. These violations apply to all license holders addressed in this subchapter and under Occupations Code, Chapter 2301, including dealers. Section 215.121 expressly applies to a license applicant, license holder, or a person engaged in a business for which a license is required, and is not limited to manufacturers, distributors, or converters. References in prior rulemaking materials to specific license types only explained specific amendments related to those license types and do not limit the scope of the rule.

Comment. TADA commented in support of proposed amendments to §215.140, which allow dealers to affix signs to doors or windows without requiring permanent installation in the ground and to store license plates at a physical location listed in the license record other than a licensed sales and service location.

Response. The department agrees that the proposed amendments to §215.140 provide dealers with greater flexibility by allowing signage to be affixed to doors or windows without permanent installation and by allowing license plate storage at approved locations listed in the license record.

Comment. TADA commented in support of new §215.159, stating that it will allow dealers greater flexibility in storing and managing plate inventory.

Response. The department agrees that new §215.159 provides dealers with greater flexibility in storing and managing license plate inventory while maintaining appropriate oversight of plate control.

Comment. TADA commented in opposition to the proposed amendments to §215.244 that define "cure" and "subsequent violation" to establish a two-year period during which a license holder may be subject to enforcement for a subsequent violation of the same advertising provision, and proposed amendments to §215.270 that implement the revised definitions. TADA argued that courts have interpreted the statute to require the department to give a separate opportunity to cure each advertising violation.

Response. The department agrees. The Texas Legislature will have an opportunity to decide whether to clarify Occupations Code, §2301.203(c) during the 90th Legislative Session. The department therefore will not adopt rule amendments on this issue at this juncture to prevent any conflict with potential future legislation.

Comment. TADA opposed adoption of the proposed amendments to §215.264. TADA stated that the rule should be amended to track Federal Regulation M, 12 C.F.R. §213.7(f), to ensure consistency with federal lease disclosure requirements and avoid potential inconsistencies.

Response. The department agrees that removing the option to publish information in a written advertisement would remove an option for dealers that remains possible despite the decline of print media. The potential revision to §215.264(h)-(j) was identified as part of the Texas Regulatory Efficiency Office's review as an opportunity to modernize and streamline the rule language. However, the department understands that dealers are familiar with the current language and prefer to maintain it as an option. Accordingly, the department is not adopting amendments to these subsections and will retain the existing language.

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §215.1

STATUTORY AUTHORITY. The department adopts a repeal to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, as amended by Senate Bill (SB) 2587, 89th Legislature (2025), which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §55.004, as amended by House Bill (HB) 5629, 89th Legislature, Regular Session, which requires the department to adopt rules for the issuance of a license to military service members, military veterans, or military spouses that al-

low licensure if the applicant holds a current license issued by another state that is similar in scope to the license in Texas and is in good standing with that state's licensing authority, or has held a license in Texas within the preceding five years; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which allows the board to adopt rules regulating the issuance and use of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts a repeal under the authority of Government Code, §2001.039, in addition to the statutory authority referenced throughout this preamble. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

CROSS REFERENCE TO STATUTE. This repeal implements Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, and 2301; and Transportation Code, Chapters 501-503, and 1002.

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

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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43 TAC §215.2

STATUTORY AUTHORITY. The department adopts amendments to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a license holder who is unfit, makes a material misrepresentation, violates Occupations Code, Chapter 2301 or a board rule or order, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, fails to maintain qualifications for a license, willfully defrauds a purchaser, fails to fulfill a written agreement with a retail purchaser of a motor vehicle, or violates the requirements of Transportation Code, §503.0631; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, as amended by Senate Bill (SB) 2587, 89th Legislature (2025), which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §55.004, as amended by House Bill (HB) 5629, 89th Legislature, Regular Session, which requires the department to adopt rules for the issuance of a license to military service members, military veterans, or military spouses that allow licensure if the applicant holds a current license issued by another state that is similar in scope to the license in Texas and is in good standing with that state's licensing authority, or has held a license in Texas within the preceding five years; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which allows the board to adopt rules regulating the issuance and use of dealer's license plates; Transportation Code, §503.063, which establishes requirements governing dealer-issued buyer's license plates and authorizes actions to be taken in accordance with department rules; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which authorizes the department by rule to establish the maximum number of license plates or sets of license plates that a dealer may obtain under Transportation Code, §503.063 and §503.065; Transportation Code, §730.014, which authorizes state agencies to adopt rules to implement and administer the Motor Vehicle Records Disclosure Act; Transportation CodeÂ §1001.002, which provides

that the department shall administer and enforce Occupations Code, Chapter 2301; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts amendments under the authority of Transportation Code, §501.0041 and §502.0021, and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to review and readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. The adopted amendments, new sections, and repeals implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, and 2301; and Transportation Code, Chapters 501-503, 730, 1001, and 1002.

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

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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SUBCHAPTER B. LICENSES, GENERALLY

43 TAC §215.81

STATUTORY AUTHORITY. The department adopts a repeal to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, as amended by Senate Bill (SB) 2587, 89th Legislature (2025), which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §55.004, as amended by House Bill (HB) 5629, 89th Legislature, Regular Session, which requires the department to adopt rules for the issuance of a license to military service members, military veterans, or military spouses that allow licensure if the applicant holds a current license issued by another state that is similar in scope to the license in Texas and is in good standing with that state's licensing authority, or has held a license in Texas within the preceding five years; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which allows the board to adopt rules regulating the issuance and use of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts a repeal under the authority of Government Code, §2001.039, in addition to the statutory authority referenced throughout this preamble. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

CROSS REFERENCE TO STATUTE. This repeal implements Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, and 2301; and Transportation Code, Chapters 501-503, and 1002.

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

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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43 TAC §§215.82 - 215.84, 215.89, 215.91

STATUTORY AUTHORITY. The department adopts amendments to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, as amended by Senate Bill (SB) 2587, 89th Legislature (2025), which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §55.004, as amended by House Bill (HB) 5629, 89th Legislature, Regular Session, which requires the department to adopt rules for the issuance of a license to military service members, military veterans, or military spouses that allow licensure if the applicant holds a current license issued by another state that is similar in scope to the license in Texas and is in good standing with that state's licensing authority, or has held a license in Texas within the preceding five years; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which allows the board to adopt rules regulating the issuance and use of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §730.014, which authorizes state agencies to adopt rules to implement and administer the Motor Vehicle Records Disclosure Act; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts amendments under the authority of Transportation Code, §501.0041 and §502.0021, and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, and 2301; and Transportation Code, Chapters 501-503, 730, 1001, and 1002.

§215.83. License Applications, Amendments, or Renewals.

(a) An applicant for a new license must register for an account in the department-designated licensing system by:

(1) accessing the licensing system through the department's website;

(2) designating the account administrator, which must be an owner, officer, manager, or bona fide employee;

(3) providing the name and email address for the account administrator; and

(4) providing the applicant's business telephone number, name, business type, and social security number or employer identification number, as applicable.

(b) An application for a new license, license amendment, or license renewal filed with the department must be:

(1) filed electronically in the department-designated licensing system on a form approved by the department;

(2) completed by the applicant, license holder, or authorized representative who is an employee, a licensed attorney, or a certified public accountant;

(3) accompanied by the required fee, paid by credit card or by electronic funds transfer, drawn from an account held by the applicant or license holder, or drawn from a trust account of the applicant's attorney or certified public accountant; and

(4) accompanied by proof of a surety bond, if required.

(c) An authorized representative of the applicant or license holder who files an application with the department on behalf of an applicant or license holder may be required to provide written proof of authority to act on behalf of the applicant or license holder.

(d) The department will not provide information regarding the status of an application, application deficiencies, or pending new license numbers to a person other than a person listed in subsection (a)(2) of this section, unless that person files a written request under Government Code, Chapter 552.

(e) Prior to the expiration of a license, a license holder or authorized representative must electronically file with the department a sufficient license renewal application. Failure to receive notice of license expiration from the department does not relieve the license holder from the responsibility to timely file a sufficient license renewal application. A license renewal application is timely filed if the department receives a sufficient license renewal application on or before the date the license expires.

(f) An application for a new license, license amendment, or license renewal filed with the department must be sufficient. An application is sufficient if the application:

(1) includes all information and documentation required by the department; and

(2) is filed in accordance with subsection (a) of this section.

(g) If an applicant, license holder, or authorized representative does not provide the information or documentation required by the department, the department will issue a written notice of deficiency. The information or documentation requested in the written notice of deficiency must be received by the department within 20 calendar days of the date of the notice of deficiency, unless the department issues a written extension of time. If an applicant, license holder, or authorized representative fails to respond or fully comply with all deficiencies listed in the written notice of deficiency within the time prescribed by this subsection, the application will be deemed withdrawn and will be administratively closed.

(h) The department will evaluate a sufficient application for a new license, license amendment, or license renewal in accordance with applicable rules and statutes to determine whether to approve or deny the application. If the department determines that there are grounds for denial of the application, the department may pursue denial of the application in accordance with Subchapter G of this chapter (relating to Administrative Sanctions).

(i) The department will process an application for a new license, license amendment, or license renewal filed by a military service member, military spouse, or military veteran in accordance with Occupations Code, Chapter 55 and §215.91 of this title (relating to License Processing for Military Service Members, Spouses, and Veterans).

(j) A license holder who timely files a sufficient license renewal application in accordance with subsection (d) of this section may continue to operate under the expired license until the license renewal application is determined in accordance with Government Code §2001.054.

(k) A license holder who fails to timely file a sufficient license renewal application in accordance with subsection (d) of this section is not authorized to continue licensed activities after the date the license expires. A license holder may dispute a decision that a license renewal application was not timely or sufficient by submitting evidence to the department demonstrating that the license renewal application was timely and sufficient. Such evidence must be received by the department within 15 days of the date the department issues notice that a timely or sufficient license renewal application was not received by the department.

(l) The department shall accept a late license renewal application up to 90 days after the date the license expires. In accordance with subsection (k) of this section, the license holder is not authorized to continue licensed activities after the date the license expires until the department approves the late license renewal application. If the department grants a license renewal under this section, the licensing period begins on the date the department issues the renewed license. The license holder may resume licensed activities upon receipt of the department's written verification or upon receipt of the renewed license.

(m) If the department has not received a late license renewal application within 90 days after the date the license expires, the department will close the license. A person must apply for and receive a new license before that person is authorized to resume activities requiring a license.

(n) A dealer's standard license plate issued in accordance with Transportation Code, Chapter 503, Subchapter C expires on the date the associated license expires, is canceled, or when a license renewal application is determined, whichever is later.

§215.84. Brokering, New Motor Vehicles.

(a) Unless excluded from the definition of "Broker" in Occupations Code, §2301.002, a person may not act, offer to act, or claim to be a broker.

(b) For purposes of this chapter, the phrase "arranges or offers to arrange a transaction," as used in the definition of broker in Occupations Code, §2301.002, includes the practice of arranging or offering to arrange a transaction involving the sale of a new motor vehicle for a fee, commission, or other valuable consideration. Advertising is not acting as a broker, provided the person's business primarily is broadcasting, printing, publishing, or advertising for others in their own names.

(c) A buyer referral service, program, plan, club, or any other entity that accepts a fee for arranging a transaction involving the sale of a new motor vehicle is a broker. The payment of a fee to such entity is aiding and abetting brokering. However, a referral service, program, plan, club, or other entity that forwards a referral to a franchised dealership may lawfully operate in a manner that includes all the following conditions:

(1) There is no exclusive market area offered to a dealer by the program. All dealers are allowed to participate in the program on equal terms.

(2) Participation by a dealer in the program is not restricted by conditions, such as limiting the number of line-makes or discrimination by size of dealership or location. The total number of participants in the program may be restricted if the program is offered to all dealers at the same time, with no regard to the line-make.

(3) All participants pay the same fee for participation in the program. The program fee shall be a weekly, monthly, or annual fee, regardless of the size, location, or line-makes sold by the franchised dealer.

(4) A person is not to be charged a fee on a per referral fee basis or any other basis that could be considered a transaction-related fee.

(5) The program does not set or suggest to the dealer any price of a motor vehicle or a trade-in.

(6) The program does not advertise or promote its plan in a manner that implies that the buyer, as a customer of that program, receives a special discounted price that cannot be obtained unless the customer is referred through that program.

(7) A program must comply with Subchapter F of this chapter (related to Advertising).

(d) This section does not apply to a person who is not a broker as defined in Occupations Code, §2301.002.

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

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Laura Moriaty
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Texas Department of Motor Vehicles
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SUBCHAPTER C. FRANCHISED DEALERS, MANUFACTURERS, DISTRIBUTORS, AND CONVERTERS

43 TAC §§215.104, 215.110, 215.113, 215.115, 215.120, 215.121

STATUTORY AUTHORITY. The department adopts amendments to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Transportation Code, §503.061, which allows the board to adopt rules regulating the issuance and use of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which allows the department to establish the maximum number of license plates or sets of license plates a dealer may obtain annually under Transportation Code, §503.063 and §503.065; Transportation Code, §504.0011, which allows the board to adopt rules to implement and administer Chapter 504; Transportation Code, §520.0071, which requires the board to adopt rules classifying deputies performing titling and registration duties, the duties and obligations of these deputies, the type and amount of bonds that may be required by a county tax assessor-collector for a deputy performing titling and registration duties, and the fees that may be charged or retained by deputies; Transportation Code, §520.021, which allows the department to adopt rules and policies for the maintenance and use of the department's automated registration and titling system; Transportation Code, §730.014, which authorizes state agencies to adopt rules to implement and administer the Motor Vehicle Records Disclosure Act; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts amendments under the authority of Transportation Code, §§501.0041, 502.0021, 503.002, 504.0011, and 520.003; and Government Code, §2001.004 and §2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502. Transportation Code, §503.002 authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503. Transportation Code, §504.0011 authorizes the board to adopt rules to implement and administer Chapter 504. Transportation Code, §520.003 authorizes the department to adopt rules to administer Chapter 520.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. These adopted new sections and amendments implement Government Code, Chapter 2001; Occupations Code, Chapters 2301 and 2305; and Transportation Code, Chapters 501-504, 520, and 1002.

§215.120. Standard License Plates for Manufacturers, Distributors, and Converters.

(a) A manufacturer, distributor, or converter may apply for a manufacturer or converter standard license plate for use on a new unregistered vehicle of the same vehicle type assembled or modified in accordance with Transportation Code §503.064 or §503.0618, as applicable:

(1) when applying for a new or renewal license, or

(2) by submitting a standard license plate request application electronically in the system designated by the department.

(b) A manufacturer may use a manufacturer's standard license plate to test a prototype motor vehicle on a public street or highway including a commercial motor vehicle prototype designed to carry a load. A manufacturer's standard license plate may not be used on a commercial motor vehicle prototype or new commercial motor vehicle to carry a load for which the manufacturer or other person receives compensation.

(c) A manufacturer, distributor, or converter shall attach a standard license plate to the rear of a vehicle in accordance with §217.27 of this title (relating to Vehicle Registration Insignia).

(d) A manufacturer, distributor, or converter shall maintain a record of each standard license plate issued to the license holder by the department either in the license holder's recordkeeping system or in the department-designated system. The license plate record must contain:

(1) the license plate number;

(2) the year and make of the vehicle to which the license plate is secured;

(3) the VIN of the vehicle, if one has been assigned; and

(4) the name of the person in control of the license plate.

(e) If a manufacturer, distributor, or converter cannot account for a standard license plate or a standard license plate is damaged, the manufacturer, distributor, or converter shall:

(1) document the license plate as "void" in the department-designated system; and

(2) within three days of discovering that the license plate is missing or damaged, report the license plate as lost, stolen, or damaged electronically in the system designated by the department; and

(3) if found after reported missing, cease use of the license plate.

(f) A standard license plate is no longer valid for use after the manufacturer, distributor, or converter reports to the department that the license plate is lost, stolen, or damaged. A manufacturer, distributor, or converter must render a void license plate unusable by permanently marking the front of the plate with the word "VOID" or a large "X" and once marked, shall destroy or recycle the license plate, or return the license plate to the department within 10 days.

(g) In evaluating requests for additional standard license plates from any eligible manufacturer, distributor, or converter, the department shall consider the business justification provided by that manufacturer, distributor, or converter, including the following:

(1) the number of vehicles assembled or modified in the prior 12 months at facilities in or serving the Texas market;

(2) the highest number of motor vehicles in inventory in the prior 12 months;

(3) the size and type of business;

(4) how the license holder typically uses standard license plates;

(5) the license holder's record of tracking and reporting missing or damaged license plates to the department; and

(6) any other factor the department in its discretion deems necessary to support the number of license plates requested.

(h) A manufacturer, distributor, or converter shall return a department-issued license plate to the department within 10 days of the license holder closing the associated license or the associated license being revoked, canceled, or closed by the department.

§215.121. Sanctions.

(a) The board or department may take the following actions against a license applicant, a license holder, or a person engaged in business for which a license is required:

(1) deny an application;

(2) revoke a license;

(3) suspend a license;

(4) assess a civil penalty;

(5) issue a cease and desist order; or

(6) take other authorized action.

(b) The board or department may take action described in subsection (a) of this section if a license applicant, a license holder, or a person engaged in business for which a license is required:

(1) fails to maintain records required under this chapter;

(2) refuses or fails within 15 days to comply with a request for records made by a representative of the department;

(3) sells or offers to sell a motor vehicle to a retail purchaser other than through a licensed or authorized dealer;

(4) fails to submit a license amendment application in the electronic licensing system designated by the department to notify the department of a change of the license holder's physical address, mailing address, telephone number, or email address within 10 days of the change;

(5) fails to timely submit a license amendment application in the electronic licensing system designated by the department to notify the department of a license holder's business or assumed name change, deletion of a line-make, or management or ownership change;

(6) fails to notify the department or pay or reimburse a franchised dealer as required by law;

(7) misuses or fails to display a license plate as required by law, or fails to report a lost, stolen, or damaged license plate within the time designated by rule;

(8) is a manufacturer or distributor and fails to provide a manufacturer's certificate for a new vehicle;

(9) fails to remain regularly and actively engaged in the business of manufacturing, assembling, or modifying a new motor vehicle of the type and line make for which a license has been issued by the department;

(10) violates a provision of Occupations Code, Chapter 2301; Transportation Code Chapters 501-504 or 520; a board order or rule; or a regulation of the department relating to the manufacture, assembly, sale, lease, distribution, financing, or insuring of vehicles, including advertising rules under Subchapter F of this chapter (relating to Advertising);

(11) is convicted of an offense that directly relates to the duties or responsibilities of the occupation in accordance with §211.10 of this title (relating to Criminal Offense Guidelines);

(12) is determined by the board or department, in accordance with §215.89 of this title (relating to Fitness), to be unfit to hold a license;

(13) omits information or makes a material misrepresentation in any application or other documentation filed with the department including providing a false or forged identity document or a false or forged photograph, electronic image, or other document;

(14) fails to remit payment as ordered for a civil penalty assessed by the board or department;

(15) violates any state or federal law or regulation relating to the manufacture, distribution, modification, or sale of a motor vehicle;

(16) fails to issue a refund as ordered by the board or department;

(17) fails to participate in statutorily required mediation without good cause;

(18) fails to keep or maintain records required under Occupations Code, Chapter 2305, Subchapter D; or

(19) violates a provision of Transportation Code, Chapter 730, Motor Vehicle Records Disclosure Act, including a violation by an employee or other agent.

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

Filed with the Office of the Secretary of State on October 9, 2026.

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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Proposal publication date: April 24, 2026
For further information, please call: (512) 465-4160

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SUBCHAPTER D. GENERAL DISTINGUISHING NUMBERS AND IN-TRANSIT LICENSES

43 TAC §215.131

STATUTORY AUTHORITY. The department adopts a repeal to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, as amended by Senate Bill (SB) 2587, 89th Legislature (2025), which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §55.004, as amended by House Bill (HB) 5629, 89th Legislature, Regular Session, which requires the department to adopt rules for the issuance of a license to military service members, military veterans, or military spouses that allow licensure if the applicant holds a current license issued by another state that is similar in scope to the license in Texas and is in good standing with that state's licensing authority, or has held a license in Texas within the preceding five years; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which requires the board to adopt rules regulating the issuance of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which allows the department to establish the maximum number of license plates or sets of license plates a dealer may obtain annually under Transportation Code and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts a repeal under the authority Government Code, §2001.039, in addition to the statutory authority referenced throughout this preamble. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

CROSS REFERENCE TO STATUTE. This repeal implements Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, and 2301; and Transportation Code, Chapters 501-503, and 1002.

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

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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43 TAC §§215.132 - 215.134, 215.140, 215.141, 215.144, 215.145, 215.152 - 215.155, 215.158, 215.159

STATUTORY AUTHORITY. The department adopts new and amendments to Chapter 215 under Occupations Code,

§2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Transportation Code, §503.061, which allows the board to adopt rules regulating the issuance and use of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which allows the department to establish the maximum number of license plates or sets of license plates a dealer may obtain annually under Transportation Code, §503.063 and §503.065; Transportation Code, §504.0011, which allows the board to adopt rules to implement and administer Chapter 504; Transportation Code, §520.0071, which requires the board to adopt rules classifying deputies performing titling and registration duties, the duties and obligations of these deputies, the type and amount of bonds that may be required by a county tax assessor-collector for a deputy performing titling and registration duties, and the fees that may be charged or retained by deputies; Transportation Code, §520.021, which allows the department to adopt rules and policies for the maintenance and use of the department's automated registration and titling system; Transportation Code, §730.014 which authorizes state agencies to adopt rules to implement and administer the Motor Vehicle Records Disclosure Act; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts amendments under the authority of Transportation Code, §§501.0041, 502.0021, 503.002, 504.0011, and 520.003; and Government Code, §2001.004 and §2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502. Transportation Code, §503.002 authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503. Transportation Code, §504.0011 authorizes the board to adopt rules to implement and administer Chapter 504. Transportation Code, §520.003 authorizes the department to adopt rules to administer Chapter 520.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. These adopted new sections and amendments implement Government Code, Chapter 2001; Occupations Code, Chapters 2301 and 2305; and Transportation Code, Chapters 501-504, 520, 730, and 1002.

§215.133. GDN Application Requirements for a Dealer or a Wholesale Motor Vehicle Auction.

(a) No person may engage in business as a dealer or as a wholesale motor vehicle auction unless that person has a valid GDN assigned by the department for each location from which the person engages in business. A dealer must also hold a GDN for a consignment location, unless the consignment location is a wholesale motor vehicle auction.

(b) Subsection (a) of this section does not apply to a person exempt from the requirement to obtain a GDN under Transportation Code §503.024.

(c) A GDN dealer or wholesale motor vehicle auction license application must be on a form prescribed by the department and properly completed by the applicant as required under §215.83 of this title (relating to License Applications, Amendments, or Renewals). A GDN dealer or wholesale motor vehicle auction application must include all required information, required supporting documents, and required fees and must be submitted to the department electronically in the licensing system designated by the department. A GDN dealer or wholesale motor vehicle auction GDN holder renewing or amending its GDN, or a dealer or wholesale motor vehicle auction reapplying for a GDN, must enter or verify current license information, provide related information and documents for any new requirements or changes to the GDN, and pay required fees including any outstanding civil penalties owed the department under a final order. An applicant for a new dealer or wholesale motor vehicle auction GDN must provide the following:

(1) Required information:

(A) type of GDN requested;

(B) business information, including the name, physical and mailing addresses, telephone number, Secretary of State file number (as applicable), and website address, as applicable;

(C) contact name, email address, and telephone number of the person submitting the application;

(D) contact name, email address, and telephone number of a person who can provide information about business operations and the motor vehicle products or services offered;

(E) the name, social security number, date of birth, identity document information, and ownership percentage for each owner, partner, member, or principal if the applicant is not a publicly traded company;

(F) the name, social security number, date of birth, and identity document information for each officer, director, manager, trustee, or other representative authorized to act on behalf of the applicant if the applicant is owned in full or in part by a legal entity;

(G) the name, employer identification number, ownership percentage, and non-profit or publicly traded status for each legal entity that owns the applicant in full or in part;

(H) the name, social security number, date of birth, and identity document information of at least one manager or other bona

fide employee who will be present at the established and permanent place of business if the owner is out of state or will not be present during business hours at the established and permanent place of business in Texas;

(I) if a dealer, the name, telephone number, and business email address of the account administrator for the temporary tag database prior to July 1, 2025, or for the license plate system on or after July 1, 2025, designated by the applicant who must be an owner or representative listed in the application;

(J) criminal history record information under the laws of Texas, another state in the United States, the United States, and any foreign jurisdiction for each person listed in the application, including offense description, date, and location;

(K) military service status;

(L) licensing history required to evaluate fitness for licensure under §215.89 of this title (relating to Fitness);

(M) information about the business location and business premises, including whether the applicant will operate as a salvage vehicle dealer at the location;

(N) history of insolvency, including outstanding or unpaid debts, judgments, or liens, unless the debt was discharged under 11 U.S.C. §§101 et seq. (Bankruptcy Act) or is pending resolution under a case filed under the Bankruptcy Act;

(O) signed Certification of Responsibility, which is a form provided by the department; and

(P) if a dealer, whether the applicant repairs a motor vehicle with a catalytic converter in Texas, and if so, the physical address where the repair is performed; and

(Q) any other information required by the department to evaluate the application under current law and board rules.

(2) A legible and accurate electronic image of each applicable required document:

(A) proof of a surety bond if required under §215.137 of this title (relating to Surety Bond);

(B) the certificate of filing, certificate of incorporation, or certificate of registration on file with the Secretary of State, as applicable;

(C) each assumed name certificate on file with the Secretary of State or county clerk;

(D) at least one of the following unexpired identity documents for each natural person listed in the application:

(i) driver license;

(ii) Texas Identification Card issued by the Texas Department of Public Safety under Transportation Code, Chapter 521, Subchapter E;

(iii) license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(iv) passport; or

(v) United States military identification card.

(E) a certificate of occupancy, certificate of compliance, or other official documentation confirming the business location complies with municipal ordinances, including zoning, occupancy, or other requirements for a vehicle business;

(F) documents proving business premises ownership, or lease or sublease agreement for the license period;

(G) business premises photos and a notarized affidavit certifying that all premises requirements in §215.140 of this title (relating to Established and Permanent Place of Business Premises Requirements) are met and will be maintained during the license period;

(H) evidence of franchise if applying for a franchised motor vehicle dealer GDN;

(I) proof of completion of the dealer education and training required under Transportation Code §503.0296, if applicable; and

(J) any other documents required by the department to evaluate the application under current law and board rules.

(3) Required fees:

(A) the fee for each type of license requested as prescribed by law; and

(B) the fee, including applicable taxes, for each dealer's standard plate, and dealer's temporary license plate on or after July 1, 2025, requested by the applicant as prescribed by law.

(d) An applicant for a dealer or wholesale auction GDN must also comply with fingerprint requirements in §211.13 of this title (relating to Fingerprint Requirements for Designated License Types), as applicable.

(e) An applicant for a GDN operating under a name other than the applicant's business name shall use the assumed name under which the applicant is authorized to do business, as filed with the Secretary of State or county clerk, and the assumed name of such legal entity shall be recorded by the applicant on the application using the letters "DBA." The applicant may not use a name or assumed name that may be confused with or is similar to that of a governmental entity or that is otherwise deceptive or misleading to the public.

(f) A wholesale motor vehicle dealer GDN holder may sell or exchange vehicles with licensed or authorized dealers only. A wholesale motor vehicle dealer GDN holder may not sell or exchange vehicles at retail.

(g) An independent mobility motor vehicle dealer shall retain and produce for inspection all records relating to the license requirements under Occupations Code, §2301.002(17-b) and all information and records required under Transportation Code §503.0295.

(h) In evaluating a new or renewal GDN application or an application for a new GDN location, the department may require a site visit to determine if the business location meets the requirements in §215.140. The department will require the applicant or GDN holder to provide a notarized affidavit confirming that all premises requirements are met and will be maintained during the license period.

(i) A person holding an independent motor vehicle dealer GDN and performing salvage activities must apply for a National Motor Vehicle Title Information System (NMVTIS) identification number and provide the number to the department in the GDN application.

(j) To be eligible for an independent motor vehicle dealer GDN, a person must complete dealer education and training specified by the department, except as provided in this subsection:

(1) once a person has completed the required dealer education and training, the person will not have to retake the dealer education and training for subsequent GDN renewals, but may be required to provide proof of dealer education and training completion as part of the GDN renewal process;

(2) a person holding an independent motor vehicle dealer GDN for at least 10 years as of September 1, 2019, is exempt from the dealer education and training requirement; and.

(3) a military service member, military spouse, or military veteran will receive appropriate credit for prior training, education, and professional experience and may be exempted from the dealer education and training requirement.

§215.134. Requirements for a Drive-a-way Operator In-Transit License.

(a) No drive-a-way operator may engage in business in Texas unless that person has a currently valid drive-a-way operator in-transit license issued by the department.

(b) A drive-a-way operator in-transit license application must be on a form prescribed by the department and properly completed by the applicant as required under §215.83 of this title (relating to License Applications, Amendments, or Renewals). A drive-a-way operator in-transit application must include all required information, required supporting documents, and required fees, and must be submitted to the department electronically in the licensing system designated by the department.

(c) A drive-a-way operator in-transit license holder renewing or amending its license must verify current license information, provide related information and documents for any new requirements or changes to the license, and pay required fees.

(d) An applicant for a new license must register for an account in the department-designated licensing system by selecting the licensing system icon on the dealer page of the department website. An applicant must designate the account administrator and provide the name and email address for that person, and provide the business telephone number, name, business type, and social security number or employer identification number, as applicable. The applicant's licensing account administrator must be an owner, officer, manager, or bona fide employee.

(e) Once registered, an applicant may apply for a new license and must provide the following:

(1) Required information:

(A) type of license requested;

(B) business information, including the name, physical and mailing addresses, telephone number, Secretary of State file number (as applicable), and website address, as applicable;

(C) contact name, email address, and telephone number of the person submitting the application;

(D) contact name, email address, and telephone number of a person who can provide information about business operations and the motor vehicle services offered;

(E) the name, social security number, date of birth, identity document information, and ownership percentage for each owner, partner, member, beneficiary, or principal if the applicant is not a publicly traded company;

(F) the name, social security number, date of birth, and identity document information for each officer, director, manager, trustee, or other representative authorized to act on behalf of the applicant if the applicant is owned in full or in part by a legal entity;

(G) the name, employer identification number, ownership percentage, and non-profit or publicly traded status for each legal entity that owns the applicant in full or in part;

(H) criminal history record information under the laws of Texas, another state in the United States, the United States, and any foreign jurisdiction for each person listed in the application, including offense description, date, and location;

(I) military service status;

(J) licensing history required to evaluate fitness for licensure under §215.89 of this title (relating to Fitness);

(K) signed Certification of Responsibility, which is a form provided by the department; and

(L) any other information required by the department to evaluate the application under current law and board rules.

(2) A legible and accurate electronic image of each applicable required document:

(A) the certificate of filing, certificate of incorporation, or certificate of registration on file with the Secretary of State, as applicable;

(B) each assumed name certificate on file with the Secretary of State or county clerk;

(C) one of the following unexpired identity documents for each natural person listed in the application:

(i) driver license;

(ii) Texas Identification Card issued by the Texas Department of Public Safety under Transportation Code, Chapter 521, Subchapter E;

(iii) license to carry a handgun issued by the Texas Department of Public Safety under Government Code, Chapter 411, Subchapter H;

(iv) passport; or

(v) United States military identification card;

(D) a list of manufacturers, distributors, dealers, or auctions for which the applicant provides drive-a-way services;

(E) a description of the business model or business process, transportation methods, compensation agreements, products, and services used or offered sufficient to allow department to determine if the license type applied for is appropriate under Texas law; and

(F) any other documents required by the department to evaluate the application under current law and board rules.

(3) Required fees:

(A) the license fee as prescribed by law; and

(B) the fee, including any taxes, for each drive-a-way in-transit standard license plate requested by the applicant as prescribed by law.

(f) An applicant for a drive-a-way operator in-transit license must also comply with fingerprint requirements in §211.13 of this title (relating to Fingerprint Requirements for Designated License Types).

(g) An applicant operating under a name other than the applicant's business name shall use the name under which the applicant is authorized to do business, as filed with the Secretary of State or county clerk, and the assumed name of such legal entity shall be recorded by the applicant on the application using the letters "DBA." The applicant may not use a name or assumed name that may be confused with or is similar to that of a governmental entity or that is otherwise deceptive or misleading to the public.

§215.141. Sanctions.

(a) The board or department may take the following actions against a license applicant, a license holder, or a person engaged in business for which a license is required:

(1) deny an application;

(2) revoke a license;

(3) suspend a license;

(4) assess a civil penalty;

(5) issue a cease and desist order; or

(6) take other authorized action.

(b) The board or department may take action described in subsection (a) of this section if a license applicant, a license holder, or a person engaged in business for which a license is required:

(1) fails to maintain a good and sufficient bond or post the required bond notice if required under Transportation Code §503.033 (relating to Security Requirement);

(2) fails to meet or maintain the requirements of §215.140 of this title (relating to Established and Permanent Place of Business Premises Requirements);

(3) fails to maintain records required under this chapter;

(4) refuses or fails to comply with a request by the department for electronic records or to examine and copy electronic or physical records during the license holder's business hours at the licensed business location:

(A) sales records required to be maintained by §215.144 of this title (relating to Vehicle Records);

(B) ownership papers for a vehicle owned by that dealer or under that dealer's control;

(C) evidence of ownership or a current lease agreement for the property on which the business is located; or

(D) the Certificate of Occupancy, Certificate of Compliance, business license or permit, or other official documentation confirming compliance with county and municipal laws or ordinances for a vehicle business at the licensed physical location.

(5) refuses or fails to timely comply with a request for records made by a representative of the department;

(6) holds a wholesale motor vehicle dealer's license and sells or offers to sell a motor vehicle to a person other than a licensed or authorized dealer;

(7) sells or offers to sell a type of vehicle that the person is not licensed to sell;

(8) fails to submit a license amendment application in the electronic licensing system designated by the department to notify the department of a change of the license holder's physical address, mailing address, telephone number, or email address within 10 days of the change;

(9) fails to submit a license amendment application in the electronic licensing system designated by the department to notify the department of a license holder's name change, or management or ownership change within 10 days of the change;

(10) issues more than one buyer's license plate or buyer's temporary license plate for a vehicle sold on or after July 1, 2025, or more than one temporary tag for a vehicle sold before July 1, 2025, for the purpose of extending the purchaser's operating privileges for more than 60 days;

(11) fails to remove a license plate or registration insignia from a vehicle that is displayed for sale;

(12) misuses a dealer's license plate, or a temporary tag before July 1, 2025;

(13) fails to display a dealer's license plate, or temporary tag before July 1, 2025, as required by law;

(14) holds open a title or fails to take assignment of a certificate of title, manufacturer's certificate, or other basic evidence of ownership for a vehicle acquired by the dealer, or fails to assign the certificate of title, manufacturer's certificate, or other basic evidence of ownership for a vehicle sold;

(15) fails to remain regularly and actively engaged in the business of buying, selling, or exchanging vehicles of the type for which the GDN is issued by the department;

(16) violates a provision of Occupations Code, Chapter 2301; Transportation Code Chapters 501 - 504, or 520; a board order or rule; or a regulation of the department relating to the sale, lease, distribution, financing, or insuring of vehicles, including advertising rules under Subchapter F of this chapter (relating to Advertising);

(17) is convicted of an offense that directly relates to the duties or responsibilities of the occupation in accordance with §211.10 of this title (relating to Criminal Offense Guidelines);

(18) is determined by the board or department, in accordance with §215.89 of this title (relating to Fitness), to be unfit to hold a license;

(19) has not assigned at least five vehicles in the prior 12 months, provided the dealer has been licensed more than 12 months;

(20) files or provides a false or forged:

(A) title document, including an affidavit making application for a certified copy of a title; or

(B) tax document, including a sales tax statement or affidavit;

(21) uses or allows use of that dealer's license or location for the purpose of avoiding a provision of Occupations Code, Chapter 2301, 2302, and 2305; Transportation Code, Chapters 503; or other laws;

(22) omits information or makes a material misrepresentation in any application or other documentation filed with the department including providing a false or forged identity document or a false or forged photograph, electronic image, or other document;

(23) fails to remit payment as ordered for a civil penalty assessed by the board or department;

(24) sells a new motor vehicle without a franchised dealer's license issued by the department;

(25) fails to comply with a dealer responsibility under §215.150 of this title (relating to Dealer Authorization to Issue License Plates);

(26) fails to securely store a license plate or fails to destroy a license plate within the time prescribed by statute;

(27) fails to maintain a record of dealer license plates as required under §215.138 of this title (relating to Use of Dealer's License Plates);

(28) fails to file or enter a vehicle transfer notice;

(29) fails to enter a lost, stolen, or damaged license plate in the electronic system designated by the department within the time limit prescribed by rule;

(30) violates any state or federal law or regulation relating to the sale of a motor vehicle;

(31) knowingly fails to disclose that a motor vehicle has been repaired, rebuilt, or reconstructed and issued a title under Transportation Code, §501.100 (relating to Application for Regular Certificate of Title for Salvage Vehicle);

(32) fails to issue a refund as ordered by the board or department;

(33) fails to acquire or maintain a required certificate of occupancy, certificate of compliance, business license or permit, or other official documentation for the licensed location confirming compliance with county or municipal laws or ordinances or other local requirements for a vehicle business;

(34) fails to remove a license plate from a vehicle as required by statute or rule;

(35) fails to keep or maintain records required under Occupations Code, Chapter 2305, Subchapter D or to allow an inspection of these records by the department;

(36) violates a provision of Transportation Code, Chapter 730, Motor Vehicle Records Disclosure Act, including a violation by an employee or other agent; or

(37) issues the wrong type of license plate based on the transaction or vehicle type;

(38) secures a license plate to a sold vehicle but fails to assign the license plate to the vehicle in the system designated by the department; or

(39) voids and reissues the same license plate to a buyer to extend a title or registration filing deadline.

§215.159. License Plate Storage Away from the Licensed Location.

(a) Application Requirements. A dealer may store and manage license plate inventory at one of its licensed locations or at another location if, in a license application, the dealer:

(1) discloses the physical address of the license plate storage location; and

(2) certifies that the license plate storage location satisfies all requirements in subsection (b) of this section.

(b) Location Requirements.

(1) If the license plate storage location is at a licensed location, the location must comply with the requirements of §215.140 of this title (related to Established and Permanent Place of Business Premises Requirements).

(2) If the license plate storage location is not at a licensed location, notwithstanding §215.140 of this title, the location may be shared with other dealers and must:

(A) be located in Texas at an address recognized by the U.S. Postal Service which is capable of receiving U.S. mail, and has an assigned emergency services property address;

(B) be located in a building with a permanent roof and connecting exterior walls on all sides;

(C) be equipped with:

(i) a computer;

(ii) internet access;

(iii) a working telephone number listed in the business name or assumed name under which the dealer conducts business;

(iv) a locked and secured room or closet or at least one securely locked, substantially constructed safe or steel cabinet bolted or affixed to the floor or wall in such a way that the safe or steel cabinet cannot be readily removed and of sufficient size to store all license plates in a dealer's possession;

(D) be organized so the license plate inventory for each dealer and licensed location is separate and easily identifiable and is properly assigned to a location in the license plate management system;

(E) have the address clearly visible from the street;

(F) have business hours posted at the main entrance in a manner and place accessible to delivery services and department staff;

(G) be open at least four days per week for at least four consecutive hours per day and may not be open solely by appointment, with the owner or a bona fide employee at the license plate storage location during the posted business hours for purposes of processing license plates, including acceptance of license plate deliveries;

(H) have a telephone that is answered from 8:00 a.m. to 5:00 p.m. weekdays by a bona fide employee, owner, answering service, voicemail service, or answering machine, so that a caller is able to speak to a natural person or leave a message during these hours;

(I) not be in a residence, apartment, hotel, motel, rooming house, provided by a subscription for office or storage space, or in a rented storage unit, but it may be in a portable-type office building if the building meets the requirements of this subsection and is not a readily moveable trailer or other vehicle; and

(J) not be in a restaurant, gas station, or convenience store, unless the location has a separate entrance door that does not require a person to pass through the other business.

(c) Site Visit. The department may visit the location prior to approving a dealer's application to add a license plate storage location and during the term of the license to monitor compliance with department rules as authorized under Occupations Code, §2301.256 and Transportation Code, §503.063(d).

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

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Laura Moriaty
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For further information, please call: (512) 465-4160

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SUBCHAPTER E. LESSORS AND LEASE FACILITATORS

43 TAC §215.171

STATUTORY AUTHORITY. The department adopts a repeal to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, as amended by Senate Bill (SB) 2587, 89th Legislature (2025), which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §55.004, as amended by House Bill (HB) 5629, 89th Legislature, Regular Session, which requires the department to adopt rules for the issuance of a license to military service members, military veterans, or military spouses that allow licensure if the applicant holds a current license issued by another state that is similar in scope to the license in Texas and is in good standing with that state's licensing authority, or has held a license in Texas within the preceding five years; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which requires the board to adopt rules regulating the issuance of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which allows the department to establish the maximum number of license plates or sets of license plates a dealer may obtain annually under Transportation Code and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts a repeal under the authority of Government Code, §2001.039, in addition to the statutory authority referenced throughout this preamble. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule.

CROSS REFERENCE TO STATUTE. This repeal implements Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, and 2301; and Transportation Code, Chapters 501-503, and 1002.

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

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Laura Moriaty
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For further information, please call: (512) 465-4160

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43 TAC §§215.175, 215.177, 215.181

STATUTORY AUTHORITY. The department adopts amendments to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §2302.051, which authorizes the board

to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.061, which requires the board to adopt rules regulating the issuance of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which allows the department to establish the maximum number of license plates or sets of license plates a dealer may obtain annually under Transportation Code Transportation Code, §730.014, which authorizes state agencies to adopt rules to implement and administer the Motor Vehicle Records Disclosure Act; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts amendments under the authority of Transportation Code, §501.0041 and §502.0021; and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. These adopted amendments implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 53, 55, 2301, and 2302; and Transportation Code, Chapters 501-503, 730, 1001-1003, and 1005.

§215.175. Sanctions.

(a) The board or department may:

(1) deny a vehicle lessor or vehicle lease facilitator application;

(2) revoke or suspend a vehicle lessor or vehicle lease facilitator license; or

(3) assess a civil penalty or take other action on a vehicle lessor or vehicle lease facilitator applicant or license holder, or a person engaged in business for which a vehicle lessor or vehicle lease facilitator license is required.

(b) The board or department may take action described in subsection (a) of this section if a vehicle lessor or vehicle lease facilitator applicant, or license holder, or a person engaged in business for which a vehicle lessor or vehicle lease facilitator license is required:

(1) fails to maintain an established and permanent place of business required by §215.177 of this title (relating to Established and Permanent Place of Business Premises Requirements);

(2) fails to maintain records required under this subchapter;

(3) refuses or fails to comply with a request by a representative of the department to examine during the vehicle lessor's or vehicle lease facilitator's posted business hours at the vehicle lessor's or vehicle lease facilitator's licensed location:

(A) a vehicle leasing record required to be maintained by §215.178 of this title (relating to Records Required for Vehicle Lessors and Vehicle Lease Facilitators);

(B) ownership papers for a vehicle owned, leased, or under that vehicle lessor's or vehicle lease facilitator's control; or

(C) evidence of ownership or a current premises lease agreement for the property upon which the business is located;

(4) refuses or fails to timely comply with a request for records made by a representative of the department;

(5) fails to notify the department in writing by electronically submitting a license amendment in the licensing system designated by the department within 10 days of a change of the vehicle lessor or vehicle lease facilitator license holder's:

(A) mailing address;

(B) physical address;

(C) telephone number; or

(D) email address;

(6) fails to notify the department in writing by electronically submitting a license amendment in the licensing system designated by the department within 10 days of a change of the vehicle lessor or vehicle lease facilitator license holder's name, assumed name, management, or ownership;

(7) fails to comply with the fee restrictions or other requirements under Occupations Code, §2301.357 or Chapter 2301, Subchapter L. Vehicle Lessors and Vehicle Lease Facilitators;

(8) fails to maintain advertisement records or otherwise fails to comply with the advertising requirements of:

(A) §215.178; or

(B) Subchapter F of this chapter (relating to Advertising);

(9) violates any law relating to the sale, lease, distribution, financing, or insuring of motor vehicles;

(10) is convicted of an offense that, in accordance with Occupations Code, Chapter 53 and with §211.10 of this title (relating to Criminal Offense Guidelines), directly relates to the duties or responsibilities of the licensed occupation;

(11) is determined by the board or department, in accordance with §215.89 of this title (relating to Fitness), to be unfit to hold a vehicle lessor or vehicle lease facilitator license;

(12) uses or allows use of a vehicle lessor or vehicle lease facilitator license in violation of any law or for the purpose of avoiding any provision of Occupations Code, Chapter 2301;

(13) omits material information or makes a material misrepresentation in any application or other documentation filed with the department including providing a false or forged identity document or a false or forged photograph, electronic image, or other document; or

(14) violates a provision of Transportation Code, Chapter 730, Motor Vehicle Records Disclosure Act, including a violation by an employee or other agent.

(c) The board or department may take action on a vehicle lessor's license or assess civil penalties for the vehicle lessor's failure to notify the department in writing by electronically submitting a license amendment in the licensing system designated by the department within 10 days of any change, addition, or deletion to the list of vehicle lease facilitators with whom the vehicle lessor conducts business, including any change to a vehicle lease facilitator's mailing address, physical address, telephone number, or email address.

(d) The board or department may take action on a vehicle lease facilitator's license or assess civil penalties for the failure to notify the department in writing within 10 days by electronically submitting a license amendment in the licensing system designated by the department of any change, addition, or deletion to the list of vehicle lessors for whom the vehicle lease facilitator conducts business, including any change to a vehicle lessor's mailing address, physical address, telephone number, or email address.

(e) The board or department may take action on a vehicle lessor's or vehicle lease facilitator's license if the vehicle lessor or vehicle lease facilitator accepts a fee from a dealer, directly or indirectly, for referring a customer who purchases or considers purchasing a motor vehicle.

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

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Laura Moriaty
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SUBCHAPTER F. ADVERTISING

43 TAC §§215.241, 215.243, 215.269

STATUTORY AUTHORITY. The department adopts repeals to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which requires the board to adopt rules regulating the issuance of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which allows the department to establish the maximum number of license plates or sets of license plates a dealer may obtain annually under Transportation Code; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts repeals under the authority of Transportation Code, §501.0041 and §502.0021; and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. These repeals implements Government Code, Chapters 411 and 2001; Occupations Code, Chapters 2301 and 2302; and Transportation Code, Chapters 501-503, 1001-1003, and 1005.

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

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43 TAC §§215.242, 215.244, 215.246, 215.270

STATUTORY AUTHORITY. The department adopts amendments to Chapter 215 under Occupations Code, §2301.151, which gives the board authority to regulate the distribution, sale, and lease of motor vehicles and the authority to take any action that is necessary or convenient to exercise that authority; Occupations Code, §2301.152, which authorizes the board to establish the qualifications of license holders, ensure that the distribution, sale, and lease of motor vehicles is conducted as required by statute and board rules, to prevent fraud, unfair practices, discrimination, impositions, and other abuses in connection with the distribution and sale of motor vehicles, and to enforce and administer Occupations Code, Chapter 2301 and Transportation Code, Chapter 503; Occupations Code, §2301.155, which authorizes the board to adopt rules as necessary or convenient to administer Occupations Code, Chapter 2301, and to govern practice and procedure before the board; Occupations Code, §2301.651, which gives the board authority to deny an application for a license, revoke or suspend a license, place on probation, or reprimand a licensee if the applicant or license holder is unfit, makes a material misrepresentation, violates any law relating to the sale, distribution, financing, or insuring of motor vehicles, willfully defrauds a purchaser, or fails to fulfill a written agreement with a retail purchaser of a motor vehicle; Government Code, §411.122(d), which authorizes department access to criminal history record information maintained by DPS; Government Code, §411.12511, which authorizes the department to obtain criminal history record information from DPS and the FBI for license applicants, license holders, and representatives whose act or omission would be cause for denying, revoking, or suspending a general distinguishing number or license issued under Transportation Code, Chapter 503, or Occupations Code, Chapters 2301 and 2302; Occupations Code, §2302.051, which authorizes the board to adopt rules as necessary to administer Occupations Code, Chapter 2302; Transportation Code, §503.002, which authorizes the board to adopt rules for the administration of Transportation Code, Chapter 503; Transportation Code, §503.009, which authorizes the board to adopt rules for certain contested cases; Transportation Code, §503.0296, which requires the board to adopt a rule requiring that an applicant for an original or renewal general distinguishing number who proposes to be an independent motor vehicle dealer complete web-based education and training developed or approved by the department; Transportation Code, §503.033, which authorizes the board to adopt rules to prescribe the form of the notice of a surety bond and the procedure by which a claimant may recover against the surety bond; Transportation Code, §503.061, which requires the board to adopt rules regulating the issuance of dealer's license plates; Transportation Code, §503.0631, which requires the department to adopt rules to implement and manage the department's database of dealer-issued buyer's license plates; Transportation Code, §503.0633, which allows the department to establish the maximum number of license plates or sets of license plates a dealer may obtain annually under Transportation Code; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

The department also adopts amendments under the authority of Transportation Code, §501.0041 and §502.0021; and Government Code, §§2001.004, 2001.039, and 2001.054, in addition to the statutory authority referenced throughout this preamble.

Transportation Code, §501.0041 authorizes the department to adopt rules to administer Transportation Code, Chapter 501. Transportation Code, §502.0021 authorizes the department to adopt rules to administer Transportation Code, Chapter 502.

Government Code, §2001.004 requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures. Government Code, §2001.039 requires state agencies to readopt, readopt with amendments, or repeal a rule as the result of reviewing the rule. Government Code, §2001.054 specifies the requirements regarding the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a license.

CROSS REFERENCE TO STATUTE. These adopted amendments implement Government Code, Chapters 411 and 2001; Occupations Code, Chapters 2301 and 2302; and Transportation Code, Chapters 501-503, 730, 1001, and 1002.

§215.244. Definitions.

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

(1) Advertisement--

(A) An oral, written, graphic, or pictorial statement or representation made in the course of soliciting business, including, but not limited to a statement or representation:

(i) made in a newspaper, magazine, or other publication;

(ii) contained in a notice, sign, poster, display, circular, pamphlet, business card, or letter;

(iii) aired on the radio;

(iv) broadcast on the internet or television;

(v) streamed via an online service;

(vi) displayed on an internet website, social media platform, or other digital application or platform; or

(vii) transmitted electronically.

(B) Advertisement does not include direct communication between a person or person's representative and a prospective purchaser.

(2) Advertising provision--

(A) A provision of Occupations Code, Chapter 2301, relating to the regulation of advertising; or

(B) A rule relating to the regulation of advertising, adopted pursuant to the authority of Occupations Code, Chapter 2301.

(3) Bait advertisement--An alluring but insincere offer to sell or lease a product of which the primary purpose is to obtain a lead to a person interested in buying or leasing merchandise of the type advertised and to switch a consumer from buying or leasing the advertised

product in order to sell or lease some other product at a higher price or on a basis more advantageous to the dealer.

(4) Balloon payment--Any scheduled payment made as required by a consumer credit transaction that is more than twice as large as the average of all prior scheduled payments except the down payment.

(5) Clear and conspicuous--The statement, representation, or term being disclosed is of such size, color, contrast, and audibility and is presented so as to be readily noticed and understood. All language and terms, including abbreviations, shall be used in accordance with their common or ordinary usage and meaning.

(6) Dealership addendum--A form that is displayed on a window of a motor vehicle when a dealership installs special features, equipment, parts, or accessories, or charges for services not already compensated by the manufacturer or distributor for work required to prepare a motor vehicle for delivery to a buyer.

(A) The purpose of the addendum is to disclose:

(i) that it is supplemental;

(ii) any added feature, service, equipment, part, or accessory, including the retail price, charged and added by the dealership;

(iii) any additional charge to the selling price such as additional dealership markup; and

(iv) the total dealer selling price.

(B) The dealership addendum form shall not be deceptively similar in appearance to the Monroney label, as defined by paragraph (13) of this section.

(7) Demonstrator--A new motor vehicle that is currently in the inventory of the automobile dealership and used primarily for test drives by customers and for other purposes designated by the dealership.

(8) Disclosure--Required information that is clear, conspicuous, and accurate.

(9) Distributor Suggested Retail Price (DSRP)--Means the total price shown on the Monroney Label as specified by subparagraph (D) of paragraph (13) of this section.

(10) Factory executive/official motor vehicle--A new motor vehicle that has been used exclusively by an executive or official of the dealer's franchising manufacturer, distributor, or their subsidiaries.

(11) Limited rebate--A rebate that is not available to every consumer purchasing or leasing a motor vehicle because qualification for receipt of the rebate is conditioned or restricted in some manner. A rebate conditioned or restricted to purchasers who are residents of the contiguous United States is not a limited rebate.

(12) Manufacturer's Suggested Retail Price (MSRP)--The total price shown on the Monroney Label as specified by subparagraph (D) of paragraph (13) of this section.

(13) Monroney Label--The label required by the Automobile Information Disclosure Act, 15 U.S.C. §§1231 - 1233, to be affixed to the windshield or side window of certain new motor vehicles delivered to the dealer and that contains information about the motor vehicle, including, but not limited to:

(A) the retail price of the motor vehicle suggested by the manufacturer or distributor, as applicable;

(B) the retail delivered price suggested by the manufacturer or distributor, as applicable, for each accessory or item of optional equipment, physically attached to the motor vehicle at the time of its delivery to a dealer, which is not included within the price of the motor vehicle as stated in subparagraph (A) of this paragraph;

(C) the amount charged, if any, to a dealer for the transportation of the motor vehicle to the location at which it is delivered to the dealer; and

(D) the total of the amounts specified pursuant to subparagraphs (A), (B), and (C) of this paragraph.

(14) Online service--A network that connects computer users.

(15) Rebate or cash back--A sum of money applied to the purchase or lease of a motor vehicle or refunded after full payment has been rendered for the benefit of the purchaser.

(16) Savings claim or discount--An offer to sell or lease a motor vehicle at a reduced price, including, but not limited to, a manufacturer's or distributor's customer rebate, a dealer discount, or a limited rebate.

(17) Subsequent violation--Conduct that is the same or substantially the same as conduct the department has previously alleged in a notice of an opportunity to cure to be a violation of an advertising provision.

§215.270. Enforcement.

(a) The department may file a Notice of Department Decision against a license holder alleging a violation of an advertising provision pursuant to Occupations Code, §2301.203, provided the department can show:

(1) that the license holder who allegedly violated an advertising provision has received from the department a notice of an opportunity to cure the violation by email and certified mail, return receipt requested, and that the notice complied with subsection (b) of this section; and

(2) that the license holder committed a subsequent violation of the same advertising provision.

(b) An effective notice of an opportunity to cure issued under subsection (a)(1) of this section must:

(1) state that the department has reason to believe that the license holder violated an advertising provision and must identify the provision;

(2) set forth the facts upon which the department bases its allegation of a violation; and

(3) state that if the license holder commits a subsequent violation of the same advertising provision, the department will file a Notice of Department Decision under §224.56 of this title (relating to Notice of Department Decision).

(c) A cure is made solely for the purpose of settling an allegation and is not an admission of a violation of these rules; Occupations Code, Chapter 2301; or other law.

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

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CHAPTER 217. VEHICLE TITLES AND REGISTRATION

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts amendments to 43 Texas Administrative Code (TAC) Chapter 217, Vehicle Titles and Registration, Subchapter A, Motor Vehicle Titles, §§217.3 - 217.5, §217.7, and §217.12; amendments to Subchapter B, Motor Vehicle Registration, §§217.26 - 217.28, 217.40, 217.41, 217.47, 217.52, 217.54, 217.56, and 217.57, and repeal of §217.37; amendments to Subchapter C, Registration and Titling Systems, §217.72 and §217.74, and repeal of §217.73; amendments to Subchapter D, Nonrepairable and Salvage Motor Vehicles, §217.83 and §217.84; amendments to Subchapter F, Motor Vehicle Records, §§217.122, 217.124 - 217.127; amendments to Subchapter G, Inspections, §217.143; amendments to Subchapter J, Performance Quality Recognition Program, §217.204; and amendments to Subchapter L, Assembled Vehicles, §217.402 and §217.404.

The department adopts §§217.3, 217.4, 217.5, 217.7, 217.12, 217.26, 217.27, 217.28, 217.54, 217.57, 217.72, 217.74, 217.84, 217.122, 217.124, 217.125, 217.126, 217.127, 217.143, 217.204, 217.402, and 217.404; and adopts the repeal of §217.37, and §217.73 without changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113) and they will not be republished. The department adopts amendments to §§217.40, 217.41, 217.47, 217.52, 217.56, and 217.83 with changes to the proposed text as published in the in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4113). These rules will be republished. The department withdraws the proposed revisions to §§217.1, 217.6, 217.21, 217.32, 217.43, 217.45, 217.71, 217.81, 217.121, 217.141, 217.161, 217.181, 217.201, 217.301, and 217.401 and therefore retains the existing text of these sections.

The department adopts the amendments and repeals to update and streamline the rule text, bringing it into compliance with statute and with current department procedure; to update the language to remove unnecessary or obsolete requirements; to modernize language and improve readability through the use of consistent terminology; and to more specifically describe the department's methods and procedures.

Amendments are also adopted to align the rules with Transportation Code, §502.0024, which requires the department to develop a system of registration allowing owners of trailers, semitrailers or pole trailers with a gross weight of 7,500 pounds or less to register such trailers for an extended registration period not to exceed five years.

REASONED JUSTIFICATION.

Subchapter A. Motor Vehicle Titles

§217.3

Adopted amendments to §217.3 delete §217.3(2) because it is a confusing and inconsistent description of the registration requirements for tractors under Transportation Code, Chapter 502. Registration of a tractor under Transportation Code, Chapter 502 is dependent on how the tractor is used on public roads, regardless of whether it is owned by any particular entity or meets the specific definition of a "road tractor" in Transportation Code, §502.001. The remaining paragraphs of §217.3 are adopted to be renumbered to accommodate the deletion of §217.3(2).

§217.4

An adopted amendment to §217.4(d)(2) deletes "if applicable" and replaces it with the phrase "unless exempt under Transportation Code, §502.072(c)." The adopted amendment provides clarity and ease of reference by citing the statute that details the limited circumstances when an odometer disclosure statement is not necessary in the application for a title for a motor vehicle.

§217.5

Adopted amendments to §217.5(a)(4)(C) delete "original" and replace that term with "copy of" where pertinent to eliminate the requirement to provide the original version of the bond release letter to align with Texas Transportation Code, §501.030, which does not require an applicant to produce the original version of the bond release letter. This adopted change also aligns with the department's current practice of accepting a copy of the bond release letter.

An adopted amendment to §217.5(b) adds language limiting the department's ability to reject a transaction because the supporting documents that provide evidence of ownership have been altered. Under the adopted language, the department would only be able to reject documents with altered text when the text was originally printed by the department, person, or governmental entity issuing the document and was later altered. The current rule language could be read to imply that any alteration to any portion of a registration receipt, title, or other evidence of ownership set out in §217.5(a)(2) is a valid reason for rejection, which does not reflect current department practices. However, alterations to text printed by the document's issuer indicate fraud. If corrections are necessary, the document's issuer can reissue a new document. To prevent fraud and forgery, an adopted amendment to §217.5(b) adds a sentence stating that if a digit printed on a document by the document's issuer has been altered, the department will reject the transaction. On the other hand, the information provided by transferors may require correction due to mistakes that do not indicate fraud, so the adopted amendments to §217.5(b) allow correction to text in the document if the corrected text was not originally printed on the document by the issuer. The adopted amended language aligns with the department's policy of allowing statements of fact to correct alterations of portions of documents filled out by a title applicant or seller. An additional adopted amendment to §217.5(b) deletes the word "other" before "evidence of ownership" to align with §217.5(a)(2), which uses "evidence of ownership" rather than "other evidence of ownership."

An adopted amendment to §217.5 adds a new subsection (c) titled "Corrected documentation," moves language from former subsections (b)(1), (b)(3), and (b)(4) under adopted new subsection (c), and renumbers accordingly. Former subsection (b)(2) was redundant with the adopted amended language in §217.5(b) regarding altered issuer-printed digits, so the adopted amendments delete subsection (b)(2). The adopted amendments reletter the remaining subsections as necessary to accommodate new subsection §217.5(c). These amendments

are adopted to improve organization within §217.5 because current §217.5(b)(1), (b)(3), and (b)(4) all describe different forms of acceptable document correction.

§217.7

Under §217.104(d) of this title, regarding Electronic Lien Title Program, when a lien that is recorded electronically instead of on a paper title is satisfied, the lienholder notifies the department and specifies the address to which the department should send the paper title. In accordance with §217.104(d), the address the lienholder gives the department may be for a recipient other than the owner of record when a party other than the owner of record has satisfied the lien. The department then removes the lien from the vehicle record, generates a paper title in the name of the owner of record, and mails it to the address specified by the lienholder. An adopted amendment to §217.7 creates a new subsection, §217.7(b), to address instances in which an owner or their agent requests a certified copy of the vehicle title, but the department's records indicate the title was issued to a third party at the direction of a lienholder following the release of an electronic lien. Adopted new §217.7(b) requires the owner or their agent to provide a written statement from either the third party to whom the department sent the title, disclaiming any interest in the vehicle, or a from the lienholder, stating that the title was incorrectly released to the third party. Adopted new §217.7(b) aligns with current department procedures and allows the department to confirm that the third party that received the title has no interest in the vehicle before the department would issue a certified copy of title to the owner of record. The remaining subsections under this section are re-lettered to accommodate new §217.7(b).

Adopted amended §217.7(c)(3) provides an additional option for submitting an application for a certified copy of title under a power of attorney by allowing the use of an expired photo identification of an owner or lienholder if the power of attorney is notarized by a Texas notary public. A notary public is a commissioned public officer who is required to confirm a person's identity for signature on the documents they notarize. Under the adopted amendments that create a new re-lettered §217.7(c)(3)(A), the notarized power of attorney submitted with an expired photo identification offers an option for people applying for a certified copy of title. It guards against potential fraud while providing flexibility in situations where the owner or lienholder does not have a current photo identification, such as due to illness or incapacitation. The adopted amendments remove a reference to §217.7(b)(1) and (2) from re-lettered §217.7(c)(3) and delete §217.7(b)(3)(C), because they are redundant with the reference to the same rule provisions in adopted new re-lettered §217.7(c)(3)(A). The adopted amendments re-letter the remaining subparagraphs of re-lettered §217.7(c)(3) to accommodate adopted new §217.7(c)(3)(A). Adopted amendments to re-lettered §217.7(c)(3)(B) and (C) add language clarifying which requirements apply when the power of attorney names an individual and which apply when it names an entity, without changing the underlying identification requirements.

§217.12

An adopted amendment to §217.12 deletes §217.12(a) and re-letters the remaining subsections accordingly. This adopted amendment eliminates text that is unnecessary because it is just a general statement that summarizes the mandate provided in the statutes administered by the department and county to collect required fees for services.

Subchapter B. Motor Vehicle Registration

§217.26

An adopted amendment to §217.26(c)(2)(B)(i) clarifies the photo identification requirements to register a motor vehicle for a lessee where the lessee is not an individual but a legal entity. The adopted amendments require the person signing the application for the lessee to produce a current photo identification along with a letter of authorization on the lessee's letterhead or a printed business card of the lessee. Under the adopted amendments, either the letter of authorization or the business card must contain the name of the person signing the application that matches their photo identification. This requirement would reduce the opportunity for fraud by lessees impersonating corporate entities.

§217.27

Adopted amendments to §217.27(c)(2) align the rule with statute in Transportation Code, §502.0026 and with adopted amended §217.54 of this title (relating to Extended Registration). The adopted amendments capture forms of extended registration that are not currently mentioned in the rule, for clarity and ease of reference for readers.

§217.28

An adopted amendment to §217.28(f) replaces "one week" with "five consecutive business days" to more specifically define "a protracted period of time" for closure of a county assessor-collector's office under Transportation Code, §502.407.

§217.37

This section, describing the charging of required fees provided in statute by the department and county, is adopted for repeal because it is unnecessary as it is just a general statement that summarizes the mandate provided in the statutes administrated by the department and county to collect required fees for services.

§217.40

In response to comments, the department did not adopt the proposed amendments to delete §217.40(a) and re-letter the remaining subsections accordingly, because stakeholders stated that §217.40(a) provides clarity and guidance for readers who are not familiar with all of the department's statutes. An adopted amendment to §217.40(b)(3) adds a provision requiring an applicant applying for a 72- or 144-hour permit for a commercial motor vehicle, motor bus, trailer, or semi-trailer to provide a United States Department of Transportation (USDOT) number. This adopted amendment aligns with current department procedures that were put in place as a fraud deterrent to prevent applications using false or stolen information. The adopted amendment helps to ensure the applications are from legitimate applicants seeking such permits for use consistent with Transportation Code, §502.094. An adopted amendment to §217.40(c)(2)(A) deletes the vehicle categories listed in clauses (i) through (v) because clauses (i) - (iii) and (v) are duplicative of Texas Transportation Code, §502.095(d), and clause (iv) describes a vehicle class that is not eligible for a thirty-day license plate under the statute.

§217.41

The department received comments that the purpose statement in §217.41(a) was helpful and clarifying for readers. In response to these comments, the department did not adopt the proposed deletion of §217.41(a) and the relettering of the remaining sub-

sections. An adopted amendment to §217.41(b)(2)(A)(ii) deletes the reference to "Subsection (b-1)" and replaces it with the reference to Transportation Code, §504.202(b-1). The adopted amendment corrects a citation error that did not properly reference the provision in the Transportation Code.

§217.47

In response to comments from stakeholders that the language proposed for deletion in §217.47(a) is helpful to readers, the department did not adopt the proposed amendments to §217.47(a) and the relettering of other subsections in §217.47.

An adopted amendment to §217.47(c) deletes §217.47(c)(7) and (8) since those provisions pertain to notifications and costs between the department and the Department of Public Safety and the Texas Commission on Environmental Quality that are governed by written agreements as authorized under Transportation Code, §502.047, and not by the department's rules.

§217.52

In response to comments from stakeholders that the language proposed for deletion in §217.52(a) is helpful to readers, the department did not adopt the proposed amendments to §217.52(a) and the relettering of other subsections in §217.52.

Adopted amendments to §217.52(h) delete three license plate categories (T-Plates license plates; luxury license plates; and freedom license plates); rename the "custom license plates" category to "custom personalized specialty license plates"; and provide new descriptions for the "custom personalized specialty license plates," "background-only license plates," and "embossed, personalized specialty license plates" categories. These adopted amendments eliminate outdated license plate categories that are no longer in use and update outdated descriptions of license plate categories to ensure program accuracy and to align the rule with current department practices. An adopted amendment to §217.52(h)(9) deletes §217.52(h)(6)(A) as it is duplicative of Transportation Code, §504.853(c), and re-letters the remaining paragraphs. Additional adopted amendments to §217.52 change cross-references throughout the section to account for the re-numbering of paragraphs based on adopted amendments to §217.52.

§217.54

Adopted amendments to §217.54 rename the section title and create two subsections to address extended registration of commercial fleet vehicles and certain trailers. The adopted amendments align the department's rules with Transportation Code, §502.0023 and §502.0024. Transportation Code, §502.0023 creates extended registration of commercial fleet vehicles registration for a period of not less than one year or more than eight years. Transportation Code, §502.0024 requires the department to develop an extended registration process to allow owners of trailers, semitrailers or pole trailers with a gross weight of 7,500 pounds or less to register such trailers for a period not to exceed five years. An adopted amendment to §217.54 retitles the section from "Registration of Fleet Vehicles" to "Extended Registration" to more accurately describe the scope of the rule as amended to include the extended registration of both commercial fleet vehicles and certain trailers as provided under Transportation Code, §502.0023 and §502.0024. An adopted amendment creates new §217.54(a), titled "Extended Registration of Commercial Fleet Vehicles," and renumbers the existing subsections as paragraphs under the adopted new subsection (a).

An adopted amendment to renumbered §217.54(a)(5)(B) adds an exception to the requirement that the registration receipt for a token trailer be carried in the vehicle and available to law enforcement. This amendment aligns the rule with Transportation Code, §502.0023(d-1) and Transportation Code, §502.255(i), which do not require that the registration receipt be maintained in the token trailer so long as the trailer displays a license plate issued for the registration.

Adopted amendments create new §217.54(b), titled "Extended Registration of Certain Trailers," to align the rule with Transportation Code, §502.0024. Adopted new §217.54(b)(1) clarifies for ease of the reader's reference that trailers, semitrailers, or pole trailers that have an actual gross weight or registered gross weight of 7,500 pounds or less are eligible for extended registration, in alignment with Transportation Code, §502.0024. Adopted new §217.54(b)(2) details the contents of the application, the required supporting documents to show evidence of financial responsibility as required by Transportation Code, §502.046, and the required fees associated with the application. Adopted new §217.54(b)(3) details an owner's options for selecting the extended registration period, including requirements that the registration period be between one and five years, begin on the first day of a calendar month, and end on the last day of a calendar month, to align with Transportation Code, §502.0024 and to make data processing of the registration period simpler for the department's registration and titling system. Adopted new §217.54(b)(4) details the issuance of the registration insignia, registration receipt and license plate for each extended registration trailer, while prohibiting transfer of the registration receipt or insignia between vehicles, owners or registrants to prevent fraud and to make license plate tracking easier for law enforcement. Adopted new §217.54(b)(5) provides that an extended registration expires if it is not renewed prior to the end of the expiration period, but allows for the owner, after expiration, to either register the trailer with single-year registration, or to request extended registration, to create flexibility for owners.

§217.56

In response to comments from stakeholders that the language proposed for deletion in §217.56(a) is helpful to readers, the department did not adopt the proposed amendments to §217.56(a) and the relettering of other subsections in §217.56.

Adopted amendments to §217.56(b) delete the definition of "Regional Service Center" because the term was only utilized in reference to an outdated physical approval process, and update the definition of "temporary cab card" to more accurately describe the timing for expiration of the cards. An adopted amendment to §217.56(c)(2)(B), updates the reference to the current version of the International Registration Plan to align with the department's adoption of International Registration Plan under Transportation Code, §502.091.

Additional adopted amendments to §217.56(c) account for the department's streamlined temporary cab card process. Adopted amendments to §217.56(c)(2)(C) modernize the rule to reflect electronic form submission for apportioned registration and clarify that applicants must provide the department with documents and information required by the International Registration Plan. Additional adopted amendments to §217.56(c)(2)(C) modernize the rule by striking language that describes the calculation of IRP fees as a separate step, since the electronic system calculates the fees automatically. The adopted amendments also remove the numbering designation from the remaining subparagraph (i) to accommodate the deletion.

Adopted amendments to §217.56(c)(2)(D) broaden the scope of the paragraph to incorporate all application requirements necessary for review and issuance of registration, consolidate language regarding computation of fees, eliminate unnecessary language related to an outdated paper payment process since IRP applications are now submitted electronically, and include a modernizing reference to the department's issuance of cab cards at the time the application is approved. The adopted amendments also clarify that the issuance of license plates, temporary cab cards, and cab cards is subject to the vehicle being eligible for apportioned registration.

Adopted amendments §217.56(c)(2)(F) allow a registrant, during an audit by the department, to submit operational records in any format, removing the requirement that the records be submitted in number order and sequence by date. The adopted amendments to §217.56(c)(2)(F) provide more efficient and flexible document submission options for the registrant. Similarly, adopted amendments to §217.56(c)(2)(J)(ii) expand the options for conducting a conference between the department and a registrant to discuss an adopted fee assessment, registration cancellation, or revocation of registration. The adopted amendments to §217.56(c)(2)(J)(ii) include telephonic and videoconferencing as options to allow more flexibility to the registrant and to align with current department processes. The adopted amendments to §217.56(c)(2)(H) substitute "registrant" for "carrier" for consistency with the terminology used in the remainder of §217.56(c)(2)(J).

Adopted amendments delete §217.56(c)(2)(M) in its entirety because it describes an outdated process that the department has eliminated. The department currently issues a temporary cab card upon approval of an application for apportioned registration and no longer requires paper submission of original documents. An adopted amendment to §217.56(c)(2)(L) removes a cross-reference to §217.56(c)(2)(M) since the department adopted its deletion.

§217.57.

The adopted amendments to §217.57 remove language describing the department's obligation to submit an annual report to the legislature, because it is duplicative of the requirements specified in Transportation Code, §502.004(c).

Subchapter C. Registration and Title Systems

§217.72

An adopted amendment creates new §217.72(a) by transferring text from §217.73 regarding the agreement that the counties enter into with the department as a precondition to receiving automated equipment from the department. These adopted amendments consolidate and streamline all requirements pertaining to automated equipment for the registration and title system into one new subsection titled "Automated Equipment Agreement" for ease of reference. Additional adopted amendments re-letter the remaining subsections and references to subsections within §217.72 as necessary to accommodate adopted new §217.72(a).

§217.73

This section, which describes the requirement for and contents of a written agreement between the department and a county for the county to receive automated equipment, is adopted to be repealed, with its text consolidated into §217.72 to put into one rule all requirements and conditions for counties to obtain automated equipment for the registration and title system.

§217.74

An adopted amendment to §217.74(c) deletes the outdated requirement for active motor vehicle dealers to secure webDealer access in advance of July 1, 2025, and the department's option to secure access on behalf of a motor vehicle dealer in the county in which the motor vehicle dealer is located if the motor vehicle dealer is unable to obtain access to the system by April 30, 2025. This provision was adopted as part of the department's implementation of HB 718, 88th Legislature, Regular Session (2023), which enacted Transportation Code, §520.0055 mandating motor vehicle dealers to submit title and registration applications through the department's electronic system, also known as webDealer. The provision was a temporary measure to ensure motor vehicle dealers came into compliance with the statutory mandate. The deadlines have since passed and the provision is no longer necessary.

Similarly, adopted amendments to §217.74(g) delete the outdated deadline for existing motor vehicle dealers to complete webDealer training and the outdated date to define newly licensed motor vehicle dealers for purposes of webDealer training, both of which passed on April 30, 2025. Another adopted amendment deletes §217.74(g)(2) and renumbers the paragraphs under §217.74(g) accordingly, because it reflects an outdated requirement that is no longer relevant. The dates and webDealer training exemption were adopted as part of the department's implementation of HB 718, 88th Legislature, Regular Session (2023), which enacted Transportation Code, §520.0055 that mandated motor vehicle dealers to submit title and registration applications through webDealer. The dates and exemption were temporary measures to ensure motor vehicle dealers came into compliance with the training requirements. The dates have since passed, so the rule provision is no longer necessary.

Subchapter D. Nonrepairable and Salvage Motor Vehicles

§217.83

The department received comments that the proposed amendments to §217.83, which substituted statutory citations for descriptions and explanations of the statutory requirements, could confuse readers seeking to apply for salvage and non-repairable vehicle titles. The department therefore did not adopt these amendments. The remaining adopted amendment to §217.83 fixes a cross-reference in §217.83(c)(2) to correct an error.

§217.84

Adopted amendments to §217.84(d) amend §217.84(d)(2) and delete §217.84(d)(3) to substitute a reference to Transportation Code, §501.0925 in place of the text describing the documentation requirements an insurance company must follow to obtain a nonrepairable or salvage vehicle title since those requirements are duplicative of Transportation Code, §501.0925. Adopted amendments renumber the remaining paragraphs of §217.84(d). An adopted amendment to adopted renumbered §217.84(d)(4) references Transportation Code, §501.0935 to clarify the statutory source of the required notices.

Subchapter F. Motor Vehicle Records

§217.122

An adopted amendment to §217.122(b)(13) modernizes the rule by replacing the term and definition of "eTAG file" with the term and definition of "ePLATE file." HB 718, 88th Legislature, Regular Session (2023), amended Transportation Code, Chapter 503

by replacing the use of temporary tags in motor vehicle dealer operations with categories of license plates and requiring the department to develop a new license plate system to regulate the distribution and use of license plates. Since the implementation of HB 718, the department has transitioned to creating and maintaining records in the new license plate system of motor vehicle dealers. The adopted definition of "ePLATE file" describes the contents of the license plate records maintained by the department that can be accessed through procedures outlined in the rules described in Subchapter F, comprised of three bulk files containing records of license plates from a motor vehicle dealer and vehicle transfer notifications.

§217.124

An adopted amendment to §217.124(d)(3) replaces "eTAG" with "ePLATE" to be consistent with the adopted amendment to §217.122(b)(13) that replaces the term and definition of "eTAG" with "ePLATE."

§217.125

An adopted amendment to §217.125 creates new §217.125(b)(1) to require that a requestor of personal information from motor vehicles records under the permitted disclosures of certain personal information in Transportation Code, §730.007(a)(2)(B)(ii) submit proof of a complaint of motor vehicle theft filed with a law enforcement agency or a report created by a law enforcement agency describing a complaint of a motor vehicle theft. The adopted amendment prevents inappropriate release of motor vehicle record information by requiring the requestor to provide documentation to show the genuineness of the request. The adopted amendments also align the rule with current department procedures. Additional adopted amendments to §217.125 renumber the remaining paragraphs in subsection (b) to accommodate adopted new §217.125(b)(1).

§217.126

An adopted amendment to §217.126(a) substitutes a reference to Transportation Code, §730.013 in place of text that duplicates that statute. Similarly, an adopted amendment deletes §217.126(c) as it is duplicative of Transportation Code, §730.013. An adopted amendment re-letters the remaining subsection accordingly.

§217.127

Adopted amendments to §217.127 delete §217.127(b) and consolidate its text into §217.127(a) to streamline the rule. An adopted amendment re-letters the remaining subsection accordingly.

Subchapter G. Inspections

§217.143

Adopted amendments to §217.143 delete §217.143(b) and re-letter the remaining subsections accordingly. The requirement for a custom vehicle or street rod to pass a safety inspection performed by a master technician is unnecessary in §217.143(b) since a custom vehicle and street rod fall within the definition of "assembled vehicle" under Transportation Code, §731.001(a)(4) and would already require a passing safety inspection from a master technician under §217.143(a) prior to titling of the vehicle.

Subchapter J. Performance Quality Recognition

§217.204

Adopted amendments to §217.204(a) streamline the existing text of the subsection for easier readability without changing the meaning.

Subchapter L. Assembled Vehicles

§217.402

An adopted amendment to §217.402 creates new §217.402(c) by incorporating the text from §217.401(b) to consolidate it with the other definitions for Subchapter L, because it defines "a glider kit issued a title with a ‘RECONSTRUCTED' remark" as a "replica."

§217.404

An adopted amendment to §217.404(a)(7) adds "if applicable" to the requirement for submission of a weight certificate with an application for initial titling of an assembled vehicle, since the department does not record and maintain the weights of motorcycles and mopeds in the department's system. The adopted amendment to §217.404(a)(7) clarifies that a weight certificate is an optional supporting document to the title application.

CHANGES AT ADOPTION. The department received comments from stakeholders on proposed §§217.1, 217.6, 217.21, 217.32, 217.40, 217.41, 217.43, 217.45, 217.47, 217.52, 217.56, 217.71, 217.81, 217.83, 217.121, 217.141, 217.161, 217.181, 217.201, 217.301, and 217.401. The stakeholders requested reinstatement of rule language that the department had proposed for amendment or repeal because it was identified during rule review and the review by the Texas Regulatory Efficiency Office as duplicative of statute, unnecessary, in need of streamlining, or in need of modernization. After consideration of the comments, the department modified §§217.40, 217.41, 217.47, 217.52, 217.56, and 217.83 at adoption and withdrew the proposed revisions to §§217.1, 217.6, 217.21, 217.32, 217.43, 217.45, 217.71, 217.81, 217.121, 217.141, 217.161, 217.181, 217.201, 217.301, and 217.401 to remove the amendments the stakeholders identified as unnecessary or unhelpful.

At adoption, the department did not adopt the proposed amendments to §217.43(c) that removed a cross-reference to §217.32, which was proposed for repeal, and replaced it with a reference to Transportation Code, §502.060 and §504.007. The department determined the existing cross-reference to §217.32 should be retained since the department did not adopt the repeal of §217.32.

SUMMARY OF COMMENTS.

The department received two timely written comments on the proposal from the Texas Automobile Dealers Association (TADA) and the Texas Independent Automobile Dealers Association (TIADA).

Comment. TADA and TIADA commented in opposition to adoption of the proposed rule amendments concerning the purpose-and-scope provisions in §§217.1, 217.21, 217.40(a), 217.41(a), 217.43(a), 217.45(a), 217.47(a), 217.52(a), 217.56(a), 217.71(a), 217.81, 217.121, 217.141, 217.161, 217.181, 217.201, 217.301, and 217.401, which were identified by the department as part of the Texas Regulatory Efficiency Office's (TREO) review of the department's rules to cull out unnecessary rules. TADA asserted that the existing sections assist the public and regulated entities in understanding the department's intent and rationale for adopting the rules, and give readers a better regulatory comprehension of the department. TADA contended the amendments would create confusion or

add unnecessary complexity and could disrupt established reliance on existing rule language without addressing a demonstrated need. TIADA contended the proposed elimination of the purpose-and-scope provisions throughout Chapter 217 would put independent dealers at a disadvantage in understanding the rules because the purpose-and-scope provisions assist independent motor vehicle dealers, who largely lack compliance or legal staff, with a better understanding of the organization and application of the rules to maintain compliance with the rules.

Response. The department agrees. These rules were identified for amendment or deletion by the department as part of the TREO review because they contained unnecessary or unenforceable language, required modernization, or duplicated statutory provisions. Throughout the review, TREO staff emphasized that it was important for the department to consider stakeholder feedback. In light of the comments indicating that stakeholders find the language that was proposed for deletion helpful, the department did not adopt the proposed amendments.

Comment. TADA commented in opposition to adoption of the proposed rule amendments in §217.6. TADA objected to the proposed amendments to delete §217.6(a) because the rule text is not entirely duplicative of Transportation Code §501.024 and includes language that aids the public in understanding the department's titling process.

Response. The department agrees. After further review, the department determined that §217.6(a) provides clarity where it is lacking in Transportation Code, §501.024 by providing statutory cites to the title fee exemptions, and provides background on the requirements for issuance of a title receipt to a title applicant. The department did not adopt the repeal at adoption.

Comment. TADA and TIADA commented in opposition to adoption of the proposed repeal of §217.32. TADA objected to the proposed repeal of §217.32 because it clarifies for the public how and when to apply for the replacement license plates or other registration devices, with details that Transportation Code, §502.060 and §504.007 do not provide. TIADA objected to the proposed repeal of §217.32 because §217.32 codifies a statewide standard for administration of the governing statutes concerning the replacement of license plates and registration insignia. Without it, TIADA is concerned that there would be an inconsistent standard of administration based on each county tax assessor-collector's individual interpretation of the governing statutes. TIADA contended that this could create an unnecessary compliance burden for dealers, consumers and county offices.

Response. The department agrees. After further review, the department determined that §217.32 provides additional clarity on the reasons a person may need to apply for replacement license plates or registration devices that are not immediately apparent from Transportation Code §502.060 and §504.007. The rule also clarifies that county tax assessor-collector offices are the locations for submitting replacement applications. The department withdrew and did not adopt the repeal.

Comment. TADA commented in opposition to adoption of the proposed rule amendments to §217.83, which substituted statutory cites for explanatory language in the rule, because they could create confusion for the public regarding who is required to apply for a nonrepairable or salvage title and how to apply for such titles.

Response. The department agrees. Since stakeholders find the language that was proposed for deletion helpful, the department did not adopt the proposed amendments in §217.83 that substituted statutory citations for explanations and descriptions of the statutory requirements.

SUBCHAPTER A. MOTOR VEHICLE TITLES

43 TAC §§217.3 - 217.5, 217.7, 217.12

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code Chapter 501, Certificate of Title Act; Transportation Code, §501.023, which authorizes the department to prescribe the process and procedures for applying for a motor vehicle title; Transportation Code, §501.0315, which authorizes the department to adopt rules governing the designation of a beneficiary by a motor vehicle owner; Transportation Code, §501.134, which authorizes the department to establish by rule a process for obtaining a lost or destroyed certificate of title; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, §§501.0041, 501.023, 501.0315, 501.134, and 1002.001.

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604298
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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Proposal publication date: June 26, 2026
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SUBCHAPTER B. MOTOR VEHICLE REGISTRATION

43 TAC §§217.26 - 217.28, 217.40, 217.41, 217.47, 217.52, 217.54, 217.56, 217.57

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code, §502.0021, which authorizes the department to adopt rules to administer Transportation Code Chapter 502, Registration of Vehicles; Transportation Code, §502.0024, which authorizes the department to develop and implement an extended registration process for a trailer, semitrailer, or pole trailer with a gross weight of 7,500 pounds or less; Transportation Code, §502.004, which requires the board to adopt rules establishing a program to collect information concerning the number of alternatively fueled vehicles registered in Texas; Transportation Code, §502.040, which authorizes the department to prescribe the process and procedures for applying for a motor vehicle registration; Transportation Code, §502.047, which authorizes the department to develop a vehicle registration based enforcement for motor vehicle inspections; Transportation Code, §502.060, which governs the replacement of registration insignia; Transportation

Code, §502.091, which authorizes the department to enter into agreements with other jurisdictions of the United States and foreign countries to allow for reciprocal registration of vehicles to residents and nonresidents under the International Registration Plan and to adopt rules to carry out the International Registration Plan; Transportation Code, §502.094, which authorizes the department to issue 72- or 144-hour permits; Transportation Code, §502.095, which authorizes the department to issue one-trip and 30-day license plates; Transportation Code, §502.191, which governs the collection of fees by the department or county; Transportation Code, §502.1911, which authorizes the board to adopt rules to set registration processing and handing fees; Transportation Code, §502.407, which authorizes the department to define protracted period of time for an office closure of a county assessor-collector by rule; Transportation Code, §502.434, which authorizes the department to issue excess weight permits; Transportation Code §504.0011, which authorizes the department to adopt rules to implement and administer Transportation Code, Chapter 504, License Plates; Transportation Code, §504.007, which governs the replacement of license plates; Transportation Code, §504.201, which requires the department to issue disabled person license plates; Transportation Code, §504.202, which requires the department to issue disabled veteran license plates; Transportation Code, §504.2025, which requires the department to issue disabled peace officer license plates; Transportation Code, §504.801, which governs the creation of new specialty license plates by the department; Transportation Code, §504.851, which authorizes the department to contract with private vendors to propose and market department approved specialty license plates and adopt rules setting the fees for the issuance and renewal of the specialty license plates; Transportation Code, §681.002, which authorizes the department to issue disabled parking placards; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, §§502.0021, 502.0024, 502.040, 502.047, 502.060, 502.091, 502.094, 502. 095, 502.191, 502.1911, 502.407, 502.434, 504.0011, 504.007, 504.201, 504.202, 504.2025, 504.801, 504.851, 681.002, and 1002.001.

§217.40. Special Registrations.

(a) Purpose and scope. Transportation Code, Chapter 502, Subchapters C and I, charge the department with the responsibility of issuing special registration permits and special registration license plates, which shall be recognized as legal registration for the movement of motor vehicles not authorized to travel on Texas public highways for lack of registration or for lack of reciprocity with the state or country in which the vehicles are registered. For the department to efficiently and effectively perform these duties, this section prescribes the policies and procedures for the application and the issuance of special registration permits and special registration license plates.

(b) Permit categories. The department will issue the following categories of special registration permits.

(1) Additional weight permits in accordance with Transportation Code, §502.434.

(A) A permit will not be issued unless the registration fee for hauling the additional weight has been paid prior to the actual hauling.

(B) An applicant must provide proof of the applicant's Texas Agriculture or Timber Exemption Registration Number issued by the Texas Comptroller of Public Accounts. Proof of the registration number must be:

(i) legible;

(ii) current;

(iii) in the name of the person or dba in which the vehicle is or will be registered; and

(iv) verifiable through the online system established by the Comptroller.

(2) Annual permits in accordance with Transportation Code, §502.093.

(A) The department will issue annual permits:

(i) for a 12-month period designated by the department which begins on the first day of a calendar month and expires on the last day of the last calendar month in that annual registration period; and

(ii) to each vehicle or combination of vehicles for the registration fee prescribed by weight classification in Transportation Code, §502.253 and §502.255.

(B) The following exemptions apply to vehicles displaying annual permits. Currently registered foreign semitrailers having a gross weight in excess of 6,000 pounds used or to be used in combination with commercial motor vehicles or truck tractors having a gross vehicle weight in excess of 10,000 pounds are exempted from the requirements to pay the token fee and display the associated distinguishing license plate provided for in Transportation Code, §502.255. An annual permit is required for the power unit only. For vehicles registered in combination, the combined gross weight may not be less than 18,000 pounds.

(C) Upon approval of an application, the department will issue one license plate for a trailer, semitrailer, or foreign commercial motor vehicle as defined in Transportation Code, §648.001(4). The license plate issued to a truck-tractor shall be installed on the front of the truck-tractor. For other types of vehicles, the license plate issued shall displayed as required by §217.27(b) of this title (relating to Vehicle Registration Insignia).

(3) 72-hour permits and 144-hour permits in accordance with Transportation Code, §502.094. An applicant must provide a United States Department of Transportation (USDOT) number.

(c) License plate categories. The department will issue the following categories of special registration license plates.

(1) One-trip license plates in accordance with Transportation Code, §502.095.

(A) A one-trip license plate may not be issued for a trip which both originates and terminates outside Texas.

(B) A laden motor vehicle or a laden commercial vehicle cannot display a one-trip license plate. If the vehicle is unregistered, it must operate with a 72-hour or 144-hour permit.

(C) A one-trip license plate must be displayed as required by §217.27(b) of this title (relating to Vehicle Registration Insignia).

(2) 30-day license plates in accordance with Transportation Code, §502.095.

(A) A vehicle operated on a 30-day license plate is not restricted to a specific route.

(B) A 30-day license plate must be displayed as required by §217.27(b) of this title (relating to Vehicle Registration Insignia).

(d) Application process.

(1) Procedure. An owner who wishes to apply for a special registration permit or special registration license plate for a vehicle which is otherwise required to be registered in accordance with this subchapter, must do so on a form prescribed by the department.

(2) Form requirements. The application form will at a minimum require:

(A) the signature of the owner;

(B) the name and complete address of the applicant; and

(C) the vehicle description.

(3) Fees and documentation. The application must be accompanied by:

(A) statutorily prescribed fees.

(B) evidence of financial responsibility:

(i) as required by Transportation Code, Chapter 502, Subchapter B, provided that all policies written for the operation of motor vehicles must be issued by an insurance company or surety company authorized to write motor vehicle liability insurance in Texas; or

(ii) if the applicant is a motor carrier as defined by §218.2 of this title (relating to Definitions), indicating that the vehicle is registered in compliance with Chapter 218, Subchapter B of this title (relating to Motor Carrier Registration); and

(C) any other documents or fees required by law.

(4) Place of application.

(A) All applications for annual permits must be submitted directly to the department for processing and issuance.

(B) Additional weight permits may be obtained by making application with the department through the county tax assessor-collectors' offices.

(C) 72-hour and 144-hour permits, one-trip license plates, and 30-day license plates may be obtained by making application either with the department or the county tax assessor-collectors' offices.

(e) Receipt for special registration permit or special registration license plate in lieu of registration. A receipt will be issued for each special registration permit or special registration license plate in lieu of registration to be carried in the vehicle during the time the special registration permit or special registration license plate is valid. If the receipt is lost or destroyed, the owner must obtain a duplicate from the department or from the county office. The fee for the duplicate receipt is the same as the fee required by Transportation Code, §502.058.

(f) Transfer of special registration permits or special registration license plates.

(1) Special registration permits and special registration license plates are non-transferable between vehicles and/or owners.

(2) If the owner of a vehicle displaying a special registration permit or a special registration license plate disposes of the vehicle during the time the permit or license plate is valid, the permit or license plate must be returned to the county tax assessor-collector office or department immediately.

(g) Replacement permits. Vehicle owners displaying annual permits may obtain replacement permits if an annual permit is lost, stolen, or mutilated.

(1) The fee for a replacement annual permit is the same as for a replacement number plate, symbol, tab, or other device as provided by Transportation Code, §502.060.

(2) The owner shall apply directly to the department in writing for the issuance of a replacement annual permit. Such request should include a copy of the registration receipt and replacement fee.

(h) Agreements with other jurisdictions. In accordance with Transportation Code, §502.091, and Chapter 648, the executive director of the department may enter into a written agreement with an authorized officer of a state, province, territory, or possession of a foreign country to provide for the exemption from payment of registration fees by nonresidents, if residents of this state are granted reciprocal exemptions. The executive director may enter into such agreement only upon:

(1) the approval of the governor; and

(2) making a determination that the economic benefits to the state outweigh all other factors considered.

(i) Border commercial zones.

(1) Texas registration required. A vehicle located in a border commercial zone must display a valid Texas registration if the vehicle is owned by a person who:

(A) owns a leasing facility or a leasing terminal located in Texas; and

(B) leases the vehicle to a foreign motor carrier.

(2) Exemption for trips of short duration. Except as provided by paragraph (1) of this subsection, a foreign commercial vehicle operating in accordance with Transportation Code, Chapter 648 is exempt from the display of a temporary registration permit if:

(A) the vehicle is engaged solely in the transportation of cargo across the border into or from a border commercial zone;

(B) for each load of cargo transported the vehicle remains in this state for:

(i) not more than 24 hours; or

(ii) not more than 48 hours, if:

(I) the vehicle is unable to leave this state within 24 hours because of circumstances beyond the control of the motor carrier operating the vehicle; and

(II) all financial responsibility requirements applying to this vehicle are satisfied;

(C) the vehicle is registered and licensed as required by the country in which the person that owns the vehicle is domiciled or is a citizen as evidenced by a valid metal license plate attached to the front or rear exterior of the vehicle; and

(D) the country in which the person who owns the vehicle is domiciled or is a citizen provides a reciprocal exemption for commercial motor vehicles owned by residents of Texas.

(3) Exemption due to reciprocity agreement. Except as provided by paragraph (1) of this subsection, a foreign commercial motor vehicle in a border commercial zone in this state is exempt from the requirement of obtaining a Texas registration if the vehicle is currently

registered in another state of the United States or a province of Canada with which this state has a reciprocity agreement that exempts a vehicle that is owned by a resident of this state and that is currently registered in this state from registration in the other state or province.

§217.41. Disabled Person License Plates and Disabled Parking Placards.

(a) Purpose. Transportation Code, Chapters 504 and 681, charge the department with the responsibility for issuing specially designed license plates and disabled parking placards for disabled persons. For the department to perform these duties efficiently and effectively, this section prescribes the policies and procedures for the application, issuance, and renewal of disabled person license plates and disabled parking placards.

(b) Issuance.

(1) For purposes of this section, "disabled person" means a person eligible for issuance of a license plate bearing the International Symbol of Access under Transportation Code, §504.201, including a qualifying disabled veteran under Transportation Code, §504.202(b-1) and a qualifying disabled peace officer under Transportation Code, §504.2025.

(2) Disabled person license plates.

(A) Eligibility. In accordance with Transportation Code, §504.201; §504.202(b-1) and (b-2); and §504.2025, the department will issue specially designed license plates displaying the International Symbol of Access to permanently disabled persons or their transporters instead of general issue license plates. As satisfactory proof of eligibility, an organization that transports disabled veterans who would qualify for license plates issued under Transportation Code, §504.202(b-1) must provide a written statement from the veteran's county service officer of the county in which a vehicle described by Transportation Code, §504.202(c) is registered or by the Department of Veterans Affairs that:

(i) the vehicle is used exclusively to transport veterans of the United States armed forces who have suffered, as a result of military service, a service-connected disability;

(ii) the vehicle regularly transports veterans who are eligible to receive license plates under Transportation Code, §504.202(b-1); and

(iii) the veterans are not charged for the transportation.

(B) Specialty license plates. The department will issue disabled person specialty license plates displaying the International Symbol of Access that can accommodate the identifying insignia and that are issued in accordance with §217.43 of this title (relating to Military Specialty License Plates) or §217.45 of this title (relating to Specialty License Plates, Symbols, Tabs, and Other Devices).

(C) License plate number. Disabled person license plates will bear a license plate number assigned by the department or will bear a personalized license plate number issued in accordance with §217.43 or §217.45 of this title.

(D) General issue license plate option for qualifying disabled veterans and disabled peace officers. In accordance with Transportation Code, §504.202(h) and §504.2025(h), qualifying disabled veterans and disabled peace officers may elect to receive general issue license plates without paying license plate fees.

(3) Windshield disabled parking placards.

(A) Issuance. The department will issue removable windshield disabled parking placards to temporarily or permanently disabled persons and to the transporters of permanently disabled persons, as provided under Transportation Code, §§504.201, 504.202 (b-1) and (b-2), 504.2025, and 681.004.

(B) Display. A person who has been issued a windshield disabled parking placard shall hang the placard from a vehicle's rearview mirror when the vehicle is parked in a disabled person parking space or shall display the placard on the center portion of the dashboard if the vehicle does not have a rearview mirror.

(c) Renewal of disabled person license plates. Disabled person license plates are valid for a period of 12 months from the date of issuance and are renewable as specified in §§217.28 of this title (relating to Vehicle Registration Renewal), 217.43, and 217.45 of this title.

(d) Replacement.

(1) License plates. If a disabled person metal license plate is lost, stolen, or mutilated, the owner may obtain a replacement metal license plate by applying with a county tax assessor-collector.

(A) Accompanying documentation. To replace disabled person metal license plates, the owner must present the current year's registration receipt and personal identification acceptable to the county tax assessor-collector.

(B) Absence of accompanying documentation. If the current year's registration receipt is not available and the county tax assessor-collector cannot verify that the disabled person metal license plates were issued to the owner, the owner must reapply in accordance with this section.

(2) Disabled parking placards. If a disabled parking placard becomes lost, stolen, or mutilated, the owner may obtain a new disabled parking placard in accordance with this section.

(e) Transfer of disabled person license plates and disabled parking placards.

(1) License plates.

(A) Transfer between persons. Disabled person license plates may not be transferred between persons. An owner who sells or trades a vehicle to which disabled person license plates have been issued shall remove the disabled person license plates from the vehicle. The owner shall return the license plates to the department and shall obtain appropriate replacement license plates to place on the vehicle prior to any transfer of ownership.

(B) Transfer between vehicles. Disabled person license plates may be transferred between vehicles if the county tax assessor-collector or the department can verify the plate ownership and the owner of the vehicle is a disabled person or the vehicle is used to transport a disabled person.

(i) Plate ownership verification may include:

(I) a Registration and Title System (RTS) inquiry;

(II) a copy of the department application for disabled person license plates; or

(III) the owner's current registration receipt.

(ii) An owner who sells or trades a vehicle with disabled person license plates must remove the plates from the vehicle.

(iii) The department will provide a form that persons may use to facilitate a transfer of disabled person license plates between vehicles.

(2) Disabled parking placards.

(A) Transfer between vehicles. Disabled parking placards may be displayed in any vehicle driven by the disabled person or in which the disabled person is a passenger.

(B) Transfer between persons. Disabled parking placards may not be transferred between persons.

(f) Seizure and revocation of disabled parking placard.

(1) If a law enforcement officer seizes and destroys a disabled parking placard under Transportation Code, §681.012, the officer shall notify the department by email.

(2) The person to whom the seized disabled parking placard was issued may apply for a new disabled parking placard by submitting an application to the county tax assessor-collector of the county in which the person with the disability resides or in which the applicant is seeking medical treatment.

§217.47. Vehicle Emissions Enforcement System.

(a) Purpose. Transportation Code, §502.047 requires the department to implement a system requiring verification that a vehicle complies with vehicle emissions inspection and maintenance programs as required by the Health and Safety Code, §382.202 and §382.203, and Transportation Code, Chapter 548, Subchapter F. Transportation Code, §501.0276 and §502.047 requires a vehicle subject to Transportation Code, §548.3011 to pass an emissions test on resale in an affected or early action compact county before it is titled or registered. This section prescribes the department's policies and procedures if a vehicle does not comply with the emissions standards set by federal and state laws and the provisions of the Texas air quality State Implementation Plan.

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

(1) Affected County--A county with a motor vehicle emissions inspection and maintenance program established under Transportation Code, §548.301.

(2) Department--The Texas Department of Motor Vehicles.

(3) DPS--The Texas Department of Public Safety.

(4) Early action compact county--A participating county under Health and Safety Code, Chapter 382, Subchapter H.

(5) TCEQ--The Texas Commission on Environmental Quality.

(6) Vehicle--A self-propelled vehicle required to be registered in the state, except those vehicles exempted by TCEQ.

(7) Vehicle inspection report--A vehicle inspection form prescribed by DPS that is printed by the vehicle exhaust gas analyzer immediately following an emissions test.

(8) Vehicle emissions I/M program--A vehicle emissions inspection and maintenance program meeting all the requirements of the Environmental Protection Agency.

(9) Waiver--A form and certificate that allows a vehicle to be considered in compliance with the vehicle emissions I/M program for a specified period of time after a vehicle fails an emissions test.

(c) Notice from DPS or TCEQ.

(1) DPS, after notice to the vehicle owner, will notify the department if a motor vehicle owner fails to comply with the requirements of Transportation Code, Chapter 548, Subchapter F.

(2) TCEQ, after notice to the vehicle owner, will notify the department if a motor vehicle fails to comply with the requirements of Health and Safety Code, §382.202 and §382.203, and Transportation Code, Chapter 548, Subchapter F.

(3) The notice will include the vehicle identification number and the license plate number of the affected vehicle.

(4) If the department receives a notice of emissions noncompliance from DPS or TCEQ, the department will place a notation on the motor vehicle record that the motor vehicle has failed to comply with the vehicle emissions I/M program.

(5) If the department receives a notice of emissions compliance from DPS or TCEQ, the department will remove the non-compliance notation from the motor vehicle record.

(6) If a vehicle record contains a notation of failure to comply with the vehicle emissions I/M program, the tax assessor-collector will deny registration unless provided with:

(A) proof of compliance with the vehicle emissions I/M program with a "passing" vehicle inspection report; or

(B) proof of a waiver issued by DPS that includes the vehicle identification number and the license plate number.

(d) Vehicles moved into affected or early action compact counties. If a vehicle was last titled in an unaffected county and is to be titled or registered in an affected or early action compact county, it is not eligible for a title receipt, a title, or registration after a retail sale unless proof is presented to the county tax assessor-collector that the vehicle has passed the emissions test. This subsection does not apply to a vehicle that will be used in the affected or early action compact county for fewer than 60 days during the registration period for which registration is sought or to a vehicle that is a 1996 or newer model and has less than 50,000 miles.

§217.52. Marketing of Specialty License Plates through a Private Vendor.

(a) Purpose and scope. The department will enter into a contract with a private vendor to market department-approved specialty license plates in accordance with Transportation Code, Chapter 504, Subchapter J. This section sets out the procedure for approval of the design, purchase, and replacement of vendor specialty license plates. In this section, the license plates marketed by the vendor are referred to as vendor specialty license plates.

(b) Application for approval of vendor specialty license plate designs.

(1) Approval required. The vendor shall obtain the approval of the board for each license plate design the vendor proposes to market in accordance with this section and the contract entered into between the vendor and the department.

(2) Application. The vendor must submit a written application on a form approved by the executive director to the department for approval of each license plate design the vendor proposes to market. The application must include:

(A) a draft design of the specialty license plate;

(B) projected sales of the license plate, including an explanation of how the projected figure was determined;

(C) a marketing plan for the license plate including a description of the target market;

(D) a licensing agreement from the appropriate third party for any design or design element that is intellectual property; and

(E) other information necessary for the board to reach a decision regarding approval of the requested vendor specialty license plate.

(c) Review and approval process. The board will review vendor specialty license plate applications. The board:

(1) will not consider incomplete applications; and

(2) may request additional information from the vendor to reach a decision.

(d) Board decision.

(1) Decision. The decision of the board will be based on:

(A) compliance with Transportation Code, Chapter 504, Subchapter J;

(B) the proposed license plate design, including:

(i) whether the design meets the legibility and reflectivity standards established by the department;

(ii) whether the design meets the standards established by the department for uniqueness to ensure that the proposed license plate complies with Transportation Code, §504.852(c);

(iii) whether the license plate design can accommodate the International Symbol of Access (ISA) as required by Transportation Code, §504.201(f);

(iv) the criteria designated in §217.27 of this title (relating to Vehicle Registration Insignia) as applied to the design;

(v) whether a design is similar enough to an existing license plate design that it may compete with the existing license plate sales; and

(vi) other information provided during the application process.

(2) Public comment on proposed design. All proposed license plate designs will be considered by the board as an agenda item at a regularly or specially called open meeting. Notice of consideration of proposed license plate designs will be posted in accordance with Office of the Secretary of State meeting notice requirements. Notice of each license plate design will be posted on the department's Internet web site to receive public comment at least 25 days in advance of the meeting at which it will be considered. The department will notify all specialty license plate organizations and the sponsoring agencies who administer specialty license plates issued in accordance with Transportation Code, Chapter 504, Subchapter G, of the posting. A comment on the proposed design can be submitted in writing through the mechanism provided on the department's Internet web site for submission of comments. Written comments are welcome and must be received by the department at least 10 days in advance of the meeting. Public comment will be received at the board's meeting.

(e) Final approval and specialty license plate issuance.

(1) Approval. The board will approve or disapprove the specialty license plate application based on all of the information provided pursuant to this subchapter in an open meeting.

(2) Application not approved. If the application is not approved, the applicant may submit a new application and supporting documentation for the design to be considered again by the board if:

(A) the applicant has additional, required documentation; or

(B) the design has been altered to an acceptable degree.

(3) Issuance of approved specialty license plates.

(A) If the vendor's specialty license plate is approved, the vendor must submit the non-refundable start-up fee before any further design and processing of the specialty license plate.

(B) Approval of the specialty license plate does not guarantee that the submitted draft specialty license plate design will be used. The board has final approval of all specialty license plate designs and will provide guidance on the submitted draft design to ensure compliance with the format and specialty license plate specifications.

(f) Redesign of vendor specialty license plates.

(1) On receipt of a written request from the vendor, the department will allow a redesign of a vendor specialty license plate.

(2) The vendor must pay the redesign administrative costs as provided in the contract between the vendor and the department.

(g) Multi-year vendor specialty license plates. Purchasers will have the option of purchasing vendor specialty license plates for a one-year, a three-year, or a five-year period.

(h) License plate categories and associated fees. The categories and the associated fees for vendor specialty license plates are set out in this subsection.

(1) Custom personalized specialty license plates are non-embossed license plates personalized with up to seven alphanumeric characters on department-approved vendor designs. The fees for issuance of these license plates are $150 for one year, $400 for three years, and $450 for five years.

(2) Background-only license plates are non-personalized embossed or non-embossed license plates on department-approved vendor designs.

(A) The fees for issuance of non-embossed, background-only license plates are $50 for one year, $130 for three years, and $175 for five years.

(B) Except as stated in subsection (h)(6)(B) of this section, the fees for embossed, background-only license plates are $125 for one year, $205 for three years, and $250 for five years.

(3) Vendor souvenir license plates. Vendor souvenir license plates are replicas of vendor specialty license plate designs that may be personalized with up to 24 alphanumeric characters. Vendor souvenir license plates are not street legal or legitimate insignias of vehicle registration. The fee for issuance of souvenir license plates is $40.

(4) Auction. The vendor may auction department-approved license plate numbers for one, three, or five year terms with options to renew indefinitely at the current price established for a one, three, or five year custom personalized specialty category license plate. The purchaser of the auction license plate number may select from the vendor background designs, including any embossed license plate designs, at no additional charge at the time of initial issuance. The auction license plate number may be moved from one vendor design plate to another vendor design license plate as provided in subsection (n)(1) of this section. The auction license plate number may be transferred from owner to owner as provided in subsection (l)(2) of this section.

(5) Embossed, personalized specialty license plates are license plates personalized with up to seven alphanumeric characters on department-approved vendor designs. Except as stated in subsection (h)(4) of this section, the fees for issuance of embossed, personalized specialty license plates are $270 for one year, $520 for three years, and

$570 for five years. Except as stated in subsection (h)(6)(B) of this section, the fees under subsection (h)(6) of this section do not apply to an embossed, personalized specialty license plate.

(6) Personalization and specialty license plate fees.

(A) The personalization fee for license plates applied for after November 19, 2009 is $40 if the license plates are issued pursuant to Transportation Code, Chapter 504, Subchapters G and I.

(B) If the license plates are renewed annually, the personalization and specialty license plate fees remain the same fee as at the time of issuance if a sponsor of a specialty license plate authorized under Transportation Code, Chapter 504, Subchapters G and I signs a contract with the vendor in accordance with Transportation Code, Chapter 504, Subchapter J, even if the board approves the specialty license plate to be an embossed specialty license plate design.

(i) Payment of fees.

(1) Payment of specialty license plate fees. The fees for issuance of vendor specialty license plates will be paid directly to the state through vendor and state systems for the license plate category and period selected by the purchaser. A person who purchases a multi-year vendor specialty license plate must pay upon purchase the full fee which includes the renewal fees.

(2) Payment of statutory registration fees. To be valid for use on a motor vehicle, the license plate owner is required to pay, in addition to the vendor specialty license plate fees, any statutorily required registration fees in the amount as provided by Transportation Code, Chapter 502, and this subchapter.

(j) Refunds. Fees for vendor specialty license plate fees will not be refunded after an application is submitted to the vendor and the department has approved issuance of the license plate.

(k) Replacement.

(1) Application. An owner must apply directly to the county tax assessor-collector for the issuance of replacement vendor specialty license plates and must pay the fee described in paragraphs (2) or (3) of this subsection, whichever applies.

(2) Lost or mutilated vendor specialty license plates. To replace vendor specialty license plates that are lost or mutilated, the owner must pay the statutory replacement fee provided in Transportation Code, §504.007.

(3) Optional replacements. An owner of a vendor specialty license plate may replace vendor specialty license plates by submitting a request to the county tax assessor-collector accompanied by the payment of a $6 fee.

(4) Interim replacement tags. If the vendor specialty license plates are lost or mutilated to such an extent that they are unusable, replacement specialty license plates may be remanufactured. The county tax assessor-collector will issue interim replacement tags for use until the replacements are available. The owner's vendor specialty license plate number will be shown on the interim replacement tags.

(5) Stolen vendor specialty license plates. The county tax assessor-collector will not approve the issuance of replacement vendor specialty license plates with the same license plate number if the department's records indicate that the vehicle displaying that license plate number was reported stolen or the license plates themselves were reported stolen to law enforcement.

(l) Transfer of vendor specialty license plates.

(1) Transfer between vehicles. The owner of a vehicle with vendor specialty license plates may transfer the specialty license plates between vehicles by filing an application through the county tax assessor-collector if the vehicle to which the specialty license plates are transferred:

(A) is titled or leased in the owner's name; and

(B) meets the vehicle classification requirements for that specialty license plate.

(2) Transfer between owners. Vendor specialty license plates may not be transferred between persons unless the specialty license plate number was initially purchased through auction as provided in subsection (h)(4) of this section. An auctioned license plate number may be transferred as a specialty license plate or as a virtual pattern to be manufactured on a new background as provided under the restyle option in subsection (n)(1) of this section. In addition to the fee paid at auction, the new owner of an auctioned license plate number or plate will pay the department a fee of $25 to cover the cost of the transfer, and complete the department's prescribed application at the time of transfer.

(m) Gift license plates.

(1) A person may purchase license plates as a gift for another person if the purchaser submits a statement that provides:

(A) the purchaser's name and address;

(B) the name and address of the person who will receive the license plates; and

(C) the vehicle identification number of the vehicle on which the license plates will be displayed or a statement that the license plates will not be displayed on a vehicle.

(2) To be valid for use on a motor vehicle, the recipient of the license plates must file an application with the county tax assessor-collector and pay the statutorily required registration fees in the amount as provided by Transportation Code, Chapter 502, and this subchapter.

(n) Restyled vendor specialty license plates. A person who has purchased a multi-year vendor specialty license plate may request a restyled license plate at any time during the term of the plate.

(1) For the purposes of this subsection, "restyled license plate" is a vendor specialty license plate that has a different style from the originally purchased vendor specialty license plate but:

(A) is within the same price category, except if the license plate number was purchased through auction and has the same alpha-numeric characters and expiration date as the previously issued multi-year license plates; or

(B) is restyling to an embossed specialty license plate style and has the same alpha-numeric characters and expiration date as the previously issued multi-year license plates.

(2) The fee for each restyled license plate is:

(A) $50 for restyling under subsection (n)(1)(A) of this section; or

(B) $75 for restyling under subsection (n)(1)(B) of this section.

§217.56. Registration Reciprocity Agreements.

(a) Purpose. To promote and encourage the fullest possible use of the highway system and contribute to the economic development and growth of the State of Texas and its residents, the department is authorized by Transportation Code, §502.091 to enter into agreements with duly authorized officials of other jurisdictions, including any state of

the United States, the District of Columbia, a foreign country, a state or province of a foreign country, or a territory or possession of either the United States or of a foreign country, and to provide for the registration of vehicles by Texas residents and nonresidents on an allocation or distance apportionment basis, and to grant exemptions from the payment of registration fees by nonresidents if the grants are reciprocal to Texas residents.

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

(1) Cab card--The apportioned vehicle registration receipt that contains, but is not limited to, the vehicle description and the registered weight at which the vehicle may operate in each jurisdiction.

(2) Department--The Texas Department of Motor Vehicles.

(3) Director--The director of the Motor Carrier Division, Texas Department of Motor Vehicles.

(4) Executive director--The chief executive officer of the department.

(5) Temporary cab card--A temporary registration authorized by the department that allows the operation of a vehicle for up to 30 days subject to all rights and privileges afforded to a vehicle displaying apportioned registration. A temporary cab card expires on the earliest of the following:

(A) 30 days after issuance; or

(B) when the registrant affixes the license plate(s) to the vehicle.

(c) Multilateral agreements.

(1) Authority. The executive director may on behalf of the department enter into a multilateral agreement with the duly authorized officials of two or more other jurisdictions to carry out the purpose of this section.

(2) International Registration Plan (IRP).

(A) Applicability. The IRP is a registration reciprocity agreement among states of the United States and other jurisdictions providing for payment of registration fees on the basis of fleet distance operated in various jurisdictions. Its purpose is to promote and encourage the fullest possible use of the highway system by authorizing apportioned registration for commercial motor vehicles and payment of appropriate vehicle registration fees and thus contributing to the economic development and growth of the member jurisdictions.

(B) Adoption. The department adopts by reference the October 1, 2025, version of the IRP. The department also adopts by reference the January 1, 2016, version of the IRP Audit Procedures Manual. In the event of a conflict between this section and the IRP or the IRP Audit Procedures Manual, the IRP and the IRP Audit Procedures Manual control. Copies of the documents are available online at www.irponline.org or on request to the department.

(C) Application. An applicant must electronically submit an application in the department's designated system for apportioned registration. In addition to providing the department with the information and documents required under IRP, an applicant shall provide the department with a copy of the applicant's receipt under the Unified Carrier Registration System Plan and Agreement under 49 U.S.C. §14504a (UCR) to prove the applicant is currently registered under UCR if the applicant is required to register under UCR.

(D) Issuance of Registration. Upon receipt of the applicable fees, information, and documents, the department will review the application and, to the extent the vehicle is eligible for apportioned registration, issue one or two license plates, a temporary cab card, and a cab card for each vehicle registered.

(E) Display of License Plates and Cab Cards.

(i) The department will issue one license plate for a tractor, truck-tractor, trailer, and semitrailer. The license plate issued to a tractor or a truck-tractor shall be installed on the front of the tractor or truck-tractor, and the license plate issued for a trailer or semitrailer shall be installed on the rear of the trailer or semitrailer.

(ii) The department will issue two license plates for all other vehicles that are eligible to receive license plates under the IRP. Once the department issues two license plates for a vehicle listed in this clause, one plate shall be installed on the front of the vehicle, and one plate shall be installed on the rear of the vehicle.

(iii) The cab card shall be carried at all times in the vehicle in accordance with the IRP. If the registrant chooses to display an electronic image of the cab card on a wireless communication device or other electronic device, such display does not constitute consent for a peace officer, or any other person, to access the contents of the device other than the electronic image of the cab card.

(iv) The authority to display an electronic image of the cab card on a wireless communication device or other electronic device does not prevent the Texas State Office of Administrative Hearings or a court of competent jurisdiction from requiring the registrant to provide a paper copy of the cab card in connection with a hearing, trial, or discovery proceeding.

(F) Audit. An audit of the registrant's vehicle operational records may be conducted by the department according to the IRP provisions and the IRP Audit Procedures Manual. Upon request, the registrant shall provide the department with operational records of each vehicle for audit in any format or medium available to the registrant and accessible to the department, including, but not limited to, a summary of distance traveled by each individual vehicle on a monthly, quarterly, and annual basis with distance totaled separately for each jurisdiction in which the vehicle traveled.

(G) Assessment. The department may assess additional registration fees of up to 100% of the apportionable fees paid by the registrant for the registration of its fleet in the registration year to which the records pertain, as authorized by the IRP, if an audit conducted under subparagraph (F) of this paragraph reveals that:

(i) the operational records indicate that the vehicle did not generate interstate distance in two or more member jurisdictions for the distance reporting period supporting the application being audited, plus the six-month period immediately following that distance reporting period;

(ii) the registrant failed to provide complete operational records; or

(iii) the distance must be adjusted, and the adjustment results in a shortage of registration fees due Texas or any other IRP jurisdiction.

(H) Refunds. If an audit conducted under subparagraph (F) of this paragraph reveals an overpayment of fees to Texas or any other IRP jurisdiction, the department will refund the overpayment of registration fees in accordance with Transportation Code, §502.195 and the IRP. Any registration fees refunded to a registrant for another jurisdiction will be deducted from registration fees collected and transmitted to that jurisdiction.

(I) Cancellation or revocation. The director or the director's designee may cancel or revoke a registrant's apportioned registration and all privileges provided by the IRP as authorized by the following:

(i) the IRP; or

(ii) Transportation Code, Chapter 502.

(J) Procedures for assessment, cancellation, or revocation.

(i) Notice. If a registrant is assessed additional registration fees, as provided in subparagraph (G) of this paragraph, and the additional fees are not paid by the due date provided in the notice or it is determined that a registrant's apportioned license plates and privileges should be canceled or revoked, as provided in subparagraph (I) of this paragraph, the director or the director's designee will mail a notice by certified mail to the last known address of the registrant. The notice will state the facts underlying the assessment, cancellation, or revocation; the effective date of the assessment, cancellation, or revocation; and the right of the registrant to request a conference as provided in clause (ii) of this subparagraph.

(ii) Conference. A registrant may request a conference upon receipt of a notice issued as provided by clause (i) of this subparagraph. The request must be made in writing to the director or the director's designee within 30 days of the date of the notice. If timely requested, the conference will be scheduled and conducted by the director or the director's designee in person at the department's headquarters in Austin or remotely using telephonic or videoconferencing technology and will serve to abate the assessment, cancellation, or revocation unless and until that assessment, cancellation, or revocation is affirmed or disaffirmed by the director or the director's designee. In the event matters are resolved in the registrant's favor, the director or the director's designee will mail the registrant a notice of withdrawal, notifying the registrant that the assessment, cancellation, or revocation is withdrawn, and stating the basis for that action. In the event matters are not resolved in the registrant's favor, the director or the director's designee will issue a decision reaffirming the department's assessment of additional registration fees or cancellation or revocation of apportioned license plates and privileges. The registrant has the right to appeal in accordance with clause (iii) of this subparagraph.

(iii) Appeal. If a conference held in accordance with clause (ii) of this subparagraph fails to resolve matters in the registrant's favor, the registrant may submit an appeal under §224.122 of this title (relating to Appeal of Decision Regarding Assessment, Cancellation, or Revocation Under §217.56). An appeal will be governed by Chapter 224 of this title (relating to Adjudicative Practice and Procedure) and Transportation Code, Chapter 502.

(K) Reinstatement.

(i) The director or the director's designee will reinstate apportioned registration to a previously canceled or revoked registrant if all applicable fees and assessments due on the previously canceled or revoked apportioned account have been paid and the applicant provides proof of an acceptable recordkeeping system for a period of no less than 60 days.

(ii) The application for the following registration year will be processed in accordance with the provisions of the IRP.

(L) Denial of apportioned registration for safety reasons. The department will comply with the requirements of the Performance and Registration Information Systems Management program (PRISM) administered by the Federal Motor Carrier Safety Administration (FMCSA).

(i) Denial or suspension of apportioned registration. Upon notification from the FMCSA that a carrier has been placed out of service for safety violations, the department will:

(I) deny initial issuance of apportioned registration;

(II) deny authorization for a temporary cab card;

(III) deny renewal of apportioned registration; or

(IV) suspend current apportioned registration.

(ii) Issuance after denial of registration or reinstatement of suspended registration. The director or the director's designee will reinstate or accept an initial or renewal application for apportioned registration from a registrant who was suspended or denied registration under clause (i) of this subparagraph upon presentation of a Certificate of Compliance from FMCSA, in addition to all other required documentation and payment of fees.

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

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
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For further information, please call: (512) 465-4160

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43 TAC §217.37

STATUTORY AUTHORITY. The department adopts a repeal in Chapter 217 under Transportation Code §502.0021, which authorizes the department to adopt rules to administer Transportation Code Chapter 502, Registration of Vehicles; Transportation Code, §502.191, which governs the collection of fees by the department or county; Transportation Code, §502.1911, which authorizes the board to adopt rules to set registration processing and handing fees; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. This adopted repeal implements Transportation Code, §§502.0021, §502.191, 502.1911, and 1002.001.

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

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SUBCHAPTER C. REGISTRATION AND TITLE SYSTEMS

43 TAC §217.72, §217.74

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code §502.0021, which authorizes the department to adopt rules to administer Transportation Code, Chapter 502, Registration of Vehicles; Transportation Code, §502.059, which authorizes the department to adopt rules providing for an automated registration process; Transportation Code, §520.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 520, Miscellaneous Provisions; Transportation Code, §520.0055, which authorizes the department to mandate motor vehicle dealers use a department designated electronic system to submit title and registration application to county tax assessor-collectors for motor vehicle transactions; Transportation Code, §520.023, which authorizes the department to implement a training program providing information on the department's automated registration and titling system and require training of persons performing titling and registration services in the systems; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, §§502.0021, 502.059, 520.003, 520.0055, 520.023, and 1002.001.

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

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43 TAC §217.73

STATUTORY AUTHORITY. The department adopts a repeal to Chapter 217 under Transportation Code, §520.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 520; and Transportation Code, §520.0093, which authorizes the department to lease automated registration and titling system equipment to a county.

CROSS REFERENCE TO STATUTE. This adopted repeal implements Transportation Code § 520.003 and §520.0093.

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

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SUBCHAPTER D. NONREPAIRABLE AND SALVAGE MOTOR VEHICLES

43 TAC §217.83, §217.84

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code, §501.0041, which gives the department authority to adopt rules to administer Transportation Code, Chapter 501, Certificate of Title Act; Transportation Code, §501.0925, which authorizes the department to adopt rules governing the issuance of titles to insurance companies; Transportation Code, §501.097, which authorizes the department to prescribe the process and procedures for applying for nonrepairable and salvage vehicle titles; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, §§501.0041, 501.0925, 501.097, and 1002.001.

§217.83. Requirement for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title.

(a) Determination of condition of vehicle.

(1) Salvage motor vehicle. When a vehicle is damaged, the actual cash value of the motor vehicle immediately before the damage and the cost of repairs shall be used to determine whether the damage is sufficient to classify the motor vehicle as a salvage motor vehicle.

(2) Nonrepairable motor vehicle. When a vehicle is damaged, the actual cash value of the motor vehicle immediately before the damage and the cost of repairs, or any method commonly used by the insurance industry, shall be used to determine whether the damage is sufficient to classify the motor vehicle as a nonrepairable motor vehicle.

(3) The actual cash value of the motor vehicle is the market value of a motor vehicle as determined:

(A) from publications commonly used by the automotive and insurance industries to establish the values of motor vehicles; or

(B) if the entity determining the value is an insurance company, by any other procedure recognized by the insurance industry, including market surveys, that is applied in a uniform manner.

(4) The cost of repairs, including parts and labor, shall be determined by:

(A) using a manual of repair costs or other instrument that is generally recognized and used in the motor vehicle industry to determine those costs; or

(B) an estimate of the actual cost of the repair parts and the estimated labor costs computed by using hourly rate and time allocations that are reasonable and commonly assessed in the repair industry in the community in which the repairs are performed.

(5) The cost of repairs does not include:

(A) the cost of:

(i) repairs related to gradual damage to a motor vehicle;

(ii) repairs related to hail damage; or

(iii) materials and labor for repainting or when the damage is solely to the exterior paint of the motor vehicle; or

(B) sales tax on the total cost of repairs.

(b) Who must apply.

(1) An insurance company licensed to do business in this state that acquires ownership or possession of a nonrepairable or salvage motor vehicle that is covered by a title issued by this state or a manufacturer's certificate of origin shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84 of this title (relating to Application for Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title), before selling or otherwise transferring the nonrepairable or salvage motor vehicle, except as provided by subsection (c) of this section.

(2) A salvage vehicle dealer shall obtain a Nonrepairable or Salvage Vehicle Title or Nonrepairable or Salvage Record of Title, or comparable out-of-state ownership document, before selling or otherwise transferring the motor vehicle, except as provided by §217.88(b) of this title (relating to Sale, Transfer, or Release of Ownership of a Nonrepairable or Salvage Motor Vehicle).

(3) A person, other than an insurance company or salvage vehicle dealer, who acquires ownership of a nonrepairable or salvage motor vehicle that has not been issued a nonrepairable vehicle title, a salvage vehicle title, or a comparable out-of-state ownership document, shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84, before selling or otherwise transferring the motor vehicle, unless the motor vehicle will be dismantled, scrapped, or destroyed.

(c) Owner-retained vehicles.

(1) When an insurance company pays a claim on a nonrepairable or salvage motor vehicle and does not acquire ownership of the motor vehicle, the company shall submit through webDEALER to the department before the 31st day after the date of the payment of the claim, on a form prescribed by the department, a report stating that:

(A) the insurance company has paid a claim on the nonrepairable or salvage motor vehicle; and

(B) the insurance company has not acquired ownership of the nonrepairable or salvage motor vehicle.

(2) Upon receipt of the report described in paragraph (1) of this subsection, the department will place an appropriate notation on the motor vehicle record to prevent registration and transfer of ownership prior to the issuance of a salvage or nonrepairable vehicle title or salvage or nonrepairable record of title.

(3) The owner who retained the nonrepairable or salvage motor vehicle to which this subsection applies shall obtain a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84, before selling or otherwise transferring the nonrepairable or salvage motor vehicle.

(4) The owner of an owner retained nonrepairable or salvage motor vehicle may not operate or permit operation of the motor vehicle on a public highway, until the motor vehicle is rebuilt, titled as a rebuilt salvage motor vehicle or rebuilt nonrepairable motor vehicle, if applicable, and is registered in accordance with Subchapter B of this chapter.

(d) Self-insured vehicles. The owner of a nonrepairable or salvage motor vehicle that is self-insured and that has been removed from normal operation by the owner shall apply to the department for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, as provided by §217.84, before the 31st day after the damage occurred, and before selling or otherwise transferring ownership of the nonrepairable or salvage motor vehicle.

(e) Casual sales. A salvage vehicle dealer, salvage pool operator, or insurance company that acquires a nonrepairable or salvage motor vehicle shall apply to the department for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title, in accordance with §217.84, prior to offering the motor vehicle for sale in a casual sale.

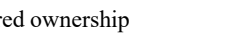
(f) Export-only vehicles. A salvage vehicle dealer, including a salvage pool operator acting as agent for an insurance company, or governmental entity that acquires a nonrepairable or salvage motor vehicle and offers it for sale to a non-United States resident shall apply to the department for a nonrepairable or salvage vehicle title, as provided by §217.84, before selling or otherwise transferring the nonrepairable or salvage motor vehicle and before delivery of the nonrepairable or salvage motor vehicle to the buyer. A salvage vehicle dealer or governmental entity shall maintain records of all export-only nonrepairable or salvage motor vehicle sales as provided by §217.88(g).

(g) Voluntary application. A person who owns or acquires a motor vehicle that is not a nonrepairable or salvage motor vehicle may voluntarily, and on proper application, as provided by §217.84, apply for a nonrepairable or salvage vehicle title or nonrepairable or salvage record of title.

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

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SUBCHAPTER F. MOTOR VEHICLE RECORDS

43 TAC §§217.122, 217.124 - 217.127

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code, §730.014, which authorizes the department to adopt rules to administer Transportation Code, Chapter 730, Motor Vehicle Records Disclosure Act; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE BY STATUTE. The adopted amendments implement Transportation Code, §§730.014, and 1002.001.

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SUBCHAPTER G. INSPECTIONS

43 TAC §217.143

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code, §731.002, which authorizes the board to adopt rules to administer Transportation Code, Chapter 731, Assembled Vehicles; Transportation Code, §731.101, which provides that the board by rule shall establish procedures and requirements for the inspection of assembled vehicles; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, §§731.002, 731.101 and 1002.001.

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SUBCHAPTER J. PERFORMANCE QUALITY RECOGNITION PROGRAM

43 TAC §217.204

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code, §520.003, which authorizes the department to adopt rules to administer Transportation Code Chapter 520, Miscellaneous Provisions; Transportation Code, §520.004, which authorizes the department by rule to establish standards for uniformity and service quality for counties; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, §§520.003, 520.004, and 1002.001.

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Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 29, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 465-4160

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SUBCHAPTER L. ASSEMBLED VEHICLES

43 TAC §217.402, §217.404

STATUTORY AUTHORITY. The department adopts amendments to Chapter 217 under Transportation Code, §731.002, which authorizes the board to adopt rules to administer Transportation Code Chapter 731, Assembled Vehicles; Transportation Code, §731.052, which provides the board by rule shall establish procedures and requirements for issuance of a title for and registration of an assembled vehicle; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and duties of the department, as well as the statutes referenced throughout this preamble.

CROSS REFERENCE TO STATUTE. The adopted amendments implement Transportation Code, §§731.002, 731.052, and 1002.001.

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604307
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 29, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 465-4160

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CHAPTER 218. MOTOR CARRIERS

INTRODUCTION. The Texas Department of Motor Vehicles (department) adopts revisions to 43 Texas Administrative Code (TAC) Chapter 218, Motor Carriers. Specifically, the department adopts amendments to Subchapter A, General Provisions, §218.2; amendments to Subchapter B, Motor Carrier Registration, §218.13 and §218.14, and the repeal of §218.11. These revisions are necessary to aid the regulated community's understanding of the state's expectations for maintenance of a valid United States Department of Transportation (USDOT) number; to remove provisions that are unnecessarily repetitive of statute

and cross-references to those provisions; and to conform the rules to the department's current procedures with respect to social security numbers as an application requirement for sole proprietors. The department adopts amendments to §§218.2, 218.13 and 218.14 and adopts the repeal of §218.11 without changes to the proposed text as published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4156). The text of the rules will not be republished.

REASONED JUSTIFICATION. An adopted amendment to §218.2 updates the definition of "USDOT number" to include a reference to the related statutory provision, Texas Transportation Code, §643.064, for clarity and ease of reference. This change is necessary because the department adopts the repeal of §218.11, which essentially restates Transportation Code, §643.051 and §643.064. The adopted amendments to the definition of "USDOT number" ensure that in the absence of §218.11, a reader will still be able to identify and understand the statutory requirement under Transportation Code, §643.064 for commercial motor carriers in Texas to have an active USDOT number. Citing the related statutory provision within the rule aids in public understanding and provides a useful reference to the underlying law without unnecessarily repeating statutory language.

An adopted repeal of §218.11 streamlines the department's rules by eliminating provisions that are identical to statutory language. The language in §218.11(a) and (b) is an unnecessary restatement of Transportation Code, §643.051 and §643.064. Relevant language from Transportation Code, §643.064, which has previously been in §218.11(c), is incorporated with these adopted amendments into §218.13. In addition, the adopted definition of "USDOT number" in §218.2 cites to Transportation Code, §643.064 for clarity and ease of reference, as discussed above.

Adopted amendments to §218.13(a)(1) clarify the department's expectations for compliance related to the USDOT number, incorporating and elaborating on language that was previously in repealed §218.11(c) regarding how the department defines a "valid" USDOT number. To be considered "valid," the USDOT number must be active and be the same as the USDOT number used in the carrier's application, as long as the carrier is operating under intrastate authority granted by the department. The adopted amendment informs carriers of the requirement to maintain their USDOT number and thereby aids in compliance.

In addition, recent Texas Attorney General Opinion No. KP-0516 highlighted the strict mandate in place for a licensing authority such as the department to collect social security numbers (SSN) from an applicant for an individual occupational license under Texas Family Code, §231.302(c)(1), which includes a sole proprietor motor carrier who applies for a certificate of registration for intrastate operating authority. Accordingly, the department adopts an amendment to §218.13(a)(3)(B) to clarify that a sole proprietor applying for motor carrier registration must provide an SSN in the application. While this has consistently been department practice, the wording of §218.13(a)(3)(B) could have been read to mean that a sole proprietor could provide an Individual Taxpayer Identification Number rather than an SSN. In contrast, the adopted amendment states plainly that providing an SSN is the only option available for a sole proprietor applying for motor carrier registration in Texas.

The adopted amendments to §218.14(c) remove cross-references to §218.11, which is being repealed. The adopted amendments replace those cross-references with citations to Transportation Code, §643.051, which requires commercial motor carriers to register with the department, and to Transportation Code, §643.054(a), which give the department the authority to issue motor carrier registration in Texas. These amendments clarify the rule and prevent any confusion following the repeal of §218.11.

SUMMARY OF COMMENTS.

No comments were received on the proposed amendments.

SUBCHAPTER A. GENERAL PROVISIONS

43 TAC §218.2

STATUTORY AUTHORITY. The Texas Department of Motor Vehicles (department) adopts the amendment of §218.2 under Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; Transportation Code, §643.051, which states that a motor carrier may not operate a commercial motor vehicle, as defined by Transportation Code, §548.001, on a road or highway in Texas, and may not operate a vehicle, regardless of size, to transport household goods for compensation on a road or highway in Texas unless the motor carrier registers with the department under Subchapter B of Transportation Code, Chapter 643; Transportation Code, §643.064, which provides that a carrier required to register with the department under Subchapter B of Transportation Code, Chapter 643, must maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor, or another person authorized to issue the number; and Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

CROSS REFERENCE TO STATUTE. The adopted amendment would implement Transportation Code, Chapters 643 and 1002.

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604283
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 29, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 465-4160

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SUBCHAPTER B. MOTOR CARRIER REGISTRATION

43 TAC §218.11

STATUTORY AUTHORITY. The department adopts the repeal of §218.11 under Transportation Code §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; Transportation Code, §643.052, which requires a motor carrier to submit to the department an application on a form prescribed by the department to register under Subchapter B of Transportation Code, Chapter 643, as well as the required components of the application, which include

information the department by rule determines is necessary for the safe operation of a motor carrier under Transportation Code, Chapter 643; Transportation Code, §643.053, which provides additional requirements for an application filed with the department under Transportation Code, §643.052; Transportation Code, §643.054, which authorizes the department to deny an application for registration under certain circumstances, in addition to authorizing the department to adopt simplified procedures for the registration of motor carriers transporting household goods as agents for carriers required to register under Transportation Code, Chapter 643; Transportation Code, §643.056, which requires a motor carrier that is required to register under Subchapter B of Transportation Code, Chapter 643, to supplement the motor carrier's application for registration under certain circumstances; Transportation Code, §643.058, which specifies the requirements for a motor carrier to apply for renewal of registration issued under Subchapter B of Transportation Code, Chapter 643, as well as the authority for the department to deny an application for renewal of registration; Transportation Code, §643.0585, which specifies the requirements for a motor carrier to apply for reregistration after its registration has been revoked, as well as the authority for the department to deny an application for reregistration; Transportation Code, §643.061, which authorizes the department to adopt rules to vary the registration period under Subchapter B of Transportation Code, Chapter 643; Transportation Code, §643.064, which provides that a carrier required to register with the department under Subchapter B of Transportation Code, Chapter 643, must maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor, or another person authorized to issue the number; and Transportation Code §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department.

CROSS REFERENCE TO STATUTE. The adopted repeal implements Transportation Code, Chapters 643 and 1002.

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604285
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 29, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 465-4160

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43 TAC §218.13, §218.14

STATUTORY AUTHORITY. The department adopts amendments to §218.13 and §218.14 under Transportation Code, §643.003, which authorizes the department to adopt rules to administer Transportation Code, Chapter 643; Transportation Code, §643.052, which requires a motor carrier to submit to the department an application on a form prescribed by the department to register under Subchapter B of Transportation Code, Chapter 643, as well as the required components of the application, which include information the department by rule determines is necessary for the safe operation of a motor carrier under Transportation Code, Chapter 643; Transportation Code, §643.053, which provides additional requirements for an application filed with the department under Transportation Code, §643.052; Transportation Code, §643.054, which authorizes the department to deny an application for registration under certain circumstances, in addition to authorizing the department to adopt simplified procedures for the registration of motor carriers transporting household goods as agents for carriers required to register under Transportation Code, Chapter 643; Transportation Code, §643.056, which requires a motor carrier that is required to register under Subchapter B of Transportation Code, Chapter 643, to supplement the motor carrier's application for registration under certain circumstances; Transportation Code, §643.058, which specifies the requirements for a motor carrier to apply for renewal of registration issued under Subchapter B of Transportation Code, Chapter 643, as well as the authority for the department to deny an application for renewal of registration; Transportation Code, §643.0585, which specifies the requirements for a motor carrier to apply for reregistration after its registration has been revoked, as well as the authority for the department to deny an application for reregistration; Transportation Code, §643.061, which authorizes the department to adopt rules to vary the registration period under Subchapter B of Transportation Code, Chapter 643; Transportation Code, §643.064, which provides that a carrier required to register with the department under Subchapter B of Transportation Code, Chapter 643, must maintain an authorized identification number issued to the motor carrier by the Federal Motor Carrier Safety Administration, its successor, or another person authorized to issue the number; Family Code, §231.302, which compels licensing authorities like the department to collect social security numbers from an individual applicant for a professional license; Transportation Code, §1002.001, which authorizes the board to adopt rules that are necessary and appropriate to implement the powers and the duties of the department; and Government Code, §2001.004(1), which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

CROSS REFERENCE TO STATUTE. The adopted amendments would implement Transportation Code, Chapters 643 and 1002; Family Code, Chapter 231; and Government Code, Chapter 2001.

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

Filed with the Office of the Secretary of State on October 9, 2026.

TRD-202604284
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Effective date: October 29, 2026
Proposal publication date: June 26, 2026
For further information, please call: (512) 465-4160

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REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039. Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Commission on State Emergency Communications

Title 1, Part 12

The Commission on State Emergency Communications (CSEC) files this notice of review to consider whether to readopt, readopt with amendments, or repeal the rules in Title 1, Part 12, Texas Administrative Code, Chapter 251, *9-1-1 Service--Standards*. This review is conducted in accordance with Texas Government Code §2001.039.

CSEC has conducted a preliminary review of Chapter 251 and determined that the reasons for initially adopting the chapter continue to exist.

Comments or questions regarding this review should be submitted in writing within 30 days following publication of this notice in the *Texas Register* to Kenny Moreland, General Counsel, Commission on State Emergency Communications, 1801 Congress Avenue, Suite 11.100, Austin, Texas 78701; or by email to csecinfo@csec.texas.gov. Please include "CSEC Chapter 251 Rule Review" in the subject line.

All proposed changes (repeal, readoption, or readoption with amendments) to the Chapter 251 rules will be published for comment in the "Proposed Rules" section of a subsequent issue of the *Texas Register* and posted to CSEC's website. In accordance with the requirements of the Administrative Procedures Act, Texas Government Code Chapter 2001. Any proposed changes will be open for public comment prior to being considered for adoption by CSEC.

Chapter 251 - *9-1-1 Service--Standards*

§251.1 Regional Strategic Plans for 9-1-1 Service

§251.2 Changes to 9-1-1 Service Arrangements

§251.3 Use of Revenue in Certain Counties

§251.4 Guidelines for Accessibility Equipment

§251.5 Guidelines for Management and Disposition of 9-1-1 Equipment and Controlled Assets

§251.7 Guidelines for Implementing Integrated Services

§251.8 Regional Planning Commission Procurement of 9-1-1 Equipment and Services with 9-1-1 Funds

§251.10 Guidelines for Implementing Wireless E9-1-1 Service

§251.12 Commission and Regional Planning Commission Contracts for 9-1-1 Service

§251.13 Use of 9-1-1 Database Information

§251.14 VoIP Positioning Center Operator Minimum Requirements

§251.15 Emergency Services Gateway Operator Minimum Requirements

§251.16 Direct Access to 9-1-1 Service

TRD-202604276
Kenny Moreland
General Counsel
Commission on State Emergency Communications
Filed: October 8, 2026

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Adopted Rule Reviews

Texas Health and Human Services Commission

Title 26, Part 1

The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 275, Consumer Managed Personal Attendant Services (CMPAS) Program

Notice of the review of this chapter was published in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5855) for public comment.

The 31-day comment period ended September 28, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 275 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 275. Any amendments, if applicable, to Chapter 275 identified by HHSC in the rule review will be proposed in a future issue of the Texas Register.

This concludes HHSC's review of 26 TAC Chapter 275 as required by Texas Government Code §2001.039.

TRD-202604347
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: October 12, 2026

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The Texas Health and Human Services Commission (HHSC) adopts the review of the chapter below in Title 26, Part 1, of the Texas Administrative Code (TAC):

Chapter 330, LIDDA Role and Responsibilities

Notice of the review of this chapter was published in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5855) for public comment.

The 31-day comment period ended September 28, 2026. During this period, HHSC did not receive any comments regarding the proposed rule review.

HHSC has reviewed Chapter 330 in accordance with Texas Government Code §2001.039, which requires state agencies to assess, every four years, whether the initial reasons for adopting a rule continue to exist.

The agency determined that the original reasons for adopting all rules in the chapter continue to exist and readopts Chapter 330. Any amendments, if applicable, to Chapter 330 identified by HHSC in the rule review will be proposed in a future issue of the *Texas Register.*

This concludes HHSC's review of 26 TAC Chapter 330 as required by Texas Government Code §2001.039.

TRD-202604348
Jessica Miller
Director, Rules Coordination Office
Texas Health and Human Services Commission
Filed: October 12, 2026

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Texas Department of Motor Vehicles

Title 43, Part 10

The Texas Department of Motor Vehicles (department) files this notice of readoption of Title 43 Texas Administrative Code (TAC), Chapter 215, Motor Vehicle Distribution that was published in the *Texas Register*. The review was conducted pursuant to Government Code, §2001.039.

Notice of the department's intention to review was published in the April 24, 2026, issue of the *Texas Register* (51 TexReg 2785). The department did not receive any comments on the rule review.

As a result of the review, the department readopts Chapter 215 in accordance with the requirements of Government Code, §2001.039, with amendments, new sections, and repeals that are published separately in this issue of the *Texas Register*. The department has determined that the reasons for initially adopting the rules continue to exist.

This concludes the review of Chapter 215, Motor Vehicle Distribution.

TRD-202604281
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: October 9, 2026

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The Texas Department of Motor Vehicles (department) files this notice of readoption of Title 43 Texas Administrative Code (TAC), Chapter 217, Vehicle Titles and Registration. The review was conducted pursuant to Government Code, §2001.039.

Notice of the department's intention to review was published in the June 26, 2026, issue of the *Texas Register* (51 TexReg 4217). The department did not receive any comments on the rule review.

As a result of the review, the department readopts Chapter 217 in accordance with Government Code, §2001.039, with amendments and repeals that are published separately in this issue of the *Texas Register*. The department has determined that the reasons for initially adopting the rules continue to exist.

This concludes the review of Chapter 217, Vehicle Titles and Registration.

TRD-202604282
Laura Moriaty
General Counsel
Texas Department of Motor Vehicles
Filed: October 9, 2026

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Graphic images included in rules are published separately in this tables and graphics section. Graphic images are arranged in this section in the following order: Title Number, Part Number, Chapter Number and Section Number.

Graphic images are indicated in the text of the emergency, proposed, and adopted rules by the following tag: the word "Figure" followed by the TAC citation, rule number, and the appropriate subsection, paragraph, subparagraph, and so on.

Figure: 25 TAC §289.228(q)

Name of Record	Rule Cross-Reference	Time Interval Required for Record Keeping
Review of Operating and Safety Procedures (OSP)	§289.228(q)(1)(B)(ii)	Until 2 years after termination of employment
Instruction and Training	§289.228(q)(4)	Until 2 years after termination of employment
Written OSP	§289.228(i)(1)(A)	Until termination of registration.
Emergency Procedures	§289.228(i)(1)(A)(iv)(II)	Until termination of registration
Deviation from OSP	§289.228(i)(1)(B)	Until termination of registration
Bypassing Safety Devices	§289.228(i)(2)(C)	Until termination of registration
Documentation of Installation, Assembly, Repair, or Modification of RGDs	§289.228(i)(3)(C)	Until termination of registration
Safety Device Testing Exemption	§289.228(i)(7)(E)	Until termination of registration
Testing Safety Devices	§289.228(i)(7)(F)	10 years
Equipment Survey for Closed Beam RGD	§289.228(k)(2)(C)	10 years
Bomb Detection RGD Utilization Log	§289.228(n)(2)(B)	10 years
Equipment Evaluation for Whole-Body Scanners	§289.228(o)(2)(B)(iv)	10 years
Equipment Evaluation for Occupied Vehicle Screening for Security	§289.228(p)(2)(B)(iii)	10 years



IN ADDITION

The *Texas Register* is required by statute to publish certain documents, including applications to purchase control of state banks, notices of rate ceilings issued by the Office of Consumer Credit Commissioner, and consultant proposal requests and awards. State agencies also may publish other notices of general interest as space permits.

Office of Consumer Credit Commissioner

Notice of Rate Ceilings

The Consumer Credit Commissioner of Texas has ascertained the following rate ceilings by use of the formulas and methods described in §303.003, and §303.009, Texas Finance Code.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/19/26-10/25/26 is 18.00% for consumer[1] credit.

The weekly ceiling as prescribed by §303.003 and §303.009 for the period of 10/19/26-10/25/26 is 18.00% for commercial[2] credit.

[1] Credit for personal, family, or household use.

[2] Credit for business, commercial, investment, or other similar purpose.

TRD-202604365
Leslie L. Pettijohn
Commissioner
Office of Consumer Credit Commissioner
Filed: October 14, 2026

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Texas Commission on Environmental Quality

Agreed Orders

The Texas Commission on Environmental Quality (TCEQ, agency, or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075 requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075 requires that notice of the proposed orders and the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 24, 2026**. TWC, §7.075 also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of each proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building C, 1st Floor, Austin, Texas 78753, (512) 239-2545 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the enforcement coordinator designated for each AO at the commission's central office at Enforcement Division, MC 128, P.O. Box 13087, Austin, Texas 78711-3087 and must be postmarked by 5:00 p.m. on **November 24, 2026**. Written comments may also be sent to the enforcement coordinator by email to ENFCOMNT@tceq.texas.gov or by facsimile machine at (512) 239-2550. The commission enforcement coordinators are available to discuss the AOs and/or the comment procedure at the listed contact information; however, TWC, §7.075 provides that comments on the AOs shall be submitted to the commission in writing.

(1) COMPANY: BNG Services, LLC; DOCKET NUMBER: 2026-1206-WR-E; IDENTIFIER: RN112385307; LOCATION: Gradford, Palo Pinto County; TYPE OF FACILITY: operator; PENALTY: $875; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(2) COMPANY: Bear Creek 2007 LLC; DOCKET NUMBER: 2026-0104-WR-E; IDENTIFIER: RN112282413; LOCATION: Fredericksburg, Gillespie County; TYPE OF FACILITY: short-term rental facility; PENALTY: $450; ENFORCEMENT COORDINATOR: Alejandra Basave, (512) 239-4168; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(3) COMPANY: CSWR-TEXAS UTILITY OPERATING COMPANY, LLC; DOCKET NUMBER: 2026-0395-PWS-E; IDENTIFIER: RN102697794; LOCATION: Burnet, Burnet County; TYPE OF FACILITY: public water supply; PENALTY: $57,629; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(4) COMPANY: City of Happy; DOCKET NUMBER: 2026-0448-PWS-E; IDENTIFIER: RN101235307; LOCATION: Happy, Swisher County; TYPE OF FACILITY: public water supply; PENALTY: $2,000; ENFORCEMENT COORDINATOR: Anjali Talpallikar, (512) 239-2507; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(5) COMPANY: City of Lewisville; DOCKET NUMBER: 2026-0371-WQ-E; IDENTIFIER: RN101212090; LOCATION: Lewisville, Denton County; TYPE OF FACILITY: public water supply; PENALTY: $9,625; ENFORCEMENT COORDINATOR: Hannah Moreno, (512) 239-2509; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(6) COMPANY: City of Plano; DOCKET NUMBER: 2026-0288-WQ-E; IDENTIFIER: RN101391670; LOCATION: Plano, Collin County; TYPE OF FACILITY: public water supply; PENALTY: $12,500; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $12,500; ENFORCEMENT COORDINATOR: Hannah Moreno, (512) 239-2509; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(7) COMPANY: City of Trenton; DOCKET NUMBER: 2025-0178-MWD-E; IDENTIFIER: RN101916518; LOCATION: Trenton, Fannin County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $8,250; SUPPLEMENTAL ENVIRONMENTAL PROJECT OFFSET: $6,600; ENFORCEMENT COORDINATOR:

Taylor Williamson, (512) 239-2097; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(8) COMPANY: GARZA, ORLANDO; DOCKET NUMBER: 2026-0777-PST-E; IDENTIFIER: RN102365657; LOCATION: San Benito, Cameron County; TYPE OF FACILITY: underground storage tank system; PENALTY: $1,875; ENFORCEMENT COORDINATOR: Jocelyn Cruz, (512) 239-4672; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(9) COMPANY: J & B RV Park, LLC; DOCKET NUMBER: 2026-0762-PWS-E; IDENTIFIER: RN112457817; LOCATION: Midland, Midland County; TYPE OF FACILITY: public water supply; PENALTY: $3,025; ENFORCEMENT COORDINATOR: Kaisie Hubschmitt, (512) 239-1482; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(10) COMPANY: Knife River Corporation - South; DOCKET NUMBER: 2026-0972-MLM-E; IDENTIFIER: RN111999215; LOCATION: Caldwell, Burleson County; TYPE OF FACILITY: aggregate extraction operation; PENALTY: $4,500; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

(11) COMPANY: LION ELASTOMERS ORANGE, LLC; DOCKET NUMBER: 2026-0580-AIR-E; IDENTIFIER: RN100224468; LOCATION: Orange, Orange County; TYPE OF FACILITY: chemical manufacturing plant; PENALTY: $8,025; ENFORCEMENT COORDINATOR: Rajesh Acharya, (512) 239-0577; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(12) COMPANY: Madrasah Islamiah, Inc; DOCKET NUMBER: 2025-1698-PWS-E; IDENTIFIER: RN101192169; LOCATION: Richmond, Fort Bend County; TYPE OF FACILITY: public water supply; PENALTY: $10,725; ENFORCEMENT COORDINATOR: Katherine Mckinney, (512) 239-4619; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(13) COMPANY: Mahendra Global Inc; DOCKET NUMBER: 2025-0471-PST-E; IDENTIFIER: RN103733200; LOCATION: Greenville, Hunt County; TYPE OF FACILITY: convenience store with retail sales of gasoline; PENALTY: $6,657; ENFORCEMENT COORDINATOR: Olivia Innes, (512) 239-4593; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(14) COMPANY: Moore Station Water Supply Corporation; DOCKET NUMBER: 2026-0491-MLM-E; IDENTIFIER: RN101231256; LOCATION: LaRue, Henderson County; TYPE OF FACILITY: public water supply; PENALTY: $2,968; ENFORCEMENT COORDINATOR: Ronica Rodriguez, (512) 239-2510; REGIONAL OFFICE: 500 North Shoreline Boulevard, Suite 500, Corpus Christi, Texas 78401, REGION 14 - CORPUS CHRISTI.

(15) COMPANY: NAVARRO HOSPITAL, L.P.; DOCKET NUMBER: 2026-0817-PST-E; IDENTIFIER: RN102364874; LOCATION: Corsicana, Navarro County; TYPE OF FACILITY: underground storage tank system; PENALTY: $1,875; ENFORCEMENT COORDINATOR: Olivia Innes, (512) 239-4593; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(16) COMPANY: Quadvest, L.P.; DOCKET NUMBER: 2026-0594-MWD-E; IDENTIFIER: RN104810866; LOCATION: Hockley, Harris County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $46,751; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(17) COMPANY: RAVELO, ROBERTO; DOCKET NUMBER: 2025-1736-PST-E; IDENTIFIER: RN102034766; LOCATION: Mission, Hidalgo County; TYPE OF FACILITY: temporarily out-of-service underground storage tank; PENALTY: $10,590; ENFORCEMENT COORDINATOR: Eresha DeSilva, (713) 767-3669; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(18) COMPANY: Rolling Hills Water Service, Inc.; DOCKET NUMBER: 2026-0442-PWS-E; IDENTIFIER: RN101229177; LOCATION: Weatherford, Hood County; TYPE OF FACILITY: public water supply; PENALTY: $2,695; ENFORCEMENT COORDINATOR: Deshaune Blake, (210) 403-4033; REGIONAL OFFICE: 14250 Judson Road, San Antonio, Texas 78233-4480, REGION 13 - SAN ANTONIO.

(19) COMPANY: Sam Houston Area Council Boy Scouts of America; DOCKET NUMBER: 2026-0090-MWD-E; IDENTIFIER: RN109041632; LOCATION: Coldspring, San Jacinto County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $12,937; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(20) COMPANY: Southstar Communities, LLC; DOCKET NUMBER: 2026-0367-MWD-E; IDENTIFIER: RN111244927; LOCATION: New Braunfels, Comal County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $37,375; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(21) COMPANY: Southwestern Bell Telephone Company, LLC; DOCKET NUMBER: 2026-0797-PST-E; IDENTIFIER: RN102462702; LOCATION: Dallas, Dallas County; TYPE OF FACILITY: underground storage tank system; PENALTY: $1,875; ENFORCEMENT COORDINATOR: Olivia Innes, (512) 239-4593; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(22) COMPANY: Thomas Lynn Murphy; DOCKET NUMBER: 2026-0789-WR-E; IDENTIFIER: RN112471750; LOCATION: Oakwood, Leon County; TYPE OF FACILITY: private property; PENALTY: $1,500; ENFORCEMENT COORDINATOR: Logan Thompson, (512) 239-4576; REGIONAL OFFICE: 12100 Park 35 Circle, Austin, Texas 78753, CENTRAL OFFICE - AUSTIN.

(23) COMPANY: Undine Texas Environmental, LLC; DOCKET NUMBER: 2026-0656-MWD-E; IDENTIFIER: RN102076239; LOCATION: Houston, Brazoria County; TYPE OF FACILITY: wastewater treatment facility; PENALTY: $80,500; ENFORCEMENT COORDINATOR: Samantha Smith, (512) 239-2099; REGIONAL OFFICE: 5425 Polk Street, Suite H, Houston, Texas 77023-1452, REGION 12 - HOUSTON.

(24) COMPANY: Woodmere Development Co., Ltd; DOCKET NUMBER: 2026-0682-WR-E; IDENTIFIER: RN112340583; LOCATION: Rosenberg, Fort Bend County; TYPE OF FACILITY: impoundment; PENALTY: $1,500; ENFORCEMENT COORDINATOR: Adriana Fuentes, (956) 425-6010; REGIONAL OFFICE: 1804 West Jefferson Avenue, Harlingen, Texas 78550-5247, REGION 15 - HARLINGEN.

TRD-202604349
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: October 13, 2026

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Notice of District Petition - D-09142026-019

Notice issued October 13, 2026

TCEQ Internal Control No. D-09142026-019: Sealy 300, L.P. (Petitioner) filed a petition for creation of Austin County Municipal Utility District No. 7 (District) with the Texas Commission on Environmental Quality (TCEQ). The petition was filed pursuant to Article XVI, §59 of the Constitution of the State of Texas; Chapters 49 and 54 of the Texas Water Code; 30 Texas Administrative Code Chapter 293; and the procedural rules of the TCEQ. The petition states that: (1) the Petitioner holds a majority in value of the land to be included in the proposed District; (2) there are no lienholders on the property to be included in the proposed District; (3) the proposed District will contain approximately 300.00 acres located within Austin County, Texas; and (4) the District is entirely outside the extraterritorial jurisdiction of any city. The petition further states that the proposed District will: (1) purchase, construct, acquire, maintain, own, operate, repair, improve and extend a water works and wastewater system for residential and commercial purposes; (2) construct, acquire, improve, extend, maintain, and operate works, improvements, facilities, plants, equipment, and appliances helpful or necessary to provide more adequate drainage for the proposed District; (3) control, abate, and amend local storm waters or other harmful excesses of waters; and (4) purchase, construct, acquire, improve, maintain, and operate such additional facilities, systems, plants, and enterprises, road facilities, and park and recreational facilities as shall be consistent with all of the purposes for which the proposed District is created. According to the petition, a preliminary investigation has been made to determine the cost of the project, and it is estimated by the Petitioner that the cost of said project will be approximately $91,400,000 ($50,200,000 for water, wastewater, and drainage, plus $41,200,000 for roads).

INFORMATION SECTION

To view the complete issued notice, view the notice on our website at www.tceq.texas.gov/agency/cc/pub_notice.html or call the Office of the Chief Clerk at (512) 239-3300 to obtain a copy of the complete notice. When searching the website, type in the issued date range shown at the top of this document to obtain search results. The TCEQ may grant a contested case hearing on the petition if a written hearing request is filed within 30 days after the newspaper publication of the notice. To request a contested case hearing, you must submit the following: (1) your name (or for a group or association, an official representative), mailing address, daytime phone number, and fax number, if any; (2) the name of the Petitioner and the TCEQ Internal Control Number; (3) the statement "I/we request a contested case hearing"; (4) a brief description of how you would be affected by the petition in a way not common to the general public; and (5) the location of your property relative to the proposed District's boundaries. You may also submit your proposed adjustments to the petition. Requests for a contested case hearing must be submitted in writing to the Office of the Chief Clerk at the address provided in the information section below. The Executive Director may approve the petition unless a written request for a contested case hearing is filed within 30 days after the newspaper publication of this notice. If a hearing request is filed, the Executive Director will not approve the petition and will forward the petition and hearing request to the TCEQ Commissioners for their consideration at a scheduled Commission meeting. If a contested case hearing is held, it will be a legal proceeding similar to a civil trial in state district court. Written hearing requests should be submitted to the Office of the Chief Clerk, MC 105, TCEQ, P.O. Box 13087, Austin, Texas 78711-3087. For information concerning the hearing process, please contact the Public Interest Counsel, MC 103, at the same address. For additional information, individual members of the general public may contact the Districts Review Team, at (512) 239-4691. Si desea información en español, puede llamar al (512) 239-0200. General information regarding TCEQ can be found at our website at www.tceq.texas.gov.

TRD-202604364
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 14, 2026

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Notice of Opportunity to Comment on a Default Order of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Default Order (DO). The commission staff proposes a DO when the staff has sent the Executive Director's Preliminary Report and Petition (EDPRP) to an entity outlining the alleged violations; the proposed penalty; the proposed technical requirements necessary to bring the entity back into compliance; and the entity fails to request a hearing on the matter within 20 days of its receipt of the EDPRP or requests a hearing and fails to participate at the hearing. Similar to the procedure followed with respect to Agreed Orders entered into by the executive director of the commission, in accordance with Texas Water Code (TWC), §7.075, this notice of the proposed order and the opportunity to comment is published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 24, 2026**. The commission will consider any written comments received, and the commission may withdraw or withhold approval of a DO if a comment discloses facts or considerations that indicate that consent to the proposed DO is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction, or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed DO is not required to be published if those changes are made in response to written comments.

A copy of the proposed DO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the DO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed DO's identifying information, such as its docket number. Written comments about the DO should be sent to the attorney designated for the DO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on November 24, 2026**. The commission's attorneys are available to discuss the DO and/or the comment procedure at the listed phone number; however, TWC, §7.075, provides that comments on the DO shall be submitted to the commission in **writing**.

(1) COMPANY: Denien Marie Jensen and Francis Barron; DOCKET NUMBER: 2024-1743-MLM-E; TCEQ ID NUMBER: RN111088571; LOCATION: 484 Ridgewood Drive West, Hemphill, Sabine County; TYPE OF FACILITY: an unauthorized municipal solid waste disposal site; PENALTY: $7,646; STAFF ATTORNEY: Marilyn Norrod, Litigation, MC 175, (512) 239-5916; REGIONAL OFFICE: Beaumont Regional Office, 3870 Eastex Freeway, Beaumont, Texas 77703-1830, (409) 898-3838.

TRD-202604351

Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: October 13, 2026

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Notice of Opportunity to Comment on Agreed Orders of Administrative Enforcement Actions

The Texas Commission on Environmental Quality (TCEQ or commission) staff is providing an opportunity for written public comment on the listed Agreed Orders (AOs) in accordance with Texas Water Code (TWC), §7.075. TWC, §7.075, requires that before the commission may approve the AOs, the commission shall allow the public an opportunity to submit written comments on the proposed AOs. TWC, §7.075, requires that notice of the opportunity to comment must be published in the *Texas Register* no later than the 30th day before the date on which the public comment period closes, which in this case is **November 24, 2026**. TWC, §7.075, also requires that the commission promptly consider any written comments received and that the commission may withdraw or withhold approval of an AO if a comment discloses facts or considerations that indicate that consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the statutes and rules within the commission's jurisdiction or the commission's orders and permits issued in accordance with the commission's regulatory authority. Additional notice of changes to a proposed AO is not required to be published if those changes are made in response to written comments.

A physical copy of the proposed AO is available for public inspection at both the commission's central office, located at 12100 Park 35 Circle, Building A, 3rd Floor, Austin, Texas 78753, (512) 239-3400 and at the applicable regional office listed as follows. Additionally, copies of the proposed AO can be found online by using either the Chief Clerk's eFiling System at https://www.tceq.texas.gov/goto/efilings or the TCEQ Commissioners' Integrated Database at https://www.tceq.texas.gov/goto/cid, and searching either of those databases with the proposed AO's identifying information, such as its docket number. Written comments about an AO should be sent to the attorney designated for the AO at the commission's central office at P.O. Box 13087, MC 175, Austin, Texas 78711-3087 and must be **received by 5:00 p.m. on November 24, 2026**. The designated attorneys are available to discuss the AOs and/or the comment procedure at the listed phone numbers; however, TWC, §7.075, provides that comments on an AO shall be submitted to the commission in **writing**.

(1) COMPANY: MAKHANI ENTERPRISES INC; DOCKET NUMBER: 2024-0114-PST-E; TCEQ ID NUMBER: RN101473767; LOCATION: 2349 North Main Street, Junction, Kimble County; TYPE OF FACILITY: an underground storage tank system and a convenience store with retail sales of gasoline; PENALTY: $4,876; STAFF ATTORNEY: A'twar Wilkins, Litigation, MC 175, (512) 239-6515; REGIONAL OFFICE: San Angelo Regional Office, 622 South Oakes, Suite K, San Angelo, Texas 76903-7035, (325) 655-9479.

(2) COMPANY: MOUNTAIN BREEZE, L.L.C.; DOCKET NUMBER: 2023-1313-PWS-E; TCEQ ID NUMBER: RN101202505; LOCATION: 9250 River Road near New Braunfels, Comal County; TYPE OF FACILITY: a public water supply; PENALTY: $9,358; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

(3) COMPANY: MOUNTAIN BREEZE, L.L.C.; DOCKET NUMBER: 2025-1567-PWS-E; TCEQ ID NUMBER: RN101202505; LOCATION: 9250 River Road near New Braunfels, Comal County; TYPE OF FACILITY: a public water system; PENALTY: $6,190; STAFF ATTORNEY: Taylor Pack Ellis, Litigation, MC 175, (512) 239-6860; REGIONAL OFFICE: San Antonio Regional Office, 14250 Judson Road, San Antonio, Texas 78233-4480, (210) 490-3096.

TRD-202604350
Gitanjali Yadav
Deputy Director, Litigation Division
Texas Commission on Environmental Quality
Filed: October 13, 2026

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Notice of Water Quality Application - WQ0011824002 Minor Amendment

The following notice was issued on October 14, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE IN THE *TEXAS REGISTER.*

INFORMATION SECTION

Northwest Harris County Municipal Utility District No. 5 has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0011824002 to add an Interim II phase that authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 1,250,000 gallons per day. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 2,500,000 gallons per day. The facility is located at 15342 ½ Grant Road, in Harris County, Texas 77429.

TRD-202604363
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 14, 2026

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Notice of Water Quality Application - WQ0014254001 Minor Amendment

The following notice was issued on October 6, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (10) DAYS FROM THE DATE THIS NOTICE IS MAILED.

INFORMATION SECTION

Pine Cove, Inc. has applied for a minor amendment of TCEQ Permit No. WQ0014254001 which authorizes the disposal of treated domestic wastewater at a daily average flow the disposal of treated domestic wastewater at a daily average flow not to exceed 0.15 million gallons per day (MGD) via non-public access surface irrigation system with a minimum area of 54 acres. This permit will not authorize a discharge of pollutants into water in the state. The wastewater treatment facility and disposal site are located 0.2 miles south of the intersection of County Road 1133 and Farm-to-Market Road 2661, in Smith County, Texas 75762.

TRD-202604360

Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 14, 2026

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Notice of Water Quality Application - WQ0016011001 Minor Amendment

The following notice was issued on October 13, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS PUBLISHED IN THE *TEXAS REGISTER.*

INFORMATION SECTION

Fort Bend County Municipal Utility District No. 222 has applied for a minor amendment to Texas Pollutant Discharge Elimination System Permit No. WQ0016011001 to increase a daily average flow from 400,000 gallons per day (gpd) to 600,000 gpd in the Interim II phase. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 1,500,000 gpd. The facility will be located approximately 0.64 mile northeast of the intersection of Farm-to-Market Road 359 and Jordan Road in Fort Bend County, Texas 77423.

TRD-202604362
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 14, 2026

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Notice of Water Quality Application - WQ0016043001 Minor Amendment

The following notice was issued on October 12, 2026:

The following notice does not require publication in a newspaper. Written comments or requests for a public meeting may be submitted to the Office of the Chief Clerk, Mail Code 105, P.O. Box 13087, Austin, Texas 78711-3087 WITHIN (30) DAYS FROM THE DATE THIS NOTICE IS PUBLISHED IN THE *TEXAS REGISTER*.

INFORMATION SECTION

The Texas Commission on Environmental Quality has initiated a minor amendment of the Texas Pollutant Discharge Elimination System Permit No. WQ0016043001 issued to City of Anna, P.O. Box 776, Anna, Texas 75409, to correct the disinfection system from chlorine to ultraviolet light. The existing permit authorizes the discharge of treated domestic wastewater at an annual average flow not to exceed 16,000,000 gallons per day. The facility is located approximately 1.56 miles west of the intersection of the Collin County Outer Loop and U.S. Highway 75 in Collin County, Texas 75409.

TRD-202604361
Laurie Gharis
Chief Clerk
Texas Commission on Environmental Quality
Filed: October 14, 2026

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Texas Health and Human Services Commission

Public Notice: Amendment to the Texas State Plan for the Children's Health Insurance Program

The Texas Health and Human Services Commission (HHSC) announces its intent to submit transmittal number 26-0021 to amend the Texas State Plan for the Children's Health Insurance Program (CHIP State Plan), under Title XXI of the Social Security Act.

The purpose of this amendment is to comply with statutory changes made by section 71109 of the Working Families Tax Cut legislation (WFTC), Public Law 119-21, which restricts federal financial participation for CHIP to:

- U.S. citizens and U.S. nationals,

- Lawful permanent residents,

- Cuban/Haitian entrants, and

- Compact of Free Association (COFA) migrants.

Beginning October 1, 2026, a person must be in one of the federal financial participation-eligible groups listed above to receive full CHIP benefits. Changes to the CHIP State Plan are made in accordance with sections 1903(v)(5) and 2107(e)(1)(R) of the Social Security Act (Act), as added and amended by section 71109 of the WFTC.

Under the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA) 214 option, Texas has elected to provide full CHIP (up to age 19) to eligible lawfully residing children. Full CHIP coverage provided under the CHIPRA 214 option is excepted from the federal financial participation limitations imposed under sections 1903(v)(5) and 2107(e)(1)(R) of the Act; therefore, these children continue to qualify for full CHIP in Texas provided all other eligibility criteria are met.

The proposed amendment is effective October 1, 2026.

To obtain copies of the proposed amendment, interested parties may contact Jayasree Sankaran, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-4331; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Copies of the proposal will also be made available for public view at the local offices of the Texas Health and Human Services Commission.

TRD-202604354
Nycia Deal
Chief Counsel
Texas Health and Human Services Commission
Filed: October 13, 2026

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Public Notice - Texas State Plan for Medical Assistance Amendment

The Texas Health and Human Services Commission (HHSC) announces its intent to submit amendments to the Texas State Plan for Medical Assistance under Title XIX of the Social Security Act. The proposed amendments will be effective September 1, 2027.

The purpose of the amendments is to update the reimbursement methodology in the current state plan by establishing an alternative payment methodology, setting the minimum Medicaid Rural Health Clinic (RHC) encounter rate equal to the Medicare RHC all-inclusive rate payment limit.

Rural Health Clinic Services

The proposed amendment is estimated to result in an aggregate expenditure of $45,183 for federal fiscal year 2027 covering September 1, 2027, through September 30, 2027, consisting of $26,640 in federal

funds and $18,543 in state general revenue. For federal fiscal year 2028, the estimated aggregate expenditure is $542,750 covering October 1, 2027, through September 30, 2028, consisting of $320,024 in federal funds and $222,726 in state general revenue. For federal fiscal year 2029, the estimated annual aggregate expenditure is $549,366, consisting of $324,126 in federal funds and $225,240 in state general revenue. For state fiscal year 2030, the estimated annual aggregate expenditure is $556,241, consisting of $328,182 in federal funds and $228,059 in state general revenue.

Under the proposed alternative payment methodology, RHCs with Medicaid encounter rates below the Medicare RHC all-inclusive rate payment limit may receive an increase to the minimum rate if they agree to it. RHCs with encounter rates equal to or greater than the RHC all-inclusive rate payment limit will continue to receive their existing rates. The proposed amendment establishes an Alternate Payment Method (APM) reimbursement floor based on the Medicare RHC all-inclusive rate payment limit updated annually.

A Rate Hearing will be conducted online to propose specific rate changes and accept public testimony. Information about the proposed rate changes and hearings will be published in a subsequent issue of the *Texas Register*.

Copy of Proposed Amendment. Interested parties may obtain additional information and/or a free copy of the proposed amendment by contacting Jayasree Sankaran, State Plan Coordinator, by mail at the Health and Human Services Commission, P.O. Box 13247, Mail Code H-600, Austin, Texas 78711; by telephone at (512) 438-4331; or by email at Medicaid_Chip_SPA_Inquiries@hhsc.state.tx.us. Once submitted to the Centers for Medicare and Medicaid Services for approval, copies of the proposed amendment will be available for review at the HHSC Access and Eligibility Services for local benefit offices.

Written Comments. Written comments about the proposed amendment and/or requests to review comments may be sent by U.S. mail, overnight mail, special delivery mail, hand delivery, fax, or email:

U.S. Mail

Texas Health and Human Services Commission

Attention: Provider Finance Department

Mail Code H-400

P.O. Box 149030

Austin, Texas 78714-9030

Overnight mail, special delivery mail, or hand delivery

Texas Health and Human Services Commission

Attention: Provider Finance Department

North Austin Complex

Mail Code H-400

4601 W. Guadalupe St.

Austin, Texas 78751

Phone number for package delivery: (512) 730-7401

Fax

Attention: Provider Finance at (512) 730-7475

Email

PFD_Hospitals@hhs.texas.gov

Preferred Communication.

If possible, please use email or phone to communicate with HHSC about this state plan amendment for the quickest response.

TRD-202604353
Nycia Deal
Chief Counsel
Texas Health and Human Services Commission
Filed: October 13, 2026

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Department of State Health Services

Notice of Public Hearing on Proposed Updates to Medicaid and Non-Medicaid Payment Rates

The Texas Health and Human Services Commission (HHSC) will conduct a public hearing on November 20, 2026, at 9:00 am, to receive public comments on proposed updates to Calendar Fee Review, Medical Policy Review, Quarterly HCPCS Updates, Special Review Updates, and Long-Term Services and Supports (LTSS) Updates.

This hearing will be conducted as an in-person and online event. To join the hearing from your computer, tablet, or smartphone, register for the hearing in advance using the following link:

Registration URL:

https://attendee.gotowebinar.com/register/8054610326404374622

After registering, you will receive a confirmation email containing information about joining the webinar. Instructions for dialing-in by phone will be provided after you register.

Members of the public may attend the rate hearing in person, which will be held in the Public Hearing Room M-100 in the Robert D. Moreton Building located at 1100 West 49th Street, Austin, Texas, or they may access a live stream of the meeting at https://hhs.texas.gov/about-hhs/communications-events/live-archived-meetings. For the live stream, select the "Moreton M-100 Live" tab. A recording of the hearing will be archived and accessible on demand at https://www.hhs.texas.gov/about/live-archived-meetings under the "Archived" tab. The hearing will be held in compliance with Texas Human Resources Code section 32.0282, which requires public notice of and hearings on proposed Medicaid reimbursements.

If attending the public hearing in person, visitor parking for the Robert D. Moreton building can be found on the 2nd and higher floors of state parking garage H. This garage is located just southeast of the Robert D. Moreton building and west of the Brown-Heatly building.

Any updates to the hearing details will be posted on the HHSC website at https://www.hhs.texas.gov/about/meetings-events.

Proposal. The effective date of the proposed payment rates for the topics presented during the rate hearing will be as follows:

Effective July 1, 2026

Long-Term Services and Supports (LTSS)

-Non-Medical Transportation (NMT) rates for the Youth Empowerment Services (YES) and Home and Community-Based Services - Adult Mental Health Program (HCBS-AMH) Programs

Special Review

-Medical Transportation Program (MTP) / Individual Transportation Participant (ITP)

Effective October 1, 2026

Medical Policy

-Health and Behavior Assessment and Intervention (HBAI) Clean-up: 96170 & 96171

Effective January 1, 2027

Long-Term Services and Supports (LTSS)

-Employment services rates for YES and HCBS-AMH waiver programs

Effective March 1, 2027

Calendar Fee Review

-Anesthesia

-Ambulatory Surgical Center - Hospital-based Ambulatory Surgical Center

-Ambulatory Surgical Center - Hospital-based Ambulatory Surgical Center Not Covered by Medicare

-Birthing Centers

-Clinical Diagnostic Labs

-Clinical Diagnostic Labs - Gapfill

-General and Integumentary System Surgery

-Nervous System Surgery

-Ophthalmological Services

-Physician Administered Drugs - NDCX

-Physician Administered Drugs - Non-Oncology

-Physician Administered Drugs - Oncology

-Physician Administered Drugs - Vaccines & Toxoids

-Respiratory Therapist

Quarterly HCPCS Updates

-Q1 HCPCS Drugs

-Q1 HCPCS TOS 1 Non-Drugs

-Q1 HCPCS TOS 2

-Q1 HCPCS TOS 5 (Clinical Lab)

-Q1 HCPCS TOS 9

-Q1 HCPCS TOS F (ASC)

-Q2 HCPCS Drugs

-Q2 HCPCS TOS 2

Special Review

-Peer Specialist - TOS 3

-Blind Children's Program

Methodology and Justification. The proposed payment rates were calculated in accordance with Title 1 of the Texas Administrative Code:

Section 355.8023 - Reimbursement Methodology for Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS);

Section 355.8061 - Outpatient Hospital Reimbursement;

Section 355.8085 - Reimbursement Methodology for Physicians and Other Practitioners;

Section 355.8089 - In-home Respiratory Therapy Services for Ventilator-Dependent Persons;

Section 355.8121 - Reimbursement to Ambulatory Surgical Centers (ASCs);

Section 355.8181 - Birthing Center Reimbursement;

Section 355.8221 - Reimbursement Methodology [for a Certified Registered Nurse Anesthetist (CRNA)];

Section 355.8441 - Reimbursement Methodologies for Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Services (also known as Texas Health Steps);

Section 355.8610 - Reimbursement for Clinical Laboratory Services;

Section 355.9060 - Reimbursement Methodology for the Youth Empowerment Services Waiver Program; and

Section 355.9070 - Reimbursement Methodology for Home and Community-Based Services - Adult Mental Health Program.

Rate Hearing Packet. A briefing packet describing the proposed payment rates will be made available at https://pfd.hhs.texas.gov/rate-packets on or before November 9, 2026. Interested parties may obtain a copy of the briefing packet on or after that date by contacting Provider Finance by telephone at (512) 730-7401; by fax at (512) 730-7475; or by e-mail at PFDAcuteCare@hhs.texas.gov.

Written Comments. Written comments regarding the proposed payment rates may be submitted in lieu of, or in addition to, oral testimony until 5:00 p.m. the day of the hearing. Written comments may be sent by U.S. mail to the Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, P.O. Box 149030, Austin, Texas 78714-9030; by fax to Provider Finance at (512) 730-7475; or by e-mail to PFDAcuteCare@hhs.texas.gov. In addition, written comments may be sent by overnight mail to Texas Health and Human Services Commission, Attention: Provider Finance, Mail Code H-400, North Austin Complex, 4601 Guadalupe St, Austin, Texas 78751.

Preferred Communication. For quickest response please use e-mail or phone if possible for communication with HHSC related to this rate hearing.

Persons with disabilities who wish to participate in the hearing and require auxiliary aids or services should contact Provider Finance at (512) 730-7401 at least 72 hours before the hearing so appropriate arrangements can be made.

TRD-202604358
Nycia Deal
Chief Counsel
Department of State Health Services
Filed: October 13, 2026

♦ ♦ ♦

Texas Department of Insurance

Correction of Error

The Texas Department of Insurance (TDI) adopted amendments to 28 TAC §5.9970 and §5.9971 in the October 2, 2026, issue of the *Texas Register* (51 TexReg 6949). Because of an error by TDI, the table of contents in Figure 1: 28 TAC §5.9971(b) inadvertently included the incorrect title for #23 (Protections from discrimination), so it does not match the proper title for #23 included in the body of the figure. The table of contents should read as follows:

"23. Use of credit information to determine what you pay for your policy……7"

The corrected figure is as follows:

CONSUMER BILL OF RIGHTS

Homeowners, Dwelling, and Renters Insurance

What is the Bill of Rights?

It is a basic outline of important rights you have under Texas law. Insurance companies must give you this Bill of Rights with your policy. It is important to read and understand your policy.

The Bill of Rights is <u>not</u>:

- A complete list of all your rights,
- Part of your policy, or
- A list of everything that you are responsible for.

Questions about these rights?

- If you are not sure about anything in your policy, ask your agent or insurance company.
- If you have questions or a complaint, contact the Texas Department of Insurance (TDI) at:

  Call with a question: 1-800-252-3439
  Email with a question: ConsumerProtection@tdi.texas.gov
  File a complaint through the website:
  www.tdi.texas.gov/consumer/get-help-with-an-insurance-complaint.html

- To learn more about insurance, visit www.opic.texas.gov or call the Office of Public Insurance Counsel (OPIC) at 1-877-611-6742.

AVISO: Este documento es un resumen de sus derechos como asegurado. Tiene derecho a llamar a su compañía de seguros y obtener una copia de estos derechos en español. Además, puede ser que su compañía de seguros tenga disponible una versión de su póliza en español.

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Where to Get Information

1. **Your insurance company.** When you get a copy of your policy you will also get an "Important Notice" from the company. The notice explains how to contact your company and how to file a complaint. You may request a complete copy of your policy from your company at any time.

2. **Your declarations page.** The declarations page, also called the "dec page," shows: (a) the name and address of your insurance company, (b) the location of the insured property, (c) the dates your policy is in effect, and (d) the amounts and types of coverage.

   Your company must list the exact dollar amount of each deductible in your policy. The declarations page, or a separate page, must also list any part of your policy that changes any deductible amount.

3. **The Texas Department of Insurance (TDI).** You have the right to call TDI for free at 1-800-252-3439 for information and help with a complaint against an insurer. You can also find information on the TDI website at www.tdi.texas.gov.

4. **Resources for shopping for insurance.** The Office of Public Insurance Counsel (OPIC) and TDI developed www.HelpInsure.com to help you compare rates and coverages for different insurance companies. OPIC also has an online tool to help you compare policies. You can find this policy comparison tool at www.opic.texas.gov.

What You Should Know When You File a Claim

5. **Deadlines for processing claims and payments for your damages.** You should file your claim with your insurance company as soon as possible. When you file a claim for your damages on your own policy, the insurance company must meet these deadlines:

   - **Within 15 days after you file a claim:** The company must let you know they received your claim. The company must also start their investigation and ask you for any other information they need.
   - **Within 15 business days after they get all the information they need:** The company must approve or deny your claim in writing. They can extend this deadline up to **45 days** from the date they: (a) let you know they need more time, and (b) tell you why.
   - **Within 5 business days after they let you know your claim is approved:** The company must pay the claim.

   Note: TDI can extend these deadlines by 15 more days if there is a weather-related catastrophe.

   If your company fails to meet these deadlines, you may be able to collect the claim amount, interest, and attorney's fees.

6. **Written explanation of claim denial.** Your insurance company must tell you in writing why your claim or part of your claim was denied.

7. **Reasonable investigation.** Your insurance company cannot refuse to pay your claim without a reasonable investigation of the claim. You should keep records of all claim communications (including notes from phone calls) and other claim documentation (including damage estimates and receipts).

8. **Information not required for processing your claim.** Your insurance company can only ask for information reasonably needed for their claim investigation. However, they cannot ask for your federal income tax returns unless: (a) they get a court order, or (b) your claim involves a fire loss, loss of profits, or lost income.

9. **Right to contract with a public insurance adjuster.** Your insurer cannot include a provision in your policy that prohibits you from contracting with a licensed public insurance adjuster to act on your behalf in negotiating for or effecting the settlement of a claim.

10. **Appraisal.** You or your insurance company have the right to demand appraisal to resolve a dispute about the amount to repair or replace your damaged property.

11. **Release of claim payments from lenders.** Often an insurance company will make a claim payment to you and your lender. If your lender gets the payment:

    - **No later than 10 days after receiving it they must:** (a) notify you, and (b) tell you what you must do so the money can be released.
    - **No later than 10 days after you ask for the money, they must:** (a) send the money to you, or (b) tell you how to get the money released.

    If your lender does not: (a) provide the notices mentioned above, or (b) pay the money after all the requirements have been met, the lender must pay you interest on the money.

12. **Notice of liability claim settlement.** Liability means you are responsible for other people's injuries or damage to their property. Your insurance company must let you know in writing:

    - About the first offer to settle a claim against you within **10 days** after the offer is made.
    - About any claim settled against you within **30 days** after the date of the settlement.

Who to Contact for Claim Disagreements

13. **Claim disagreements.** You can dispute the amount of your claim payment or what is covered under your policy. You can:

    - Contact your insurance company.
    - Contact an attorney to advise you of your rights under the law. The State Bar of Texas can help you find an attorney.

- Pay a licensed public adjuster to review the damage and handle the claim.
- File a complaint with TDI.

What You Should Know about Renewal, Cancellation, and Nonrenewal

Renewal means that your insurance company is extending your policy for another term.

Cancellation means that, **before the end of the policy period**, the insurance company:

- Terminates the policy;
- Gives you less coverage or limits your coverage; or
- Refuses to give additional coverage that you are entitled to under the policy.

"Refusal to renew" and **"nonrenewal"** are terms that mean your coverage ends **at the end of the policy period**. The policy period is shown on the declarations page of your policy.

14. **Notice of premium increase.** If your insurance company plans to increase your premium by 10% or more on renewal, your company must send you notice of the rate increase at least **30 days** before your renewal date.

15. **Insurance company cancellation of homeowners policies.** If your homeowners policy has been in effect for **60 days or more**, your company can only cancel your policy if:

    - You don't pay your premium when it is due;
    - You file a fraudulent claim;
    - There is an increase in the risk covered by the policy that is: (a) within your control, and (b) would make your premium go up; or
    - TDI decides that keeping the policy violates the law.

    If your policy has been in effect for **less than 60 days**, your company can only cancel your policy if:

    - One of the reasons listed above applies;
    - They reject a required inspection report within **10 days** after getting the report. The report must be done by a licensed or authorized inspector and cannot be more than 90 days old; or
    - They find something that creates an increase in risk that you did not include in your application and is not related to a prior claim.

16. **Insurance company cancellation of other residential property policies.** After your policy has been in effect for **90 days**, your company can only cancel your policy if:

    - You don't pay your premium when it is due;
    - You file a fraudulent claim;
    - There is an increase in the risk covered by the policy that is: (a) within your control, and (b) would make your premium go up; or

- TDI decides that keeping the policy violates the law.

17. **Notice of cancellation.** If your insurance company cancels your policy, they must let you know by mail at least **10 days** before the effective date of the cancellation. Check your policy because your company may give you more than 10 days' notice.

18. **Your right to cancel.** You can cancel your policy at any time and get a refund of the unearned premium.

19. **Refund of premium.** If you or your insurance company cancel your policy, the company must refund any unearned premium within 15 business days from:

    - the date the company receives notice of the cancellation; or
    - the date of cancellation, whichever is later.

20. **Limits on using claims history for nonrenewal.** Your insurance company cannot refuse to renew your policy based on claims for damage from natural causes, including weather-related damage, or claims that are filed but not paid or payable under the policy.

    Appliance-related water damage claims. Your insurance company cannot refuse to renew your policy based on an appliance-related water damage claim if:

    - The damage has been properly repaired or remediated; and
    - The repair or remediation was inspected and certified.

    However, your insurance company may refuse to renew your policy based on appliance-related water damage claims if:

    - Three or more claims were filed and paid (including a claim filed by a prior owner on your property); or
    - You (a) file 2 claims within a three-year period; and (b) after the second claim, your company gives you written notice that filing a third appliance-related claim could result in your policy not being renewed; and
    - You file a third claim.

    Claims other than appliance-related water damage claims. Your insurance company cannot refuse to renew your policy based on other claims unless:

    - You (a) file 2 claims within a three-year period; and (b) after the second claim, your company gives you written notice that filing a third claim could result in your policy not being renewed; and
    - You file a third claim.

21. **Limits on using claims history to increase premium.** Your insurance company cannot increase your premium based on claims for damage from natural causes, including weather-related damage, or claims that are filed but not paid or payable under your policy.

Appliance-related water damage claims. Your company cannot increase your premium based on a prior appliance-related water damage claim if:

- The damage has been properly repaired or remediated; and
- The repair or remediation was inspected and certified.

However, your insurance company may increase your premium based on prior appliance-related water damage claims if:

- Three or more claims were filed and paid (including a claim filed by a prior owner on your property).

Claims other than appliance-related water damage claims. Your insurance company cannot increase your premium based on other claims unless:

- You file 2 or more claims within a three-year period.

22. **Right to ask questions.** You can ask your insurance company a question about your policy. They cannot use your questions to deny, nonrenew, or cancel your coverage. Your questions also cannot be used to determine your premium.

    For example, you may ask:

    - General questions about your policy;
    - Questions about the company's claims filing process; and
    - Questions about whether the policy will cover a loss, unless the question is about damage: (a) that occurred, and (b) that results in an investigation or claim.

23. **Use of credit information to determine what you pay for your policy.** If your insurance company uses credit information to rate your policy:

    - The company must:
        - review and update the credit information considered in the rating of your policy not less than every 36-months; and
        - reassess policy rating and adjust premiums based on the updated credit information.
    - When credit information is used to take an action that results in an adverse effect to you, the company must:
        - use a credit report issued not more than 90 days before the policy is renewed; and
        - send you written or electronic notice of your right to request your policy be re-rated as indicated in the last bullet below.
    - You or your agent may request re-underwriting and re-rating of your insurance policy once in a 12-month period. If requested, your company must reassess your policy rating and adjust premiums at renewal based upon the current credit report or insurance score.

24. **Protections from discrimination.** An insurance company cannot refuse to insure you; limit the coverage you buy; refuse to renew your policy; or charge you a different rate based on your race, color, creed, country of origin, or religion.

25. **Widow classification for rating.** An insurance company may not charge an individual who is widowed or whose marital status otherwise reflects the death of a spouse a rate that is different from the rate that would be charged if the individual's marital status was married.

26. **Protection for low-value property.** An insurance company cannot refuse to renew your policy because the property value is low.

27. **Protection for older houses.** An insurance company cannot refuse to renew your policy based on the age of your property. However, they can refuse to renew your policy based on the condition of your property, including your plumbing, heating, air conditioning, wiring, or roof.

28. **Notice of nonrenewal.** Your insurance company must send you a notice that they are not renewing your policy. They must let you know at least **60 days** before your policy expires, or you can require them to renew your policy.

29. **Notice of a "material change" to your policy.** If your insurance company does not want to cancel or nonrenew your policy, but wants to make certain material changes, then they must explain the changes in writing at least **30 days** before the renewal date. Material changes include:

    - Giving you less coverage;
    - Changing a condition of coverage; or
    - Changing what you are required to do.

    Instead of a notice of "material change" a company may choose to not renew your existing policy. If so, the company has to send a nonrenewal letter, but may still offer you a different policy.

    Note: A company cannot reduce coverage during the policy period unless you ask for the change. If you ask for the change, the company does not have to send you a notice.

30. **Written statement of reasons for decision not to insure.** An insurance company must fully explain in writing the reasons for their decision not to insure you. This includes cancellation or nonrenewal.

TRD-202604356
Jessica Barta
General Counsel
Texas Department of Insurance
Filed: October 13, 2026

♦ ♦ ♦

Texas Department of Insurance, Division of Workers' Compensation

Adopted Fiscal Year 2027 Research Agenda

Workers' Compensation Research and Evaluation Group

Introduction

The commissioner of workers' compensation considers the Fiscal Year (FY) 2027 Research Agenda for the Workers' Compensation Research and Evaluation Group (REG) at the Texas Department of Insurance, Division of Workers' Compensation (DWC).

Texas Labor Code §405.0026 requires the REG to prepare a research agenda each year for the commissioner to review, approve, and publish in the *Texas Register*.

Labor Code §405.0025 requires the REG to conduct professional studies and research related to how effectively the workers' compensation system operates.

DWC published the proposed research agenda in the August 28, 2026, issue of the *Texas Register* (51 TexReg 5944) and sought public review and comment. DWC received no comments and no requests for a public hearing.

Order

It is ordered that the FY 2027 Research Agenda for the Workers' Compensation Research and Evaluation Group is adopted as follows:

1. An update of the study to estimate employer participation in the Texas workers' compensation system.

2. An update of injured employee access to medical care provided under the workers' compensation system, including an analysis of access to medical care through TDI-certified workers' compensation health care networks.

The REG will consider expanding the scope of the research projects or conducting more projects to accommodate stakeholder suggestions, subject to the resources and data available.

TRD-202604279
Kara Mace
General Counsel
Texas Department of Insurance, Division of Workers' Compensation
Filed: October 8, 2026

♦ ♦ ♦

Public Utility Commission of Texas

Deadline and Filing Instructions for Comments on the Petition of Josiah Plumley in Project No. 60376

On October 6, 2026, petitioner Josiah Plumley filed a petition for rulemaking in Project Number 59727. On October 7, 2026, Commission Staff filed a memo reassigning the petition to Project Number 60376.

The rulemaking petition requests the amendment of 16 TAC (Texas Administrative Code) §26.37 to allow Texas residents to register telephone numbers with non-Texas area codes on the Texas No-Call List. The petitioner argues that the current practice of limiting registration to Texas area codes is not required by statute, excludes many Texas residents from consumer protections against telemarketing calls, and fails to reflect modern number portability practices. The proposed amendment would permit any Texas resident to register a non-business phone number regardless of area code, provided they verify Texas residency with a residential address. The petition asks the Commission to initiate a rulemaking proceeding to adopt this change.

The deadline to file comments in this project is Friday, November 6, 2026. Comments may be filed through the interchange on the Commission's website at Filer Home. Interested persons may contact the commission via email at Katelyn.Lewis@puc.texas.gov with questions, however, Commission Staff notes that they are unable to publicly file comments sent via email on behalf of the public. All comments should reference Project Number 60376.

Please be aware that any personally identifiable or sensitive information, such as names or home addresses, included in your filing will be publicly available on the interchange, and that once a control number has been closed (at the conclusion of the project), information can no longer be redacted or removed.

TRD-202604340
Katelyn Lewis
Rules Coordinator
Public Utility Commission of Texas
Filed: October 12, 2026

♦ ♦ ♦

Notice of Application for Partial Relinquishment of Eligible Telecommunications Carrier and Eligible Telecommunications Provider Designations

Notice is given to the public of an application filed with the Public Utility Commission of Texas on October 8, 2026 by Frontier Southwest Incorporated to partially relinquish its designation as an eligible telecommunications carrier (ETC) and eligible telecommunications provider (ETP) in the State of Texas under 47 U.S.C. § 214(e) and 16 Texas Administrative Code §26.417 and §26.418.

Docket Title and Number: Petition of Frontier Southwest Incorporated for Partial Relinquish its Designation as an Eligible Telecommunications Carrier and Eligible Telecommunications Provider Designations, Docket No. 60379.

The petition: Frontier Southwest Incorporated requests to partially relinquish its designations as an ETC and ETP, effective February 1, 2027.

Persons who wish to comment on this application should notify the Public Utility Commission by October 29, 2026. Requests for further information should be mailed to the Public Utility Commission of Texas, P.O. Box 13326, Austin, Texas 78711-3326, or you may call the PUCT Office of Consumer Assistance at (512) 936-7120 or (888) 782-8477. Hearing- and speech-impaired individuals may contact the commission through Relay Texas at (800) 735-2989. All comments should reference Docket Number 60379.

TRD-202604332
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: October 9, 2026

♦ ♦ ♦

Notice of Application for True-Up of 2022 Federal Universal Service Fund Impacts to the Texas Universal Service Fund

Notice is given to the public of an application filed with the Public Utility Commission of Texas (commission) on August 31, 2026, for true-up of 2022 Federal Universal Service Fund (FUSF) Impacts to the Texas Universal Service Fund (TUSF).

Docket Title and Number: Application of Valley Telephone Cooperative, Inc. for True-Up of 2022 Federal Universal Service Fund Impacts to Texas Universal Service Fund, Docket Number 60191.

The Application: Valley Telephone Cooperative, Inc. filed a true-up in accordance with findings of fact 16 and 17 and ordering paragraphs 2, 4, and 5 of the Notice of Approval issued in Docket No. 58274, Application of Valley Telephone Cooperative, Inc. to Recover Funds from the TUSF Under PURA §56.025 and 16 TAC §26.406 for Calendar Year 2022. In that docket, the Commission determined that the Federal Communications Commission's actions were reasonably projected to reduce the amount that Valley Telephone received in FUSF revenue by $5,494,887 for calendar year 2022. It was also estimated that Valley Telephone would recover $499,044 of the projected FUSF revenue impact from rate increases implemented for the same time period. Valley Telephone's request to recover the remaining $4,995,843.57 from the TUSF for 2022 was approved. Ordering paragraphs 2, 4 and 5 of the Notice of Approval in Docket No. 58274 require Valley Telephone to file its final and actual FUSF impacts for 2022 by September 1, 2026, with detailed supporting documentation, and contain the requirements for potential over- or under-recovery from the TUSF. Valley Telephone states that the realized FUSF losses for 2022 were $4,995,843.57. Therefore, Valley Telephone states that no reconciliation need be made as a result of this true-up.

Persons wishing to intervene or comment on the action sought should contact the Commission by mail at P.O. Box 13326, Austin, Texas 78711-3326, or you may call the PUCT Consumer Protection Division at (512) 936-7120 or toll-free at (888) 782-8477. Hearing- and speech-impaired individuals may contact the commission through Relay Texas at (800) 735-2989. All comments should reference Docket Number 60191.

TRD-202604326
Andrea Gonzalez
Rules Coordinator
Public Utility Commission of Texas
Filed: October 9, 2026




TEXAS

How to Use the Texas Register

Information Available: The sections of the *Texas Register* represent various facets of state government. Documents contained within them include:

Governor - Appointments, executive orders, and proclamations.

Attorney General - summaries of requests for opinions, opinions, and open records decisions.

Texas Ethics Commission - summaries of requests for opinions and opinions.

Emergency Rules - sections adopted by state agencies on an emergency basis.

Proposed Rules - sections proposed for adoption.

Withdrawn Rules - sections withdrawn by state agencies from consideration for adoption, or automatically withdrawn by the Texas Register six months after the proposal publication date.

Adopted Rules - sections adopted following public comment period.

Texas Department of Insurance Exempt Filings - notices of actions taken by the Texas Department of Insurance pursuant to Chapter 5, Subchapter L of the Insurance Code.

Review of Agency Rules - notices of state agency rules review.

Tables and Graphics - graphic material from the proposed, emergency and adopted sections.

Transferred Rules - notice that the Legislature has transferred rules within the *Texas Administrative Code* from one state agency to another, or directed the Secretary of State to remove the rules of an abolished agency.

In Addition - miscellaneous information required to be published by statute or provided as a public service.

Specific explanation on the contents of each section can be found on the beginning page of the section. The division also publishes cumulative quarterly and annual indexes to aid in researching material published.

How to Cite: Material published in the *Texas Register* is referenced by citing the volume in which the document appears, the words "TexReg" and the beginning page number on which that document was published. For example, a document published on page 2402 of Volume 51 (2026) is cited as follows: 51 TexReg 2402.

In order that readers may cite material more easily, page numbers are now written as citations. Example: on page 2 in the lower-left hand corner of the page, would be written "51 TexReg 2 issue date," while on the opposite page, page 3, in the lower right-hand corner, would be written "issue date 51 TexReg 3."

How to Research: The public is invited to research rules and information of interest between 8 a.m. and 5 p.m. weekdays at the *Texas Register* office, James Earl Rudder Building, 1019 Brazos, Austin. Material can be found using *Texas Register* indexes, the *Texas Administrative Code* section numbers, or TRD number.

Both the *Texas Register* and the *Texas Administrative Code* are available online at: https://www.sos.texas.gov. The *Texas Register* is available in an .html version as well as a .pdf version through the internet. For website information, call the Texas Register at (512) 463-5561.

Texas Administrative Code

The *Texas Administrative Code (TAC*) is the compilation of all final state agency rules published in the *Texas Register*. Following its effective date, a rule is entered into the *Texas Administrative Code*. Emergency rules, which may be adopted by an agency on an interim basis, are not codified within the *TAC*.

The *TAC* volumes are arranged into Titles and Parts (using Arabic numerals). The Titles are broad subject categories into which the agencies are grouped as a matter of convenience. Each Part represents an individual state agency.

The complete *TAC* is available through the Secretary of State's website at http://www.sos.state.tx.us/tac.

The Titles of the *TAC*, and their respective Title numbers are:

1. Administration
4. Agriculture
7. Banking and Securities
10. Community Development
13. Cultural Resources
16. Economic Regulation
19. Education
22. Examining Boards
25. Health Services
28. Insurance
30. Environmental Quality
31. Natural Resources and Conservation
34. Public Finance
37. Public Safety and Corrections
40. Social Services and Assistance
43. Transportation

How to Cite: Under the *TAC* scheme, each section is designated by a *TAC* number. For example in the citation 1 TAC §91.1: 1 indicates the title under which the agency appears in the *Texas Administrative Code*; *TAC* stands for the *Texas Administrative Code*; §91.1 is the section number of the rule (91 indicates that the section is under Chapter 91 of Title 1; 1 represents the individual section within the chapter).

How to Update: To find out if a rule has changed since the publication of the current supplement to the *Texas Administrative Code*, please look at the *Index of Rules*.

The *Index of Rules* is published cumulatively in the blue-cover quarterly indexes to the *Texas Register*.

If a rule has changed during the time period covered by the table, the rule's *TAC* number will be printed with the *Texas Register* page number and a notation indicating the type of filing (emergency, proposed, withdrawn, or adopted) as shown in the following example.

TITLE 1. ADMINISTRATION
Part 4. Office of the Secretary of State
Chapter 91. Texas Register
1 TAC §91.1…….....950 *(P)*

SALES AND CUSTOMER SUPPORT

Sales - To purchase subscriptions or back issues, you may contact LexisNexis Sales at 1-800-223-1940 from 7 a.m. to 7 p.m., Central Time, Monday through Friday. Subscription cost is $1159 annually for first-class mail delivery and $783 annually for second-class mail delivery.

Customer Support - For questions concerning your subscription or account information, you may contact LexisNexis Matthew Bender Customer Support from 7 a.m. to 7 p.m., Central Time, Monday through Friday.

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Website: www.lexisnexis.com/printcdsc



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