ADOPTED RULES

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

TITLE 1. ADMINISTRATION

PART 10. DEPARTMENT OF INFORMATION RESOURCES

CHAPTER 201. GENERAL ADMINISTRATION

The Texas Department of Information Resources (department) adopts the repeal of 1 Texas Administrative Code Chapter 201 (Chapter 201), §§201.1 - 201.9, concerning General Administration, and its replacement with a new Chapter 201, §§201.1 - 201.10. These repeals and amendments are adopted without changes to the proposal as published in the September 18, 2026, edition of the *Texas Register* (51 TexReg 6317) and will not be republished.

The adopted amendments are the result of the department's statutory quadrennial rule review of this chapter and the Texas Regulatory Efficiency Office (TREO) regulatory efficiency review pursuant to Texas Government Code Chapter 465. The notice of rule review was published in the November 12, 2021, issue of the *Texas Register* (46 TexReg 7811). The proposed rules were published in the September 18, 2026, edition of the *Texas Register* (51 TexReg 6317).

This chapter applies to state agencies, specifically the department, and, in one section, institutions of higher education.

Comments Received by the Department

The department received no public comments on the proposed rule.

Description of Adopted Changes

The department adopts the repeal of the existing Chapter 201.

The department adopts the creation of the new Chapter 201, including §201.1, which clarifies existing specialized defined terms and their definitions required by the rule.

The department adopts §201.2, which establishes vendor protest rules in alignment with the requirements of Texas Government Code § 2155.076.

In §201.3, the department addresses the required adoption of the Texas Comptroller of Public Accounts' historically underutilized business rules by state agencies pursuant to Texas Government Code § 2161.003 and aligns its rules with veteran-owned business changes adopted by the Texas Comptroller of Public Accounts.

Section 201.4 is adopted consistent with the Office of Vehicle Fleet Management's management plan relating to the assignment and use of agency vehicles.

The department adopts §201.5, which establishes the administrative processes for the department's processing of compliance waivers from other state agencies, provides by rule the leave pool programs required by Texas Government Code Chapter 661, Subchapters A and A-1, and the process by which a department may accept a donation. Section 201.5 further establishes the department's strategic direction and incorporates by reference the conflict of interest standards required of department employees by law.

The department adopts §201.6, which establishes advisory committees required by statute as codified by House Bill 1500 [89th Legislative Session (Regular)].

Section 201.7 establishes by rule the contracts that must or may be approved by the department's governing body.

The department adopts §201.8 and §201.9, which address statutory requirements to establish administrative procedures for negotiated rulemaking and by which a member of the public may petition to adopt a rule.

Section 201.10 specifies the reports required for submission by an institution of higher education following September 1, 2014, as made necessary by Texas Government Code § 2054.1211.

1 TAC §§201.1 - 201.9

The department repeals the existing Chapter 201 pursuant to: Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054; Texas Government Code §2155.076, which requires state agencies to adopt rules consistent with the Texas Comptroller of Public Accounts' vendor protest resolution rules codified at 34 Texas Administrative Code §1.72 and include standards for maintaining documentation about the purchasing process used in event of a protest; Texas Government Code § 2161.003, which requires state agencies to adopt by rule the Texas Comptroller of Public Accounts' rules regarding Historically Underutilized Businesses; Texas Government Code § 2171.1045, which requires state agencies to adopt rules consistent with the Office of Fleet Vehicle Management's management plan; Texas Government Code § 2054.552(d), which requires the department to implement by rule employee requirements regarding contractual conflicts of interest; Texas Government Code §§ 2054.033 - 2054.0337, which requires the department to adopt rules establishing several advisory committees and their administration; Texas Government Code § 2054.521, which requires the department to define by rule a major outsourced contract; Texas Government Code Chapter 2008, which allows state agencies to participate in negotiated rulemaking; Texas Government Code § 2009.051, which allows a state agency engaging in alternative dispute resolution to adopt such procedures by rule; Texas Government Code § 2001.021, which requires a state agency to prescribe by rule the form for a petition to adopt a rule; and Texas Government Code § 2054.1211, which requires

the department to establish by rule which, if any, of the statutory reports an institution of higher education must complete after September 1, 2015.

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 30, 2026.

TRD-202604565
Virginia K. Hoelscher
General Counsel
Department of Information Resources
Effective date: November 19, 2026
Proposal publication date: September 18, 2026
For further information, please call: (512) 694-8312

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1 TAC §§201.1 - 201.10

The new Chapter 201 is adopted pursuant to: Texas Government Code § 2054.052(a), which authorizes the department to adopt rules as necessary to implement its responsibilities under Texas Government Code Chapter 2054; Texas Government Code § 2155.076, which requires state agencies to adopt rules consistent with the Texas Comptroller of Public Accounts' vendor protest resolution rules codified at 34 Texas Administrative Code §1.72 and include standards for maintaining documentation about the purchasing process used in event of a protest; Texas Government Code § 2161.003, which requires state agencies to adopt by rule the Texas Comptroller of Public Accounts' rules regarding Historically Underutilized Businesses; Texas Government Code § 2171.1045, which requires state agencies to adopt rules consistent with the Office of Fleet Vehicle Management's management plan; Texas Government Code § 2054.552(d), which requires the department to implement by rule employee requirements regarding contractual conflicts of interest; Texas Government Code §§ 2054.033 - 2054.0337, which requires the department to adopt rules establishing several advisory committees and their administration; Texas Government Code § 2054.521, which requires the department to define by rule a major outsourced contract; Texas Government Code Chapter 2008, which allows state agencies to participate in negotiated rulemaking; Texas Government Code § 2009.051, which allows a state agency engaging in alternative dispute resolution to adopt such procedures by rule; Texas Government Code § 2001.021, which requires a state agency to prescribe by rule the form for a petition to adopt a rule; and Texas Government Code § 2054.1211, which requires the department to establish by rule which, if any, of the statutory reports an institution of higher education must complete after September 1, 2015.

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.

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TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 74. CURRICULUM REQUIREMENTS

SUBCHAPTER BB. COMMISSIONER'S RULES CONCERNING HIGH SCHOOL GRADUATION

19 TAC §74.1025, §74.1027

The Texas Education Agency adopts amendments to §74.1025 and §74.1027, concerning high school graduation. The amendments are adopted without changes to the proposed text as published in the August 21, 2026 issue of the *Texas Register* (51 TexReg 5511) and will not be republished. The adopted amendments eliminate expiration provisions from §74.1025 and §74.1027 in alignment with statute.

REASONED JUSTIFICATION: Texas Education Code (TEC), §28.0258, requires each school district and open-enrollment charter school to establish an individual graduation committee for each 11th or 12th grade student who fails to perform satisfactorily on not more than two end-of-course (EOC) assessments. Statute requires the commissioner of education to adopt rules to establish alternative individual graduation committee members and a timeline for decisions by individual graduation committees. The provisions of TEC, §28.0258, were initially set to expire September 1, 2017. Senate Bill (SB) 463, 85th Texas Legislature, Regular Session, 2017, extended the expiration date to September 1, 2019, and added TEC, §28.02541.

TEC, §28.02541, allows certain former students--those who entered high school prior to the 2011-2012 school year and completed all curriculum requirements but did not perform satisfactorily on the required assessments--to qualify for a high school diploma. Before 2011, these students were required to perform satisfactorily on exit-level Texas Assessment of Knowledge and Skills assessments in English language arts, mathematics, science, and social studies. Earlier cohorts were subject to prior exit-level assessments, including the Texas Assessment of Academic Skills and the Texas Educational Assessment of Minimum Skills. Statute requires the commissioner to adopt rules to administer TEC, §28.02541. The provisions of TEC, §28.02541, were initially set to expire September 1, 2019.

SB 213, 86th Texas Legislature, Regular Session, 2019, subsequently extended the expiration dates for both TEC, §28.0258 and §28.02541, to September 1, 2023. In 2021, House Bill (HB) 1603, 87th Texas Legislature, Regular Session, removed the expiration dates from both statutes, making the provisions of TEC, §28.0258 and §28.02541, permanent.

Section 74.1025 establishes the procedures for determining whether a student may qualify to graduate and receive a high

school diploma based on an individual graduation committee (IGC) decision under TEC, §28.0258.

Section 74.1027 establishes the procedures for determining whether a student may qualify to graduate and receive a high school diploma under TEC, §28.02541.

The adopted amendments remove the expiration dates from §74.1025 and §74.1027 to align with HB 1603, 87th Texas Legislature, Regular Session, 2021.

In addition, obsolete references to the 2014-2015 and 2017-2018 school years were removed.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began August 21, 2026, and ended September 21, 2026. No public comments were received.

STATUTORY AUTHORITY. The amendments are adopted under TEC, §28.02541, which requires the commissioner of education to establish a procedure to determine whether certain students who entered Grade 9 before the 2011-2012 school year may qualify to graduate and receive a high school diploma; TEC, §28.0258, which requires each school district and open-enrollment charter school to establish an IGC for certain students who failed to perform satisfactorily on not more than two EOC assessments. This section requires the commissioner to adopt rules as necessary to implement the IGC requirement; and TEC, §28.0259, which requires the commissioner of education to adopt rules as necessary to implement the requirement for school districts to report through the Public Education Information Management System the number of district students each school year for whom an IGC was established and the number of students who were awarded a diploma based on the decision of an IGC.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §§28.02541, 28.0258, and 28.0259.

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 November 2, 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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CHAPTER 102. EDUCATIONAL PROGRAMS
SUBCHAPTER GG. COMMISSIONER'S RULES CONCERNING POSTSECONDARY PREPARATION PROGRAMS

19 TAC §102.1091

The Texas Education Agency (TEA) adopts an amendment to §102.1091, concerning college and career readiness school models. The amendment is adopted without changes to the proposed text as published in the September 4, 2026 issue of the *Texas Register* (51 TexReg 5968) and will not be republished. The adopted amendment updates Pathways in Technology Early College High School (P-TECH) programmatic requirements to align with the requirements of House Bill (HB) 2 and HB 120, 89th Texas Legislature, Regular Session, 2025, and provides clarifications to existing statutory provisions.

REASONED JUSTIFICATION: Section 102.1091 defines college and career readiness school models terms and establishes requirements related to the application, operation, notification, evaluation, and authority of Early College High School (ECHS) programs and P-TECH programs. The adopted amendment reflects updated College and Career Readiness School Models (CCRSM) programmatic guidance related to the new needs improvement process, which was implemented in the 2025-2026 school year, and reflects updated CCRSM blueprints that were released in June 2026. Revisions also reflect updated P-TECH Years 5 and 6 guidance aligned with the requirements in HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025. Specifically, the following provisions have been addressed.

New definitions in subsection (a) include terms related to ECHS and P-TECH programs that had not previously been defined in the commissioner rule and updates to programmatic requirements of the new needs improvement process. Changes in subsection (a) update the definition of a "CCRSM campus" to a "CCRSM program" to clarify that a CCRSM may operate as a school-within-a-school model and serve a subset of the campus student population.

Changes in subsection (b)(1)(A) prohibit a school district from applying for a new CCRSM planning program on any campus with a designated needs improvement program to ensure adequate district and campus capacity to support a needs improvement program before adding a new CCRSM program.

Changes in subsection (b)(1)(B) require that programs entering the CCRSM network as a result of a grant opportunity must complete the Program Application Cycle (PAC) to align programmatic planning expectations across programs that enter the network with or without grant funding.

Changes in subsection (b)(2)-(4) require that planning, provisional, designated, and designated with distinction programs complete the PAC by the deadline to ensure adequate time for processing applications and determining designation status.

Updates to subsection (c) require that needs improvement programs complete the PAC and needs improvement progress reports by the deadlines and participate in technical assistance to maintain designation status. The adopted requirements ensure needs improvement campuses participate in additional supports intended to improve outcomes-based measures (OBM) outcomes.

The updated format of new subsection (d) restructures the subsection for improved clarity.

Changes to subsection (e) add guidance and clarification on Public Education Information Management System (PEIMS) coding for CCRSM students to promote accurate reporting of data used to determine designation status, as established by CCRSM program blueprints.

Changes to subsection (f) update options available to approved CCRSM programs.

New subsection (g) adds guidance and requirements for P-TECH Years 5 and 6 programs related to eligibility criteria, PEIMS coding, dual credit benefits, and outcomes earned by Years 5 and 6 students to align with new legislative requirements established by HB 2 and HB 120, 89th Texas Legislature, Regular Session, 2025.

Changes to subsection (h) provide additional clarity on the OBM data sources and reports used to evaluate CCRSM programs to align with designation requirements as established by CCRSM program blueprints.

New subsection (i) establishes a process and requirements for districts that discontinue CCRSM program operations, including student transition support, coding requirements, and a mandatory wait period to rejoin the network to align with the new needs improvement process and updated CCRSM program blueprints.

The update to subsection (j) provides notice that noncompliance with the PAC deadline could result in the revocation of designation status in alignment with CCRSM program blueprints and requirements.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began September 4, 2026, and ended October 5, 2026. No comments were received.

STATUTORY AUTHORITY. The amendment is adopted under Texas Education Code (TEC), §29.553, which requires the commissioner of education to establish and administer the Pathways in Technology Early College High School (P-TECH) program; TEC, §29.557, which authorizes the commissioner to adopt rules as necessary to administer the P-TECH program; and TEC, §29.908, as amended by Senate Bill 1887, 88th Texas Legislature, Regular Session, 2023, establishes the Early College High School program. TEC, §29.908(g), permits the commissioner to adopt rules as necessary to administer the program.

CROSS REFERENCE TO STATUTE. The amendment implements Texas Education Code, §§29.553; 29.557; and 29.908, as amended by Senate Bill 1887, 88th Texas Legislature, Regular Session, 2023.

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 November 2, 2026.

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Cristina De La Fuente-Valadez
Director, Rulemaking
Texas Education Agency
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Proposal publication date: September 4, 2026
For further information, please call: (512) 475-1497

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CHAPTER 103. HEALTH AND SAFETY
SUBCHAPTER CC. COMMISSIONERS RULES CONCERNING SAFE SCHOOLS
19 TAC §§103.1201, 103.1203, 103.1205

The Texas Education Agency (TEA) adopts amendments to §§103.1201, 103.1203, and 103.1205, concerning disciplinary alternative education programs (DAEPs). The amendment to §103.1201 is adopted with changes to the proposed text as published in the June 26, 2026 issue of the *Texas Register* (51 TexReg 4074) and will be republished. The amendments to §103.1203 and §103.1205 are adopted without changes to the proposed text as published in the June 26, 2026 issue of the *Texas Register* (51 TexReg 4070) and will not be republished. The adopted amendments update statutory authority and clarify current program practices and requirements in accordance with House Bill (HB) 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025.

REASONED JUSTIFICATION: Section 103.1201 establishes requirements for the operation of DAEPs. The adopted amendment clarifies due process protections for students assigned to DAEPs to align with HB 6, 89th Texas Legislature, Regular Session, 2025, and makes additional clarifying and conforming updates related to Section 504 services, staff training requirements related to student safety and mental health, and student supervision and separation requirements. Based on public comment, the rule text was revised at adoption in subsection (f) to clarify that districts must provide special education and related services and Section 504 accommodations in DAEPs and in subsection (h)(4) to clarify the due process requirements that apply when a student assigned to a DAEP engages in behavior that results in expulsion.

Section 103.1203 establishes criteria for the assessment of academic growth for students assigned to DAEPs. The adopted amendment clarifies permissible assessment instruments; addresses the provision of accommodations and modifications for students receiving special education or Section 504 services; and clarifies requirements to support consistent implementation of existing statutory requirements for students placed in DAEPs.

Section 103.1205 defines violent conduct for purposes of DAEP placement when a program is at capacity. The adopted amendment adds an appropriate administrator, in addition to the campus behavior coordinator, to make determinations regarding violent conduct for purposes of DAEP placement and reorganizes the violent conduct provisions to conform with the repeal of Texas Education Code (TEC), §37.007(d), by HB 6. The adopted changes improve clarity to support consistent disciplinary placement decisions when DAEP capacity is limited.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began June 26, 2026, and ended July 27, 2026. Following is a summary of the comments received and agency responses:

Comment: Disability Rights Texas (DRTx) recommended revisions to §103.1201(g) to require an admission, review, and dismissal (ARD) committee meeting within 10 school days of a student's placement in a DAEP to review the student's individualized education program and discuss how the DAEP will continue providing students with special education and related services.

Response: The agency disagrees because existing special education requirements already require an ARD committee meeting before a DAEP placement that constitutes a change of placement to review the student's educational program and related services.

Comment: DRTx commented in support of the proposed requirement that DAEPs provide special education and related services and Section 504 accommodations. They recommended a minor

wording revision to more accurately reflect district obligations under the Individuals with Disabilities Education Act and Section 504.

Response: The agency agrees and has amended §103.1201(f) at adoption to clarify that districts must provide special education and related services and Section 504 accommodations in DAEPs.

Comment: One individual commented that the proposed rules should more clearly define the due process procedures available for DAEP placements and expressed concern about decision-making, recommending greater involvement of health professionals and clarification regarding who participates in placement decisions.

Response: The agency agrees in part and disagrees in part. Section 103.1201(h)(4) has been amended at adoption to clarify that a student assigned to a DAEP must be afforded due process in accordance with TEC, §37.009(f), when a student engages in behavior that results in expulsion. The agency disagrees with the recommendation regarding who should participate in disciplinary conferences because those requirements are established in TEC, §37.009(a), and are outside the scope of this rulemaking.

STATUTORY AUTHORITY. The amendments are adopted under TEC, §37.006, as amended by House Bill (HB) 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025, which establishes criteria for when a student must be removed from class and placed in a disciplinary alternative education program (DAEP) for specified misconduct; TEC, §37.007, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025, which establishes the criteria and procedures for expelling a student for serious offenses and distinguishes between mandatory and discretionary expulsion; TEC, §37.008, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, which establishes the requirement for school districts to provide DAEPs and sets the core standards for how those programs must operate; TEC, §37.0082, which establishes requirements for assessing the academic growth of students placed in a DAEP; and TEC, §37.009, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025, which establishes procedures for conference, hearing, and review related to student disciplinary removals.

CROSS REFERENCE TO STATUTE. The amendments implement TEC, §37.006, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025; §37.007, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025; §37.008, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023; §37.0082; and §37.009, as amended by HB 114, 88th Texas Legislature, Regular Session, 2023, and HB 6, 89th Texas Legislature, Regular Session, 2025.

§103.1201. Standards for the Operation of School District Disciplinary Alternative Education Programs.

(a) A disciplinary alternative education program (DAEP) established in conformance with the Texas Education Code (TEC), §37.008, and this section is defined as an educational and self-discipline alternative instructional program, adopted by local policy, for students in elementary through high school grades who are removed from their regular classes for mandatory or discretionary disciplinary reasons and placed in a DAEP.

(b) Each school district participating in a shared services arrangement (SSA) for DAEP services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus required by the TEC, §11.251 and §11.252, include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

(1) student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, with a disability who receive special education services, or receiving limited English proficiency/English learner services;

(2) attendance rates;

(3) pre- and post-assessment results;

(4) dropout rates;

(5) graduation rates; and

(6) recidivism rates.

(c) A DAEP may be located on-campus or off-campus in adherence with requirements specified in §129.1025 of this title (relating to Adoption By Reference: Student Attendance Accounting Handbook). For reporting purposes, the DAEP shall use the county-district-campus number of the student's locally assigned campus (the campus the student would be attending if the student was not attending the DAEP).

(d) An individual school district or an SSA may contract with third parties for DAEP services. The district must require and ensure compliance with district responsibilities that are transferred to the third-party provider.

(e) The campus of accountability for student performance must be the student's locally assigned campus, including when the individual school district or SSA contracts with a third party for DAEP services.

(f) Each school district shall provide an academic and self-discipline program that leads to graduation and includes instruction in each student's currently enrolled foundation curriculum necessary to meet the student's individual graduation plan, including special education and related services and Section 504 accommodations.

(1) A student's high school personal graduation plan required under TEC, §28.02121, may not be altered when the student is assigned to a DAEP. A student must be offered an opportunity to complete a foundation curriculum course in which the student was enrolled at the time of removal before the beginning of the next school year, including correspondence or distance learning opportunities or summer school. A district may not charge for a course required under this section.

(2) The school day for a DAEP shall be at least 240 minutes in length each day, including intermissions and recesses as required under the TEC, §25.081.

(3) Notwithstanding the TEC, §37.008(a)(3), summer programs provided by the district may serve students assigned to a DAEP in conjunction with other students, as determined by local policy.

(g) A DAEP program serving a student with a disability who receives special education services shall provide educational services that will support the student in meeting the goals identified in the individualized education program established by a duly-constituted admis-

sion, review, and dismissal committee, in accordance with the TEC, §37.004, and federal requirements.

(h) Each school district is responsible for the safety and supervision of the students assigned to the DAEP; however, the immunity from the liability established in the TEC, §22.0511, shall not be impacted.

(1) The certified teacher-to-student ratio in a DAEP shall be one teacher for each 15 students in elementary through high school grades. Elementary grade students assigned to the DAEP shall be separated from secondary grade students assigned to the DAEP. The designation of elementary and secondary will be determined by adopted local policy.

(2) The DAEP staff shall be prepared and trained to respond to health issues and emergencies.

(3) Students in the DAEP shall be separated from students in a juvenile justice alternative education program or in-school suspension and students who are not assigned to the DAEP.

(4) Each district shall establish a board-approved policy for discipline and intervention measures in the DAEP to prevent and intervene against unsafe behavior and include disciplinary actions that do not jeopardize students' physical health and safety, harm emotional well-being, or discourage physical activity. A student assigned to a DAEP shall be afforded due process in accordance with TEC, §37.009(f), if the student engages in a behavior that results in expulsion.

(i) Staff at each DAEP shall participate in training programs on education, behavior management, and safety procedures that focus on positive and proactive behavior management strategies. The training programs must also target prevention and intervention that include:

(1) training on the education and discipline of students with disabilities who receive special education or Section 504 services;

(2) instruction in social skills and problem-solving skills that addresses diversity, dating violence, anger management, bullying, and conflict resolution to teach students how to interact with teachers, family, peers, authority figures, and the general public;

(3) annual training about suicide prevention and on the established procedures for reporting abuse, neglect, or exploitation of students; and

(4) any other training the district staff is required to take on the local, state, or federal level.

(j) Procedures for each DAEP shall be developed and implemented for newly-entering students and their parents or guardians on the expectations of the DAEP, including written contracts between students, parents or guardians, and the DAEP that formalize expectations and establish the students' individual plans for success.

(k) The transition procedures established for a student who is exiting a DAEP and returning to the student's locally assigned campus shall be implemented as required by TEC, §37.023.

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
Director, Rulemaking
Texas Education Agency
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For further information, please call: (512) 475-1497

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CHAPTER 161. COMMISSIONER'S RULES CONCERNING ADVISORY COMMITTEES

The Texas Education Agency (TEA) adopts the repeal of §161.1001 and §161.1003, new §161.1001 and §161.1003, and an amendment to §161.1002, concerning advisory committees. The repeals, new sections, and amendment are adopted without changes to the proposed text as published in the August 14, 2026 issue of the *Texas Register* (51 TexReg 5327) and will not be republished. The adopted revisions update the rules addressing the establishment of discretionary and mandatory advisory committees, TEA operating procedures for the committees, and the list of existing committees.

REASONED JUSTIFICATION: Section 161.1001 recognizes the commissioner's authority to appoint advisory committees. Section 161.1002 defines the relevant information to be included within agency operating procedures about each advisory committee, and §161.1003 lists advisory committees that have been appointed.

Section 161.1001 is being repealed and adopted new §161.1001 provides clarifying language.

The adopted amendment to §161.1002 streamlines the information required in TEA operating procedures and improves clarity for those seeking further information about appointed advisory committees.

Section 161.1003 is being repealed and adopted new §161.1003 updates the list of appointed advisory committees and provides further information about those committees relevant to the provisions of Texas Government Code, Chapter 2110.

SUMMARY OF COMMENTS AND AGENCY RESPONSES: The public comment period on the proposal began August 14, 2026, and ended September 14, 2026. No comments were received.

19 TAC §161.1001, §161.1003

STATUTORY AUTHORITY. The repeals are adopted under Texas Education Code (TEC), §7.055(b)(11), which permits the commissioner to appoint advisory committees, in accordance with Texas Government Code, Chapter 2110, as necessary to advise the commissioner in carrying out the duties and mission of the agency; and Texas Government Code, Chapter 2110, which provides direction for the establishment of advisory committees by state agencies.

CROSS REFERENCE TO STATUTE. The repeals implement TEC, §7.055(b)(11), and Texas Government Code, Chapter 2110.

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
Director, Rulemaking
Texas Education Agency
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Proposal publication date: August 14, 2026
For further information, please call: (512) 475-1497

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19 TAC §§161.1001 - 161.1003

STATUTORY AUTHORITY. The new sections and amendment are adopted under TEC, §7.055(b)(11), which permits the commissioner to appoint advisory committees, in accordance with Texas Government Code, Chapter 2110, as necessary to advise the commissioner in carrying out the duties and mission of the agency and Texas Government Code, Chapter 2110, provides direction for the establishment of advisory committees by state agencies.

CROSS REFERENCE TO STATUTE. The new sections and amendment implement Texas Education Code (TEC), §7.055(b)(11), and Texas Government Code, Chapter 2110.

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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TITLE 22. EXAMINING BOARDS

PART 17. TEXAS STATE BOARD OF PLUMBING EXAMINERS

CHAPTER 367. ENFORCEMENT

22 TAC §367.2

The Texas State Board of Plumbing Examiners (Board) adopts the amendment to 22 Texas Administrative Code (TAC), Chapter 367, §367.2 which updates the codes adopted under the authority of Texas Occupations Code, Sec. 1301.255 to the 2021 Uniform Plumbing Code and the 2021 International Plumbing Code.

The rule is adopted with changes to the proposed text published in the August 14th, 2026, issue of the *Texas Register* (51 TexReg 5339). The rule will be republished. A nonsubstantive change was made from the proposal in order to correct a grammatical error.

REASONED JUSTIFICATION FOR THE RULE

Under Texas Occupations Code §1301.255(a), the Texas State Board of Plumbing Examiners is required to adopt the Uniform Plumbing Code (UPC), as published by the International Association of Plumbing and Mechanical Officials (IAPMO), and the International Plumbing Code (IPC), as published by the International Code Council (ICC), as those codes existed on May 31, 2001. Section 1301.255(b) authorizes the Board to adopt later editions of those codes by rule.

The IAPMO and ICC regularly update the UPC and IPC to incorporate advances in plumbing technology, construction methods, materials, and safety standards. The Board currently had the 2018 editions of the UPC and IPC adopted by rule. After reviewing the changes included in the 2021 editions and surveying plumbing code adoption by jurisdictions throughout Texas, the Board determined that updating its adopted codes to the 2021 editions is appropriate. The 2021 UPC and IPC are the editions most commonly adopted by local jurisdictions across the state and reflect nationally recognized plumbing standards.

Adopting the 2021 editions allows the Board's rules to remain consistent with modern plumbing practices, enhance public health and safety by recognizing updated code provisions, and promote greater uniformity between state and local plumbing requirements, thereby reducing regulatory inconsistencies for licensees, inspectors, and the public.

SECTION-BY-SECTION SUMMARY

Proposed §367.2 shows simply that the 2018 UPC and IPC, and the codes incorporated by reference of the 2018 International Fuel Gas Code and 2018 International Residential Code, are repealed, and the 2021 UPC and IPC codes, and the incorporated 2021 International Fuel Gas Code and 2021 International Residential Code, are adopted.

SUMMARY OF COMMENT

Two comments received on the published rule amendment. One comment by IAPMO was received in support of the update. The other comment was not relevant to the proposed rule.

BOARD ACTION

At its meeting on October 21, 2026, the Board considered all public comment and adopted the proposed rule as published in the *Texas Register*.

STATUTORY AUTHORITY

This adopted rule is made under the authority of Texas Occupations Code, Sec. 1301.251(2) which authorizes the TSBPE to adopt rules as necessary to implement the Section, and Texas Occupations Code, Sec. 1301.255 which requires the TSBPE to adopt the Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials and the International Plumbing Code, as published by the International Code Council, as they existed on May 31, 2001 and allows any later editions of the codes to be adopted in rule.

No other statutes or rules are affected by the adoption.

§367.2. Code Requirements.

(a) To protect the health and safety of the citizens of this state, the Board adopts the following plumbing codes:

(1) the 2021 Uniform Plumbing Code, as published by the International Association of Plumbing and Mechanical Officials; and

(2) the 2021 International Plumbing Code, as published by the International Code Council and the codes incorporated by reference within the 2021 International Plumbing Code, including:

(A) the 2021 International Fuel Gas Code; and

(B) the 2021 International Residential Code.

(b) To ensure the proper design, installation, and maintenance of plumbing systems within its jurisdiction, a political subdivision may adopt a plumbing code with any amendments necessary to address local concerns provided that the amendments do not substantially vary with the rules or laws of this state.

(c) Plumbing must be installed in accordance with all applicable plumbing codes adopted by the political subdivision in which the plumbing is being installed.

(1) Plumbing installed by an individual licensed under the PLL in an unincorporated area of the county or other area where no plumbing code has been adopted must be installed in accordance with a plumbing code adopted under subsection (a) of this section.

(2) A plumbing installation that was started prior to the Board's adoption of the plumbing codes listed in subsection (a) of this section may be completed under the requirements of the codes in effect at the time permits for the installation were issued or work on the installation commenced.

(3) In addition to all applicable plumbing codes, Liquefied Petroleum Gas (LP-Gas) piping must be installed in accordance with all applicable rules adopted by the Texas Railroad Commission.

(d) Any piping connecting a plumbing fixture, including a water closet, to a potable water supply shall be installed to prevent the back flow of nonpotable substances into the potable water system in accordance with the applicable plumbing code and state laws. Water closet fill valves (ball cocks) shall be of the antisiphon, integral vacuum breaker type with the critical level (the air inlet portion of the vacuum breaker) installed at least one (1) inch above the flood level rim of the fixture (the inlet of the water closet overflow tube).

(e) Plumbing installed in compliance with a code adopted under subsection (a) or (b) of this section must be inspected by a Plumbing Inspector licensed under the PLL and Board rules.

(f) A licensee or registrant shall not install, and a person shall not require a licensee or registrant to install, plumbing that is not in compliance with the Plumbing License Law or any other laws of this state, Board Rules, or any applicable plumbing codes.

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 30, 2026.

TRD-202604567
Karla S. Navarro
Legal Assistant
Texas State Board of Plumbing Examiners
Effective date: November 19, 2026
Proposal publication date: August 14, 2026
For further information, please call: (512) 936-5211

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PART 30. TEXAS STATE BOARD OF EXAMINERS OF PROFESSIONAL COUNSELORS

CHAPTER 681. PROFESSIONAL COUNSELORS

SUBCHAPTER C. APPLICATION AND LICENSING

22 TAC §681.91

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.91, relating to LPC Associate License. Section 681.91 is adopted with changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5123) and will be republished.

Reasoned Justification.

The adopted amendments clarify rule language regarding supervised LPC Associate practice into more plain, direct language. The amendments confirm that a person cannot provide counseling services without a proper license and that an Associate may own and operate a private practice only under supervision. The amendments require Associates to notify the supervisors of any pending complaints against the Associate, and to share a copy of remediation plan with supervisors.

List of interested groups or associations against the rule.

Texas Counseling Association.

Summary of comments against the rule.

The agency received five comments against the amendments. The commenters agreed with requiring an associate to notify their supervisor of a complaint, but suggested the time limit should be reduced from the proposed 15 days to seven days. The commenters also raised concerns about being able to verify whether an associate shared the remediation plans with their supervisors.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received four comments in support of the amendments, agreeing with the requirement for associates to notify their supervisors of pending complaints and sharing unresolved remediation plans.

Agency Response.

The agency appreciates the public comment. After considering comment, the Council and board have incorporated the suggested change to require an associate to report a complaint to their supervisor within seven days. The rest of the amendments are intended to ensure supervisors have the proper oversight of their associates' practice and responsibility for monitoring their compliance with regulations.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which

vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.91. LPC Associate License.

(a) The Council may issue an LPC Associate license to an applicant who has:

(1) filed all application forms and paid all applicable fees;

(2) met all of the academic requirements for licensure;

(3) completed the required examinations with the requisite score as described in §681.72(a)(3) and (4) of this title;

(4) entered into a supervisory agreement with a Licensed Professional Counselor Supervisor (LPC-S); and

(5) not completed the supervised experience described in §681.92 of this title.

(b) An LPC Associate must comply with all provisions of the Act and Council rules.

(c) A person must obtain an LPC Associate license before practicing counseling in Texas under supervision to gain hours toward the supervised experience required for an LPC license. Hours obtained by an unlicensed person in any setting will not count toward the supervised experience requirements.

(d) An LPC Associate may practice counseling only under the supervision of a Licensed Professional Counselor Supervisor (LPC-S). The LPC Associate shall not engage in independent practice, but may own and operate a private practice while under supervision.

(e) An LPC Associate may have no more than two (2) Council-approved LPC supervisors at any given time.

(f) An LPC Associate must maintain their LPC Associate license during his or her supervised experience.

(g) An LPC Associate license will expire 60 months from the date of issuance.

(h) An LPC Associate who does not complete the required supervised experience hours during the 60-month time period must reapply for licensure to continue accruing supervised experience.

(i) An LPC Associate must continue to be supervised after completion of the 3,000 hours of supervised experience and until the LPC Associate receives an LPC license. Supervision is complete upon the LPC Associate receiving the LPC license.

(j) During supervised clinical experience, both supervisors and LPC Associates may have disciplinary actions taken against their licenses for violations of the Act, the Council Act, or council rules. Within seven days of receiving notice of a pending complaint against them, LPC Associates must notify their supervisors of the complaint.

(k) The possession, access, retention, control, maintenance, and destruction of client records is the responsibility of the person or entity that employs or contracts with the LPC Associate, or in those cases where the LPC Associate is self-employed, the responsibility of the LPC Associate.

(l) An LPC Associate must not employ a supervisor but may compensate the supervisor for time spent in supervision if the supervision is not a part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

(m) If an LPC Associate receives a supervision remediation plan described in §681.93(e) of this title, the Associate must provide a copy of the remediation plan to any other current supervisors. The LPC Associate must also provide a copy of any unresolved remediation plans when beginning supervision with a new supervisor.

(n) All billing documents for services provided by an LPC Associate must reflect the LPC Associate holds an LPC Associate license and is under supervision.

(o) The LPC Associate must not represent himself or herself as an independent practitioner. The LPC Associate's name must be followed by a statement such as "supervised by (name of supervisor)" or a statement of similar effect, together with the name of the supervisor. This disclosure must appear on all marketing materials, billing documents, and practice related forms and documents where the LPC Associate's name appears, including websites and intake documents.

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 30, 2026.

TRD-202604579
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Professional Counselors
Effective date: November 19, 2026
Proposal publication date: August 7, 2026
For further information, please call: (512) 305-7706

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22 TAC §681.92

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.92, relating to Experience Requirements. Section 681.92 is adopted with changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5124) and will be republished.

Reasoned Justification.

The adopted amendments clarify terminology to distinguish between university-based internships and post-graduate supervised experience. The amendments also remove the outdated term "council-approved supervisor." The amendments require LPC associates to receive an average, rather than a minimum, of four hours per month of supervision. Finally, the amendments add a provision allowing an applicant with both a qualifying masters and doctoral degree to count supervised experience gained during the doctoral degree toward post-graduate supervised experience requirements.

List of interested groups or associations against the rule.

Texas Counseling Association.

Summary of comments against the rule.

The agency received 13 comments against the amendments. The commenters argued that an average would leave too much ambiguity and confusion, leading to differing interpretations and inconsistent supervision. The rule language would allow associates to practice for long periods of time without receiving active supervision oversight. Commenters suggested requiring a minimum of two hours per month to ensure adequate and regular supervision, or limiting the number of supervision hours that could be accrued in a given month, or averaging hours only over short periods. Comments uniformly advocated that regular supervision was necessary to ensure competency to practice independently.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received 12 comments in support of the amendments. The commenters appreciated the flexibility a 4-hour average of supervision hours would provide to associates and supervisors without reducing the overall amount of supervision required. An average would allow individuals to make up missed supervision hours due to family emergencies, travel, or other factors that differ month-to-month.

Agency Response.

The agency appreciates the public comment. After considering comments, the Council and board voted to keep the current rule language requiring a minimum of four hours of supervision per month, to ensure regular supervision oversight and training occurs. The remaining amendments continue to be necessary to clarify the rule language and decrease barriers to licensure.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.92. Experience Requirements.

(a) All applicants for LPC licensure must complete supervised experience acceptable to the Council of 3,000 clock-hours under a qualified LPC supervisor.

(1) All supervised experience occurring in Texas must be completed under the supervision of an LPC with supervisor status.

(2) For all supervised experience completed in a jurisdiction other than Texas, the supervisor must be a person licensed or certified by that jurisdiction in a profession that provides counseling and who has the academic training and experience to supervise the counseling services offered by the Associate. The applicant must provide documentation acceptable to the Council regarding the supervisor's qualifications.

(b) The supervised experience must include at least 1,500 clock-hours of direct client counseling contact. Only actual time spent counseling may be counted.

(c) An LPC Associate may not complete the required 3,000 clock-hours of supervised experience in less than 18 months.

(d) The experience must consist primarily of the provision of direct counseling services within a professional relationship to clients by using a combination of mental health and human development principles, methods, and techniques to achieve the mental, emotional, physical, social, moral, educational, spiritual, or career-related development and adjustment of the client throughout the client's life.

(e) The LPC Associate must receive direct supervision consisting of a minimum of four (4) hours per month of supervision in individual (up to two Associates) or group (three or more) settings while the Associate is engaged in counseling, unless an extended leave of one month or more is approved in writing by the supervisor. No more than 50% of the total hours of supervision may be received in group supervision.

(f) Applicants with a master's degree that qualifies under §681.82 and §681.83 of this title, may count any supervision and experience (e.g., practicum, internship, externship) completed after conferral of the master's degree and as part of a doctoral program toward the supervision and experience requirements. The doctoral

program must lead to a degree that qualifies under §681.82 and §681.83 of this title, before the Council will award credit for supervision and experience under this provision.

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 30, 2026.

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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Professional Counselors
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Proposal publication date: August 7, 2026
For further information, please call: (512) 305-7706

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22 TAC §681.93

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Professional Counselors adopts amendments to §681.93, relating to Supervisor Requirements. Section 681.93 is adopted with changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5126) and will be republished.

Reasoned Justification.

The adopted amendments require an LPC supervisor to establish a plan for the custody and control of supervision records in the event of death or incapacity. The amendments prohibit a supervisor from receiving compensation for supervision if that supervision is already part of their paid responsibilities. The amendments also clarify the actions a supervisor must take if their supervisor status is revoked.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received nine comments against the amendments. The commenters argued the language regarding supervisor compensation stifles economic opportunity, micromanages the employment contract between supervisors and associates, and is overall a topic that the board should not regulate. The commenters suggested this provision violates the Texas Constitution. Further the commenters argued the amendments were superfluous as already covered by general professional ethics principles.

List of interested groups or associations for the rule.

Texas Counseling Association.

Summary of comments for the rule.

The agency received three comments in support of the amendments. The commenters supported the proposed changes, but recommended clarifying the language surrounding a supervisor receiving compensation for supervision duties, distinguishing the supervision a supervisor has agreed to provide without additional charge.

Agency Response.

The agency appreciates the public comment. The language proposed regarding supervisor compensation is similar to language that already exists in §681.91 and is intended to prohibit exploitation of associates by supervisors. Considering the public comments, the Council and board made alterations to the amendment to ensure the language clearly only prohibits a supervisor from charging an associate a fee for supervision when that supervision is already part of the supervisor's employment contract and compensation. This limited provision does not broadly interfere with the supervision relationship or ability to contract, but merely prohibits a supervisor from exploiting their position of authority over an associate. The remaining amendments are not superfluous, as general ethical guidelines are not binding regulations on the profession.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §503.2015 of the Tex. Occ. Code the Texas State Board of Examiners of Professional Counselors previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §503.2015 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 503 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§681.93. Supervisor Requirements.

(a) A supervisor must keep a written record of each supervisory session in the file for the LPC Associate.

(1) The supervisory written record must contain:

(A) a signed and dated copy of the Council's supervisory agreement form for the LPC Associate;

(B) a copy of the LPC Associate's online license verification noting the dates of issuance and expiration;

(C) fees and record of payment;

(D) the date of each supervisory session;

(E) a record of an LPC Associate's leave of one month or more, documenting the supervisor's approval and signed by both the LPC Associate and the supervisor;

(F) a record of any concerns the supervisor discussed with the LPC Associate, including a written remediation plan as prescribed in subsection (e) of this section; and

(G) a record of acknowledgement that the supervisee is self-employed, if applicable.

(2) The supervisor must provide a copy of all records to the LPC Associate upon request. The supervisor shall establish a plan for the custody and control of the records of supervision for the LPC Associate in the event of the supervisor's death or incapacity or termination of the supervisor's practice.

(b) Both the LPC Associate and the LPC supervisor are fully responsible for the professional counseling activities of the LPC Associate. The LPC supervisor may be subject to disciplinary action for violations that relate only to the professional practice of counseling committed by the LPC Associate which the LPC supervisor knew about or due to the oversight nature of the supervisory relationship should have known about.

(1) Supervisors must review all provisions of the Act and Council rules in this chapter during supervision.

(2) The supervisor must ensure the LPC Associate is aware of and adheres to all provisions of the Act and Council rules.

(c) The supervisor must avoid any relationship that impairs the supervisor's objective, professional judgment.

(1) The supervisor may not be related to the LPC Associate within the second degree of affinity or within the third degree of consanguinity.

(2) The supervisor may not be an employee of his or her LPC Associate.

(3) A supervisor may not charge an LPC Associate for supervision services if the supervision is part of the supervisor's responsibilities as a paid employee of an agency, institution, clinic, or other business entity.

(d) The supervisor must submit to the Council accurate documentation of the LPC Associate's supervised experience within 30 days of the end of supervision or the completion of the LPC Associate's required hours, whichever comes first.

(e) If a supervisor determines the LPC Associate may not have the counseling skills or competence to practice professional counseling under an LPC license, the supervisor will develop and implement a written plan for remediation of the LPC Associate, which must be reviewed and signed by the LPC Associate and maintained as part of the LPC Associate's file.

(f) The supervisor must ensure the supervised counseling experience of the LPC Associate were earned:

(1) after the LPC Associate license was issued; and

(2) in not less than 18 months of supervised counseling experience.

(g) A supervisor whose license has expired is no longer an approved supervisor and:

(1) must immediately inform all LPC Associates under his or her supervision and assist the LPC Associates in finding alternate supervisors; and

(2) must refund all supervisory fees for supervision after the expiration of the supervisor status.

(3) Hours accumulated under the person's supervision after the date of license expiration may not count as acceptable hours.

(h) Upon execution of a Council order for probated suspension, suspension, or revocation of the LPC license with supervisor status, the supervisor status is revoked. Hours accumulated under the person's supervision after the date the supervisor status is revoked may not count as acceptable hours, except upon a showing of good cause to the Council. A licensee whose supervisor status is revoked:

(1) must immediately inform all LPC Associates under his or her supervision and assist the LPC Associates in finding alternate supervisors; and

(2) must refund all supervisory fees for supervision after the date the supervisor status is revoked; and

(3) may reapply for supervisor status by submitting an application that shows the licensee has met the terms of any disciplinary order, has held their license in good standing for 60-months following the date of execution of the order, and has completed a 40-hour approved supervisor training course taken no earlier than the date of execution of the order.

(i) Supervision of an LPC Associate without having Council approved supervisor status is grounds for disciplinary action.

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 30, 2026.

TRD-202604581
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Professional Counselors
Effective date: November 19, 2026
Proposal publication date: August 7, 2026
For further information, please call: (512) 305-7706



PART 35. TEXAS STATE BOARD OF EXAMINERS OF MARRIAGE AND FAMILY THERAPISTS

CHAPTER 801. LICENSURE AND REGULATION OF MARRIAGE AND FAMILY THERAPISTS

SUBCHAPTER A. GENERAL PROVISIONS

22 TAC §801.2

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.2, relating to Definitions. Section 801.2 is adopted without changes to the proposed text as

published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5128) and will not be republished.

Reasoned Justification.

The adopted amendment expands the definition of professional services enhanced through use of technology and changes the term to "technology-supported services." The amendments also add the term "virtual practice" and provide a definition.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received two comments against the amendments. One commenter raised concerns that the proposed definition of "technology-supported services" is overly broad and encompasses nearly every technology used in modern practice. The commenter advocated for establishing risk-based categories to distinguish technology directly experienced by a client. The other commenter objected to any changes in rules in order to protect the integrity of the profession.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in support of the amendments without written feedback.

Agency Response.

The agency appreciates the public comment. The proposed definition of "technology-supported services" is meant to broadly encompass all technology used in a modern practice setting. The board considered the concerns raised by the commenter and, while adopting the definition as proposed, intends to consider the implementation of any future regulations that will use this definition and the potential for distinguishing technology experience directly by a client.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

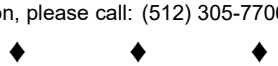
The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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 30, 2026.

TRD-202604582
Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
Effective date: November 19, 2026
Proposal publication date: August 7, 2026
For further information, please call: (512) 305-7706



SUBCHAPTER B. RULES OF PRACTICE

22 TAC §801.44

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopt amendments §801.44, relating to Relationships with Clients. Section 801.44 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5130) and will not be republished.

Reasoned Justification.

The adopted amendment substitutes the term "virtual services" for "technology-assisted services" in conjunction with changes made to other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

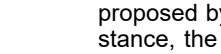
The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
Effective date: November 19, 2026
Proposal publication date: August 7, 2026
For further information, please call: (512) 305-7706



22 TAC §801.47

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.47, relating to Drug and Alcohol Use. Section 801.47 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5132) and will not be republished.

Reasoned Justification.

The adopted amendment prohibits a licensee from encouraging the illegal use of drugs or alcohol by a supervisor or supervisee.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one comment against the amendment on the grounds that BHEC should extend the rule to all licensing boards under its jurisdiction.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in support of the amendment without written feedback.

Agency Response.

The agency appreciates the public comment, but can only adopt practice-related standards within individual board rules.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706

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22 TAC §801.53

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.53, relating to Advertising and Announcements. Section 801.53 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5134) and will not be republished.

Reasoned Justification.

The adopted amendment will clarify that advertising restrictions apply regardless of the medium used for advertising.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one comment against the amendment, which stated that current practitioners use a variety of titles to describe mental health service providers and that more regulations should exist to ensure professional titles are verifiable.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in favor of the amendment. The commenter also raised the concern that licensees be allowed to advertise their qualification or membership in therapy-related institutions, such as art therapy certifications.

Agency Response.

The agency appreciates the public comment. The existing rule language allows licensees to use any titles, certifications, or other credentials that are related to the provision of therapeutic services as long as the use is not misleading. Regarding the use of non-standard titles, the agency's jurisdiction over title use only extends to that which misleads the public, which the agency's rules prohibit.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Darrel D. Spinks
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Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706

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22 TAC §801.54

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.54, relating to Research and Publications. Section 801.54 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5135) and will not be republished.

Reasoned Justification.

The adopted amendment requires licensees to comply with all federal and state laws regarding use of human subjects in research.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Darrel D. Spinks

Executive Director

Texas State Board of Examiners of Marriage and Family Therapists

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For further information, please call: (512) 305-7706



22 TAC §801.58

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.58, relating to Virtual Practice. Section 801.58 is adopted with changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5137) and will be republished.

Reasoned Justification.

The adopted amendments replace the term "technology-assisted services" with the term "virtual practice" in alignment with updates made to the definitions in §801.2 without making substantive change to the impact of the rule. The amendments also clarify that licensees must follow the laws and rules of the state authority where clients are located when providing virtual services.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received two comments against the proposed amendments, which would have incorporated the term "technology-supported services" added to the definitions in §801.2. The commenters raised concerns that application of the newly defined "technology-supported services" would be overly broad in the context of existing rule requirements. Specifically, the comments raised the concern that use of the term would require licensees to solicit client consent for all types of technology used by the licensee regardless whether the client directly experienced or was aware of the technology.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

The agency appreciates the public comment. The Council and board considered this public input and determined that further rule development was necessary before implementing regulations related to the new term "technology-supported services." The Council and board made changes in response to this public comment to use only the term "virtual practice" to align the rule with the new definitions in §801.2 while not substantive changing the regulatory requirements of the rule.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

§801.58. Virtual Practice Services.

(a) Licensees who provide marriage and family therapy to clients or supervision to supervisees outside the State of Texas must comply with the laws and rules of the out-of-state authority which govern the practice of marriage and family therapy.

(b) Licensees who provide treatment, consultation, and supervision using virtual practice must meet the same standards of appropriate practice as licensees who practice in traditional (i.e., in-person) settings.

(c) In accordance with Texas Occupations Code, §502.251 (relating to License Required), a person may not practice as a marriage and family therapist unless the person holds a license under this chapter or is exempt under Texas Occupations Code, §502.004 (relating to Application of Chapter).

(d) A licensee may provide virtual practice services. To ensure the competent delivery of services by virtual practice means, a licensee must maintain an appropriate level of education, training, or experience in using relevant technology.

(e) A licensee may not render therapy using virtual practice without complying with the following at the onset of each session:

(1) fully verifying the location and identity of the client, to the most reasonable extent possible; and

(2) disclosing the identity of the licensee.

(f) Before providing virtual practice services, a licensee must determine whether a client is a minor. Upon determining that a client is a minor, and before providing virtual practice technology-supported services, a licensee must obtain required consent from a parent or guardian and must verify the identity of the parent, guardian, or other person consenting to the minor's treatment.

(g) The licensee must determine if virtual practice is an appropriate delivery of treatment or supervision, considering the professional, intellectual, or emotional needs of the client or supervisee.

(h) Informed consent must include, at a minimum, information that defines virtual practice service delivery as practiced by the licensee and the potential risks and ethical considerations. The licensee must obtain and maintain written or electronic evidence documenting appropriate client informed consent for the use of virtual practice. The licensee must ensure that the informed consent complies with other informed consent requirements in this chapter and must include the following:

(1) identification of the client, the therapist, and the therapist's credentials;

(2) list of services provided by the licensee using virtual practice;

(3) client agreement that the therapist determines on an on-going basis whether the condition being assessed or treated is appropriate for virtual practice;

(4) details on security measures taken with the use of virtual practice, as well as potential risks to privacy notwithstanding such measures;

(5) information regarding secure protocols and back-up plans in case of technical failure;

(6) the licensee's credentials or training to engage in virtual practice, and contact information;

(7) risks and benefits of engaging in the use of technology;

(8) emergency procedures to follow when the therapist is not available;

(9) information collected and any passive tracking mechanisms used;

(10) third-party websites or services used by the licensee to facilitate virtual practice; and

(11) an explanation of how records are maintained electronically, including encryption type and record security, and the archival storage period for transaction records.

(i) Therapists who use virtual practice must meet or exceed applicable federal and state legal requirements of health information privacy, including compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191; The Health Information Technology for Economic and Clinical Health (HITECH) Act, 42 U.S.C. Chapter 156, Subchapter III; Texas Health and Safety Code, Chapter 181 (relating to Medical Records Privacy); and state privacy, confidentiality, and security rules.

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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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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For further information, please call: (512) 305-7706

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SUBCHAPTER C. APPLICATIONS AND LICENSING

22 TAC §801.142

The Texas Behavioral Health Executive Council on behalf of the Texas State Board of Examiners of Marriage and Family Therapists adopts amendments to §801.142, relating to Supervised Clinical Experience Requirements and Conditions. Section 801.142 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5139) and will not be republished.

Reasoned Justification.

The adopted amendment would substitute the term "virtual services" for "technology-assisted services" in conjunction with changes made to other rules.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

None.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

None.

Agency Response.

N/A.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

In accordance with §502.1515 of the Tex. Occ. Code the Texas State Board of Examiners of Marriage and Family Therapists previously voted and, by a majority, approved to propose the adoption this rule to the Executive Council. The rule is specifically authorized by §502.1515 of the Tex. Occ. Code which states the Board shall propose to the Executive Council rules regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice; continuing education requirements for license holders; and a schedule of sanctions for violations of this chapter or rules adopted under this chapter.

The Executive Council also adopts this rule in compliance with §507.153 of the Tex. Occ. Code. The Executive Council may not propose and adopt a rule regarding the qualifications necessary to obtain a license; the scope of practice, standards of care, and ethical practice for a profession; continuing education requirements; or a schedule of sanctions unless the rule has been proposed by the applicable board for the profession. In this instance, the underlying board has proposed this rule to the Executive Council. Therefore, the Executive Council has complied with Chapters 502 and 507 of the Texas Occupations Code and may adopt this rule.

Lastly, the Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Darrel D. Spinks
Executive Director
Texas State Board of Examiners of Marriage and Family Therapists
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Proposal publication date: August 7, 2026
For further information, please call: (512) 305-7706

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PART 41. TEXAS BEHAVIORAL HEALTH EXECUTIVE COUNCIL

CHAPTER 882. APPLICATIONS AND LICENSING

SUBCHAPTER A. LICENSE APPLICATIONS

22 TAC §882.6

The Texas Behavioral Health Executive Council adopts amendments to §882.6, relating to Limitations on Number of Examination Attempts. Section 882.6 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5140) and will not be republished.

Reasoned Justification.

The adopted amendment will remove the requirement that license applicants who fail a licensure exam three times must submit a study plan to receive approval to retest, while keeping a limit on the number of exam attempts in a 12-month period.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received ten comments against the rule proposal. Some commenters disagree with removing the study plan requirement, suggesting a "take it until you pass" approach will

not benefit applicants who do not understand why they have failed. Other commenters objected that the amended rule language does not sufficiently clarify how many exam attempts are allowed within a 12 month period and argued that any limitation on exam attempt, if even necessary at all, should be specific and justified.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received eight comments in favor of the amendment, noting that the change would eliminate unnecessary barriers to licensure and administrative bottlenecks. Commenters believe the required study plan does not effectively police readiness to examine, creates added costs for applicants and agency staff, and may increase test anxiety.

Agency Response.

The agency appreciates the public comments. The adopted amendments removing the study plan requirement are supported by the agency's determination that insufficient regulatory evidence justifies requiring a study plan before re-examination. However, statute requires the agency to adopt a limitation on the number of exam attempts. The adopted amendments attempt to harmonize this requirement with the desire to eliminate unnecessary barriers to licensure. Instead of establishing a specific limitation for exam attempts, the agency proposes to rely on already existing rules established by test administrators for each national exam that limit the number of exam attempts in a 12 month period to protect the psychometric integrity of the exam.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706



SUBCHAPTER C. DUTIES AND RESPONSIBILITIES

22 TAC §882.36

The Texas Behavioral Health Executive Council adopts amendments to §882.36, relating to Compliance with State and Federal Law. Section 882.36 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5142) and will not be republished.

Reasoned Justification.

The adopted amendment will align the Council's rule with Senate Bill 1188, passed by the 89th Legislature. The amendments would also incorporate additional statutory provisions relevant to the Council's professions.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received eight comments against the rule proposal. Several commenters raised concerns or disagreements with the statutory language of Senate Bill 1188, either related to parental access to minor client records or the requirements related to tracking biological sex.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in favor of the amendment without written feedback.

Agency Response.

The agency appreciates the public comments. Statutory language has been adopted by the Legislature and must be complied with by BHEC licensees. The rule amendments merely state licensees are required to follow these laws.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires

state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Darrel D. Spinks
Executive Director
Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

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CHAPTER 884. COMPLAINTS AND ENFORCEMENT
SUBCHAPTER D. DUTIES AND RESPONSIBILITIES

22 TAC §884.31

The Texas Behavioral Health Executive Council adopts amendments to §884.31, relating to Notice to the Public of Complaint Process and Access to Records. Section 884.31 is adopted without changes to the proposed text as published in the August 7, 2026, issue of the *Texas Register* (51 TexReg 5143) and will not be republished.

Reasoned Justification.

The adopted amendment will align the Council's rule with House Bill 4224, passed by the 89th Legislature.

List of interested groups or associations against the rule.

None.

Summary of comments against the rule.

The agency received one comment against the amendment, noting that the use of the term "intake" could be confused with therapeutic intake of patient information, as opposed to consent paperwork completed upon intake.

List of interested groups or associations for the rule.

None.

Summary of comments for the rule.

The agency received one comment in favor of the amendment providing the public with knowledge of how to file a complaint, but the commenter recommended there be more information for the public regarding what constitutes unethical behavior.

Agency Response.

The agency appreciates the public comments. The adopted amendments are to align with statutory language requirements. The agency does not believe the adopted language is confusing and the suggestion for additional guidance to the public regarding ethical violations goes beyond the scope of this rule change.

Statutory Authority.

The rule is adopted under Tex. Occ. Code, Title 3, Subtitle I, Chapter 507, which provides the Texas Behavioral Health Executive Council with the authority to make all rules, not inconsistent with the Constitution and Laws of this State, which are reasonably necessary for the proper performance of its duties and regulations of proceedings before it.

Additionally, the Executive Council adopts this rule pursuant to the authority found in §507.152 of the Tex. Occ. Code which vests the Executive Council with the authority to adopt rules necessary to perform its duties and implement Chapter 507 of the Tex. Occ. Code.

The Executive Council also adopts this rule under the authority found in §2001.004 of the Tex. Gov't Code which requires state agencies to adopt rules of practice stating the nature and requirements of all available formal and informal procedures.

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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Texas Behavioral Health Executive Council
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For further information, please call: (512) 305-7706

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TITLE 31. NATURAL RESOURCES AND CONSERVATION

PART 2. TEXAS PARKS AND WILDLIFE DEPARTMENT

CHAPTER 53. FINANCE
SUBCHAPTER A. FEES
DIVISION 1. LICENSE, PERMIT, AND BOAT AND MOTOR FEES

31 TAC §53.15

The Texas Parks and Wildlife Commission in a duly noticed meeting on August 20, 2026, adopted an amendment to 31 TAC §53.15, concerning Miscellaneous Fisheries and Wildlife Licenses and Permits, with changes to the proposed text as published in the July 17, 2026, issue of the *Texas Register* (51 TexReg 4666). The change corrects the inadvertent omission of subsection (i) from the proposed rule text, which should have been indicated "(No change.)" The rule will be republished.

The amendment acknowledges recent rulemaking by the Parks and Wildlife Commission authorizing the issuance of permits for the commercial culture of dotted duckweed. Under current rule, the department allows the commercial culture of one species of controlled exotic plant (water spinach), which is reflected in the department's permit fee rules. The permit *per se* is generic (i.e., it is a class of permit and is not restricted strictly to water spinach). As a result, the fee schedule must be altered to reflect the fact

that the permit can now also be issued for the cultivation of dotted duckweed. Additionally, the amendment refers to the permit by its full technical name, the "exotic aquatic plant commercial culture permit."

The department received two comments opposing adoption of the rule as proposed. Both comments articulated a reason or rationale for opposing adoption. The department, accompanied by the department's response to each, follow.

One commenter opposed adoption and stated opposition to exotic species being "allowed." The other commenter stated that the fee is too low in consideration of the financial gain. The department disagrees with both comments and responds that the rule as adopted is a housekeeping measure intended to provide clarity and avoid confusion and the fee amount is consistent with the fee for other controlled exotic species like fish and shellfish. The rule as adopted does not prohibit or allow anything. No changes were made as a result of the comments.

The department received no comments supporting adoption of the amendment as proposed.

The amendment is adopted under the authority of Parks and Wildlife Code, §66.0072, which requires the commission to adopt rules to implement that section.

§53.15. Miscellaneous Fisheries and Wildlife Licenses and Permits.

(a) Trap, transport and transplant permit application fees:

(1) nonrefundable application processing fee--$750 per release site; and

(2) nonrefundable application processing fee for amendment to existing permit--$30. If the amendment includes additional release sites, the fee prescribed by paragraph (1) of this subsection shall be imposed for each additional release site.

(b) Game bird and animal breeding licenses:

(1) game animal breeder's--$79;

(2) class 1 commercial game bird breeder's--$189; and

(3) class 2 commercial game bird breeder's--$27.

(c) Commercial nongame permits:

(1) resident nongame permit--$19;

(2) nonresident nongame permit--$63;

(3) resident nongame dealer permit--$63;

(4) nonresident nongame dealer permit--$252;

(5) nongame species sales permit--$210; and

(6) nongame species sales permit renewal--$210.

(d) Zoological collection permit application--$158;

(e) Scientific research permit application--$53;

(f) Educational display permit application--$53;

(g) Controlled Exotic Species (fish, shellfish and aquatic plants):

(1) exotic aquatic plant commercial culture permit (water spinach, dotted duckweed) --$263;

(2) exotic fish or shellfish commercial aquaculture permit:

(A) Initial issuance--$263;

(B) One-year renewal--$74;

(C) Three-year renewal--$168; and

(D) Five-year renewal--$263.

(3) triploid grass carp permit fee--$16, plus $2 per triploid grass carp requested (the $2 per fish fee is refundable if the permit application is denied);

(4) exotic species interstate transit permit:

(A) single-use--$27;

(B) one-year authorization--$105.

(5) research, biological control production, zoological display, and limited special purpose permits (other than for triploid grass carp); initial, renewal, or amendment requiring facility inspection--$263; and

(6) research, biological control production, zoological display, and limited special purpose permits (other than for triploid grass carp); initial, renewal or amendment not requiring facility inspection--$27.

(h) Miscellaneous fees:

(1) commercial plant permit--$50;

(2) aerial management permit--$210;

(3) broodstock permit application--$25;

(4) permit to introduce fish, shellfish, or aquatic plants--no fee;

(5) offshore aquaculture permit or renewal--$1,575;

(6) oyster lease application--$200; and

(7) oyster lease renewal/transfer/sale--$200.

(i) Permit for Field Trial under the provisions of Parks and Wildlife Code, Subchapter J--$50.

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 28, 2026.

TRD-202604547
James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: November 17, 2026
Proposal publication date: July 17, 2026
For further information, please call: (512) 389-4775



CHAPTER 65. WILDLIFE

SUBCHAPTER I. DEPREDATION PERMITS

The Texas Parks and Wildlife Commission in a duly noticed meeting on August 20, 2026, adopted the repeal of 31 TAC §65.224 and §65.226, amendments to 31 TAC §65.221 and §65.227, and new §65.224 and §65.226, concerning Depredation Permits, without changes to the proposed text as published in the July 17, 2026, issue of the *Texas Register* (51 TexReg 4684). The proposed text will not be republished.

The rules eliminate language that is redundant or duplicative of statutory provisions, reword administrative provisions for simplicity, and provide for the department to prescribe additional methods of take of wildlife under a permit issued under the subchapter. Under current rule, the means of take under a depredation permit for terrestrial wildlife other than alligators is limited to centerfire firearms, rimfire firearms, and shotguns.

The rules also implement or are consistent with the recommendations of the Texas Regulatory Efficiency Office within the Office of the Governor.

The passage of H.B. 2842 by the most recent regular session of the Texas Legislature altered the Parks and Wildlife Code to provide a pathway for political subdivisions, state and federal agencies, public institutions of higher education, and property owners' associations to address public safety and habitat impacts caused by wildlife overpopulations in areas where traditional hunting activities are inadequate for that purpose. Proposed new §65.226, regarding Means and Methods, would simply replace the current species-by-species enumeration of restrictions with a general mechanism for the department to prescribe or allow modalities for lethal take (such as air rifles and archery equipment) as appropriate or necessary.

The remaining components of the proposed rules eliminate language that is either redundant or already in statute and therefore unnecessary, or reword provisions to improve readability.

The department received two comments opposing adoption of the rules as proposed. Both commenters 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 that airports in developed areas use poison to kill birds and allow predator control using rifles without formal training. The department disagrees with the comment and responds that avian control at airports must conform with applicable provisions of the Migratory Bird Treaty Act, including provisions governing lawful means of take, which the department cannot modify or negate. The department further responds that while the rules allow the department to prescribe appropriate means of take, the department believes that it is the responsibility of the permittee to conduct authorized activities in a prudent manner. No changes were made as a result of the comment.

One commenter opposed adoption and stated that depredation permit administration is impractical and makes criminals out of landowners, and that the take of mountain lions should not be regulated. The department disagrees with the comment and responds that there are numerous statutory and regulatory mechanisms that provide for the legal take of public resources in a variety of contexts, including control of depredating wildlife; people who disregard those mechanisms and take wildlife resources in violation of the law are therefore committing a criminal act. The department also responds that the rules do not contemplate regulation of the take of mountain lions, which can be taken at any time in any number. No changes were made as a result of the comment.

The department received seven comments supporting adoption of the rules as proposed.

31 TAC §§65.221, 65.224, 65.226, 65.227

The amendments and new rules are adopted under the authority of Parks and Wildlife Code, Chapter 43, Subchapter H, authorizes the department to adopt rules to implement that 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 28, 2026.

TRD-202604543
James Murphy
General Counsel
Texas Parks and Wildlife Department
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Proposal publication date: July 17, 2026
For further information, please call: (512) 389-4775

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31 TAC §65.224, §65.226

The repeals are adopted under the authority of Parks and Wildlife Code, Chapter 43, Subchapter H, authorizes the department to adopt rules to implement that 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.

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James Murphy
General Counsel
Texas Parks and Wildlife Department
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CHAPTER 69. RESOURCE PROTECTION
SUBCHAPTER D. MEMORANDUM OF UNDERSTANDING

31 TAC §69.71

The Texas Parks and Wildlife Commission in a duly noticed meeting on August 20, 2026, adopted an amendment to §69.71, concerning Memorandum of Understanding between the Texas Parks and Wildlife Department and the Texas Department of Transportation, without changes to the proposed text as published in the July 17, 2026, issue of the *Texas Register* (51 TexReg 4686). The text of the proposed rule will not be republished.

The amendment adopts by reference a Memorandum of Understanding (MOU) between the Texas Parks and Wildlife Department (TPWD) and the Texas Department of Transportation (TxDOT) concerning transportation projects and highway improvement projects ("TxDOT construction projects" or "projects").

Transportation Code, §201.607, requires TxDOT to adopt an MOU with each state agency that has responsibility for the protection of the natural environment, which includes TPWD. Among other things, the MOU must address "the responsibilities of each agency entering into the memorandum relating to the

review of the potential environmental . . . effect of a highway project." Transportation Code, §201.607, also requires TxDOT to adopt the memoranda and all revisions by rule and to examine and revise the memoranda every five years. In addition, §201.607 requires each agency that is a party to the MOU to adopt revisions to the MOU by rule.

Under Parks and Wildlife Code, §12.0011, TPWD is the state agency with primary responsibility for protecting the state's fish and wildlife resources. This section also requires TPWD to provide "recommendations that will protect fish and wildlife resources to local, state, and federal agencies that approve, permit, license, or construct developmental projects" and to provide "information on fish and wildlife resources to any local, state, and federal agencies or private organizations that make decisions affecting those resources."

The MOU is intended to implement the statutory obligations of both TxDOT and TPWD regarding review of projects covered by the MOU for impacts to natural resources.

The current MOU between TPWD and TxDOT (43 TAC §§2.201 - 2.207) provides for TPWD review of TxDOT projects that have the potential to affect natural resources within the jurisdiction of TPWD. In accordance with Transportation Code, §201.607, TPWD and TxDOT have examined the current MOU and developed a new MOU. The proposed new MOU was published by TxDOT in the February 13, 2026, issue of the *Texas Register* (51 TexReg 874). The new MOU has been adopted by TxDOT and the notice of adoption was published in the June 5, 2026, issue of the *Texas Register;* (51 TexReg 3812).

The department received one comment opposing adoption of the rule as proposed. The commenter stated that the environment should be left alone. The department neither agrees nor disagrees with the comment and responds that the rule as adopted is a formal documentation of the roles of various state agencies with respect to review of transportation projects and is not a decision-making instrument. No changes were made as a result of the comment.

The department received eight comments supporting adoption of the rule as proposed.

No groups or associations commented in opposition to the rule as proposed.

Environment Texas Research and Policy Center; Defenders of Wildlife; Houston Wilderness; Frontera Land Alliance; Greater Edwards Aquifer Alliance; The Watershed Association; Wild Basin Creative Research Center; and Violet Crown Trail commented in support of adoption of the rule as proposed.

The rule is adopted under the authority of Transportation Code, §201.607, which requires TPWD to adopt by rule a memorandum of understanding with the Texas Department of Transportation and each state agency that is responsible for the protection of the natural environment or for the preservation of historical or archeological resources.

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 28, 2026.

TRD-202604545

James Murphy
General Counsel
Texas Parks and Wildlife Department
Effective date: November 17, 2026
Proposal publication date: July 17, 2026
For further information, please call: (512) 389-4775

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TITLE 40. SOCIAL SERVICES AND ASSISTANCE

PART 5. TEXAS VETERANS LAND BOARD

CHAPTER 177. VETERANS HOUSING ASSISTANCE PROGRAM

40 TAC §§177.3, 177.5, 177.8

The Texas Veterans Land Board ("Board") adopts amendments to Texas Administrative Code, Title 40, Part 5, Chapter 177, §177.3, concerning Administration of Fund, §177.5, concerning Loan Eligibility Requirements, and §177.8, concerning Qualifying Homes. The Board also adopts a change to the chapter's title.

At its Special Called Meeting on July 28, 2026, the Board unanimously approved a recommendation to discontinue its Veterans Housing Assistance Program ("Program") due to its obsoleteness, inflexible guidelines, and decreasing participation. In response and at that same meeting, the Board unanimously approved a recommendation to publish proposed amendments to the aforementioned rules that remove their provisions on the Program. These amendments are adopted without changes to the proposed text as published in the *Texas Register* on August 21, 2026 (51 TexReg 5527) and will not be republished.

Public Comment

Three comments were received from two individuals.

First Commentor

One commentor requested that the Board reconsider ending, or alternatively, restructuring or modernizing the Program. In response to §177.3, he cited his own home repair estimates, contending that the end of the Program would deny veterans a resource for financing increasingly expensive repairs. In response to §177.5, he questioned whether ending the Program - a means to upkeep a home - would undermine the Board's mission to provide home ownership for veterans through its Veterans Housing Assistance Program. He also questioned the Board's assessment that the Program's elimination would have no economic effects on individuals. Referring to his estimates, he stated that ending the Program might limit the choices available to veterans facing such repairs. He admitted the impact of the Program's elimination might not be felt statewide but would be to individual veterans. In addition, he questioned whether the benefits of making additional resources available for other Board programs would outstrip the Program's benefits.

Response: As mentioned, the Program is obsolete: it no longer serves its intended purpose of providing Texas veterans with viable financing for home repairs. It follows an outdated, administratively complex federal lending model and no longer aligns with modern home improvement financing needs. Inflation rates

have eroded the $25,000 loan limit; loans now do not cover most common home improvement projects. More salient, better financing alternatives now exist for Texas veterans. They typically offer higher loan limits, faster processing, and greater flexibility in use. Connectedly, the Program suffers from a long-term decline in participation. Between Fiscal Years 2018 and 2021, the Program closed an average of 237 loans per year. Between Fiscal years 2022 and 2026, the Program closed an average of 100 loans per year, with over 50 percent of closing in Fiscal Years 2022 and 2023.

Second Commentor

The other commentator appeared to view the elimination of the Program as cause to scrutinize it. He requested that the Board address broad questions on the administration, origination, documentation, and servicing of Program loans. Commenting on §177.8, he requested that the Board give him information on his Program loan and explain how it intends to ensure the obligations of those with outstanding Program loans in the rules' notice of adoption in the *Texas Register*. In another comment on §177.8, he asked that the Board produce various pieces of information on Program guidelines, whether lenders received them, and whether lenders followed them. Noting the Program's ending as the elimination of a government program, he requested that the Board preserve and make accessible all historical Program records for Program loan holders "to determine the legal and program basis of their loans." He also found the absence of the Program's name from this chapter's title until 2025 followed by its removal with these amendments to be unusual, to raise certain questions on Program loan requirements, and to merit a formal administrative and historical review of the Program.

Response: This comment is not germane to the subject matter - the unfeasibility of the Program. This comment assumes discontinuation. Hence, the Board does not respond. The Board does not respond to personal requests as well. The Board does note that it continues to service all outstanding Program loans and that it follows all records retention laws and regulations in preserving its historical documents.

The amendments are adopted under Section 162.003 of the Texas Natural Resources Code, which requires the Board to adopt rules governing the administration of the veterans housing assistance fund and the Veterans' Housing Assistance Program and the creation of Program-related loans. The Code affected by the adopted amendments is Chapter 162 of the Texas Natural Resources Code.

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 28, 2026.

TRD-202604555
Jennifer Jones
Chief Clerk and Deputy Land Commissioner
Texas Veterans Land Board
Effective date: November 17, 2026
Proposal publication date: August 21, 2026
For further information, please call: (512) 475-1859

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TITLE 43. TRANSPORTATION

PART 1. TEXAS DEPARTMENT OF TRANSPORTATION

CHAPTER 25. TRAFFIC OPERATIONS

SUBCHAPTER A. GENERAL

43 TAC §25.1

The Texas Department of Transportation (department) adopts the amendments to §25.1 concerning Uniform Traffic Control Devices. The amendments are adopted without changes to the proposed rule text as published in the August 14, 2026 issue of the *Texas Register* (51 TexReg 5380) and will not be republished, but with changes to Revision 1 to the Texas Manual on Uniform Traffic Control Devices that was proposed on the same date and is adopted by reference in §25.1.

EXPLANATION OF ADOPTED AMENDMENTS

Under Transportation Code, §544.001, the Texas Transportation Commission (commission) is required to adopt a manual for a uniform system of traffic control devices. The statute further states that the manual must be consistent with the state traffic laws and to the extent possible conform to the system approved by the American Association of State Highway Transportation Officials. The edition of the manual that is currently effective is the 2025 version.

The national Manual on Uniform Traffic Control Devices (MUTCD) is adopted and published by the Federal Highway Administration (FHWA) under Title 23, Code of Federal Regulations, Part 655, Subpart F. The national MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all streets, highways, pedestrian and bicycle facilities, and site roadways open to public travel. The Texas Manual on Uniform Traffic Control Devices (Texas MUTCD) is required to substantially conform with the federal MUTCD to allow use of a single manual for local, state, and Federal-aid highway projects. The Texas MUTCD is periodically updated to maintain substantial conformance with the national MUTCD.

FHWA issued Revision 1 of the 11th Edition of the national MUTCD on March 5, 2026. Amendments to §25.1 adopt Revision 1 of the 2025 Texas MUTCD by reference, to maintain substantial conformance with the national MUTCD. Amendments to §25.1 also clarify language in subsection (c).

The purpose of Revision 1 to the TMUTCD is primarily to correct FHWA known errors and omissions, and clarify language. In addition, TxDOT is modifying several sections throughout Chapters 2A and 2B (regarding FHWA disclaimers, adding supporting statements, and updating a sign name), 2F (regarding tolling) and 2E (regarding Left Exit signs), and Section 7C.02 (regarding school zone pavement markings) in accordance with an agreement with FHWA regarding issues that were still outstanding when the 2025 Texas MUTCD was first adopted in January 2026.

Revision 1 to the 2025 Texas MUTCD is available online at the department's website at www.txdot.gov and at the department's Traffic Safety Division office at 6230 East Stassney Lane in Austin, Texas. The federal MUTCD is available online at https://mutcd.fhwa.dot.gov.

COMMENTS

The department posted the rules for comment in the August 14, 2026 issue of the *Texas Register* and received comments

through September 14, 2026. TxDOT received 6 comments from 1 individual related to Revision 1.

1. One comment noted an incorrect paragraph reference in Section 2F.12 paragraph 9. TxDOT concurs with this comment. TxDOT revised Section 2F.12 paragraph 9 to reference paragraph 10.

2. One comment noted incorrect paragraph references in Section 2A.04 paragraph 23. TxDOT concurs with this comment. TxDOT corrected the paragraph references in Section 2A.04 paragraph 23.

3. One comment noted a potential error in Note 2 to Figure 7B-4A. TxDOT concurs with the comment. TxDOT revised Figure 7B-4A to remove Note 2 because it is not needed.

4. One comment noted Section 1B.02 and recommended revising to "Revision 1 of the 11th Edition of the National MUTCD became effective on March 5, 2026". TxDOT concurs with this comment. TxDOT revised Section 1B.02 to read "Revision 1 of the 11th Edition of the National MUTCD became effective on March 5, 2026".

5. One comment noted the phrasing "will be needed" in Figure 7B-4A and recommended alternative phrasing. TxDOT concurs with this comment. TxDOT revised Figure 7B-4A to read "should be installed" instead of "will be needed".

6. One comment noted one Figure 2F-13B sign image does not match the associated M6-2P sign code label and also recommended labeling the frontage road in Figure 2F-13B as SH 12. TxDOT concurs with this comment. TxDOT revised the Figure 2F-13B sign assembly to "M5-2P" instead of "M6-2P" and added a "SH 12 (Frontage Road)" label to Figure 2F-13B.

STATUTORY AUTHORITY

The amendments are adopted under Transportation Code, §201.101, which provides the Texas Transportation Commission (commission) with the authority to establish rules for the conduct of the work of the department, and more specifically, Transportation Code §544.001, which requires the commission to adopt a manual of uniform traffic control devices.

CROSS REFERENCE TO STATUTES IMPLEMENTED BY THIS RULEMAKING

Transportation Code, Chapter 544

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 29, 2026.

TRD-202604560
James Kirk
Deputy General Counsel
Texas Department of Transportation
Effective date: November 18, 2026
Proposal publication date: August 14, 2026
For further information, please call: (512) 416-3200

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PART 11. FORT BEND COUNTY TAX ASSESSOR-COLLECTOR

CHAPTER 301. REGULATION OF MOTOR VEHICLE TITLE SERVICES

43 TAC §301.1

The Fort Bend County Tax Assessor-Collector's Office adopted amendment §301.1, concerning the regulation of motor vehicle title services, without changes from the proposal as published in the September 11, 2026, issue of the *Texas Register* (51 TexReg 6267). The rule will not be republished. Prior to the adoption of Texas Transportation Code Chapter 520, Subchapter E, motor vehicle title services were unregulated, posted no bonds, and were not required to maintain records. Such third-party title services have been associated with fraudulent title transactions, document fraud, odometer fraud, vehicle theft, and other motor vehicle related criminal activity. Texas Transportation Code Chapter 520, Subchapter E, applies to counties meeting the population requirements established by statute. Fort Bend County is subject to these provisions and therefore regulates motor vehicle title service companies through registration, licensing, and recordkeeping requirements.

Carmen P. Turner, Fort Bend County Tax Assessor-Collector, determined that for each year of the first five-year period the adopted amendment is in effect, there are no additional costs or reduction in costs to the state or local government as a result of enforcing or administering this section. The estimated license fee revenue increase that will be retained by the county to offset the costs of administering the motor vehicle title service program is $41,400.

Carmen P. Turner, Fort Bend County Tax Assessor-Collector, has also determined that during the first five years the adopted amendment is in effect, the anticipated public benefit includes improved accountability of motor vehicle title service companies, enhanced consumer protection, increased transparency, stronger fraud prevention measures, and greater confidence in the integrity of motor vehicle transactions. The Fort Bend County Tax Assessor-Collector receives motor vehicle titles service records from 132 title service companies and 150 runners. Nearly all of these entities/individuals are small businesses, many of which are microbusinesses. The economic costs to small businesses, microbusinesses, rural communities, and/or individuals who are required to comply with this rule will be the initial license fee of $400.00, the annual renewal fee of $200.00, plus an additional $100.00 annually for each service runner license which is due upon application and is not refundable.

The Fort Bend County Tax Assessor-Collector determined that during the first five-year period the adopted amendment is in effect, it does not create or eliminate a government program; will not require the creation or elimination of employee positions and does not require future legislative appropriations to the agency. The amended rule also supports efficient administration of motor vehicle title services through standardized procedures while maintaining appropriate safeguards against fraud. In preparing this adopted amended rule, the Fort Bend County Tax Assessor-Collector considered processes which require less information from applicants, informal tracking of records and random document confirmation and concluded that clear, consistent standards promote uniform compliance, accountability, and efficient processing of motor vehicle title transactions. The Fort Bend County Tax Assessor-Collector also considered assessing lower and higher license fees but concluded that 43 TAC §95.1 set prevailing fee amounts for motor vehicle title services and proposes higher fees to promote consistency among con-

tiguous counties expanding existing regulations. The Fort Bend County Tax Assessor-Collector determined that individuals that comply with the amended rule may experience increased business opportunities because non-compliant competitors will be sanctioned, expanding existing regulation while maintaining the same number of individuals subject to the rule's applicability. This adopted amended rule does not adversely affect the state's economy as license fee revenue will be retained by the county to offset the costs of administering the motor vehicle title service program. This amendment expands the existing regulations.

There were no comments during the publication period.

The amended rule is adopted pursuant Transportation Code Chapter 520, Subchapter E, which provides the County Tax Assessor-Collector the authority to adopt rules regarding motor vehicle titles services.

No other statutes, articles, or codes are affected by this adoption.

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

Filed with the Office of the Secretary of State on October 26, 2026.

TRD-202604530
Carmen P. Turner
Fort Bend County Tax Assessor-Collector
Fort Bend County Tax Assessor-Collector
Effective date: November 15, 2026
Proposal publication date: September 11, 2026
For further information, please call: (281) 341-3737